



The age of terror: how to combine efforts for counteraction at the level of international and national law?

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Abstract

The article reveals the problems of modern terrorism, which has spread almost all over the world. Political and legal documents of international and regional nature were reviewed and analysed, including 1937 United Nations (UN) Convention for the Prevention and Punishment of Terrorism, the UN Counter-Terrorism Strategy, the Strategy “Kazakhstan-2050”, and the legislation of the Republic of Kazakhstan. A number of consolidated measures are proposed that would allow for more effective fight against terrorism. Strengthening the rule of law and legal supervision, more active use of legal technologies for training and education will, to a large extent, contribute to the fruitful solution of problems related to the prevention of terrorism.

Keywords Terrorism · Religious terrorism · International cooperation in the fight against terrorism · UN Counter-Terrorism Strategy · Counter-terrorism legislation

Introduction

As modern reality shows, humanity has entered a new “era of conflicts”; conflicts and conflict-generating phenomena with a purely destructive essence have become dominant (Stancu 2019). They have radically changed the form, content, scale, and

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dynamics of their spread; the consequences of these conflicts are often unpredictable and very tragic not only for an individual but also for countries of the world as a whole. Such destructive and destabilising paradigms of a conflict include terrorism, extremism, and other similar deviations (Finch and McKendrick 2019; Oganesyanyan 2020; Onursal and Kirkpatrick 2019). Among them, terrorism stands out for its excessive aggressiveness, the basis of which is an act of violence, often committed in a public format (Tschantret 2020). Modern wars have transformed into hybrid or asymmetric ones, while terrorism has turned into an independent and global political and military force, into a method of permanent violence, through which the subjects of terrorist attacks are trying to influence a government, a state, and society to achieve their goals. The goals of terrorists are excessive, up to the change of the existing political system and the creation of a new state. Indicative in this regard are the large-scale political claims in the recent past of the so-called Islamic State (IS) or Daesh (Klausen et al. 2016).

The frequency with which terrorist acts are committed, the need for a deeper and more active study of the causes and consequences of the emergence and development of terrorism, the ways and means of legal regulation and counteraction, and prevention of terrorism determine the relevance and target of this study. The study aims to determine the specifics of terrorism as a criminal act, the driving forces provoking its commission, and the formation with its help of an intimidation policy that contributes to the achievement of terrorists' goals. At the same time, along with legal methods of counteraction, special attention is paid to the importance of such factor in this process as an ideological resource, a change in people's consciousness. This perspective of the study is very legitimate since terrorism as a negative socio-political phenomenon and a criminal act requires a cross-disciplinary approach, the development of a multidimensional position in disclosing its essence, and methods of legal suppression (Onat and Gul 2018). A one-line, highly specialised approach in considering such a subject of research as terrorism, and even more so—religious terrorism, is not effective and objectified. The authors believe that this kind of hypothesis is the only true.

Hatred is one of the driving forces of terrorism, as well as other violent actions that are destructive in nature (Ahmed 2018). The consciousness of an ordinary person dissociated by hatred can spontaneously direct him/her to illegal actions, while a terrorist acts deliberately, putting forward deliberate, predominantly political demands. His/her consciousness is also dissociated, but, at the same time, a certain rationalism is inherent in him/her in the approach to the tragic step he/she is taking (Hudson 2018). However, the truth is that terror does not lead to positive consequences; with the help of terror one cannot build a prosperous society, a respectable state; sacrifice in the name of terror has never received and will not receive an exalted assessment or deep spiritual acceptance by people. On the contrary, in the eyes of society, a terrorist is a criminal who has encroached on the most valuable thing—human life, on the right to exist in peace and obedience to the law (Horgan 2017).

Therefore, in the preparation and commission of terrorist acts, one of the main reasons may be the dissociation of the consciousness and psyche of an individual, who might also be possessed by religious feelings and ideas, sometimes reaching



fanaticism. In this context, in the literature, there is a correct conclusion that terrorism in the name of religion is unprecedented not only in the sphere of its activity and the choice of targets for an attack but also in its lethality and indiscriminate character (Al-Khattar 2003). It is also appropriate to recall that religious motivation is among the most ancient justifications for political violence in the world; religious wars and crusades at all times constituted a significant part of the most devastating conflicts (Lutz and Lutz 2008). In fact, religiously motivated terrorism is more dangerous and deadly than secular terrorism due to significant differences in the system of values and legitimisation. Fanaticism and violence are indisputably characteristic of religion in general and Islam in particular (Aaron 2008). Meanwhile, religious fanaticism often directs adherents to extremely destructive actions, as a result of which both representatives of the civilian population and adherents themselves perish. For example, in Taraz city (Kazakhstan), on November 12, 2011, a young man, an adherent of jihadism (M. Kariev) killed peaceful people and law enforcement officers and died himself. R. Makhatov, for religious reasons, committed a suicide bombing in the building of the National Security Committee of the Aktobe region, as a result of which three people were injured (May 17, 2011).

The destructive impact of terrorism on international relations becomes the reason and basis for conducting relevant scientific and doctrinal research. The phenomenon of terrorism has also been studied in detail in the field of international law: special attention is paid to the problems of national and global security in the paradigm of interstate conflicts (Saul 2008, 2009). Political, economic, religious grounds, military-humanitarian issues of terrorism have also been studied with regard to international law (Saul 2008, 2009). Human rights mechanisms, a combination of mechanisms of international and domestic law as the basis for anti-terrorist activities have been thoroughly studied in large-scale scientific projects of the last decade (de Friás et al. 2012). Scientists pay due attention to the retrospective of the phenomenon of terrorism, which is acquiring global features, with clear outlines of the periodisation of its formation (uprising—anarchism—liberation confrontation—religious conflict):

- (1) the revolutionary stage, covering the first half of the nineteenth century;
- (2) anarchist stage, covering the second half of the nineteenth century;
- (3) the stage of the liberation confrontation—until the 60s of the twentieth century;
- (4) a religious wave—from 60–70s of the twentieth century to the present (Gage 2011; Rapoport 2008).

The literature on international law, documents of international organisations note a national basis of terrorist organisations' formation. Now, the organisational structure of terrorism becomes transnational, and it becomes impossible to establish a single organisational centre (Security Counsel 2017; U.S. Government Publishing Office 2013). Modern international terrorism is rightly called religiously oriented; in its general structure, terror under the auspices of Islamic fundamentalism occupies a prominent place (Bureau of Counterterrorism n.d.; Country Reports on Terrorism 2015).



Materials and methods

Within the framework of this study, the norms and provisions of international and national law were used, namely:

- the 1937 UN Convention for the Prevention and Punishment of Terrorism (the historically first document on the fight against terrorism);
- the UN Counter-Terrorism Strategy;
- acts of regional international organisations as the foundation of the international legal struggle against terrorism;
- relevant acts of domestic legislation of different countries;
- the provisions of the Strategy “Kazakhstan-2050”;
- State programmes to counter religious extremism and terrorism in the Republic of Kazakhstan;
- the Criminal Code of the Republic of Kazakhstan;
- laws of the Republic of Kazakhstan "On countering terrorism" dated July 13, 1999, and "On countering extremism" dated February 18, 2005.

An analysis of the UN special conventions gives grounds for concluding that they are universal. The universality of anti-terrorist agreements is the basis of the global mechanism for combating terrorism. Tokyo Convention 1963, Hague Convention 1970, Montreal Convention 1971, Beijing Convention 2010 and their protocols contain provisions on the criminality of acts endangering the safety of civil aviation. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents is about the threat to cooperation between states. 1979 International Convention against the Taking of Hostages classifies acts of hostage taking as manifestations of international terrorism. 1980 Convention on the Physical Protection of Nuclear Material highlights the need to take nuclear non-proliferation measures and counter terrorism. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation criminalises acts against the safety of maritime navigation. 1999 International Convention for the Suppression of the Financing of Terrorism criminalises the provision of funds for terrorism by any means, directly or indirectly, unlawfully and intentionally. International Convention for the Suppression of Acts of Nuclear Terrorism 2005 criminalises possession of radioactive materials or the use or damage of a nuclear facility for terrorist purposes. The practice of applying conventional norms requires additional regulatory elements such as the resolutions of the UN Security Council and the UN General Assembly in the field of combating terrorism that have great rule-making potential.

To substantiate the destructive nature of terrorism and scientifically systematise international cooperation in the fight against terrorism, past and present events were used—the precedents of terrorist acts, their interpretation at the level of ordinary citizens, scientists, leaders of modern states.

The study of the conflict nature of terrorism is based on a content analysis of publications that reveal the cause-and-effect relationships of the development of



a terrorist scenario in a retrospective. The empirical experience of humankind shows that the modern era is composed of a multitude of terrorist acts—from desperate actions of lone individuals to the confrontation of entire worldview systems and wars of civilisations.

Based on the general and special scientific methods, the authors consider the nature and ways of occurrence of this type of crime, which entails huge human sacrifices, innumerable human losses, destruction of countries, their state-forming foundation. The analytics carried out in the course of the research reveals the reasons and level of intensification of the spread of religious terrorism, a high degree of its destructive nature. The use of a number of illustrative examples, historically and empirically determined, makes it possible to trace the transformation of human consciousness from the simplest form of its dissociation to religious fanaticism as the driving force of religious terrorism. The study provides examples of strategic and legal support for the fight against terrorism, including the religious one, assesses the role of international and national bodies in this process. The most important factor in effectively countering any type of terrorism is the unification of efforts of a state and civil society, the use of real and preventive measures that will significantly weaken the destructive potential of terrorism, its transformation into the core of civilisational clashes.

In the process of research, thus, a set of scientific methods of cognition was used, including:

- methods of analysis and synthesis, the use of which is due to the need to recreate the paradigm of cause-and-effect relationships of the emergence of modern terror;
- the method of systematisation, which helped to view terrorism as a destructive conflict-forming phenomenon;
- the comparative historical method, which made it possible to analyse the typology of terrorism, taking into account the historical context and factology;
- comparative studies allow identifying patterns and alternative ways of obtaining results and conclusions in terms of persuasiveness and accuracy;
- situational analysis and a method of legal modelling are focused on an integral consideration of the process of transition from discrete forms of committing terrorist acts to large-scale forms—clashes of a civilisational nature and methods of their legal suppression.

Descriptive and correlative approaches are gaining particular relevance as they make it possible to analyse legislative acts, both international and national, to find an effective legal solution to the problem under study, ways of implementing international legislative acts on countering terrorism into a national legal system.

Research and discussion

In the typology of terrorism, one of the leading places is currently occupied by religious terrorism, with roots dating back to the time of Moses. There were Christian, Jewish terrorist organisations that were capable of threatening national security, but



their activities were still local in nature, and later some of them were banned or disbanded—for example, “Warriors of Christ the King” (1969–1983), “Montana Freeman” (1994–1996) and others. Formed in 1966, the paramilitary Irish group “Ulster Volunteer Force” in 2007 underwent voluntary demilitarisation, the same path was followed from 1971 by the “Ulster Defence Association”, disarmed in 2010. Therefore, it is believed that religious terrorism is widespread in the modern period mainly in Muslim countries, and is based on the ideology of Islam, or rather, on those offshoots that, in fact, do not represent the true essence of this religion (for example, Salafism, Wahhabism—radical currents of Islam). However, one should not forget that true Islam is based on the principles of love for a human, it is noble in its essence and condemns, denies violence. The training of modern “shahids” based on the doctrine of jihad (war against the infidels) should be suppressed in the most categorical way. There is an opinion that in most cases terrorists only cover up their true intentions with religious slogans.

The conflict-forming nature of terrorism is manifested in its many forms, trends, and psychological vicissitudes. First of all, a conflict can form at the internal level—at the level of consciousness, psyche, when a person is subjected to methodical and purposeful personal processing and eventually becomes susceptible to changes in his/her consciousness. In this case, many external factors can play a certain role: economic and social—the disorder in life, when a person sees injustice in the distribution of material wealth, is deprived of state support; legal -when a person feels that his/her rights have been infringed. It is also a spiritual vacuum that he/she always and invariably seeks to fill. Therefore, it is important to establish what spiritual, ethical, and/or intellectual values and needs can become the driving motivation for the actions of a deviant-minded subject.

Terrorism as a “threat to peace” is also political in nature (Awotoye 2013). For political reasons, a person can also overreact to the forceful encroachment of another state on his/her country, on the faith that is natural to his/her people; thus, a person is imbued with a hatred of an aggressor, of representatives of a different confession. It was in this vein that the Chechen terrorists explained their actions during their seizure of the theatre on Dubrovka in Moscow (October 23, 2002), where the play “Nord-Ost” was staged. Extreme violence from the Russian army, suppressing the separatist aspirations of the Chechen people, the massacre of old people, women, children, and adolescents forced them, as they said, to take such a radical step. However, even this kind of impulse does not justify terror. For peaceful people are not guilty and are not responsible for some of the actions and orders of those in power, generating retaliatory actions in the form of terrorism and extremism. Thus, there is no justification for, for example, the terror staged on December 15, 2014, in the centre of Sydney by an armed radical religious leader Man Haron Monis, a native of Iran, as a result of which two people were killed and five people were injured. This includes the terrorist act in Pakistan, the victims of which were young children and schoolchildren. All terrorist acts committed in past years and at present are deeply condemned. These include the explosion of the A321 aircraft over Egypt, and a series of terrorist attacks in France, Turkey, Iraq, Russia, and other countries. On November 20, 2015, the UN Security Council, in Resolution 2249 (2015), condemned many terrorist attacks, including and above all committed by IS (Daesh).



In this context, it is true that terrorism has become a way of solving political, religious, economic, and national problems for other people, groups, organisations. These and other problems provoke an escalation of a conflict, and the confrontation, brought to the level of its apogee, is being transformed at the present stage into a war, a clash of civilisations (term by Samuel Huntington (2011)). At the centre of confrontations is a liberation struggle against the invaders, but most often—the religious collision, pushing neophytes to extreme forms of terror. The active clash of civilisations at the present stage, presumably, was triggered by the terrorist acts committed in the United States on September 11, 2001, by members of the terrorist organisation “Al-Qaeda”: a total of 2977 people died there, 24 were missing. According to experts, these terrorist attacks are the largest in history in terms of the number of victims (Dwyer and Flynn 2011; Friedman 2009; Noyegard 2004). In this regard, some high-ranking officials reasonably expressed the assumption that such civilisational confrontation was generated and intensified by the active military incursions of the United States into the Muslim countries of the Middle East, as a result of which these countries were destroyed and a huge number of inhabitants died (Porter 2014). It should also be noted that this confrontation of civilisations was a precondition for the emergence in 2003–2006 of the international terrorist organisation Islamic State, which spread to the territories of a number of Muslim states. Between 2013 and 2019, IS operated predominantly in Syria, Iraq, Libya, and the destabilisation of the region was accompanied by huge human and infrastructural losses.

The war of civilisations, caused by the conflict between two worldview systems, is by no means completed and continues to the present. In this regard, one should note the resonant tragic events related to the activities of the French satirical magazine “Charlie Hebdo” (founded in 1970). Charlie Hebdo magazine is famous for its cartoons on various topics. According to the French, the magazine embodies the freedom of speech and there are no taboo topics for its editorial staff. On January 7, 2015, part of the magazine’s employees, 12 people, including two police officers, were killed by radical Muslims—the brothers Cherif and Said Kouachi (Al-Qaeda and the Islamic State claimed responsibility for the attack). The reason: the magazine published rather indecent cartoons of the Muslim Prophet, and radical representatives of Islam took extreme measures in anger.

The Europeans perceived this as an encroachment on the freedom of speech, freedom of expression, as terror; a grandiose march was held in Paris in memory of the victims of the terrorist attacks. The prevailing part of the world community supported the anti-Muslim sentiment of the French, and only a representative of the Moscow Patriarchate noted at that time that the magazine put freedom of speech above the feelings of believers. In Ingushetia and Chechnya, actions were held against the cartoons of the Prophet and more than a million people took part in them.

Another major scandal related to these cartoons happened on October 16, 2020. A young Chechen (A. Anzorov) murdered the teacher of one of the French schools Samuel Paty, who, introducing children to democratic values, illustrated the lesson of freedom of speech with the aforementioned cartoons from Charlie Hebdo. There was a general and fair condemnation of the murderer and, at the same time, the condemnation of the demonstration of cartoons at school. French



President Emmanuel Macron, stating that freedom of speech will remain a priority in the country and the fight against terrorism will become an “existential battle”, promised that France will not abandon cartoons. The Muslim world, on the other hand, was agitated by the words of President Macron. Millions of people came out to protest against this policy—all Muslim countries. Macron was forced to reconsider his position in some way.

This situation testifies to how thin the line is in a whole series of dichotomies, such as: good and evil, peace and war, consciousness and reason, virtue and cruelty, feeling and word, spirit and body. As modern reality shows, this line cannot be ignored, hushed up, subjected to a rough interpretation. On the contrary, the world’s juridical community, led by the leaders of states, should focus its efforts on finding effective legal ways to stabilise and resolve this problem. Indeed, after the demand for the Muslim community to submit to the values of the French Republic in their faith, several more terrorist attacks took place in France: on October 29, three people were killed due to an attack by a native of Tunisia on those present in the main church of Nice. There were attacks in Avignon, in Paris, in Jeddah (Saudi Arabia), where a guard of the French embassy was attacked, on October 31, an unknown man fired a shot at a 52-year-old priest of a Greek church in Lyon. In addition, the country’s economy suffered somewhat.

Hence, it follows that it is very important for the leaders of states to be able to conduct a cautious, balanced policy in sensitive areas related to the feelings and beliefs of people, a policy of peace and tranquillity in a “swinging” world full of conflict-prone manifestations.

Today, therefore, no state can be sure that it is protected, insured against terrorism, the implementation of a terrorist act on its territory. The above-mentioned cases of terror in the world clearly testify to that. One must admit that terrorism is gaining strength, including religious terrorism, and it is unambiguous and indisputable that it is becoming a threat to the life of not only one country, but also the world community. Therefore, this topic requires permanent control, detailed study, and analysis; the problems of countering terrorism are now becoming relevant for any civilised society. Although it should be said that at this time, science and practice have not developed a unified and systemic definition of terrorism recognised by all states. This gap was especially sharply exposed, for example, when the Centre for Military-Strategic Studies of the Republic of Kazakhstan held, together with the George C. Marshall European Centre for Security Studies, a seminar on the topic “Dialogue on security issues in Central Asia: approaches to the use of hard and soft power in irregular war”. Within the framework of the dialogue, the problems of unconventional waging of wars were raised and the conversation turned to such negative forms of violence as extremism, separatism, terrorism. Unconventional warfare means an active confrontation between parties (countries, coalitions of states, political movements, social strata and groups) using non-conventional means to achieve decisive political, economic or other goals, resulting in profound changes in the life of the state (political forces) involved in this confrontation. Unconventional warfare can also include so-called modern hybrid warfare, which combines conventional and unconventional



forms of warfare, i.e. using both "soft power" and "hard power" models and tools together—all non-military and combat tools of warfare (Srikanth 2014).

Neither American nor Kazakh analysts could come to a consensus in defining the essence of these phenomena, which led everyone to the idea to develop and adopt a universal formulation that would represent all aspects that structure these types of violence.

However, today one thing is certain, a terrorist act has an intimidating effect on the population; terrorists use instruments of intimidation to achieve a predominantly political goal (Kibalnik 2016), and this feature distinguishes terror from a criminal offence.

Terrorism is often interpreted as the ideology of violence and the practice of influencing the decision-making of state bodies or international organisations by committing or threatening to commit violent and (or) other criminal acts related to intimidation of the population and aimed at causing harm to individuals, society, and a state. The Law of the Republic of Kazakhstan On Countering Terrorism deals with this issue (Adilet 1999).

The target of terrorism, as follows from observations, can have a wide range: from the adoption of laws acceptable to terrorists or the abolition of existing ones to the creation of a new state, a change in a country's political regime. Often, terrorism can and does, especially in our time, go beyond the borders of one state, establishing broad international ties, an extensive network of underground, illegal organisations linked by one leadership.

The high frequency of terrorist attacks causes the need to continue close and fruitful international cooperation. The UN Anti-Terrorism Conventions and Protocols provide the legal basis for multilateral action against terrorism. In this regard, the UN Counter-Terrorism Strategy puts forward as priorities four principles:

- (1) measures aimed at eliminating conditions conducive to the spread of terrorism;
- (2) measures to prevent and combat terrorism;
- (3) measures to build the capacity of states to prevent, suppress terrorism, and enhance the role of the UN system;
- (4) measures to ensure respect for human rights and the rule of law as fundamental to the fight against terrorism (UNRCCA n.d.).

At the same time, there are conflicts that are manifested in the analysis of the correlation of anti-terrorist norms incorporated into various international legal systems. The ambiguity in the contexts of different international legal documents makes it impossible to apply the law in the fight against terrorism, as was observed in the example of the European practice of countering terrorism in relation to the Guidelines on Human Rights and the Fight against Terrorism of the Council of Europe (Committee of Ministers 2002). There are facts when states, under the auspices of protecting national security and conducting anti-terrorist activities, ignore international legal standards that provide minimum humanitarian guarantees. A resonant case was in 2013 when the work of journalists of the



newspaper “The Guardian” (Great Britain) was restricted, information materials of the newspaper underwent forced seizure and destruction (Committee of Ministers 2013).

As for religious terrorism, the researchers, dwelling on Islamic terrorism as the dominant type, emphasise that Islamic terrorism is a complex socio-political phenomenon, manifested in intolerance towards representatives of other confessions, confrontation with state and public institutions. It is noted that religious terrorism’s features are:

- intransigence towards the civil secular society and the desire to replace it with an Islamic one, arranged according to Sharia law;
- the inadmissibility of the separate existence of religion and a state;
- denial of the unity of global civilisation and opposition of the Islamic zone to the rest of the world;
- intolerance to international law, denial of such key provisions as territorial integrity, inviolability of state borders;
- reliance on methods of destabilisation to achieve one’s goals, readiness to ally with destructive forces, use of harsh forceful methods, etc. (Vasilchenko 2014).

Meanwhile, according to some experts, there are currently about 150 illegal terrorist organisations in the world (other studies put the figure as high as 500). These figures, multiplied by the current ones, indicate that terrorism has indeed become one of the most dangerous challenges and threats to international security (Kondusov 2013). Indeed, this fact cannot be ignored in any way.

Sometime at the turn of the 18th–nineteenth centuries, French revolutionaries, destroying their opponents by means of terror, proclaimed: “Let terror be the order of the day!” (Genife 2003). Today the situation with this phenomenon is becoming similar, terror is beheld almost daily in this or that country through information channels. Terror enters our daily life and it is a disturbing symptom. It signals the need for the world community to intensify joint actions to counter terrorism, using the full range of legal means of international and national law. In the scientific literature, the concept of terrorism is rightly called elusive, and the pressing need is to coordinate the tactics of counteraction, to increase the effectiveness of international control mechanisms, rather than speculative and ambiguous attempts to define this most elusive concept of a terrorist crime (Di Filippo 2008). As noted above, the definition of international terrorism in international law has not been agreed upon and is not fully defined, despite the fact that political disputes have been waged on this fundamental definition throughout the last century. This circumstance is due to different objective reasons associated with a different understanding of the content of national security and an equally different understanding of the essence and forms of international terrorism. In fact, all this time, the development of a universal definition of terrorism has been the goal of international cooperation. Achieving a consensus of all interested world structures on the definition of international terrorism is vital for the specification of the obligations of states both under universal anti-terrorist documents and in the relevant resolutions of the UN Security Council. The absence of a general concept of terrorism explains the exclusion of terrorism as a crime from the



jurisdiction of the International Criminal Court (ICC). However, the modern doctrine of international law substantiates the advisability of including terrorism in the jurisdiction of ICC that will close some existing loopholes, not necessarily because the ICC will prosecute every terrorist, but instead because the crime itself will have a universal jurisdiction (Hoyos 2017).

At the level of a universal international organisation, at the beginning of the last decade of modern history, a need arose to adopt a comprehensive document, guidance for action in the fight against international terrorism in all its manifestations. Namely, a document with a flexible conceptual system, a single coordination policy, uniform response mechanisms, and a common system of preventive measures (General Assembly 2012). With the lack of a verified strategy for a revision of the set of existing UN anti-terrorist conventions and a comprehensive document of a global scale, it is quite logical to believe that the absence of a general international consensus on the definition of terrorism (within the framework of UN) unwittingly contributes to the moral and legal justification of terrorism (Moeckli 2008). Meanwhile, a constructive solution to this problem could create conditions for combining the efforts of states and international organisations to counter terrorism at the level of international and national law. A comprehensive international legal act is necessary to create a solid barrier, firstly, to eliminate the threat of abuse of legal norms and regulations, and secondly, to exclude the practice of using double standards in the implementation of a general counter-terrorism strategy.

Meanwhile, the Republic of Kazakhstan and its corresponding activities can be cited as an example of the application of international and national counter-terrorism legislation, the development and implementation of the strategy and tactics of universal counteraction to terrorism. For some time now, Kazakhstan has been forced to pay close attention to this problem, the peak of the intensification of terrorist acts in Kazakhstan fell on 2011. Kazakhstan is located between Europe and Islamised Central Asia, due to this, as experts say, a large number of illegal immigrants flock here, the number of people prone to deviant behaviour is increasing in migration flows, among them, there are extremists and terrorists, and those who would like to establish Muslim fundamentalism by violent methods, in other words, religious terrorists. The fight against Islamic terrorism intensified especially after the September 11, 2001 bombings in the United States and in connection with the UN concepts, strategies, and resolutions for countering terrorism. Numerous acts of terror committed on the territory of foreign countries contributed to the fixation in science of an international terrorism concept.

Kazakhstan is a party to all fundamental international acts in the field of combating terrorism. Special state services and law enforcement agencies of Kazakhstan actively interact with the following international organisations:

- Counter-Terrorism Committee (CTC) of the UN Security Council;
- the OSCE (Organisation for Security and Co-operation in Europe) Anti-Terrorist Unit;
- the CIS (Commonwealth of Independent States) Anti-Terrorist Centre;
- the SCO (Shanghai Cooperation Organisation) Regional Anti-Terrorist Structure;



- the Collective Security Treaty Organisation.

In January 2005 alone, 4 special meetings of the UN CTC with regional organisations were held in Almaty, where characteristics of modern terrorism were given and methods of countering it were determined. In Kazakhstan, based on the Law on Countering Terrorism (dated July 13, 1999), an internal system for coordinating countering religious extremism and terrorism was created under the auspices of the Anti-Terrorist Centre of the Republic of Kazakhstan. There are reasons for that. The total length of the state border of Kazakhstan is 14 thousand kilometres. Of these, about 3600 km fall on the southern borders. Three regions border with Uzbekistan—South Kazakhstan, Kyzylorda, Mangistau, with Kyrgyzstan—Almaty and Zhambyl. For the most part, the country borders with Russia, where researchers also note the concentration of terrorist forces in certain regions that are dangerous not only for Russians but also for neighbouring states. Therefore, one of the main tasks of Kazakhstan is to increase the country's defence capability and national security, to identify and strengthen the most vulnerable sections of its borders.

State security information on possible detentions of unwanted elements at the borders of the Republic of Kazakhstan for the most part is not disclosed. Nevertheless, it would be wrong to say that there are no facts of detention in Kazakhstan of migrants involved in criminal extremist groups. In recent years there is evidence of detentions of more than 70 foreigners involved in the activities of extremist or terrorist organisations on the territory of Kazakhstan. For example, in September 2019, terrorist attacks of seven Tajikistan citizens were prevented (terrorists were planning a series of explosions in Almaty). As a result of the subversive activities of the above-mentioned structures, 12 violent actions were committed only during 2011–2012; special services managed to neutralise 30 terrorist attacks from 2014 to 2017 (Informburo 2020). At the same time, these acts were mainly directed against employees of law enforcement agencies and special state bodies. According to statistics, in 2008–2013, the number of persons convicted of terrorist crimes increased from 27 to 171 people, for extremist crimes—from 56 to 168 persons, in total, as of June 2019, 662 Kazakhstanis were convicted (Hoyos 2017). Consequently, the problems of defence and national security, protection of the country from the invasion of extremist-minded elements and from their influence on citizens are relevant at the present time.

In Kazakhstan, significant work has been done to create and improve the legislative and organisational framework to identify and suppress the prerequisites for terrorism and extremism. The laws of the Republic of Kazakhstan “On Countering Terrorism” of July 13, 1999, and “On Countering Extremism” of February 18, 2005, were adopted. The laws provide the legal framework for preventing and countering extremism and terrorism, define the basic conceptual apparatus and competence of state bodies in this direction, as well as the basic principles of ensuring the protection of the rights and freedoms of citizens in this area. The new version of the Criminal Code of the Republic of Kazakhstan includes punishments for terrorist crimes provided for in a number of articles (Articles 170, 171, 173, 177, 178, 184). Chapter 10 “Criminal offences against public safety and public order” of the Criminal Code (Articles 255–261, 269–270) is devoted directly to terrorism and prescribes



specific sanctions for relevant acts, preparation, propaganda, conscription, creation, recruitment, aiding, financing of terrorist and extremist activities, etc. (Adilet 2014).

The Strategy “Kazakhstan-2050” pays great attention to the sphere of religious, interfaith, and interethnic relations of the Kazakh multinational state. The following is emphasised here: “Today the issue of non-traditional religious and pseudo-religious trends for our people is acute. Some young people blindly perceive this alien outlook on life, since a part of our society has a weak immunity to alien pseudo-religious influences” (Strategy2050.kz n.d.).

Therefore, among the priority tasks in the strategy are the counteraction to all forms and manifestations of terrorism, radicalism, and extremism, the need to strengthen the prevention of religious extremism in society, primarily among the youth, as well as the formation of a religious consciousness among the population, in accordance with the traditions and cultural values of a secular state.

State programmes to counter religious terrorism and extremism in the Republic of Kazakhstan are being systematically implemented. Now, upon completion of the programme for 2013–2017 (dated September 24, 2013, No. 648), the programme for 2018–2022 is being implemented (dated March 15, 2018, No. 124). The programmes are calculated for a five-year period and are based on an analysis of the religious situation in the country, taking into account the opinions and recommendations of experts and scholars specialising in these issues. At the same time, much attention is paid to the experience of the USA, Great Britain, Turkey, Israel, Saudi Arabia, and the Russian Federation. Besides, the programmes aim at the implementation of a number of measures aimed at preventing and eliminating certain manifestations of terrorism.

In the complex of state defence-strategic documents, the military doctrine of Kazakhstan (dated October 11, 2011) is of particular importance. It represents a system of views on ensuring the military security of the state, preventing wars and armed conflicts. It is a conceptual basis for the armed forces of Kazakhstan, the National Security Committee, the foreign intelligence service, the Republican Guard, the Ministry of Defence of the Republic of Kazakhstan, etc. In the doctrine, which has a defensive nature, one of the priority areas of countering modern threats to military security is the fight against international terrorism, including cyberterrorism, ethnic and religious extremism (Adilet 2017).

Conclusions

As law enforcement practice shows, the dynamics of political events increase from decade to decade. The bipolar stable world, having undergone an irreversible collapse, was replaced by an unstable multipolar world. As a consequence, the number of criminal acts is growing exponentially. Among them, terrorist acts are especially dangerous. Terror has become the driving force behind modern civilisational wars and confessional confrontations. Therefore, ensuring the national security of states and the world community, protecting it from terrorist threats and challenges through the improvement of relevant legislation and other strategic measures are becoming a fundamental trend in the modern world order.



In order for the process of countering terrorism to be successful, it is necessary for the scientific and expert community to conduct a permanent analysis of this issue, to analyse and correct strategic measures to combat terrorism, to diversify tactical actions aimed at preventing this dangerous type of criminal activity. Such measures are legislative support of counteraction, implementation of international legislation on the fight against terrorism into a national one, a clear definition of terrorism for the correct legal regulation and prevention. Strengthening the rule of law and legal supervision, more active use of legal technologies for training and education will, to a large extent, contribute to the fruitful solution of problems related to the prevention of terrorism.

Kazakhstan seeks to implement its counter-terrorism programmes in unison with the UN Counter-Terrorism Strategy. Kazakhstan invests significant efforts in neutralising and eliminating external threats, therefore, in the future, such actions as monitoring and suppressing the activities of international radical groups, monitoring the positions of terrorism and extremism in neighbouring countries should be a priority. On the other hand, it becomes extremely urgent to fight against internal threats that provoke the emergence of terrorist and extremist movements that encroach on the unity, territorial integrity of Kazakhstan, and internal political stability in the country. Therefore, there is a growing need to step up work to prevent financing, illegal distribution of weapons, ammunition, explosives, and other substances on the territory of the country that can be used for sabotage and terrorist acts.

In addition, the country needs, in accordance with international treaties and acts, to pursue a policy of peaceful resolution of international disputes and internal problems, to actively implement the planned volume of tactically important measures that will ensure the safety of people and society, and will further strengthen the stable development of the country.

Meanwhile, it is difficult to overestimate the role and importance of the country's diplomacy as an integral part of international counter-terrorism diplomacy in carrying out such a set of measures. Multilateral diplomacy includes negotiations on the adoption of measures to ensure agreed international political commitments that are legally justified and necessary for the fight against terrorism (Awotoye 2013). This kind of diplomatic activity, based on legal principles and provisions, significantly changes the picture of the struggle, making it significantly effective and efficient.

In general, as reality shows, in the fight against religious extremism and terrorism, the efforts of a state and society should be united. The idea of waging the fight against terrorism in accordance with the principles of protecting human rights, the sovereign equality of states, the collective responsibility of states in countering terrorism is highly relevant (Lehr 2018).

The role of civil society (represented by public associations, the media, and ordinary citizens) is essential in this situation. Civil society should not be completely indifferent. On the contrary, armed with the legal knowledge necessary for a joint struggle with state bodies, it must strengthen measures to counter religious and political extremism and terrorism, increase the level of legality and education, be able to oppose brutal ideas and appeals with humanistic ideas, ideas of tolerance, peace, and interethnic harmony. Only then this struggle, having become effective



and fruitful, will bring appropriate results, and conflict situations, properly regulated by legislative acts, will lose the property of extreme danger.

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Declarations

Conflict of interest The authors declare that there are no conflicts of interest related to this article.

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