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Motivation Across Terrorism: Ideological, Strategic and Tactical Objectives of Terrorist Attacks

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Abstract

In the modern world, terrorism is manifested as the biggest security threat faced by the international community, and terrorist acts cause the loss of hundreds of thousands of lives, displaced millions of civilians, and devastating destruction of property and infrastructure. This problem dominates national and international discourses about peace and security, with individual countries, as well as the global community, taking extensive measures to suppress it. It is evident that dealing with terrorism remains a big challenge, mostly because of how it is legally defined. Unlike genocide, war crimes, crimes against humanity, and mass crimes, terrorism is not considered an international crime under international law. The lack of inclusion of terrorism in international law mainly arises from the lack of consensus on what constitutes terrorism. In an effort to determine the essence and basic structural features of the modern form of terrorism, this paper first analyzes the definition of the term and the forms of manifestation of terrorism. By identifying its characteristics and objectives, the paper proceeds in a critical assessment of the modalities of interstate cooperation in criminal matters and offers several recommendations on how to overcome the so far neutral position in the treatment of terrorism as an international crime. The results of the "war against terrorism" so far, as well as the consequences of the exceptional application of repression and the support of the principle of non-negotiation with terrorists, are such that they require a critical review. It is vital today that terrorism be treated as an international crime and incorporated under the jurisdiction of the ICC. This paper highlights the weaknesses of the effectiveness of the international system in the fight against transnational terrorism. The purpose of the paper is to serve as a recommendation for finding means and methods for preventing the occurrence of the crime of terrorism and its suppression at the international level.

Keywords: Terrorism, security, crime, international crime, international law, prevention.

Introduction

Crime is a serious concept; this problem is as old as the state is. Some criminological theories claim that there is no modern country without crime (Ibish, 2018).

Since the beginning of written history, terrorism has been present in one form or another in many societies. The distinction between its various manifestations refers to the methods, means, and weapons used. As the means of inflicting significant harm on society improve and become more accessible, the harmful impact of terrorism increases daily.

Contemporary terrorist groups are characterized by the international composition of their members, the transnational dimension of their operations, and their reliance on financial support from more than one state. Such groups necessarily rely on public sympathy and support from certain countries that allow them to maximize their harmful capabilities. They also rely on easy access to the global financial system for money laundering purposes and the lack of international cooperation in criminal matters between states, including the lack of cooperation in law enforcement, intelligence, extradition of suspects, and other prosecutorial/investigative activities (Cherif Bassiouni, 2001). In its common use, the term "international terrorism" implies the exclusion of the activities of state actors and even of insurgent and revolutionary groups. Rather, it applies to small, ideologically motivated groups whose terror-violence strategies are designed to propagate a political message, destabilize a regime, inflict social harm as political retribution, and provoke overreactive state responses that are likely to create a political crisis (Dinstein, 1989).

In the absence of a general definition, terrorism can be interpreted in various ways. Basically, the definition of the term terrorism (in its most generic sense) sums up the use of illegal violence with an emphasis on assassinations, kidnapping, assault, and arson - in order to terrorize, i.e., to inspire fear. The essence of terrorism is not the occurrence of illegal violence per se but the resort to violence as a means to the goals that the terrorist is trying to achieve or promote. The terrorist is a promoter of fear, and fear is the key that unlocks the door to an otherwise inaccessible goal (Dinstein, 1989). One of the main issues in the control of terrorism is the lack of consensus on the meaning of the term. Primarily, terrorism must be recognized as a crime that involves violence and intimidation to achieve a specific goal. Acts of terrorism must be differentiated from political crimes, which are not antisocial and are related to the internal affairs of a particular state. Certain acts are considered terrorism because they have an impact not only on the order of states but also on society in general.

Characteristics and Manifestations of Terrorism

The state is a product of social development. Legal regulations of the state ensure the functioning of the institutions; in this context, it's very important to emphasize the relationship of the state with the law. In that case, the incriminations provided against the state are the most elementary form of crime (Ibish & Miovska, 2020). Hence, it is important to emphasize that the incriminations provided in connection with terrorism within the framework of criminal laws are also of crucial importance. It is obvious that one of the basic characteristics of terrorism is its absence of connection with any rules of warfare and codes of conduct. Accordingly, the terrorist act is a clear and obvious crime because it does not respect the rule of law, and its suppression must be acted upon quickly and strictly through appropriate institutions. When the international community fails to adequately address terrorism through judicial institutions and instead relies on ad hoc treatment of terrorists by national actors, there is no deterrent effect due to the lack of judicial sanction and the lack of an effective mechanism of the world community to prevent terrorism on a global level.

To successfully oppose and deter terrorism, it is necessary to apply certain basic principles such as (Lawless, 2008):

1. firm, unwavering opposition to terrorists;

2. maintaining the rule of law;

3. failure to fulfill the demands of the terrorists;

4. no deals or concessions;

5. bringing the terrorists to justice; and

6. never allow terrorists to "hijack" morality or the political agenda.

These principles appear to be self-evident at first glance, but their acceptance and translation into effective international law enforcement is lacking.

Therefore, it is important to emphasize the four main elements of terrorism: the purpose of the activity is always, or as a rule, of a political nature, whether it is the overthrowing of a regime, a current president, the secession of a certain territory or part thereof; use of violence or threat of use of violence; the victims are usually innocent citizens or state officials; absence of a direct connection between the terrorist and the victim - that is, the attack is not aimed at the victim or victims personally, but the terrorist act is intended to send a message to the wider community (state, society, etc.) (Trifunović, 2007).

According to Cassese (Cassese A. , 2006), the parameters of a generally agreed definition of terrorism in peacetime can be extrapolated from the various regional and international agreements that exist regarding terrorism, namely: (1) behavior that is criminal; (2) transnational in nature; (3) behavior affecting both civilian victims and civil servants; (4) behavior that is aimed at the goals of spreading terror among the civilian population or forcing a government or international organization to behave in a certain way; (5) behavior that spreads fear or anxiety among the civilian population or targets important entities or individuals; (6) behavior that has a political, ideological or religious motivation.

Terrorism is a strategy of violence designed to instill terror in a segment of society to achieve an outcome of power, propagate a cause, or inflict harm for vengeful political ends. The state actors resort to that strategy, either against their own population or against the population of another country. It is also used by non-state actors, such as insurgents or revolutionary groups operating within their own country or in another country. Terrorism is also used by ideologically motivated groups or individuals operating within or outside their country of origin (nationality), whose methods may vary depending on their beliefs, goals, and means. One of the difficulties in arriving at a definition of terrorism is its variable nature - it can be identified with a bomb planted by a single terrorist activist, through to an elaborate terrorist campaign aimed at fundamental political changes in a state or reframing the state borders (Warbrick, 2004).

State and non-state actors perpetrating acts of terrorism may differ, among other things, based on their participants, objectives, methods, and means at their disposal. But all these actors resort to a strategy of terror - violence, and to achieve an outcome - a position of power. The amount or level of violence used by the actors in each category will typically depend on their access to the means to inspire terror and whether they produce consequences conducive to the achievement of the desired position of power.

State terrorism is different from state-sponsored terrorism. In the second case, the real perpetrators of terrorist acts are non-state actors who act with the open or covert support of the state. The first type is carried out by state actors and is usually characterized by extensive, widespread, or systematic use of violence in violation of international humanitarian law and human rights. This includes genocide, crimes against humanity, war crimes, and torture. The objectives of the states involved in such terrorism may include the subjugation of foreign or domestic populations or the continuation of the regime in the face of domestic opposition.

Sometimes, regimes like the Nazis in Germany, the USSR under Lenin and Stalin, and the Khmer Rouge in Cambodia engaged in systematic violence that inspired terror against a section of the civilian population solely because of racial or political views. In these extreme cases, the ultimate goal of terror - violence is the complete elimination of that social or political group.

Non-state actor terrorism can be differentiated based on the number of groups' adherents, their goals, and their capabilities. They are classified into two groups (Cherif Bassiouni, 2002): insurgent and revolutionary groups and ideologically motivated groups. Rebel and revolutionary groups are larger groups that are at war with a particular regime and whose goal is to overthrow the regime. Unlike the regimes they fight with, insurgent and revolutionary groups do not have conventional military and police forces but instead consist of volunteer fighters who lack the military training and capabilities of their regime force opponents. Accordingly, anti-regime forces cannot face regime forces on the same military level and must, therefore, resort to unlawful means of violence, including targeting civilians and public and private property in violation of international humanitarian law and domestic criminal law.

Objectives of Terrorist Attacks

When it comes to the objectives of terrorist attacks, it is crucial to underscore the multifaceted nature of these goals. As Krzysztof Liedel and Paulina Piasecka assert, 'the objective of terrorists is to instill fear and use it to exert control over those witnessing a terrorist act' (Liedel K., 2008). By delving into the definition of terrorism and the criteria for terrorist crimes, we can see that this particular characteristic is pivotal for distinguishing terrorism from other forms of criminal behavior. This implies that a terrorist act is not a simple occurrence but a unique and structured event that unfolds in distinct stages, each with its own set of objectives, underscoring the need for specialized knowledge in this area.

Ideological Objectives

If terrorism is a manifestation of rational, purposeful behavior, many analysts suggest that some justification can be given for its use. Almost all terrorist organizations offer some ideological or moral justification for violence, although the rationale given may be vaguer than the true revealing of their intentions. However, that "normative context," as Weisband and Rogully call it (Weisband, 1976), provides

the organization's members with personal justification for their violent acts and, by extension, determines the organization's "legitimacy potential," or its potential to attract mass support.

Ideologically motivated groups tend to have fewer members/adherents and lack the ability to effect regime change, but their terror-violence techniques can destabilize the regime and inflict harm on members of society to achieve politically connected, often vengeful goals. For example, by revealing the regime's weaknesses, thereby causing terror in society by exposing its vulnerability, such terrorist groups place the regime in a situation where it is likely to overreact or commit illegal acts, thereby delegitimizing itself. In turn, such terrorist groups gain a greater claim to legitimacy and generate greater support among domestic and foreign populations. Ideologically motivated groups engage in strategies of terror-violence to achieve a desired political result, propagate a political message, punish a society with which they perceive themselves to be in conflict or war, and obtain political concessions in exchange for or waiver of the harm they can inflict. (e.g., a bomb threat) or to retrieve individuals that the regime has detained (e.g., exchanging hostages for detainees) (Cherif Bassiouni, 2002). These ideologically motivated terrorist groups select specific targets in order to reinforce collective fear and demonstrate vulnerability and the inability to offer society adequate protection.

When it comes to cases of terrorist attacks, here the most well-known examples are *Aum Shinrikyo and the Tokyo Subway Sarin Attack from 1995*; the ideological objective was Apocalyptic Beliefs and Cult Expansion. The second one is *Al-Qaeda and the September 11 Attacks from 2001*. The terrorist attack of 11 September has had atrocious reflections not only at the human, psychological, and political levels. It also has shattering consequences for international law. It is subverting some important legal categories, thereby imposing an urgent need to rethink them, on the one hand, and to lay emphasis on general principles on the other (Cassese A. , 2001).

As an ideological element here, it could be mentioned Global Jihad and Anti-Americanism, and the third typical example is ISIS and the Paris Attacks from 2015, where the ideological objective was the Establishment of a Caliphate and Sectarian Division.

Strategic Objectives

Within the terrorism literature, six general medium-range objectives can be discerned. They are (Waugh, 1983)**:**

(1) organizational objectives,

(2) publicity objectives,

(3) punishment objectives,

(4) provocation objectives,

(5) disruption objectives, and

(6) instrumental objectives.

Organizational Objectives. Terrorist violence has several functions within terrorist organizations themselves. In-group violence ensures discipline within the organization by discouraging dissent, defection, and leniency. Outgroup violence builds membership morale through the experience of cooperative operations, the feelings of elitism generated by strict discipline and sacrifice, and the shared excitement of dangerous and clandestine activities.

Publicity Objectives. Publicity is one of the main reasons for the existence of international terrorism, but it also appears as the main goal (beyond the organizational one) of all forms of terrorism. From this perspective, terrorism is a communication process designed to intimidate or terrorize target groups of individuals and groups, to change their behavior, and simultaneously elicit popular sympathy and support from domestic and/or foreign audiences.

Punishment Objectives. Terrorist organizations may aim to punish individual government officials and/or citizens (foreign and domestic) for failing to comply with or not supporting terrorist demands. Imposing terrorist sanctions against persons who will not recognize the authority and legitimacy of the terrorist organization is a demonstration of the strength of the terrorist organization. At the same time, these actions highlight the failure of the current authorities - the powerlessness and inability to maintain civil order and provide basic public security.

Provocation Objectives. A large part of the task of gaining popularity and support for terrorist movements consists in the attempts to provoke an exaggerated reaction to their activities by the ruling regime. Repressive counterterrorism operations, especially when they affect the personal interests and freedoms of seemingly innocent people, can undermine any regime, domestic and/or foreign.

Disruption Objectives. Terrorist organizations may aim for varying degrees of social, economic, and political disruption, ranging from brief disruptions of the regime or societal function to the complete collapse of the social, economic, and

political structures of the targeted society. Disruption can be achieved through direct or indirect terrorist actions. Bombings, arson, shootings, kidnappings, and other acts of violence can directly affect the will of the public or the government's ability to function normally. If counter-terrorist operations are mixed with the routine activities of the public, the same effect can be realized indirectly. Either way, the disruption could polarize popular sympathies.

Instrumental Objectives. Definitions of political terrorism often state that victims are chosen mainly for their symbolism rather than their instrumental value. This is mostly true because terrorist organizations most often carry out their attacks against positioned targets rather than targets of "military" value. However, military, police, and government agents can have both symbolic and instrumental value. As a collective, they are the government, but also, as individuals, they represent the government. By attacking such targets, terrorists can demoralize the authorities and demonstrate the power of the organization and its potential to become a large-scale military movement.

If we consider the strategic objectives of the previously mentioned terrorist attacks, we will single out the following:

The Political and Social Influence of *Aum Shinrikyo and the Tokyo Subway Sarin Attack from 1995:* The group aimed to instill fear in the Japanese government and society, attempting to undermine public confidence in the state's ability to protect its citizens. By perpetrating such a violent act, they sought to position themselves as a powerful alternative to the established order.

The impact of the *September 11 attacks* served to radicalize individuals and attract recruits to extremist ideologies and organizations. The attacks aimed to provoke the United States into military responses that could be framed as oppression by certain Muslim communities, thereby galvanizing support for groups like al-Qaeda.

ISIS is executing a sophisticated global strategy that involves simultaneous efforts in Iraq and Syria, the Middle East and North Africa, and the wider world (Gambhir, 2015). The Paris attacks were a pivotal event conducted by ISIS that highlighted the organization's strategic objectives. One of ISIS's strategic objectives was to establish itself as a preeminent global jihadist organization and to inspire followers worldwide through acts of terrorism.

Tactical Objectives

The logistical advantages that terrorists pursue in order to sustain or escalate their campaigns of violence and ultimately realize their long-term goals often generate confusion about their ideological and strategic goals. The hostage incidents, i.e., kidnappings and sieges, have generally been carried out for the purposes of securing ransom money or otherwise, releasing political prisoners, publishing or broadcasting terrorist propaganda messages, and/or guaranteeing a safe passage or political asylum.

Armed attacks, robberies, and incursions, on the other hand, are often used to procure materials: weapons, ammunition, explosives, money, medical supplies, and food. In some cases, armed attacks have been used to rescue imprisoned or detained terrorists and create diversions.

Purely destructive acts (assassinations, mutilations, bombings, and arson) that constitute violence that is not accompanied by specific demands or the provision of funds needed by the terrorist organization may be more directly related to the terrorists' intermediate or strategic goals, such as organizational, punishment and disruption objectives.

If we take a look at the cases that we already mentioned, the ideological and strategic side of the objectives of Aum Shinrikyo and the Tokyo Subway Sarin Attack from 1995, the September 11 attacks, and the ISIS attacks from 2015 there is a third important part where we had to emphasize the tactical objectives.

Tactical objectives of:

Al-Qaeda's September 11 Attacks were inflicting maximum casualties, provoking military response, and instilling fear.

ISIS attacks were spreading fear, disrupting societal norms, and inciting religious conflict.

Terrorism as an International Crime

Defining terrorism has historically been problematic, with definitions significantly varying from one country to another. Terrorism essentially denotes offenses committed to coerce, intimidate, or terrorize civilian populations or governments for ideological, religious, and political motives (Rizk, 2017). In the Convention for the Suppression of the Financing of Terrorism, terrorism is defined as: "Any other act

intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population. or to compel a government or an international organization to do or abstain from doing any act (Cohen, 2012).

The transnational element is evident in the crime of terrorism. Terrorism is not only a domestic phenomenon but is a crime that affects the international community as a whole and affects it in the same way as other international crimes. Most terrorist groups have networks that extend beyond their country of origin and carry out attacks across national borders. Just as states cooperate in suppressing and punishing the perpetrators of genocide, crimes against humanity, war crimes, and crimes of aggression, in the same way, they should cooperate to deter and punish the perpetrators of the crime of terrorism.

The scale with which acts of terrorism occur indicates that no state has the capacity to punish the crimes. Crimes of terrorism would be more effectively punished if the international community acted as a whole through an internationally agreed legal framework and not just on the basis of national law (Trifunović, 2021).

Despite the problems with adopting an internationally accepted definition of terrorism, there are numerous international agreements that deal with and prohibit terrorist activities in certain circumstances (Londras, 2010):

1. UN Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963);

2. UN Convention on the Suppression of Unlawful Seizure of Aircraft (1970);

3. UN Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviations (1971);

4. UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973);

5. UN International Convention on the Physical Protection of Nuclear Material (1980);

6. UN Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988);

7. UN Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);

8. UN Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988);

9. UN Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991);

10. International Convention for the Suppression of Terrorist Bombings (1997);

11. International Convention for the Suppression of the Financing of Terrorism (1999);

12. International Convention for the Suppression of Acts of Nuclear Terrorism (2005).

The conclusion and ratification of these treaties reflect the fact that the difficulty in international law is not that terrorism should be legally prohibited, but on the contrary, states should adopt a general - universal definition of what terrorism is. Thus, instead of defining terrorism in certain situations and for certain types of criminal activities, it is necessary to precisely formulate the crime of terrorism in international frameworks, generally accepted and incorporated by international agreements.

Undoubtedly, one of the most important documents in the field of the fight against terrorism at the international level is the Global Strategy for the fight against terrorism of the UN (A/RES/60/288) as a unique global instrument for improving national, regional and international efforts to fight terrorism. Through its adoption by consensus in 2006, all UN member states agreed for the first time on a common strategic and operational approach to the fight against terrorism.

The strategy not only sends a clear message that terrorism is unacceptable in all its forms and manifestations but also resolves to take practical steps, individually and collectively, to prevent and combat terrorism. Those practical steps include a wide range of measures ranging from strengthening state capacities to counter terrorist threats to improving the UN's systemic coordination of counter-terrorism activities. The UN global strategy to combat terrorism in the form of a resolution and an attached Action Plan (A/RES/60/288) is composed of 4 pillars, namely:

a. specifying the conditions suitable for the spread of terrorism,

b. measures to prevent and fight against terrorism,

c. measures for building the capacities of the states to prevent and fight against terrorism and strengthening the role of the United Nations Organization system in that regard,

d. measures to ensure respect for human rights for all and the rule of law as a fundamental basis for the fight against terrorism (The United Nations Global Counter Terrorism Strategy, 2006).

The UN General Assembly reviews the global strategy to fight terrorism every two years, which makes this document "alive" and aligned with the anti-terrorism priorities of member states. Cooperation at the international level inevitably introduces changes in domestic legislation, such as changes in investigative measures, monitoring of security risks, wiretapping, etc.

Attempts to include terrorism as a crime to be dealt with by the International Criminal Court have so far been unsuccessful and proposals to add it to the court's statute have been rejected for the following reasons: lack of a clear and universally accepted definition of what constitutes terrorism; the idea that terrorism does not cause crimes of greatest concern to the international community; the desire to avoid overloading the ICC and the need for a gravity threshold; inclusion would impede the acceptance of the Rome Statute; there is a solid basis for terrorism to be dealt with at the international level through international agreements; and because terrorism is such a politically sensitive term, if the ICC were to deal with terrorism cases, it would be forced to enter the political sphere and thus damage its own legitimacy and credibility as an impartial judicial institution (Official Records of the Rome Conference, UN Diplomatic Conference of Plenipotentiaries on the Establishment of an Int'l Criminal Court, 3d plen. mtg. at 172, 173, 180 UN Doc. A/CONF.183/13).

Conclusions and Recommendations

The incidence of terrorism all over the world is simply staggering. Although many of these acts are ostensibly confined within the borders of a single state, their ramifications (for example, when a prominent statesman is assassinated) can be global. Terrorist acts have interstate influence, i.e. cross-border dimensions, because some terrorists are foreign nationals and have a base of operations in another country or are asylum seekers. It is quite logical that terrorist acts that have an international element should be considered the most disturbing, although precisely identifying that element is no easy feat.

No matter how imprecisely defined, international terrorism threatens the entire fabric of the international community. When tensions are high, the balance of peace and war can be disturbed by acts of terrorism and appropriate countermeasures deemed necessary by the victim state. International terrorism poses a major threat to humanity, first, because it is often supported by well-organized movements and ideology, and second because the availability of unconventional weapons of mass destruction increases the capacity of international terrorists to obtain nuclear weapons or biological agents and hold the whole world as a hostage.

A major obstacle in the efforts to combat international terrorism is that too many countries exhibit a double standard in their approach to the problem. While they are not directly concerned by acts of terrorism that affect their own interests (or those of their close allies), they have a noticeable degree of indifference to the plight of others. In summary, it seems that the international community does not have a highly expressed political will to take joint action against terrorists around the world.

Domestic anti-terrorist regimes must be complemented by the existence of an international judicial institution that can prosecute terrorists as criminals who act contrary to established universal values and norms of behavior and thus represent enemies of all humanity. Success in the fight against terrorism largely depends on the continuation and continuous strengthening of international cooperation, which is mandatory according to international agreements. Where states do not respect their international obligations, terrorists are motivated to act and are not deterred from continuing to violate international law.

Terrorism should be treated as an international crime and incorporated under the jurisdiction of the ICC because it meets the criteria for an internationally criminalized offense such as war crimes, crimes against humanity, and genocide. Terrorism is increasingly becoming a "fact of life" in the 21st century, hence the need for international cooperation in solving the problem. For international cooperation to function, a common definition of terrorism is imperative. Although there may be some challenges, expanding the ICC's jurisdiction to include terrorism crimes increases the potential to deter terrorism and ensure justice for victims.

Accordingly, it is imperative that the international community identify terrorism as an international crime, reach a consensus on a simple but inclusive definition of terrorism, and give the necessary jurisdiction to the International Criminal Court to try those accused of committing acts of terrorism. In the absence of an

international judicial institution to which alleged terrorists can be extradited, states are generally unwilling or unable to act and use the absence of a definition of terrorism as a means of evading their obligations under international law.

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