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THE FIGHT AGAINST TERRORISM AS ONE OF THE MAIN AREAS OF ACTIVITY FOR THE CUSTOMS AUTHORITIES OF THE NEW UZBEKISTAN: THE LEGAL FRAMEWORK AND INTERNATIONAL COOPERATION

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Annotatsiya: Ushbu maqola "Yangi O'zbekiston" rivojlanish strategiyasi kontekstida milliy va mintaqaviy terrorizmga qarshi kurashish doirasida O'zbekiston Respublikasi bojxona organlarining rivojlanayotgan rolini o'rganadi. Ichki qonunchilik, Shanxay Hamkorlik Tashkiloti (SHHT), Mustaqil Davlatlar Hamdo'stligi (MDH) va Birlashgan Millatlar Tashkiloti (BMT) hujjatlari hamda Jahon bojxona tashkilotiga oid xalqaro hujjatlarning keng qamrovli tahliliga asoslanib (WCO). Ushbu dissertatsiya bojxona organlari iqtisodiy xavfsizlikka tahdidlarga, diniy ekstremistik mazmundagi materiallarning bojxona chegaralaridan o'tishiga va terrorizmni moliyalashtirishning oldini olishga qarshi birinchi mudofaa chizig'i sifatida faoliyat yuritishini ta'kidlaydi. Joriy qonunchilikdagi tizimli bo'shliqlar aniqlangan, "Bojxona terrorizmga qarshi qalqoni" (CATS) nomli original uch pog'onali model taklif etilgan va milliy bojxona qonunchiligini xalqaro standartlarga muvofiqlashtirish bo'yicha aniq tavsiyalar ishlab chiqilgan.

Kalit so'zlar: bojxona organlari; terrorizmga qarshi kurash; Yangi O'zbekiston; Shanxay Hamkorlik Tashkiloti; Mustaqil Davlatlar Hamdo'stligi; BMT Xavfsizlik Kengashi rezolyutsiyalari; terrorizmni moliyalashtirish; iqtisodiy xavfsizlik; xavfni boshqarish; raqamli bojxona.

Abstract : This article examines the evolving role of the customs authorities of the Republic of Uzbekistan within the national and regional counter-terrorism framework, in the context of the ‘New Uzbekistan’ development strategy. Based on a comprehensive analysis of domestic legislation, international obligations within the framework of the SCO, the CIS and UN instruments, as well as international documents relating to the World Customs Organisation (WCO). This thesis examines how customs authorities act as the first line of defence against threats to economic security, the movement of materials of a religious-extremist nature across customs borders, and the prevention of terrorist financing. Systemic gaps in current legislation are identified, an original three-tier model of the ‘Customs Anti-Terrorism Shield’ (CATS) is proposed, and specific recommendations are formulated for bringing national customs law into line with international standards.

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Keywords: customs authorities; counter-terrorism; New Uzbekistan; SCO; CIS; UN Security Council resolutions; terrorist financing; economic security; risk management; digital customs

Аннотация: В статье исследуется трансформирующаяся роль таможенных органов Республики Узбекистан в национальной и региональной системе противодействия терроризму в контексте стратегии развития «Нового Узбекистана». На основе комплексного анализа внутреннего законодательства, международных обязательств в рамках ШОС, СНГ и инструментов ООН, а также в международных документах, касающих Всемирной таможенной организации (ВТамО). Данный тезис рассматривает что таможенные органы выступают первой линией всеобщей защиты от угроз экономической безопасности, перемещения через таможенную границу материалов религиозного-экстремистического содержания а также предупреждения финансирования терроризма. Выявляются системные пробелы в действующем законодательстве, предлагается оригинальная трёхуровневая модель «Таможенного антитеррористического щита» (ТАЩ) и формулируются конкретные рекомендации по приведению национального таможенного права в соответствие с международными стандартами.

Ключевые слова: таможенные органы; противодействие терроризму; Новый Узбекистан; ШОС; СНГ; резолюции Совета Безопасности ООН; финансирование терроризма; экономическая безопасность; управление рисками; цифровая таможня.One of the key priorities for the development of ‘New Uzbekistan’ is ensuring security in the field of international trade. Furthermore, in order to counter threats to national security, the fight against terrorism has reached a qualitatively new level. This is precisely why it is becoming increasingly important to study the latest systems based on the experience of other countries in combating terrorism, such as the three-tier ‘Customs Anti-Terrorism Shield’ (CATS) model.This model presents a fundamentally different configuration of threats to national security, such as the smuggling of goods and illegal money laundering, which can be used to finance international terrorism.Within the emerging security system, customs authorities occupy a structurally unique position. Unlike other state security agencies, whose activities are by their very nature predominantly covert and reactive, or internal affairs agencies responsible for maintaining law and order within the national territory, customs authorities act as an institutional entity constantly present at the point where imports and exports of goods intersect. Every foreign trade transaction — the movement of goods, passengers or financial instruments — passes through a legal gateway, the control of which is exercised by the customs service.

This circumstance establishes the customs service as the most comprehensive and systematically applied filter in ensuring national security, a framework which includes the counter-terrorism system.At the same time, it appears that this role of the customs authorities remains theoretically underestimated. Academic discourse on counter-terrorism in Central Asia focuses primarily on the reform of law enforcement institutions, the judicial system and deradicalisation programmes [1; 2], whilst the customs dimension of counter-terrorism activities remains on the periphery of research attention. This article aims to address this gap and pursues three interrelated objectives: firstly, to describe the domestic legal and institutional framework for the anti-terrorism functions of customs; secondly, to assess Uzbekistan’s participation in key multilateral counter-terrorism mechanisms; and thirdly, to propose a systematic model for strengthening the counter-terrorism capacity of the country’s customs authorities.The scientific novelty of this work lies in the fact that, for the first time in domestic

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doctrine, an attempt has been made to conduct a comprehensive, cross-sectoral analysis of the counter-terrorism functions of Uzbekistan's customs authorities, and an original three-tier concept of the TAŠCH has been developed, which has no direct analogues in the existing literature.Within the legal framework for countering extremism and terrorism, under which Uzbekistan's customs authorities carry out counter-terrorism functions, there are three complementary levels: constitutional provisions, sector-specific legislation and subordinate regulatory acts.At the constitutional level, the provisions of the amended 2023 Constitution of the Republic of Uzbekistan are of fundamental importance. One of the constitutional provisions stipulates the provision of a legal framework for the protection of economic interests, property rights and entrepreneurial activity, which customs ensures in foreign trade operations. This provision serves as the constitutional basis for compulsory customs inspection — one of the key tools for detecting the financing of terrorism. In this way, the constitutional system simultaneously grants customs authorities the relevant powers and sets limits on their exercise.The Customs Code of the Republic of Uzbekistan serves as the fundamental regulatory framework for the sector. The current Code, adopted in 2016 and amended on several occasions, empowers the State Customs Committee (SCC) to carry out customs and border controls, grants it the right to inspect persons and goods, and obliges it to cooperate with national security agencies [3]. The Law of the Republic of Uzbekistan 'On Countering Terrorism' (No. 167-II, 2000, as amended) establishes the legal and institutional framework for the state's counter-terrorism activities. Article 6 of the Law explicitly obliges all state bodies — including the customs service — to participate in counter-terrorism measures within the limits of their competence [4]. At the same time, the Law does not specify the content of such measures as they apply to customs, which creates a regulatory gap and acts as a persistent source of legal uncertainty in law enforcement practice.Presidential Decree No. UP-60 'On the Development Strategy of New Uzbekistan for 2022–2026' lists the modernisation of border infrastructure and the digitalisation of customs procedures among national priorities [5], thereby establishing a top-level political mandate for systemic reform.It should be noted that the current legal framework is functionally adequate. However, whilst Uzbekistan possesses the necessary legislative elements to implement effective customs anti-terrorism controls, these elements are not integrated into a coherent, purpose-built system. It appears that consolidating counter-terrorism powers and procedures within a separate chapter of the Customs Code or a standalone Customs Act would constitute a significant step forward,

capable of eliminating the identified structural imbalances and improving the law enforcement mechanism in a timely manner.International cooperation in the field of counter-terrorism includes: Resolution 1373, adopted by the Security Council at its 4385th meeting on 28 September 2001, in which it resolved that all Member States should ensure that any person involved in the financing, planning, preparing or committing terrorist acts, or in supporting terrorist acts, is brought to justice, and further recalls its decision that all Member States shall ensure that, in their domestic laws and regulations, the acts described in paragraph 6 of Resolution 2178 are classified as sufficiently serious criminal offences to warrant prosecution and the imposition of penalties commensurate with the gravity of the offence in question. [6]. Within the framework of the Shanghai Cooperation Organisation (SCO), the key document is the Shanghai Convention on Combating Terrorism, Separatism and Extremism (2001), which sets out commitments regarding mutual legal assistance and joint operations [7]. The SCO Regional Anti-Terrorist Structure (RATS), headquartered in Tashkent, maintains databases of individuals and organisations involved in terrorism. At the same time, the integration of RATS

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information resources into day-to-day customs risk profiling procedures is underdeveloped and requires targeted improvement. The SCO Agreement on Cooperation in Combating Illicit Drug Trafficking (2014) also serves as a legal framework in this area, as proceeds from drug trafficking constitute a significant source of terrorist financing in the region [8]. It is noteworthy that the link between 'drug trafficking and terrorist financing' is often underestimated precisely because both phenomena traditionally fall within the remit of different agencies: drug control under the Ministry of Internal Affairs, terrorism under the State Security Service, whilst customs is viewed merely as a supporting player. Meanwhile, it is precisely the customs post that serves as the only point where both flows—contraband goods and the associated financial transactions—intersect simultaneously and are accessible for real-time monitoring.Within the CIS, the Treaty on Cooperation among Member States in Combating Terrorism (1999) and the Agreement on Mutual Assistance in Customs Matters form the legal basis for the exchange of information on suspicious cargo and individuals [9]. The CIS Anti-Terrorism Centre (ATC) acts as a coordinating mechanism, whose activities periodically overlap with customs intelligence; however, the potential of this cooperation is not being fully realised.The World Customs Organisation's Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework, 2005, revised 2021) serves as the global regulatory benchmark for customs security [10]. The State Customs Committee is systematically bringing national procedures into line with the SAFE standards: a risk management system and the Authorised Economic Operator (AEO) scheme have been introduced. At the same time, the application of the section on advance cargo information remains incomplete, which limits the State Customs Committee's ability to assess threats before cargo arrives at the customs post.Based on the analysis conducted in accordance with international law, it appears possible to identify three main channels through which terrorist organisations exploit cross-border flows and which customs authorities are capable of blocking.The first channel involves the smuggling of weapons, explosives and dual-use goods. Uzbekistan's geographical location, bordering Afghanistan, makes this channel particularly acute. Modern terrorist logistics are characterised by the increasing use of components, each of which individually corresponds to standard commodity classifications, but which, when combined, form elements of weapon systems or components for improvised explosive devices

(IEDs). Effectively combating such smuggling requires not only up-to-date risk profiles, but also systematic cooperation with intelligence agencies to ensure the timely identification of new supply chains.The second channel is the financing of terrorism. The FATF has identified the practice of manipulating the value, quantity or description of goods in trade transactions for the purpose of moving illicit funds as one of the key instruments for financing terrorist activities [11]. Customs authorities act as the primary control body in this area, as they physically inspect the very goods that are the subject of trade documentation. Uzbekistan's participation in the Eurasian Group (EAG) provides a regulatory framework, but translating this into systematic detection procedures requires targeted investment in staff training and coordination with the prosecution authorities.The third channel involves the movement of foreign terrorist fighters (FTFs). The repatriation of Uzbek citizens from zones of armed conflict in Syria and Afghanistan under the state humanitarian programme 'Mehr' clearly illustrates both the humanitarian and security dimensions of this issue. Customs authorities, in conjunction with border services and the State Security Service of the Republic of Uzbekistan, act as the first physical line of control. Advance Passenger Information (API) systems, biometric verification and integration with the RATS and Interpol databases are key

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technological prerequisites for the implementation of this function.Based on the above, the concept of the 'Customs Anti-Terrorism Shield' (CATS) has been developed — a three-tier operational model providing systematic coverage of anti-terrorism functions within the customs mandate. The CTS concept differs from existing approaches in that it views counter-terrorism control not as a set of isolated measures, but as a continuous management cycle with a mandatory feedback loop.The first level is preventive. It covers activities carried out prior to the arrival of goods or persons at the border: systems for advance cargo notification based on artificial intelligence algorithms, analysis of passenger data through cross-referencing with RATS and Interpol databases, as well as proactive data exchange with the SCO, CIS and UN authorities. This level serves to anticipate threats — generating operationally relevant information before they materialise at the border crossing point.The second level is detection. It encompasses the full range of physical and documentary checks at border crossing points: non-intrusive screening technologies (X-ray and gamma scanners), canine services, verification of financial documentation, biometric identity confirmation, as well as checks on the declaration of cash and financial instruments. The effectiveness of the second level depends on the quality of the risk profiles established at the first level.The third level is response and analysis. It governs actions following the positive identification of a threat: coordinated response protocols involving the State Customs Committee, border services, the State Security Service and the public prosecutor's office; documentation of cases for criminal proceedings; and — crucially — systematic feedback mechanisms that translate investigation results into refined risk criteria for the first level. The analytical function of the third level transforms the Customs Service from a static checkpoint institution into a learning organisation of an adaptive type.The study conducted allows us to draw three fundamental conclusions.It should be noted that Uzbekistan's current legal framework in the field of customs anti-terrorism controls is characterised by functional adequacy, yet suffers from a lack of architectural coherence. Anti-terrorism provisions, scattered across numerous regulatory acts, require consolidation — either within a specific chapter of the Customs Code or in the form of a

separate Law on Customs Security. Such consolidation would eliminate legal uncertainty, clearly delineate inter-agency roles and create appropriate conditions for judicial oversight.It appears that Uzbekistan's participation in multilateral counter-terrorism instruments — the UN, SCO, CIS, and WCO — forms a solid regulatory foundation; however, the transposition of international obligations into domestic operational practice remains uneven. Specific gaps requiring timely improvement include: incomplete implementation of PNR data exchange in accordance with the requirements of UN Security Council Resolution 2396; insufficient integration of RATS information resources into customs risk profiling; partial application of the SAFE chapter of the WCO on advance cargo information.The proposed TASCH model serves as a practical organisational tool for addressing the identified gaps. Its three-tier structure — the preventive level, the detection level, and the response and analysis level — corresponds functionally to the counter-terrorism channels described earlier, whilst the integrated feedback loop ensures the adaptive improvement of the system in real time.The implementation of the 'New Uzbekistan' strategy, which envisages establishing the country as a stable pillar of Central Asia, objectively necessitates the commensurate development of the security system. The Customs Service of the Republic of Uzbekistan functions not only as a fiscal regulator but also as a fully-fledged institution ensuring state security at the country's external borders. The timely improvement of its legal framework, institutional architecture and technological

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capabilities is a prerequisite without which the ambitions of New Uzbekistan on the international stage cannot be fully realised.

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