

UDC 341

TRANSNATIONAL SECURITY: CONCEPT, SYSTEM, AND RESPONSES TO CONTEMPORARY CHALLENGES AND THREATS

V. V. MERKUSHIN^a

^a*Belarusian State University, 4 Niezaliezhnasci Avenue, Minsk 220030, Belarus*

Abstract. From the standpoint of contemporary international law, this article examines the formation of a new collective security framework – transnational security. It addresses the concept and characteristics of transnational security, its relationship to collective and national security, and the institutional aspects of its mechanisms. The study of transnational security offers a more integrated and up-to-date perspective on international security as a whole. Transnational security addresses challenges and threats beyond exclusive national jurisdiction that are not adequately addressed by the existing collective security arrangements envisaged in Chapter VIII of the UN Charter. Transnational security emerges from international legal cooperation targeting cross-border organised crime and associated threats, including terrorism, cybercrime, armed conflict, illicit economies, emergencies, corruption, and unlawful activities by non-state actors.

Keywords: transnational security; collective security; regional security; national security; transnational organised crime; modern challenges and threats; international law.

Acknowledgements. The author is grateful to doctor of science (law), professor E. F. Douhan for expert evaluation and constructive feedback on the article draft.

Образец цитирования:

Меркушин ВВ. Транснациональная безопасность: понятие, система, противодействие современным вызовам и угрозам. *Журнал Белорусского государственного университета. Международные отношения*. 2025;2:15–20 (на англ.). EDN: ZOGTFI

For citation:

Merkushin VV. Transnational security: concept, system, and responses to contemporary challenges and threats. *Journal of the Belarusian State University. International Relations*. 2025;2:15–20. EDN: ZOGTFI

Автор:

Владимир Владимирович Меркушин – кандидат юридических наук, доцент; докторант.

Author:

Vladimir V. Merkushin, PhD (law), docent; doctoral researcher.
valdshin@mail.ru

ТРАНСНАЦИОНАЛЬНАЯ БЕЗОПАСНОСТЬ: ПОНЯТИЕ, СИСТЕМА, ПРОТИВОДЕЙСТВИЕ СОВРЕМЕННЫМ ВЫЗОВАМ И УГРОЗАМ

В. В. МЕРКУШИН¹⁾

¹⁾Белорусский государственный университет, пр. Независимости, 4, 220030, г. Минск, Беларусь

Аннотация. С позиции современного международного права исследуются актуальные проблемы формирования новой системы коллективной безопасности – транснациональной безопасности. Особое внимание уделяется понятию и характеристике транснациональной безопасности, определению ее места и роли в контексте коллективной и национальной безопасности, анализируются институциональные аспекты механизма транснациональной безопасности. Исследование проблем транснациональной безопасности подразумевает современный более системный взгляд на проблемы международной безопасности в целом. В сферу деятельности транснациональной безопасности входят все вопросы, которые имеют отношение к противодействию вызовам и угрозам, не подпадающим под исключительную национальную юрисдикцию, и в должной мере не охватываются возможностями системы коллективной безопасности в соответствии со ст. VIII Устава ООН. Транснациональная безопасность представляет собой формирующийся феномен, «выросший» из международно-правового сотрудничества в сфере борьбы с трансграничной организованной преступностью и релевантно связанными с ней иными вызовами и угрозами, такими как международный терроризм, киберпреступность, вооруженные конфликты, теневая экономика, чрезвычайные ситуации, коррупция, противоправная деятельность негосударственных субъектов и пр.

Ключевые слова: транснациональная безопасность; коллективная безопасность; региональная безопасность; национальная безопасность; транснациональная организованная преступность; современные вызовы и угрозы; международное право.

Благодарность. Автор выражает благодарность доктору юридических наук, профессору Е. Ф. Довгань за высочайшую экспертную оценку и конструктивные рекомендации при подготовке настоящей статьи.

Introduction

A pressing issue in international law today concerns the theoretical foundation and normative framework for addressing existing and emerging threats to state security.

The Preamble of the UN Charter identifies international peace and security, good neighbourliness, sustainable development, fundamental human rights, and human dignity as primary targets of such threats. Yet the current concept of «security» differs significantly from that which informed the UN Charter [1, p. 27]. This divergence arises because modern threats to state security, both internationally and domestically, present a fundamentally new character and scale.

These phenomena typically exist in symbiotic relationships. Within this context, the primary threat is transnational organised crime and its associated challenges: corruption, international terrorism, armed extremism, illicit trafficking in drugs and weapons (including weapons of mass destruction), human trafficking (especially of women and children), irregular migration, refugee flows, cybercrime, piracy, smuggling, money launde-

ring, and the spread, sometimes deliberate, of infectious diseases.

The term «transnational threats», as used by UN specialists¹, aptly describes these issues and aligns with the concept of «transnational security». However, while the term «transnational threats» is well defined, the concept of transnational security remains underdeveloped in international law doctrine.

Comprehensive studies of this issue are virtually absent. Available scholarship [2–4] analyses only particular aspects of cross-border security, diverting from the core problem to focus on narrow issues (such as specific threat types or specialised organisational activities), thus losing consistency and focus.

Clarifying this gap requires acknowledging transnational security as an emerging international legal phenomenon, possessing distinct system-forming features and elements that differentiate it from established concepts such as «collective security» and «national security». This view supplements the universally acknowledged principle of security's indivisibility², even

¹For example, the Encyclopedia Britannica repeats this approach and points out that «transnational threats, security threats that do not originate in and are not confined to a single country. Terrorism, organized international crime, and the possible acquisition of weapons of mass destruction (WMD) by nongovernmental groups are commonly cited as examples of transnational threats» (here and further translated by us. – V. M.). See: Transnational threats // Britannica : website. URL: <https://www.britannica.com/topic/transnational-threat> (date of access: 04.01.2025) (in Russ.).

²Conference on security and co-operation in Europe final act // Organization for Security and Co-operation in Europe : website. URL: <https://www.osce.org/files/f/documents/5/c/39501.pdf> (date of access: 04.01.2025).

though that principle is not always observed in practice because of bloc-based interpretations and priorities³. On the contrary, it creates additional scope for developing original security mechanisms using existing and generally recognised legal instruments.

At present, this system rests mainly on the United Nations Convention against transnational organised crime of 15 November 2001 and its three protocols, the United Nations Convention against corruption of 31 October 2003, the Single convention on narcotic drugs of 30 March 1961, the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances of 20 December 1988, the International convention for the suppression of the financing of terrorism of 9 December 1999, and related treaties.

The ongoing processes of institutionalisation – for example, the admission of the Republic of Belarus to the

Shanghai Cooperation Organisation (SCO)⁴, the expansion of BRICS competences and the growth in its membership⁵ – show that the emerging order is not only multipolar, but also «multi-union». This configuration underpins both collective and transnational security.

Today, the regionalisation of international relations increasingly displaces globalist approaches to constructing a «rules-based» order. It enhances the role and capacity of regional organisations and their security regimes, such as the CIS, ASEAN, CSTO, NATO, EU and the OAS. In practice, the Euro-Atlantic and Eurasian security architectures form key pillars of transnational security.

Accordingly, this article aims to develop and substantiate a model of transnational security grounded in existing mechanisms of collective (regional) security, particularly in the context of combating transnational organised crime.

Results and discussion

The concept and characteristics of transnational security. Currently, no unified concept of transnational security exists. Western legal scholarship examines some of its dimensions [2–6], but in the post-Soviet states the subject remains largely unexplored. To construct a working concept of «transnational security», it is useful to start from the lexical meaning of the term. It consists of two core elements that underlie the methodology for studying this phenomenon. The first element is the word «security»⁶, which authoritative encyclopaedias describe as «the most important guarantee of human development». Threats to security fall into three categories: 1) those endangering individuals, society and the state; 2) those targeting government directly; 3) those affecting primarily individual citizens. The second element is lexeme «transnational» which means «not confined to the territory of a single state, extending beyond its borders and covering several countries»⁷. For example, S. Ozhegov and N. Shvedova's explanatory dictionary adopts a dichotomous approach. It interprets the first component of «transnational», *trans-* as «movement through a certain space... located outside something», while the second component *national* denotes features specific to a particular nation, that is, inherent in it [7, p. 398].

Some international law scholars (for example, A. F. Douhan) interpret the term «security» in two main ways. In a narrow sense, it means the absence of inter-state armed conflict, reflecting the understanding at the

UN Charter's adoption. In a broader sense, security has expanded in response to the internationalisation of contemporary challenges and threats, leading to the concept of comprehensive and indivisible security after the adoption of the UN Charter and up to the present [1, p. 27–28]. Professor T. Franck supports this view. In his analysis of evolving threats to international peace and security, he emphasises their deliberately exported and cross-border character [8, p. 601].

Accordingly, scholars working in international law doctrine, Western securitisation theory and related fields – including M. Sheehan [4], B. Buzan and L. Hansen [9], D. Baldwin [10], M. Lichty, G. Arcudi and M. Vonlanten [11], L. Shelley [12], and T. Krussmann [13] – have increasingly emphasised the problem of transnational organised crime and its associated risks, challenges and threats to state security.

At present, transnational organised crime constitutes a particularly serious international legal phenomenon. It involves the systematic commission of unlawful acts by criminal organisations and other actors, in more than one state, in violation of international and national law, for the direct or indirect acquisition of financial or material gain and other benefits. Such activity threatens the security of states.

In sum, transnational organised crime lies at the core of the concept of transnational security. It encompasses diverse threats to both national and international security, including illicit drug and arms trafficking,

³Sergey Lavrov's press conference on the results of Russian diplomatic activities in 2024 // Youtube : website. URL: <https://www.youtube.com/watch?v=jJLZwn5x-NA&t=6613s> (date of access: 14.01.2025) (in Russ.).

⁴Belarus has become a member of the SCO // BelTA. URL: <https://belta.by/politics/view/belarus-stala-chlenom-shos-645532-2024/> (date of access: 06.04.2024) (in Russ.).

⁵Lukashenko approves Belarus' participation strategies in SCO and BRICS // mail.ru. URL: https://news.mail.ru/politics/64450870/?frommail=1&utm_partner_id=625 (date of access: 06.01.2025) (in Russ.).

⁶Security // Dictionaries : website. URL: <https://rus-brokgauz-efron.slovaronline.com/12580-%D0%91%D0%B5%D0%B7%D0%BE%D0%BF%D0%B0%D1%81%D0%BD%D0%BE%D1%81%D1%82%D1%8C> (date of access: 06.04.2024) (in Russ.).

⁷Transnational // Academic : website. URL: <https://translate.academic.ru/transnational/en/ru/> (date of access: 04.04.2024) (in Russ.).

trafficking in persons, irregular migration, corruption, money-laundering and related criminal conduct⁸.

The issue of transnational organised crime presents dual significance: both for clarifying contemporary state security threats and for identifying additional elements required to develop and justify the proposed security framework.

In this context, several key questions arise in building a model of transnational security. First, what are the principal, objective factors that drive the emergence of transnational security from the standpoint of international law? Second, who are the actual and potential actors posing threats to such security? Third, what are the main avenues for developing international legal mechanisms to counter transnational crime today? Fourth, what obstacles will inevitably confront the establishment of a transnational security system, given the constraints of international law (in particular, unilateral sanctions and over-compliance)? Fifth, how, and with what degree of effectiveness, can states (notably the Republic of Belarus) safeguard the implementation of their national interests?

Subsequent sections propose a concrete framework for addressing these questions.

Transnational security in the context of national and collective security systems. From a systemic perspective, the concept of transnational security relates closely to the concepts of «national security» and «international (collective) security». In relation to national security, transnational security involves extending security measures beyond national jurisdiction to protect state interests. This occurs in contexts of competing jurisdictions or critical situations involving state and non-state actors. Regarding collective security, transnational security operates as a distinct international legal regime most effectively implemented through regional arrangements for collective (international) security.

Unlike collective security, whose primary object under international law is international peace and human security and whose participants are the principal subjects of international law (states), the sphere of transnational security extends to additional actors. Alongside states, it may encompass individuals and legal persons that lack international legal personality, such as multinational corporations, international non-governmental organisations and private military and security companies. Subjects of transnational security can also affect national interests and generate new threats to international peace and security, such as transnational organised crime and international terrorism, «through direct

participation in world politics, including in various kinds of conflict» [14, p. 299–302].

In our view, the legal scope of transnational security differs from that of national security in four key aspects: 1) spatial and territorial reach (national security is generally confined to the state's territory, where its competent authorities can act effectively); 2) threat actors (threats to transnational security are usually posed by persons or entities acting in a personal or corporate capacity, without official state authority); 3) types of threats (these are often not covered by Chapter VII of the UN Charter, but remain compatible with the principles and norms of international law and with domestic legislation); 4) types of jurisdiction (measures may extend beyond national territory to protect legitimate state interests (extraterritorial jurisdiction), potentially creating competing jurisdictional claims). I. V. Fisenko has noted, using the example of criminal law's spatial operation, that this framework rests on territorial and national principles derived from state sovereignty [15, p. 163].

This raises concerns about protecting national interests within limited legal frameworks, especially amid unilateral sanctions, compliance challenges, and instances of over-compliance [16]. Such constraints represent vulnerability factors for national interests.

The jurisdictional debate also highlights another key issue: the outer boundaries of the legal configuration of transnational security. This concerns the transfer, or «export», of national interests beyond national jurisdiction to the territory of a foreign state, for example, to conduct intelligence or operational-search activities as well as to other domains, such as outer space for reconnaissance satellites, the high seas, and cyberspace, for similar purposes. This put the question of how authorised entities will provide legal, technical, and other assistance under such conditions, and on what legal basis.

When government or non-state actors enter such «risk zones» in international relations, their actions may conflict with other national interests or international law norms, creating «security zones of national interests». This occurs particularly where the threat to national interests exceeds its immediate realisation – for instance, in cases involving the potential use and proliferation of nuclear and other weapons of mass destruction.

Consequently, transnational security should be understood as a distinct security system of states, grounded in an international legal framework for countering transnational organised crime and related contemporary

⁸See: 9th United Nations Congress on the prevention of crime and the treatment of offenders // Digital library : website. URL: <https://digitallibrary.un.org/record/172272?v=pdf#files> (date of access: 06.04.2024) ; Draft Bangkok declaration synergies and responses: strategic alliances in crime prevention and criminal justice // United Nations : website. URL: <https://www.un.org/webcast/crime2005/statements/25draftbkkdeclaration.pdf> (date of access: 09.04.2024) ; Resolution adopted by the Economic and Social Council on 23 July 2019. E/2019/30 // Ibid. URL: <https://documents.un.org/doc/undoc/gen/n19/233/90/pdf/n1923390.pdf> (date of access: 14.01.2025) ; Resolution adopted by the Economic and Social Council on 23 July 2024. E/RES/2024/9 // Ibid. URL: <https://documents.un.org/doc/undoc/gen/n24/229/17/pdf/n2422917.pdf> (date of access: 14.01.2025).

challenges and threats (including international terrorism and its financing, money laundering, corruption and cybercrime). States implement this system through specialised cooperation between states and international organisations, primarily regional organisations, as well as other competent actors such as international non-governmental organisations and, in certain cases, individuals and legal persons.

Organisational and legal aspects of transnational security. On the one hand, universal institutional mechanisms function under the strategic direction of UN organs and institutions, supported by specialised international organisations such as the International Criminal Police Organization, the Financial Action Task Force on Money Laundering, the Eurasian Group on Combating Money Laundering and Financing of Terrorism, and the Group of States against Corruption.

On the other hand, regional organisations play an equally important part – namely the CIS, CSTO, SCO, EU, NATO, CE, and OSCE among others (these organisations are introduced and discussed on p. 4).

While these universal organisations possess a certain degree of specialisation, regional organisations tend to be more multifunctional and enjoy broader capabilities. As A. F. Douhan notes, «like the UN, [they] can operate across various domains and employ multiple means of maintaining international peace and security, including... countering modern challenges and threats» [1, p. 38]. Drawing on Chapter VIII of the UN Charter, the scientist characterises regional organisations as both an «element» and a «mechanism for unified collective security» [1, p. 39]. The new Concept of national security of the Republic of Belarus for 2024 (Chapter 2, para 9) underlines the importance of this mechanism for Belarus' national interests.

Building on A. F. Douhan's research, which proposes treating counter-measures to modern challenges and threats as an independent element of collective security [1, p. 38], we identify objective features that reveal an emerging, though not yet fully articulated, framework of «transnational security».

First, contemporary cross-border threats originate from state territories and from the activities of government agencies and institutions tasked with ensuring national security. Second, an established international legal mechanism now counters these threats. It is strategically coordinated by the United Nations, particularly

in the suppression of transnational organised crime and associated threats such as drug trafficking, human trafficking, corruption and terrorist financing, and is grounded in the 2000 UN Convention against transnational organised crime.

Other international bodies and organisations, especially regional ones, also regulate cooperation between states in combating transnational organised crime by creating various institutional and legal instruments. Within the CIS, for example, interstate crime-control programmes are implemented, model laws are developed to harmonise member states' legislation, joint tactical operations, exercises, training and retraining of personnel are conducted, information is exchanged, and specialised databases are established.

Current trends in international relations shape our understanding of transnational security and reveal a further trend. Globalisation (particularly in the global economy) combined with advances in information and communication technologies and digital platforms, now enable the isolation of «toxic» actors through unilateral sanctions and over-compliance. This primarily affects states that resist the prevailing Western order, dominated uncompromisingly by the United States and its NATO allies.

On the one hand, contemporary international law displays a systemic anomaly: key actors interpret and apply its principles and rules in an arbitrary manner, including in the fields of disarmament and nuclear safety, and in efforts to counter international terrorism and transnational organised crime. On the other hand, regionalisation is progressing through the growing influence of new Eurasia-oriented regional organisations (such as the CIS, SCO, ASEAN and CSTO).

The mandates of these organisations now cover a widening range of threats. Alongside international terrorism and transnational organised crime (including drug and human trafficking), they address irregular migration, cyber threats, infectious diseases and the proliferation of weapons of mass destruction [17, p. 9], among other issues.

By contrast, the residual competences of Euro-Atlantic regional organisations (NATO, the EU, the Council of Europe, the OSCE, etc.) are increasingly undermined by their own practice. They set unilateral priorities and apply international law selectively, for example by imposing unfounded targeted sanctions and freezing the assets of individuals and legal entities from sanctioned states.

Conclusions

This article offers an initial examination of the emergence of a transnational security system from the perspective of international law.

Future research will yield fresh perspectives on contemporary security challenges and generate practice-oriented recommendations for integrating transnational dimensions into national and collective security systems.

This approach will enhance understanding of international law principles and norms whilst strengthening

state accountability in addressing emerging challenges and threats, particularly within international security and sustainable development frameworks.

The extensive reach of transnational organised crime, which underpins many threats to transnational security, exemplifies a troubling trend: unscrupulous actors in international relations are willing to exploit adapted legal instruments, primarily domestic ones, to pursue narrow private or corporate interests.

States may also circumvent international legal obligations in two ways: 1) by prioritising national security concerns; 2) by promoting responses to non-existent or artificially created «classic» threats (armed conflicts, international terrorism, human rights violations, and corruption) within international intergovernmental organisations. The development of cyberspace and advanced technologies is unprecedented in its potential for criminal misuse. It may therefore become a key area for examining how a transnational security system could operate.

For the Republic of Belarus, active engagement in shaping the conceptual development of transnational security and its proactive promotion through coopera-

tion with interested partners (particularly regional organisations) could mark a qualitative step in consolidating its international standing. Such engagement would also support the effective pursuit of national interests across various dialogue platforms, including those concerned with international law, peace, and security.

For states in close geographical proximity, the primacy of national interests determines the evolution of a specific form of transnational security often described as «cross-border security». In this context, it refers to mechanisms for countering challenges and threats along the external frontiers of states within a given region (for example, in the CIS).

References

1. Douhan AF. *The regional mechanism of the collective security system in modern international law* [dissertation]. Minsk: BSU; 2014. 333 p. Russian.
2. Maras MH. *Transnational security*. New York: CRC Press; 2014. 373 p.
3. Yu Byung-hu. Transnational security threat and change of counterterrorism intelligence environment. *International Journal of Terrorism & National Security*. 2019;4(1):9–14.
4. Sheehan M. *International security: an analytical survey*. London: Lynne Reinner Publisher; 2005. 201 p.
5. Bajpai K. *Human security: concept and measurement* [Internet]. 2000 [cited 2024 April 8]. Available from: http://www.hegoa.ehu.es/dossiera/seguridad/Human_security_concept_and_measurement.pdf.
6. Arcudi G. La sécurité entre permanence et changement. *Relations internationales*. 2006;1:97–109.
7. Ожегов СИ. *Толковый словарь русского языка: 80 000 слов и фразеологических выражений*. Москва: Темп; 2006. 938 с.
8. Frank TM. Collective security and the UN reform: between the necessary and possible. *Chicago Journal of International Law*. 2006;6(2):597–611.
9. Buzan B, Hansen L. *The evolution of international security studies*. Cambridge: Cambridge University Press; 2009. 400 p.
10. Baldwin D. The concept of security. *Review of International Studies*. 1997;23:12–18.
11. Liechti M, Arcudi G, Vonlanthen M, editors. *Frontières entre police et armée*. Geneva: Centre for International Studies; 2004. DOI: 10.13140/RG.2.1.3600.6804/1.
12. Shelley L. The threat to world order. In: Torr JD, editor. *Organised crime*. San Diego: Greenhaven Press; 1999. p. 173–181.
13. Kruessmann T. Human rights in combating organised crime and the problem of «illegal» migration in Europe. *Journal of the Belarusian State University. Law*. 2020;3:24–29.
14. Капустин АЯ, редактор. *Современная концепция взаимодействия международного и внутригосударственного права*. Москва: Инфра-М; 2023. 336 с.
15. Фисенко ИВ. *Борьба с международными преступлениями в международном уголовном праве*. Минск: Тесей; 2000. 336 с.
16. Довгань ЕФ. Борьба с трансграничной преступностью в условиях применения односторонних санкций и оверкомплаенса. *Pravo.by*. 2023;6:124–134.
17. Довгань ЕФ, редактор. *Противодействие современным вызовам и угрозам в контексте права международной безопасности и устойчивого развития*. Минск: Колоград; 2023. 249 с.

Received by editorial board 07.06.2025.