CRIMES WITH NEW DIMENSIONS

How Technological Advancements Shape Legal Systems

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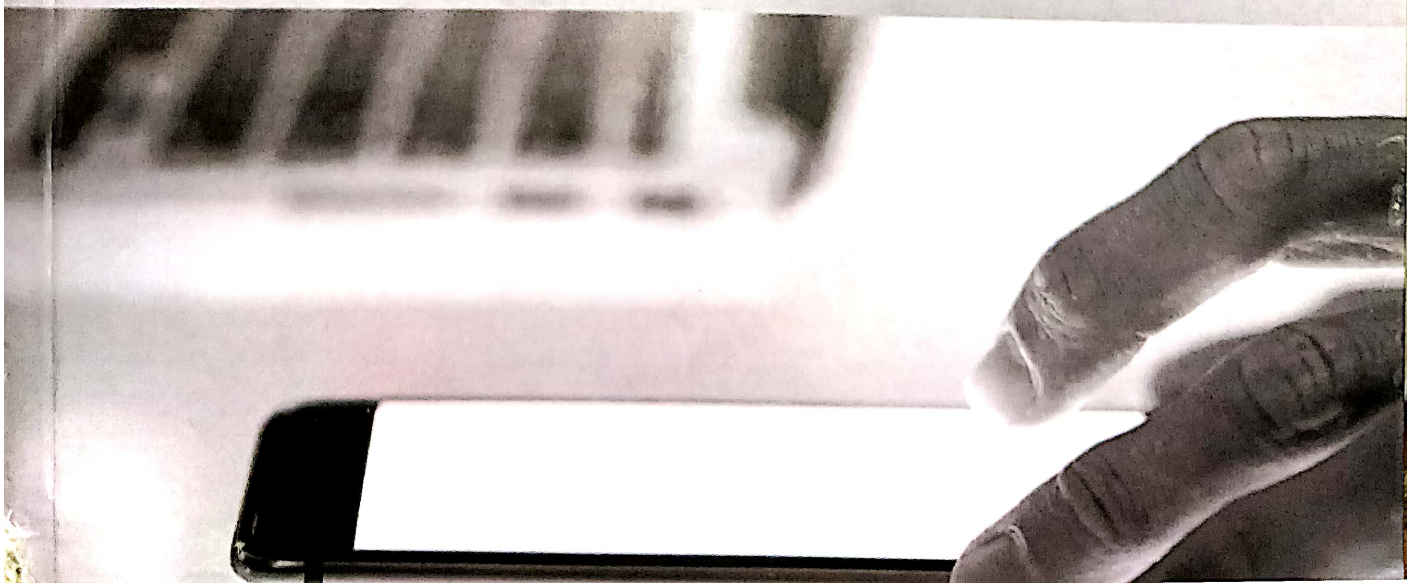
DR. PAYEL GHOSH
DR. AMRITA CHAKRABORTY



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INTERNATIONAL CONVENTIONS ON TERRORISM: EFFECTIVENESS AND LIMITATIONS

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Abstract

Terrorism is the most complicated issue which is faced by the world today, a problem that demands for powerful legal frameworks and comprehensive international intervention. Numerous international agreements, protocols, and decisions of the United Nations Security Council (UNSC) have been created and implemented all over the years in an attempt to make acts of terrorism illegal, harmonize terminologies, & strengthen international cooperation. Foundational legal arrangements were originally established by essential instruments which include the 1979 Hostages Convention, the 1988 SUA Convention on maritime security, the 1999 Conventions on terrorist bombings and funding, and the Hague and Montreal Conventions covering aviation terrorism. Nevertheless, those efforts, concerns about politics, inconsistent implementation, and conceptual difficulties persist to limit the successful implementation of such frameworks. Furthermore, the swift advancements in technology, such as cyberterrorism, internet recruitment and propaganda, cryptocurrency-based revenue generation, and drone-facilitated attacks present added hazards that are not adequately handled according to current standards. These recent developments reveal significant shortcomings in international legal frameworks, increasing pressure on governments to alter conventional law enforcement methods and accomplish an equilibrium between human rights obligations and counterterrorism efforts. The benefits and drawbacks of international agreements on terrorism are extensively investigated in this article, with an emphasize on how technology has begun to influence both dangers and legal countermeasures. It underscores the necessity for an all-encompassing, contemporary legal framework that includes into account the technical

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factors, encourages global cooperation, and strengthens monitoring and enforcement mechanisms. This chapter aims to provide a nuanced analysis of the relationship between terrorism, advancements in technology, and the advancement of international law through evaluating current issues and making beneficial recommendations.

Keywords: *International Terrorism, Technological advancements, Cyber terrorism, International Legal Framework, United Nations Security Council, Counter Terrorism Convention.*

Introduction

Perhaps the most significant danger to international security currently is terrorism, which demands comprehensive international legal responses. For the purpose of to reprimand certain terrorist activities, regulate terminology, and encourage collaboration, the United Nations and its member states have developed plenty of Security Council resolutions and a collection of 19 international anti-terrorism treaties and protocols throughout the past 50 years. Aviation, maritime transportation, taking captives, destruction, financing, and nuclear terrorism are just some of the areas addressed by these instruments. The analysis evaluates their doctrinal development and ratification progress i.e. the 1999 Financing Convention's more than 190 states parties, examines the benefits they provide such as universal jurisdiction and INTERPOL coordination, and highlights their disadvantages such as inconsistent execution, contentions over sovereignty, and the absence of a single definition of terrorism which disregards state actors. It also examines technological issues such as drone intrusions that endanger sovereignty and (IHRL) International Humanitarian Law proportionality, cryptocurrency avoidance of Financial Action Task Force (FATF) oversight and cyberterrorism within the purview of the Budapest Convention. The study proposes an extensive convention, targeted amendments, and enhanced Counter-Terrorism Committee Executive Directorate., (CTED) /Financial Action Task Force (FATF) capabilities, suggesting that the existing frameworks fall inadequate against technological-driven hazards. The sections that precede cover difficulties, alterations, and historical fundamentals.

Evolution of International Frameworks

Over the span of five decades, international anti-terrorism frameworks have developed progressively from sector-specific, responsive treaties to broad

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and legally enforceable UN Security Council resolutions which address increasing global dangers. The United Nations established a sectoral approach under universal treaties that made unlawful particular acts of terrorism whilst mandating the fundamental standards of prosecute or extradite (aut dedere aut judicare)[cclxv] pursuant to the rise of aircraft hijackings in the latter part of the 1960s and early 1970s. Addressing hijackings, the fundamental Hague Convention for the Suppression of Unlawful Seizure of Aircraft (1970) required nations to implement stringent penalties[cclxvi] while handing over control to lawful operators; by 2006, nearly 170 states had ratified it. The Montreal Convention for the Suppression of Unlawful conduct towards the Safety of Civil Aviation (1971)[cclxvii], which acquired over 190 ratifications and established precedents for universal jurisdiction, rapidly augmented this. It broadened its application to incorporate sabotage and detrimental conduct. In consequence to the Achille Lauro hijacking, maritime security promptly followed suit by entering into the 1988 Convention for the Suppression of Unlawful Acts regarding the Safety of Maritime Navigation (SUA)[cclxviii], which empowered the boarding and interdiction of suspicious vessels on the high seas a revolutionary extraterritorial procedure. Though the 1997 International Convention pertaining to the Suppression of Terrorist Bombings targeted indiscriminate explosives in public locations[cclxix], the 1979 International Convention regarding the Taking of Hostages given primacy on the victim's discharge and sentencing[cclxx]. The 1999 International Convention dedicated to the Suppression of the Funding of Terrorism, which forbids any funds supposed for terrorist acts irrespective of their its origin or motive, accomplished over 190 parties, and destabilized networks like Al-Qaeda through restrictions on assets greater than billions, intensified post-Cold War advancement[cclxxi]. This phase has been finished with the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, primarily concentrated on developing protections over radioactive materials in the context of proliferation issues[cclxxii]. However, ratification remains an outstanding issue by approximately 120 states.

UN Security Council resolutions under Chapter VII represented an evolutionary transformation toward aggressive, internationally binding compliance since 9/11 in connection with the other 19 agreements and protocols. The Al-Qaeda/Taliban sanctions regime had been established by

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Resolution 1267 (1999), that enforced asset freezes and limitations on traveling employing a comprehensive list[cclxxiii]. Days after the terrorist attacks, the landmark Resolution 1373 (2001)[cclxxiv], which constituted the Counter-Terrorism Committee (CTC) for observation, went even further by requiring that all nations, irrespective of convention ratification, take action against terrorism support, minimize safe havens, and coordinate on intelligence. While Resolution 2178 (2014)[cclxxv] targeted foreign terrorist fighters via frontier and passport restrictions, Resolution 1540 (2004)[cclxxvi] increased the obligation to stop non-state actors from proliferating Weapons of mass destruction. This dual shift from aviation-focused treaties to the nuclear and finance foci, strengthened by UNSC requirements revealed restrictions such as technical inconsistencies eliminating state terrorism despite harmonizing national laws and facilitating mutual legal aid[cclxxvii]. Although significant treaties approximated universality by 2026 (France ratified 18/19, for example), inconsistent commitment in the Global South and expanding tech deficits continued to exist, emphasising the importance of for integrated improvements as analysed here[cclxxviii].

Strengths and Ratification Status

The international anti-terrorism mechanism's sectoral and functional architecture, which eliminates definitional blockage by criminalizing specified terrorist crimes instead of terrorism itself, constitutes one of its main benefits. This approach has rendered it possible for states who have distinct political and legal systems to arrive at a broad consensus, and it has made it practicable for important instruments to be approved almost universally. By minimizing jurisdictional gaps and preventing safe havens for criminals, the incorporation of the aut dedere aut judicare principle strengthens the system even further[cclxxix].The constant expansion of the subject matter from aviation and maritime protection to hostage-taking, terrorist attacks, the financing of terrorism, and nuclear terrorism is further remarkable attribute[cclxxx]. Especially in the domains of extradition, property freezing, and criminal cooperation, this multifaceted expansion has enhanced legal compatibility and mutual legal guidance[cclxxxi]. As duties under resolutions like 1373 and 1540 apply worldwide irrespective of treaty ratification, the post-9/11 shift towards binding UN Security Council resolutions within Chapter VII amounts to yet another achievement[cclxxxii]. The Financing of Terrorism Convention and aviation-related accords

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encompass more than 180 States Parties, and the vast majority of fundamental agreements have nearly universal ratification[cclxxxiii]. Yet, capacity constraints and technological inequality, particularly in countries that are developing, are apparent in the relatively limited ratification of the Nuclear Terrorism Convention[cclxxxiv]. This structure as a whole demonstrates extraordinary conceptual consolidation and worldwide acceptance despite all of these constraints[cclxxxv].

Limitations and Challenges

The international anti-terrorism structure still faces significant operational and structural limitations regardless of its normative consolidation. The most significant of these is the absence of a commonly accepted definition of terrorism, which is primarily attributed to continuing disagreements about whether or not state terrorism, national liberation movements, and the range of acceptable resistance must be considered. Selective enforcement beyond jurisdictions and disproportionate domestic incorporation are the consequences of this definitional segmentation[cclxxxvi]. The implementation gap between official ratification followed by effective domestic enforcement is another significant issue. The organisational ability, technological proficiency, and finances essential for implementing responsibilities related to international border control, financial surveillance, and knowledge sharing are lacking in numerous nations, particularly those located in the Global South[cclxxxvii]. Challenges about legitimacy are additionally addressed by the Security Council's increased reliance on "legislative" resolutions, which enforce legally binding demands without the democratic consent typically connected with treaty-making[cclxxxviii].

A further drawback is the implications for human rights. Preventive detention, extensive surveillance, and targeted punishment schemes are examples of broad counterterrorism strategies that have been challenged for undermining the rights to due process, privacy, and a fair trial[cclxxxix]. Additionally, current approaches are still insufficient for coping with new technological hazards like cyberterrorism, autonomous weaponry, and non-state actors exploiting artificial intelligence[ccxc]. These challenges emphasize the need for a more coherent, rights-sensitive, and technologically adaptive counter-terrorism regime[ccxci].

Emerging Technological Threats

The operational atmosphere of terrorism has recently been profoundly

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changed by recent advances in technology, but has additionally highlighted regulatory vulnerabilities in the present international legal frameworks. attacks on essential infrastructure, including financial institutions, power grids, and networks for communication, indicate an increasing danger of cyberterrorism. Although incidents like the 2015 cyberattack on French media outlets by ISIS-affiliated people did not culminate in physical destruction, they exposed how non-state actors may employ cyberspace as an instrument for intimidation and instability[ccxciii]. An additional problem is the increasing adoption of cryptocurrency, which has made it feasible to finance terrorist actions in an anonymously and decentralized manner. Based on reports, groups like Hamas and ISIS have submitted requests for Bitcoin payments through encrypted platforms, bypassing the conventional banking constraints outlined in the Financing of Terrorism Convention[ccxciv]. This weakens the capacity of the state to keep decrease freeze, and confiscate assets, particularly in areas with inadequate digital banking regulations[ccxcv].

Similar like this, inexpensive and powerful attacking techniques have been rendered achievable by the widespread deployment of unmanned aerial vehicles or drones. As evidenced by ISIS's drone operations in Iraq and Syria and the 2018 assault on the life of the president of Venezuela, non-state entities have deployed weaponized drones for surveillance, targeted killings, and the shipment of explosives[ccxcv]. Such technologies with multiple uses have not been adequately managed by existing counterterrorism instruments, emphasizing the urgent demand for flexible legislative solutions that encompass monetary regulation, arms control, and cyber governance[ccxcvi].

Balancing Security and Human Rights

Maintaining an appropriate equilibrium between the collective safety and the safeguarding of fundamental human rights is vital for ensuring the effectiveness of international counterterrorism measures. Counterterrorism strategies that depend on extensive preventative detention, widespread monitoring, and focused punishments have raised severe concerns about due process, privacy, and the presumption of innocence, regardless of whether states have an enforceable obligation to safeguard citizens from terrorist activities. Judicial review, especially by regional human rights courts, has

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grown from the lack of appropriate procedural safeguards, primarily within sanctions mechanisms established under UN Security Council resolutions[ccxcvii].

Counterterrorism measures have to conform to the requirements of legality, necessity, proportionality, and non-discrimination that are established by international human rights law[ccxcviii]. Emergency powers ought to continue to be exceptional and be subject to significant judicial scrutiny, as the UN Human Rights Committee and the Special Rapporteur on counterterrorism has constantly emphasized[ccxcix]. Disregarding human rights concerns raises with the risk of compromising efforts to prevent terrorism while encouraging environments that promote radicalization[ccc]. As a consequence, a human rights-based approach is not only acceptable but also critical for maintaining sustainable safety and adherence to international legal commitments.

Recommendations and Reforms

A number of specific improvements must be made for enhancing the international counterterrorism arrangement's effectiveness and credibility. To make it easier, to address implementation gaps, far more should be required to be done by nations to uniformly enforce into the municipal domain by means of model legislation and capacity-building programs, particularly within developing nations[ccci]. Second, counterterrorism systems must consist of explicit human rights protections, such as access to effective remedies and competent evaluation procedures for sanctions categories[cccii]. Third, by means of upgraded treaty provisions or interpretive protocols, the legal framework ought to respond to new technological threats like weaponized drones, cryptocurrency-based financing, and cyberterrorism[ccciii]. Fourth, in order to avoid normative disconnection, the Security Council, UN counterterrorism agencies, and human rights institutions need to more effectively coordinate[ccciv]. Lastly, if it combines safety concerns with humanitarian and human rights requirements, present talks towards a Comprehensive Convention on International Terrorism might provide a conceptual framework[cccv]. These improvements would make certain that measures to combat terrorism continues to be both efficient and legally viable, enhance state compliance, and enhance institutional coherence[cccvi].

Indian Constitutional and Statutory Perspective

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Counterterrorism efforts in India are regulated by the fundamental rights provisions of the Constitution, which includes Articles 14, 19, and 21. The implementation of laws like the Unlawful Activities (Prevention) Act 1967 (UAPA) and this give effect to India's international commitments under UN Security Council Resolution 1373, is still subject to judicial review. The Supreme Court has repeatedly affirmed that due process, reasonableness, and the presumption of innocent cannot be replaced by national security concerns[cxxvii]. Extended pre-trial detention along with stringent bail constraints under anti-terror legislation needs to be weighed alongside individual liberty, according to recent reasoning[cxxviii].

The concept that efficient security measures have to continue to be compatible with rights as a means to safeguard their legitimacy and prevent breaches has been strengthened by this constitutional oversight, and these reflects India's attempts to reconcile its counterterrorism requirements with its responsibilities under international human rights law, particularly the ICCPR[cxxix].

Conclusion

The development of international counterterrorism law emphasizes the evolving complexity of modern terrorist threats and demonstrates an unambiguous transition from sector-specific treaty obligations to extensive and binding United Nations Security Council objectives. Even while the current structure has been effective at fostering international collaboration, legal harmonization, and the practically universal ratification of essential instruments, there nevertheless remain ongoing challenges, in particular with regard to definitional inconsistencies, inconsistent domestic implementation, and contemporary technological hazards. Regulatory vulnerabilities that hadn't been designed to be covered become apparent as counterterrorism measures broaden into areas like cyber operations, terrorist financing through digital assets, and drone-based operations. The continuing dispute between the safeguarding of fundamental human rights and requirements for security is similarly significant.

Effective counterterrorism has to continue to be grounded in due process, proportionality, and judicial scrutiny for the purpose to preserve legitimacy and commitment to international human rights responsibilities, as evidenced by the Indian constitutional experience. For counterterrorism laws to keep on to be simultaneously successful and ethically sustainable

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in a developing global security environment, a persuasive, rights-based, and technologically adaptable approach is essential.

[cclxv] *Convention for the Suppression of Unlawful Seizure of Aircraft*, opened for signature 16 December 1970, 860 UNTS 105 (entered into force 14 October 1971).

[cclxvi] *Convention for the Suppression of Unlawful Seizure of Aircraft*, opened for signature 16 December 1970, 860 UNTS 105 (entered into force 14 October 1971).

[cclxvii] *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, opened for signature 23 September 1971, 974 UNTS 177 (entered into force 26 January 1973).

[cclxviii] *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, opened for signature 10 March 1988, 1678 UNTS 221 (entered into force 1 March 1992).

[cclxix] *International Convention for the Suppression of Terrorist Bombings*, opened for signature 12 January 1998, 2149 UNTS 256 (entered into force 23 May 2001).

[cclxx] *International Convention against the Taking of Hostages*, opened for signature 17 December 1979, 1316 UNTS 205 (entered into force 3 June 1983).

[cclxxi] *International Convention for the Suppression of the Financing of Terrorism*, opened for signature 9 December 1999, 2178 UNTS 197 (entered into force 10 April 2002).

[cclxxii] *International Convention for the Suppression of Acts of Nuclear Terrorism*, opened for signature 14 September 2005, 2445 UNTS 89 (entered into force 7 July 2007).

[cclxxiii] UNSC Res 1267 (15 October 1999) UN Doc S/RES/1267.

[cclxxiv] UNSC Res 1373 (28 September 2001) UN Doc S/RES/1373.

[cclxxv] UNSC Res 2178 (24 September 2014) UN Doc S/RES/2178

[cclxxvi] UNSC Res 1540 (28 April 2004) UN Doc S/RES/1540 (weapons of mass destruction).

[cclxxvii] Ben Saul, *Defining Terrorism in International Law* (Oxford University Press 2006) 312—318.

[cclxxviii] United Nations Treaty Collection, *Status of International Counter-Terrorism Instruments* (2026).

[cclxxix] M Cherif Bassiouni, *International Extradition: United States Law and Practice* (6th edn, Oxford University Press 2014) 43—45.

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[cclxxxi] David Cortright, *How the United Nations Fights Terrorism* (MIT Press 2010) 61-70

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[cccii] United Nations Office of Counter-Terrorism, *UN Counter-Terrorism Capacity Building Strategy* (UN 2021).

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[ccciii] FATF, *Terrorist Financing Risk Assessment Guidance* (FATF 2019).

[ccciv] UNSC Res 2395 (21 December 2017) UN Doc S/RES/2395.

[cccv] Draft Comprehensive Convention on International Terrorism, UN Doc A/59/894 (2005).

[cccvi] United Nations Global Counter-Terrorism Strategy, GA Res 60/288 (8 September 2006).

[cccvii] *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

[cccviii] *K A Najeeb v Union of India* (2021) 3 SCC 713; *Thwaha Fasal v Union of India* (2022) 9 SCC 713.

[cccix] International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171; *Vishaka v State of Rajasthan* (1997) 6 SCC 241.

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