

K.S.Musilimova

*Ye.A.Buketov Karaganda State University
(E-mail: karlygash1959@mail.ru)*

Organizational and legal forms of international cooperation of the Republic of Kazakhstan on National Security

In this article, based on the an analysis of the Law of the Republic of Kazakhstan «On National Security of the Republic of Kazakhstan», «On Combating Terrorism», «On Countering Extremism», other normative legal acts, current issues of organizational and legal forms of international cooperation of the Republic of Kazakhstan on National Security are considered.

Key words: the Republic of Kazakhstan, national security, the Interpol, the CIS Anti-Terrorist Center, the Regional Anti-Terrorist Structure of the SCO, national security bodies.

It was stressed in the Address by the President of the Republic of Kazakhstan, Leader of the Nation, N.Nazarbayev «Strategy Kazakhstan-2050»: new political course of the established state» of December 14, 2012 that «during the years of independence Kazakhstan has taken place as an equal participant in international processes, and we were able to create a favorable external conditions» [1]. The Head of State pointed out that the priority of the modernization of the foreign policy is the comprehensive strengthening of regional and national security.

The Republic of Kazakhstan, as a full member of the international community, declaring commitment to the basic principles of international law, uses various forms of international cooperation on matters of national security.

Versatile and active role of our country is evidenced by the fact that the Republic of Kazakhstan is a member of authoritative international organizations, including the International Criminal Police Organization (Interpol).

The National Central Bureau of Interpol in the Republic of Kazakhstan (the NCB of the RK) is a subdivision of the Ministry of Internal Affairs of the Republic of Kazakhstan.

The main objective of the NCB is to ensure international cooperation of the departments of the Ministry of Interior of the Republic of Kazakhstan with similar bodies of the Member States of Interpol in the fight against crime.

As part of this task on the basis of the Regulation «On the National Central Bureau of Interpol in the Republic of Kazakhstan» NCB of the RK:

- organizes interaction and cooperation of law enforcement bodies of the Republic of Kazakhstan in the fight against crime at the international level;
- provides functional and confidential information on international crime. For that purpose the communication between the Interior Ministry of the Republic of Kazakhstan and other law enforcement agencies of the Republic of Kazakhstan, the General Secretariat of Interpol, the NCB's of other countries is created.
- directs to the General Secretariat and to the NCB's of member states of Interpol requests and alert law enforcement authorities of the Republic of Kazakhstan to provide data on crimes and criminals, of wanted persons, objects and documents, the implementation of surveillance of persons suspected of criminal activity, as well as other information in order to disclose and to prevent crime.
- adopts the similar requests and alert from the General Secretariat and NCBs of the states — members of Interpol, organizes through appropriate national law enforcement activities to detect persons, documents and objects, wanted by their requests, and informs the law enforcement authorities.
- directs the General Secretariat and the NCBs of the concerned States information on the crimes committed by foreign citizens in the Republic of Kazakhstan, as well as on foreign nationals detained in the Republic of Kazakhstan on suspicion of committing a crime, prosecuted and convicted of crimes related to terrorism, illicit trafficking in narcotic drugs and psychotropic substances, manufacture and sale of counterfeit money, infringe on the historical and cultural values, and other crimes that are in accordance with the decisions of Obligations Interpol General Assembly shall be included in the International Criminal Statistics, etc. [2].

The entry of the independent Kazakhstan to the Interpol and the creation of the NCB of the Interpol made it possible to carry out a branched collaboration and cooperation of law enforcement bodies of the Republic of Kazakhstan with foreign colleagues within the framework of this authoritative international organization. A real opportunity has appeared to send requests through the Bureau to establish the location of certain persons, to receive copies of various documents required, etc. To date, the NCB of the Interpol in the Republic of Kazakhstan supports business contacts with law enforcement agencies of members of the organization, trying to improve their performance through mutual experiences.

At the present time a number of topical areas of international cooperation of the Republic of Kazakhstan on Crime Prevention and control and extradition of offenders clearly took shape. Among them:

- Extradition and legal assistance in criminal matters;
- scientific information;
- providing professional technical assistance to States in their fight against criminality;
- cooperation of States against certain types of crime on the basis of international agreements [3].

The bulk of the agreements on legal assistance is bilateral or has a group character. However, the increasing importance of cooperation in this field requires additional efforts by the UN, which led to the adoption in 1990 of the General Assembly of the Model Treaty on Mutual Assistance in Criminal Matters, as well as a model agreement on the transfer of criminal prosecution. Our state is constant and active in this direction, concluding treaties with various countries for legal assistance [4].

There is no doubt that the most close coordination and cooperation of the Republic of Kazakhstan in matters of national security in general and in countering terrorism and extremism has developed especially in the framework of the Commonwealth of Independent States. For example, the CIS Interparliamentary Assembly gives priority to issues related to the harmonization and approximation of the laws of the Commonwealth states, including in matters of countering terrorism and extremism. It has developed and adopted the model law «On Combating Terrorism», in which such basic concepts as terrorism, international terrorism, the principles of the fight against terrorism, organizational forms of counter-terrorism, information support of the fight against terrorism, about counter-terrorism operations, forms of international cooperation between states, etc were defined. Despite the advisory nature of the Act, it should be noted that it had a positive impact on the development and improvement of national regulations on the issue of combating terrorism.

The Council of Heads of Security and Special Services of the states, which are members of the Commonwealth of Independent States, was established by Council Decision of the Heads of State of the CIS on 28 March 1997 in order to interact and coordinate security bodies and special services in the fight against organized crime, international character and other agreed areas.

The Council of Heads of Security and Special Services is an organ of the Council of CIS Heads of State on matters within the competence of the special services of the Commonwealth.

In accordance with the Charter the Council of Heads of Security and Special Services has such tasks as:

- implementation of the effective collaboration in the fight against organized crime, international character and other agreed areas of the special services;
- implementation of decisions of the Council of Heads of States on issues related to the competence of special services;
- development of the proposals for the approximation of national legislation of the CIS member states, the development of the legal framework for international cooperation in the fight against organized crime and other agreed areas of special services [5].

The Council of Heads of Security and Special Services is actively involved in the implementation of the Programme of cooperation in the fight against terrorism and other violent manifestations of extremism, of the Interstate program of joint measures to combat crime, of the Program of cooperation in the fight against illicit trafficking in narcotic drugs, psychotropic substances and their precursors, adopted within the CIS [5].

The Council of Heads of Security and Special Services supports the information interaction with the statutory bodies of the Commonwealth and industry, with a number of whom agreements (protocols) were signed, and takes part in the coordination meeting of CIS bodies, to cooperate in the fight against crime.

For the strengthening of mutual understanding and joint efforts of special services in combating modern threats and challenges, primarily international terrorism and transnational organized crime, the Council attends the meetings as observers at meetings of heads of special services of the Council of Heads of Security and Special Services of Western States.

The CIS Anti-Terrorist Center (ATC) is an industry body of the Commonwealth of Independent States, providing coordination and cooperation of the competent authorities of the Commonwealth of Independent States in the fight against international terrorism and extremism. The ATC was formed by the decision of the Council of Heads of CIS countries 21 June 2000. On the 1 of December, 2000 the Decision of the Council of CIS Heads of State approved the Regulations on the CIS Antiterrorism Center [6].

Overall direction of the ATC is provided by the Council of Heads of Security and Special Services of the CIS member states.

The ATC interacts with the Council of Ministers of Internal Affairs of the CIS member states, the Council of Defence Ministers of the CIS member states, the Coordinating Council of Prosecutors General of the CIS member states, the Council of Commanders of Border Troops and other CIS bodies, their working bodies, as well as the Office for the Coordination of the fight against organized crime and other dangerous crimes in the territory of the CIS member states.

There are the following directions in the functional activity of the ATC:

- coordination;
- information-analytical;
- function of the assistance in the operational and investigative activities, conducting anti-terrorist operations, the international wanted persons who have committed terrorist crimes and hiding from criminal prosecution or execution of a judicial sentence;
- participation in the preparation of draft regulations to combat terrorism and extremism.

Within the first direction the ATC provides:

- 1) the development of proposals to the Council of Heads of State of the Commonwealth of Independent States and other bodies of the CIS on the directions of cooperation of the CIS member states in the fight against international terrorism and extremism;
- 2) ensures the coordination of the interaction of competent authorities of the CIS member states in the fight against international terrorism and extremism;
- 3) assists in the training of specialists and instructors of units involved in the fight against terrorism;
- 4) develops models concerted anti-terrorist operations and assists in their implementation;
- 5) participates in the development of the interstate programs of the CIS member states in the fight against international terrorism and extremism;
- 6) facilitate the exchange of experiences in the fight against international terrorism and extremism;
- 7) cooperates with international centers and organizations involved in the fight against international terrorism, as well as with relevant specialized agencies of other states.

The second direction of the ATC's practice is related to:

- 1) analysis of the incoming information on the status, dynamics and trends of international terrorism and other manifestations of extremism in the CIS's member states and other countries;
- 2) analytical studies on topical issues of the international anti-terrorist activities, preparation and organization issuing its own publications;
- 3) the formation and development of specialized data bank of the Centre with the possibility of combining the data bank of the security and intelligence services, data banks of other competent authorities of the CIS member states;
- 4) the provision of information to the competent authorities of the CIS member states participating in the formation of a specialized data bank.

The third direction is carried out practical cooperation between states — members of the CIS in matters of countering terrorism and extremism. The ATC takes part in the preparation and conduction of the regular anti-terrorist command and staff and tactical exercises, organized by the Council of Heads of State of the Commonwealth of Independent States; promotes interested CIS's member states in the preparation and conduction of search operations and complex operations to combat international terrorism and other manifestations of extremism, as well as in the international wanted persons who have committed terrorist crimes and hiding from criminal prosecution or execution of a judicial sentence.

Participation of the ATC in the rulemaking in the fight against terrorism and extremism is expressed in the preparation of model laws, regulations and international agreements affecting the fight against international terrorism and extremism.

Kazakhstan is an active participant in regional and international organizations: the Collective Security Treaty Organization (CSTO), the Shanghai Cooperation Organization (SCO), the Organization of Islamic Cooperation (OIC).

The CSTO is a political-military alliance, created on the basis of the CIS Collective Security Treaty (CST), signed in May 15, 1992. The objectives of the Organization are to strengthen peace and international and regional security and stability, the collective defense of the independence, territorial integrity and sovereignty of the Member States, in the attainment of which Member States give priority to political means.

In accordance with Article 8 of the Charter of the CSTO member states coordinate and harmonize their efforts in the fight against international terrorism and extremism, drug trafficking, narcotics and psychotropic substances, weapons, organized transnational crime, illegal migration and other threats to the security of the Member States [7].

Member States carry out their activities in these areas, including close cooperation with all interested States and international intergovernmental organizations with the leading role of the United Nations.

The highest body of the organization is the Collective Security Council (CSC). The Council consists of the heads of the Member States. The Council shall consider the fundamental issues of the Organization and shall take decisions aimed at implementing its goals and objectives, and provides coordination and joint action by Member States to achieve these goals.

The Council of Foreign Ministers (CFM) is a consultative and executive body of the Organization concerned with cooperation between Member States in the field of foreign policy.

The Council of Ministers of Defense (CMD) is a consultative and executive body of the Organization for coordination between member states in the field of military policy, military construction and military-technical cooperation.

The Committee of Secretaries of Security Councils (CSSC) is intended to implement the special role in the fight against terrorism and extremism. The CSSC is consultative and executive body of the Organization concerned with cooperation between Member States in their national security.

An important element of security and stability in the fight against terrorism and extremism is founded in June 15, 2001 the Shanghai Cooperation Organization.

On June 7, 2002 in St. Petersburg, the head of the SCO member states adopted the Charter of the SCO and the Agreement on the Regional Anti-Terrorist Structure (ARATS SCO) [8]. On January 1, 2004, the Executive Committee of the Regional Anti-Terrorist Structure was created (RATS) in Tashkent.

Regional Anti-Terrorist Structure is a permanent body of the SCO and is intended to facilitate coordination and interaction between the competent authorities of the SCO member states in the fight against terrorism, separatism and extremism.

The main functions of the SCO RATS are:

- coordination;
- information;
- regulatory;
- organizational.

The coordinating role of the SCO RATS is pronounced in the development of proposals and recommendations on the development of cooperation in the fight against terrorism, separatism and extremism for the relevant structures of the SCO, and in the assistance to the competent authorities of SCO member states in the fight against terrorism, separatism and extremism, including in accordance with the provisions of the Convention SCO Counter-Terrorism for the request of the SCO member states.

Considerable importance and information activities of the SCO RATS are the collection and analysis of information coming in from the RATS SCO member states on combating terrorism, separatism and extremism, the formation of the RATS databank, providing information requested by the competent authorities.

The RATS SCO exercises active participation in standards-related activities through the preparation of international legal documents concerning the fight against terrorism and extremism.

In organizational terms, the SCO RATS primarily assists in the preparation and conduction of anti-terrorist command-staff and tactical exercises at the request of assistance in the preparation and carrying out of operatively-search and other measures to combat terrorism, separatism and extremism at the request of the SCO member states.

For example, on the basis of the Programme of Cooperation of SCO member states in the fight against terrorism, separatism and extremism, and in accordance with the decision of the SCO RATS Council of 14 September 2012, on the territory of the Republic of Kazakhstan under the coordination of the Executive Committee of the RATS SCO a joint anti-terror exercises of the competent authorities of the Member States of the SCO «Kazygurt Anti-Terror 2013» was held in June 13, 2013. Delegation of the competent authorities of the Member States of the SCO, SCO Secretariat, the SCO RATS Executive Committee, the Ministry of

Defense, Ministry of Interior and the Ministry of Emergency Situations and Civil Defense of the Republic of Kazakhstan took part in it. It is noteworthy that representatives of the Anti-Terrorist Center of the CIS, CSTO, UN, OSCE, embassies of USA, France, Italy, the Islamic Republic of Iran, Afghanistan and India in the Republic of Kazakhstan were as observers [8].

In the course of command and staff exercises «Kazygurt Anti-Terror 2013»:

- the coordination of the main issues of interaction of participants teaching (secret service and law enforcement agencies) in joint anti-terrorist operations was carried out;
- the efficiency and effectiveness of schemes to inform and alert in the event of a crisis caused by the terrorist acts on an object crowded was tested;
- readiness of the security forces was increased;
- exchange of experience and strengthening of cooperation of SCO member states in the field of combating international terrorism was carried out.

Antiterrorist exercises like «Kazygurt Anti-Terror 2013» allow commanders and personnel of law enforcement agencies of the member states to improve the skills of planning, preparation and carrying out of special measures to curb preparing terrorist acts, detection and control of the activities of «terrorist groups», the release of hostages and carrying out operational investigative activities.

The practical effect of the activities of the SCO RATS is seen in the implementation of the international investigation of persons who have committed crimes of terrorism and extremist nature, for the purpose of criminal prosecution, in training specialists and instructors for anti-terrorist units in scientific and practical conferences, seminars to exchange experience in combating terrorism, separatism and extremism, in establishing and maintaining working relationships with international organizations dealing with the fight against terrorism, separatism and extremism.

For example, the Regional Anti-Terrorist Structure cooperates with the regional office of the UN Office on Drugs and Crime in Central Asia.

Thus, the versatile activities of the SCO RATS is of great importance to further strengthen of international cooperation and collaboration on joint counter-terrorism, peacekeeping and security in the region.

The initiative of the Republic of Kazakhstan for the convening of the Conference on Interaction and Confidence Building Measures in Asia (CICBMA) has greatly contributed to the dialogue and cooperation of the Central Asian region on topical issues of international security, countering terrorism and extremism. The idea to convene the Conference was first announced by the President of the Republic of Kazakhstan Nursultan A.Nazarbaev at the 47th session of the UN General Assembly in October 1992. The first CICBMA Summit held in 2002.

The Conference on Interaction and Confidence-Building Measures in Asia (CICBMA) is an international forum that brings together countries of the Asian continent, aiming to strengthen relations and cooperation among Asian countries in order to ensure stability and security in the region [9].

On September 14, 1999 in Almaty a meeting of Foreign Ministers of CICBMA Member States was held, on which the Declaration of Principles was signed, which for the first time laid the legal basis for an Asian security system, with concrete actions, measures and mechanisms for ensuring stability in the region.

In the concept of regional cooperation and security in Asia one of the priorities of the CICBMA is the joint fight against security threats such as terrorism and religious extremism, drug trafficking, weapons. For more than twenty years of its existence, the CICBMA has become an effective and universal structure to ensure security on the Asian continent.

Organization of Islamic Cooperation (OIC), of which the Republic of Kazakhstan has become a member since 1995, also makes an important contribution to the security, countering terrorism and extremism.

International legal co-operation of the Republic of Kazakhstan and the cooperation of law enforcement agencies and special services is carried out on the basis of bilateral agreements, which may be on the inter-state, intergovernmental and interdepartmental levels in combating international terrorism and extremism.

The National Security Committee of the Republic of Kazakhstan has been actively involved in the activities of international organizations.

The Anti-Terrorism Center of the National Security of the Republic of Kazakhstan was formed by the Order of the President of the Republic of Kazakhstan dated December 29, 2003. It is permanent inter-ministerial council for the coordination of activities of state bodies of the Republic of Kazakhstan in the field of counter-terrorism and other manifestations of extremism [10]. The structure of the ATC includes government agencies with the responsibility for the issues of combating terrorism: Committee on National Security, Security Service of the President of the Republic of Kazakhstan, the Ministry of Internal Affairs, Defence,

Emergency Situations, Justice, Culture, Communication and Information, Transport and Communications, Customs Control Committee of the Ministry of Finance.

The main activities of ATC are focused on:

- the coordination of anti-terrorist activities of state bodies;
- the collection and analysis of information on terrorist and other extremist threats;
- preparedness of state bodies to act in the event of a terrorist threat;
- organization and conduction of outreach;
- the development of regulations, joint plans and programs;
- cooperation with international centers and organizations;
- preparation and conduct of anti-terrorist measures.

The ATC provides interaction with the CIS Anti-Terrorism Centre, the Regional Anti-Terrorist Structure of the SCO, working bodies of the Collective Security Treaty Organization.

Summarizing the above discussion we can conclude that now the Republic of Kazakhstan carries out international legal cooperation to combat terrorism and extremism, threatening, first of all, state and public security, on next directions:

- Convention's forms of cooperation that are based on universal, regional and bilateral agreements and related institutions issuing;
- cooperation within the UN and international organizations;
- cooperation within the regional associations and groups of countries, among which the organizational and legal forms of collaboration and cooperation of Kazakhstan with the CIS member states have a special role;
- cooperation with foreign countries within the institution of legal aid;
- participation in the activities of international agencies to prosecute and punish perpetrators of terrorist acts.

Further optimization of the relationship of ATC with international centers and organizations involved in the fight against terrorism are required. Range of cooperation in this area should focus on the development of proposals for harmonization and development of national legislation in the field of counter-terrorism, the introduction and use of common terminology and conceptual apparatus, further expansion and deepening of joint anti-terrorist measures.

In the case of the national security of the Republic of Kazakhstan, the national security forces and in particular, special services have a major role in counter-terrorism. In general, today an appropriate legal framework is set up, issues of organizational and legal nature are resolved. International organizations actively interact. The current situation in the world is characterized by the fact that unfortunately there are attempts to hold military intervention in crisis situations from individual states bypassing the universally recognized international legal norms and principles in the field of security. The Republic of Kazakhstan supports the resolution of all issues in full compliance with the principles of international law, the rule of law and democratic principles in international relations. In this sense, our country does active and multifaceted activities both within the UN and in various international organizations.

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Қ.С.Мүсілімова

Ұлттық қауіпсіздік мәселелері бойынша Қазақстан Республикасының халықаралық ынтымақтастығының ұйымдық-құқықтық нысандары

Мақалада Қазақстан Республикасының «Қазақстан Республикасының ұлттық қауіпсіздігі туралы», «Терроризмге қарсы әрекет туралы», «Экстремизмге қарсы әрекет туралы» Заңдары және басқа нормативтік-құқықтық актілерді талдаудың негізінде ұлттық қауіпсіздік мәселелері бойынша Қазақстан Республикасының халықаралық ынтымақтастығының ұйымдық-құқықтық нысандарының өзекті мәселелері қарастырылды.

К.С.Муслимова

Организационно-правовые формы международного сотрудничества Республики Казахстан по вопросам национальной безопасности

В данной статье на основе анализа Законов Республики Казахстан «О национальной безопасности Республики Казахстан», «О противодействии терроризму», «О противодействии экстремизму» и иных нормативных правовых актов рассматриваются актуальные проблемы организационно-правовых форм международного сотрудничества Казахстана по вопросам национальной безопасности.

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