

# **TRANSNATIONAL TERRORISM IN MULTICULTURAL WORLD-NEED FOR STRINGENT LAWS AND CONVENTIONS**

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**Abstract:** Terrorism has been a matter of concern globally; each and every single country in this multicultural world is combating against it. The idea to spread terror is mainly drawn from the political goals, religious goals (jihad), and ideological goals. This has been a virus in the present contemporary world which makes it very difficult to stop it from spreading. It is because people who are practicing terrorism have axis and are using many modern warfare methods and arms which have grown deadlier i.e. WMD (Weapons of Mass Destruction), biological, radiological and chemical weapons. There have been many International conventions, Meets and many National laws at their respective Jurisdictions but have failed utterly to stop this virus called terrorism. It is only in the second half of the twentieth century that the International community took note of its impact and formed many bodies to combat terrorism and the obligation of other states to it. The people who practice terrorism normally target people of all nationalities, background, etc. There have been many statements and video releases made by these terrorist leaders giving a solid evidence of their intentions. Laws pertaining to terrorism in Indian subcontinent have also been dealt in the paper further.

**Keywords:** Transnational, Terrorism, Weapons.

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**Introduction:** 'Terrorism', internationally, has proved impossible to be defined in a manner that is widely acceptable. There is lack of international consensus on the definition due to deep, almost insurmountable differences on issues such as the legal status of state-sponsored terrorism and national liberation movements. International conventions on terrorism currently focus on the methods of terrorism rather than on its intent. Therefore specific 'sectoral' conventions on hijacking, use of plastic and nuclear explosives, and terrorism financing, are the only international instruments currently in force. Terrorism is not new to the world. It has been existing ever since people learned about the impact when violence is inflicted on others. In the present time it is mainly an attack on the state and is an act of violence against innocent people to create fear in their minds. Terrorism is nothing but the unlawful use of the weapons in order to create negative impact in the society. It is nothing but in the way of suicide bombings, massacre killings or using of modern warfare and weapons i.e. as mentioned above chemical weapons, biological weapons, radiological weapons, atom bombs, nuclear bombs, Weapons of mass destruction (WMD) etc. to create fear and negative impact in the society. This is mainly done with the political goals, religious goals or any ideological goals who has a long standing demand to achieve something which is not at all a virtue but a clear cut violation of probably all the laws in the world. During the second half of the twentieth century, the world started to face the wrath of terrorism in different manner and ways. There have been many conventions and treaties to combat terrorism at the International level. However concomitant attention should also be given at the domestic level in their respective countries. The laws should be framed in such a manner, where a person has to think twice before committing such a nasty deed.

International terrorism, after the incident of September 11<sup>th</sup>, 2001 i.e. attacks on the World Trade Center in New York as well as Pentagon, gave a whole new dimension. After this attack the International community realized the seriousness of the issue and pledged to fight for it in all the endeavors under the banner of United Nations by way of signing treaties and conventions.

India has gone through a huge impact of the International terrorism by the way of Pakistan helping terrorists to enter India and create terror. The recent attacks on the Pathankot base as well as Uri are the best examples of India facing the wrath of International Terrorism. This is one of a kind, where a State is funding to create terror in the neighboring Nation, this is nothing but a State funded terrorism.

After the attack on World Trade Center, India expressed its concern over International terrorism and expressed solidarity with the US. India also emphasized about the extradition of the wanted terrorists, which helps to punish the terrorist accordingly. India is a target for the organizations like Al-Qaeda because of the political as well as the religious motive which is to the highest level. India has also framed variety of domestic laws to combat terrorism which are also being enforced.

Terrorists, through terrorism try to intimidate people with fear and compel the Governments to fulfill the demands they put forth. The newest organization which is spreading the fear among people by creating anti-social activities is ISIS (Islamic State). This one is purely on the basis of religious motive and nothing more. The purity of race between Shia and Sunni is the reason for this terrorist group creating widespread attacks. U.S.A., Russia, China, France and all the other bigwigs of the world are trying their level best to stop and punish all the people whose intention is to create fear in the minds of people with such activities. Until now, they have just partially succeeded. Some of the attacks were stopped before it was even executed. These organizations have committed several assassinations with the political motive and sending the strong message of the consequences. All the attacks occurring imply that the terrorists are having access to all kinds of modern arms and ammunitions and can create large scale attacks in the near future.

As in existence and growing rapidly, there have to be laws stricter and enforced properly, be it at the domestic level or International level so that many lives of innocent will be saved and for this world to be a better place to live in.

All terrorist acts are motivated by two things:

- **Social and Political Injustice:** People choose terrorism when they are trying to right what they perceive to be a social or political or historical wrong—when they have been stripped of their land or rights, or denied these.
- The belief that violence or its threat will be effective, and usher in change. Another way of saying this is: **The belief that violent means justify the ends.** Many terrorists in history have said sincerely, that they chose violence after long deliberation, because they felt they had no choice.

These reasons might not look so fascinating, but in the end, the thing is that these things motivated them to practice terrorism, and this lies in the fact. As stated earlier in the paper, causes for the terrorism activities are social and political injustice or religious or ideological motto. The attacks made by them are well planned and then it is executed. In the early 1900's terrorists made sure not to harm innocent people who are nowhere involved in the matter. But, their ideology has changed in much more deadlier way. They target innocent people to show their intentions and anger to the government. Claiming whatever is required is a must but not in such a heinous way targeting innocent people. Terrorists use modern arms with which the destruction is unimaginable and the impact is even harsher. With this growing transnational terrorism, it is clear about the growing unlawful activities and making this world no more a safer place to live. They normally do not confine themselves and target people of the particular nationality or background. But, there have been some attacks where the terrorists have done so, like that of World Trade Center attack, which was an attack on the particular nationality and also the attack of 26/11 in Mumbai which proved to be a worst nightmare which India has faced.

**International Treaties against Terrorism:** Since 1963 there have been as many as 19 conventions and treaties by the International instruments and many of the countries have been the signatories for it as well. The main obligation of the signatory countries is that they have to ratify the signed conventions in their domestic laws and act accordingly. The main motto of these treaties is to make sure and prevent such attacks and make this World a safer place, as far as possible. These conventions and treaties up to some extent are working effectively and India, also being a signatory to some of these has also many domestic laws governing the aspect of terrorism. These conventions and treaties not only govern the aspect of terrorism; it also governs regarding hijacking, aviation rules, nuclear materials and many more. The conventions and treaties are as follows:

**Instruments regarding civil aviation**

**1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft**

(Tokyo Convention)

- Applies to acts affecting in-flight safety;
- Authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and
- Requires contracting States to take custody of offenders and to return control of the aircraft to the lawful commander.

**1970 Convention for the Suppression of Unlawful Seizure of Aircraft**

(Hague Convention)

- Makes it an offence for any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so;
- Requires parties to the convention to make hijackings punishable by "severe penalties"
- Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and
- Requires parties to assist each other in connection with criminal proceedings brought under the Convention.

**1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**

(Sabotage Convention or Montreal Convention)

- Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts;
- Requires parties to the Convention to make offences punishable by "severe penalties"; and
- Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution.

**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**

(Airport Protocol)

- Extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving international civil aviation

**2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation**

(Beijing Convention)

- Criminalizes the act of using civil aircraft as a weapon to cause death, injury or damage;
- Criminalizes the act of using civil aircraft to discharge biological, chemical and nuclear (BCN) weapons or similar substances to cause death, injury or damage, or the act of using such substances to attack civil aircraft;
- Criminalizes the act of unlawful transport of BCN weapons or certain related material;

- A cyber attack on air navigation facilities constitutes an offence;
- A threat to commit an offence may be an offence by itself, if the threat is credible.
- Conspiracy to commit an offence, or its equivalence, is punishable.

#### **2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft**

(Beijing Protocol)

- Supplements the *Convention for the Suppression of Unlawful Seizure of Aircraft* by expanding its scope to cover different forms of aircraft hijackings, including through modern technological means;
- Incorporates the provisions of Beijing Convention relating to a threat or conspiracy to commit an offence.

#### **2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft**

**Instrument Regarding the Protection of International Staff**

#### **1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons**

(Diplomatic Agents Convention)

- Defines an "internationally protected person" as a Head of State, Minister for Foreign Affairs, representative or official of a State or international organization who is entitled to special protection in a foreign State, and his/her family; and
- Requires parties to criminalize and make punishable "by appropriate penalties which take into account their grave nature" the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice".

#### **Instrument Regarding the Taking of Hostages**

#### **1979 International Convention against the Taking of Hostages**

(Hostages Convention)

- Provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or 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 commits the offence of taking of hostage within the meaning of this Convention".

#### **Instruments Regarding the Nuclear Material**

#### **1980 Convention on the Physical Protection of Nuclear Material**

(Nuclear Materials Convention)

- Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.

#### **2005 Amendments to the Convention on the Physical Protection of Nuclear Material**

- Makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and
- Provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

#### **Instruments Regarding the Maritime Navigation**

#### **1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**

(Maritime Convention)

- Establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and
- Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

#### **2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**

- Criminalizes the use of a ship as a device to further an act of terrorism;
- Criminalizes the transport on board a ship various materials knowing that they are intended to be used to cause, or in a threat to cause, death or serious injury or damage to further an act of terrorism;
- Criminalizes the transporting on board a ship of persons who have committed an act of terrorism; and
- Introduces procedures for governing the boarding of a ship believed to have committed an offence under the Convention.

#### **1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**

(Fixed Platform Protocol)

- Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.

#### **2005 Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf**

- Adapts the changes to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.

#### **Instrument Regarding Explosive Materials**

##### **1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection**

(Plastic Explosives Convention)

- Designed to control and limit the use of unmarked and undetectable plastic explosives
- Parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty;
- Each party must, inter alia, take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that State.

#### **Instrument Regarding Terrorist Bombings**

##### **1997 International Convention for the Suppression of Terrorist Bombings**

(Terrorist Bombing Convention)

Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.



**Instrument regarding the financing of terrorism****1999 International Convention for the Suppression of the Financing of Terrorism**

(Terrorist Financing Convention)

- Requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;
- Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and
- Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

**Instrument regarding nuclear terrorism****2005 International Convention for the Suppression of Acts of Nuclear Terrorism**

(Nuclear Terrorism Convention)

- Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors;
- Covers threats and attempts to commit such crimes or to participate in them, as an accomplice;
- Stipulates that offenders shall be either extradited or prosecuted;
- Encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings; and
- Deals with both crisis situations (assisting States to solve the situation) and post-crisis situations (rendering nuclear material safe through the International Atomic Energy Agency (IAEA)).

These are the conventions under the banner of International instrumentalities till date. The international community has not confined its scope on one thing but has also focused on many other things like that of hijacking, nuclear materials, maritime protocol and many more. The main obligation of the States is to incorporate the laws in the treaties in the domestic criminal law and prescribe the punishment accordingly. These treaties are mainly focus in the context of International terrorism and the dimension is wider only to the extent prescribed. India has also contributed to the International Terrorism laws by giving emphasis to extradite the terrorist in the country he is wanted for violence or any other crime prescribed in any of the treaties. As mentioned in the paper above it is in the second half of twentieth century that almost all the countries started facing the wrath of the terrorism. They started attacking and targeting people to fulfill their demands by way of coercive methods. After passing all these treaties and conventions what should be seen now is up to what extent is it being enforced. Enforcement is very important which gives the results for any of the crime committed. The necessary rules and regulations are made at the International level but it is lacking in the process of its execution or in the enforcement of these treaties, conventions, protocols etc. No matter how many number of these kinds of conventions take place, the result lies in the enforcement mechanism of that particular country and in what way has it been applied in the domestic laws. The treaties to try these kinds of transnational terrorism cases have also set out the jurisdiction. The scope to try these crimes is very broad with the only intention to punish the mastermind behind such heinous crimes. International Criminal Court has also got the jurisdiction to try these kinds of cases, if approached. The court is situated in The Hague, Netherlands. The main problem faced is because International law is uncoded in nature. It shall be used accordingly in the current scenario and situation. Some of the situations are not premeditated and so codified laws might not help in that context. This kind of operation is somewhat fruitful and the current working scenario of the International laws with the help of International instrumentalities is proving to be a boon.

Some of the known International terrorist organizations are as follows:

- **Al-Qaeda**, an Islamic terrorist organization headed by Osama Bin Laden as described above aims at the destruction of the United States, Israel and India.

- **Hizbullah**, Lebanese state terrorist group's aim is the creation of independent Islamic Lebanon by outsting any thing western. It has targeted US Embassy in Beirut, US Marine head quarter and Israeli embassy in Buenos Aires.
- **LTTE** the Liberation Tigers of Tamil Elam aims at the creation of separate Tamil Land in Srilanka. In June 1991, India's Prime Minister Rajeev Gandhi was assassinated in 1993 Srilankan President Premadasa was their victim. In 1999 an attempt was made on the life of Srilankan President Chadrika Kumaratunga. Between 1987 and 2000 it has carried out 168 suicide attacks in Srilanka and India.
- **HAMAS**, The Harket-el-Mukawma-el-Islamia aims at founding Islamic state in Palestine their home land. Israel has been their target so far.
- **PIJ**, the Palestine Islamic Jihad has so far inflicted 30 suicide attacks on Israel.

These are some of the very well known International terrorist organizations who are plotting to create terror in the world and are still carrying the attacks. India has been one of the major targets in the past few years because one can find people of all the religion, caste, nationality (tourists) and many more reasons. India is also the victim of State funded terrorism by the neighboring country Pakistan by sending the militants across border to create terror. The ongoing fights in the Indian state of Jammu and Kashmir are the best example of India being easy target. There have been many examples in the past where India was targeted like that of Parliament attack, Akshardham attack, 26/11 Mumbai terror attack, Pathankot base attack, Uri attack which is the recent one is also the example of terrorism activities. These terrorists have also been punished with the harsher punishment. Some of them are Ajmal Kasab, Yakub Memon, Afzl Guru Etc. who planned and executed the terror attacks against India in every possible way.

**Conclusion:** As it is already mentioned in the paper earlier that there have been many treaties, conventions, protocols, etc. at the International level, marginal results have been achieved. It is through intelligence agencies like CIA, RA&W etc. who has been working immense to combat terrorism. It is also with the help of the International instrumentalities like UNO, Security Council who acts as the watchdog for all the member countries as to in what way these conventions are being ratified and added to their domestic criminal laws.

Many of the developing and under developed countries are not having the proper resources to implement and execute the necessary rules and regulations mentioned in the conventions, treaties, protocols etc. Whenever an under developed or developing country face such problems then the bigwigs like USA, Russia, China, France, etc. should lend a helping hand and make sure they establish the necessary things accordingly. It is not a fight or war with other countries, it is a fight to combat terrorism and the fight is with the people who practice terrorism and spread fear in the minds of people with the violent attacks. These attacks are planned and then executed. The destruction and impact is unconventional and violent. It takes lives of many innocent people and proves to be a bane.

These people seek justice through violent methods like hijacking, suicide bomb attacks, by taking innocent people as hostages and demanding for something. And by chance if the demand is not fulfilled then the hostages are killed who in turn are the innocent people. The reason it is found difficult to suppress terrorism is because of the methods they carry out. When the government of a particular country arrests a person, it has either to try him or to extradite the terrorist. If they try in that particular country sufficient amount of machinery should be present. If they do not have the resources then it has to extradite the offender to the one who has the ability to try. But these kinds of countries normally do not extradite because, it is somewhat not satisfactory with the fair trail there.

The main fault does not lie on the part of the legislation or law or statute, it lies with the system which implements those rules and regulations laid down. It is very important and mandatory to implement those laws in the domestic level because these act as the base for all the further trial or for further unforeseen situations.

The problem of transnational terrorism is very wide and to deal with that, it requires some strict and stringent laws. It might not totally suppress the unforeseen terrorist attacks but will help in stopping

them up to some extent. It is the threat to national integrity which harms the most. The best examples are Parliament attack in New Delhi, attack on the Taj hotel in Mumbai, attack on World Trade Centers in New York etc.

India is affected the most with these kinds of terrorist attacks. The attacks in India is normally done by Al- Qaeda, LeT etc., who are state funded organizations never leaves any change to harm the unity and integrity of the country. India is an easy target because it is a secular country and is home to all kinds of people. So, the existing laws should be implemented and enforced strictly and the time it takes to finish the proceedings and give judgment should be quick in these kinds of cases, which is a question to the security of the country. These kinds of acts are the threat to the National Security.

Transnational terrorism is an issue to be taken seriously and the necessary solutions and implementations should be made by the authoritative International instrumentalities. It is because almost whole world is facing the heat and wrath of these terrorist organizations. The newly added name to the list of the organizations is ISIS (Islamic State), which seem to be spreading terrorism in the name of religion.

These kinds of organizations should be taken out from roots and that is the only solution to all the problems faced by the world in the name of terrorism.

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