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Legal Countermeasures Against Terrorism in the Persian Gulf Region

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ABSTRACT

Legal countermeasures against terrorism in the Persian Gulf region are of great importance and encompass several dimensions and approaches. These efforts generally include international cooperation, strengthening domestic legal frameworks, preventing extremism and terrorism, and emphasizing non-military cooperation. The purpose of this article is to present legal solutions consistent with international instruments and various resolutions that can contribute to the eradication of terrorism in the Persian Gulf region. With this consideration in mind, the study examines the issue of legal countermeasures against terrorism in the Persian Gulf region using a descriptive–analytical method and a library-based research approach. The findings indicate that legal countermeasures against terrorism in the Persian Gulf region require coordinated and multilateral efforts, including international cooperation, strengthening domestic legal frameworks, preventing extremism and terrorism, employing modern technologies, emphasizing non-military cooperation, enhancing capacities and skills, and reaching agreement on a regional framework for counterterrorism. Through the implementation of these strategies and measures, legal efforts to combat terrorism in the Persian Gulf region can be significantly improved, and terrorist threats can be reduced more effectively.

Keywords: Counterterrorism, Persian Gulf, International Law.

Introduction

Terrorism, as one of the major threats to international peace and security in the twenty-first century, extends far beyond acts of violence and, by penetrating various political, social, economic, and legal layers, has posed emerging challenges to international peace and security. In recent decades, terrorism is no longer regarded merely as a phenomenon confined to specific geographical boundaries; rather, it has transformed into a global threat with regional and international consequences—one that has compelled states, international organizations, and academic communities to reconsider their approaches to confronting it.

Contrary to what many believe, an accepted definition of terrorism as an international crime in times of peace does exist at the level of customary international law. This definition has gradually evolved within the international



community as a rule of customary law. Nevertheless, disagreement persists as to whether this definition can also be applied in situations of armed conflict. Another controversial issue concerns whether acts carried out by so-called “freedom fighters” in national wars may (or should) constitute an exception to the definition of terrorism. In reality, states have thus far been unable to agree on a universally accepted definition of terrorism in a global or international treaty. Despite this, the prevailing reality under customary international law is that terrorism may occur in times of peace and, from this perspective, possesses an international character, although differences may arise depending on the circumstances. In situations of armed conflict, terrorism—defined as attacks against persons who do not take an active part in hostilities with the aim of spreading terror among the civilian population—is currently considered a specific war crime (the crime of terror). In armed conflicts, terrorist acts may also amount to crimes against humanity if they form part of a widespread or systematic attack against civilians. It must be emphasized that states continue to hold political and ideological disagreements over whether actions carried out by “freedom fighters,” including attacks against civilians, should be classified as terrorist acts or whether such characterization applies only in times of armed conflict (1). Nevertheless, attacks against civilians are, in principle, unacceptable.

In this context, the Persian Gulf region, as one of the world’s most geopolitically sensitive areas, is also exposed to terrorist threats. Energy resources, the presence of military bases belonging to extra-regional powers, ideological divisions among states, the existence of certain extremist groups, and chronic insecurity are among the factors that have turned this region into a fertile ground for the growth and expansion of terrorism. In addition, the vulnerability of critical infrastructure and maritime shipping routes in the Persian Gulf further underscores the importance of effective and coherent counterterrorism measures in this region.

In this regard, international experience has demonstrated that reliance solely on military and security-based approaches has not only failed to eradicate terrorism but, in many cases, has led to the reproduction of violence, human rights violations, and the erosion of the legitimacy of state actions. The approach adopted by the United States following the terrorist attacks of September 11, 2001—framed as the “war on terror”—is a prominent example of this trajectory. Policies such as detention without trial, torture in military detention facilities, the use of unmanned aerial vehicles for targeted killings, and violations of the territorial integrity of certain states provoked widespread criticism from legal scholars, international organizations, and even U.S. allies. Accordingly, the war on terror not only failed to reduce terrorist activities but, in practice, coincided with an increase in such acts.

In such a context, the question of whether a legal approach to counterterrorism is feasible in a region such as the Persian Gulf acquires particular significance, as does the broader issue of how legal counterterrorism can, in principle, be achieved.

The littoral states of the Persian Gulf, despite sharing cultural, religious, and historical commonalities, differ in political and legal dimensions. Nonetheless, shared threats and mutual interests may provide a basis for legal cooperation within a regional framework. Establishing such a mechanism would not only enhance the effectiveness of counterterrorism measures but could also contribute to reducing external intervention, promoting the rule of law, and strengthening the legitimacy of national legal systems.

This article seeks to examine the capacities and opportunities for legal counterterrorism in the Persian Gulf region, while also analyzing the challenges and obstacles facing such an approach, and assessing the strengths and weaknesses of legal counterterrorism efforts in this region.

The Concept of Terrorism

Terror, in any form and under any circumstances when carried out arbitrarily, can in no way possess logical or legal justification. Law is the realm of rules, not relationships; therefore, when entering the domain of international law, one must adhere to legal norms. From this perspective, no rule can be found in international law that justifies arbitrary acts of terror in any form. Any use of force must be undertaken in pursuit of the collective interests of the international community, in coordination with the United Nations, within the framework of the UN Charter, and as a measure of last resort. In such cases, the act may be characterized not as terrorism but as a “targeted killing.” From a legal standpoint, it must be noted that the term “terrorism” lacks a precise and universally agreed definition or criterion in international law, and each state defines terrorism and terrorists in accordance with its own interests. Consequently, some scholars argue that individuals or groups cannot be definitively labeled as terrorists, nor can acts of terror or targeted killing be legitimized under such justifications.

Terrorism is inherently associated with an intense sense of fear. While fear may arise from various sources, what is at issue here is a concept that targets fundamental human values: violence and systematic crimes that keep groups of people in a constant state of terror. In other words, terrorism involves the creation of fear among the general population or specific groups in order to break their resistance and impose a political system or process based on fear through the use of extreme and violent measures (2).

In Persian lexicography, the term “terror” is borrowed from French and has come to mean political assassination carried out through the use of weapons. In political or legal terminology, terrorism refers to the organized use of intimidation or unpredictable violence against governments, peoples, or individuals in pursuit of a political objective (3), or criminal acts against the state aimed at instilling fear among individuals, specific classes, or the entire population (4).

Three essential elements are embedded in the definition of terrorism:

- a) the use of violence (or the threat thereof);
- b) the aim of creating fear, terror, and insecurity, even if the intended audience does not necessarily experience fear;
- c) the creation of a tense political environment through the destabilization of public order (5).

According to this definition, an individual may commit a series of violent and bloody crimes and instill fear in a group; however, if such actions do not result in political destabilization, they fall outside the scope of this definition (6).

At the level of international law, more than nineteen international instruments have addressed various aspects of terrorism, yet none has succeeded in providing a single definition acceptable to all states. The 1999 United Nations Convention for the Suppression of the Financing of Terrorism is among the few instruments offering a relatively comprehensive definition of terrorism. According to Article 2 of this Convention:

“Terrorism consists of any intentional act intended to cause death or serious bodily injury to civilians or to any other person not actively taking part in hostilities, when the purpose of such act is to intimidate a population or to compel a government or an international organization to do or to abstain from doing any act.”

The Concept of Legal Counterterrorism

In confronting the complex and multidimensional phenomenon of terrorism, states and international organizations have adopted a variety of strategies. Some of these strategies are based on military and security power, while others rely on legal and judicial capacities. In this context, “legal counterterrorism” refers to an approach that seeks to contain terrorism within the framework of the rule of law through the use of legal instruments, judicial procedures, judicial cooperation, and the rules of international law. Unlike security-oriented methods, this form of counterterrorism adheres to fundamental legal principles such as fair trial guarantees, the principle of legality of crimes and punishments, and the principle of judicial jurisdiction.

Legal Structures for Counterterrorism in the Persian Gulf States

The states of the Persian Gulf region face a diverse range of terrorist threats, including direct attacks on infrastructure, the infiltration of transnational armed groups, cyber threats, and the financing of terrorism through domestic and international networks. In response to these threats, regional governments have, over the past two decades, enacted specific counterterrorism legislation. However, these laws differ significantly in terms of how terrorism is defined, judicial procedures are conducted, and the extent to which international human rights principles are observed.

Adoption of Specialized Counterterrorism Legislation

All member states of the Gulf Cooperation Council (GCC) have enacted specific and codified counterterrorism laws. Saudi Arabia initially adopted its counterterrorism law in 2014 and subsequently revised it in 2017. The United Arab Emirates also enacted a comprehensive law in 2014, entitled Federal Law No. 7 of 2014, which is considered one of the most detailed counterterrorism statutes in the region.

Qatar, Bahrain, Oman, and Kuwait similarly adopted independent counterterrorism laws in 2004, 2006, 2007, and 2015, respectively. These laws have largely been shaped by international pressures, particularly from the United Nations and the Financial Action Task Force (FATF), with many focusing specifically on the financing of terrorism.

Differences in the Definition of Terrorism

One of the most significant legal gaps among Persian Gulf states is the absence of a unified and precise definition of terrorism. In some legal systems, such as those of Saudi Arabia and the United Arab Emirates, the definition of terrorism is notably broad and may even encompass acts “against national unity or harmful to the reputation of the state.” Such definitions have been criticized by international organizations, as they may be used as instruments to suppress political opposition. In contrast, countries such as Kuwait and Qatar, while offering relatively narrower definitions, still lack transparent judicial practices for distinguishing between terrorist crimes and political or security-related offenses.

The Emergence of Terrorist Groups in the Persian Gulf Region

The emergence of extremist activities in the Persian Gulf region is the result of a combination of internal and external factors. With regard to internal factors, reference may be made to the impact of United States policies

during the Cold War on the emergence or intensification of terrorist activities. Following the Cold War, the United States adopted a new strategy centered on coalition-building, which replaced earlier foreign policy strategies due to changes in the structure of the international system. Coalition strategy in international relations is a relatively new phenomenon and, since the early 1990s, has referred to joint actions by states—typically within the framework of authorization by the United Nations Security Council—against one or more states. This strategy emerged from the transition of the international system from the bipolar order of the Cold War era. The coalition-based approach was a product of the end of the Cold War and the United States' efforts to create and consolidate its hegemonic power within the international system. Consequently, following the collapse of the Soviet Union, the United States, relying on its absolute military and economic superiority and without feeling the need to form alliances with other major powers, pursued its global objectives primarily through coalition-building, with the aim of maintaining global order and stability centered on U.S. leadership (7). After the Cold War, the Middle East—owing to its vast oil and gas reserves and the presence of Israel as a strategic partner of the United States—became a central محور of U.S. foreign policy.

Furthermore, the nature of non-democratic political systems in Arab countries and the prevalence of fundamentalist ideologies constitute additional internal factors that facilitate the emergence and expansion of extremist activities.

Other factors that have intensified insecurity in the Persian Gulf and, more broadly, in the Islamic world include the rise of terrorist groups that pose multifaceted threats to regional states. The roots of many of these terrorist organizations can be traced to ideologies and schools of thought characterized by ethnic, racial, and religious fanaticism. Historically, ideologies such as Pahlavi-era Pan-Iranianism, Pan-Turkism during the late Ottoman period and the early years of the Turkish Republic under Atatürk, and Pan-Arabism in the Arab Middle East—each grounded in racial or nationalist thinking—contributed to regional tensions and inequalities (8).

Today, the emergence of terrorist groups that, in one way or another, are rooted in these belief systems and consolidated through deeply entrenched racial and religious fanaticism has, in their contemporary manifestations, generated insecurity in the Persian Gulf. Groups such as al-Qaeda, the Taliban, the PKK, PJAK, Sipah-e-Sahaba, the Rigi terrorist group, and Wahhabism—often perceived as acting as proxies for external actors—have relied on rigid religious and ethnic beliefs. These beliefs have not only contributed to the spread of insecurity in the Persian Gulf and the Islamic world but have also provided a pretext for the presence of extra-regional powers (9).

Notably, the presence of foreign and extra-regional powers under the pretext of suppressing these terrorist groups has, in practice, led to their reinforcement. While these powers ostensibly claim to be present to eradicate terrorist organizations, their involvement has, in reality, facilitated the strengthening and expansion of terrorist activities. It may be argued that the primary objective of extra-regional powers in the Persian Gulf is to bolster these groups in order to justify their long-term military presence. The military presence of external states has also generated a vicious cycle of regional competition, manifested in arms purchases, the formation of rival blocs, and, ultimately, economic rivalries. Although regional states today recognize the importance of preserving and strengthening regional security alongside political competition, the persistence of such rivalries and disagreements may adversely affect the security of the Persian Gulf and create conditions conducive to terrorist activities (10).

Foreign Intervention in the Persian Gulf as a Cause of Terrorism

One of the factors influencing the trajectory of developments in the Persian Gulf region has been the historical and continuous interference and presence of extra-regional powers, which has generated grounds for opposition and hostility among those who reject their presence.

(a) British Protectorates and Protected States

During the nineteenth century, the United Kingdom maintained a presence in the region through treaties and agreements—under various justifications—within a protectorate framework. The southern littoral states of the Persian Gulf remained under British protection until their independence (11). Kuwait and South Yemen also fell within this framework, but achieved independence earlier (Kuwait in 1961 (11) and South Yemen in 1963 (12)).

(b) The Presence of the United States

Shortly after independence from the United Kingdom, the United States regarded the region as possessing high strategic military importance due to its geographic position and access to abundant natural resources. Consequently, since the late 1970s, the Persian Gulf has remained a vital region for U.S. interests. Bilateral “defense agreements” with the United States have limited the ability of Persian Gulf states to design an independent military system free from Western control and influence (13). Separate “defense cooperation agreements” with Bahrain, Kuwait, Qatar, and the United Arab Emirates (13), an agreement with Oman for access to facilities (13), and various military arrangements with Saudi Arabia (14) have encouraged reliance on the West for the defense of the region. It has even been argued that the continued presence of the U.S. Navy’s “Fifth Fleet” in Bahrain, together with fighter aircraft squadrons and the deployment of 15,000 U.S. troops in Kuwait, “keeps the region united” (15).

(c) Arms Exports

The export of arms and military equipment from the West to the Persian Gulf region facilitates, on the one hand, the formation of opposition against the governments of the region and, on the other hand, the suppression of those considered a “threat” to the stability of those governments. Figures from 2014 indicate that the United Arab Emirates and Saudi Arabia were the fourth and fifth largest arms importers in the world (16). Saudi Arabia spends 67 billion U.S. dollars (9.3% of its GDP) on purchasing military equipment (17). Among the five largest arms exporters, three are Western powers, including the United States. The role of the United States as the principal arms exporter, combined with its military presence, has turned it into a “strong power in the Persian Gulf” (15).

(d) The Influence of Wahhabism in the Persian Gulf

The influence of Wahhabism and Salafism in the Arabian Peninsula has a very strong connection to the expansion of terrorism in the Persian Gulf region. The financing of a number of these terrorist groups (18)—including al-Qaeda and ISIS (19)—has been attributed to the Wahhabi minority sect (20). Despite the deceptively small size of this “minority,” it exerts significant influence on the domestic and foreign policies of Saudi Arabia, Qatar, and the United Arab Emirates. Measuring the real power of Wahhabi doctrine in Saudi policymaking is difficult, and this became even more complex after September 11 and al-Qaeda attacks. Following these attacks, Saudi Arabia faced considerable pressure to purge potentially radicalized elements within its borders (21)—elements that could even pose a threat to Saudi Arabia itself (22). Although some argue that, in an effort to prevent domestic attacks, Saudi Arabia “appeased” al-Qaeda (22).

In addition, Wahhabism has been invoked with a dual meaning: at times it is considered a “guide” and “inspiration” for Islamist extremism (22), yet it is also used by the Saudi state as an instrument to discredit the objectives and

values of al-Qaeda (23). The relationship between Islamist groups and the Saudi state under the influence of Wahhabism therefore remains complex. Any connection is publicly denied by Saudi authorities (24); nevertheless, there are clearly links between at least some lower-level Saudi clerics and radical militants in Syria and Iraq (25).

On the other hand, the linkage between Wahhabi fundamentalist ideology and modern jihadist extremism is a relatively recent development that has emerged, from the 1980s to the present, as a coherent—though constantly evolving—strand from within this sect (26). The politicization of this movement occurred in response to the Soviet invasion of Afghanistan. It subsequently radicalized further through external conflicts such as Chechnya and remained connected to the Persian Gulf due to Wahhabism's theological roots in Najd and the return of jihadists from foreign conflict zones to Gulf states (27). This contributed to the radicalization of those exposed to returning jihadists. Just as Saudi influence has radicalized Islamist groups abroad, external groups such as the Afghan mujahideen have also contributed to the radicalization of Saudi Wahhabis (28).

(e) Terrorist Financing

The financing of terrorist groups in the region—such as those fighting in Syria—occurs through channels including state assistance or private donors, particularly in Saudi Arabia, Qatar, and Kuwait (29). In this regard, strengthening close relations with Jabhat al-Nusra can be interpreted as an effort to expand Qatar's regional influence (30). Such geopolitical competition has increased tensions with Saudi Arabia, Qatar's neighbor (31). For example, the U.S. Department of the Treasury identified Salim Hasan Khalifa Rashid al-Kuwari as one of al-Qaeda's financiers (32), and the U.S. Department of State also expressed concerns regarding terrorist fundraising networks based in Qatar. However, it should be noted that the Qatari government maintains that it does not provide financial support to the Islamic State (ISIS) (33), and no credible evidence has been presented demonstrating financial support by the Saudi state either (34).

A European Parliament report on Salafi support for groups across the Middle East and North Africa in 2013 indicates that private donations continue to be sent to Salafis through informal money-transfer methods commonly known as hawala and widely used throughout the region (18). This constitutes a principal source of financing that terrorists can exploit, in which external funds are provided by donors who believe in the cause—often in Gulf states or among members of diaspora communities (35). A Brookings report in 2013 found that a substantial portion of these funds came from private donors based in Kuwait or from those in neighboring countries who routed money through Kuwait. On this basis, some have argued that Kuwait lies at the “center of terrorist fundraising” and that Qatar represents “a permissive environment for terrorist financing” (36).

In particular, Kuwait has repeatedly been cited as a source of financing for extremist groups and as a key transit point subject to abuse. Part of this has been attributed to Kuwait's non-compliance with Financial Action Task Force (FATF) recommendations in 2010; an assessment in 2010 identified “significant deficiencies,” especially regarding countering the financing of terrorism, including the absence of full criminalization of terrorist financing, the failure to establish a financial intelligence unit (FIU), and shortcomings in implementing relevant United Nations counterterrorist-financing conventions and Security Council resolutions.

One of the primary motivations behind private donations is to provide financial support to groups that use terrorism. This enables those who, for any reason, cannot or do not wish to join jihad physically to participate spiritually in proxy jihad (37). Social media are used to solicit funds for terrorists, connect donors and recipients, and coordinate with radicals on the battlefield. The U.S. Department of State's annual terrorism reports for 2013

noted that private donations from Gulf countries were a “major source of funding for Sunni terrorist groups,” suggesting that counterterrorism efforts may need to continue for years to come (38).

Legal Initiatives and Measures to Combat Terrorism in the Persian Gulf Region

Combating terrorism is of critical importance for national security due to the evolving threats posed by terrorist groups and individuals. Examining relevant case studies offers effective strategies for reducing or neutralizing terrorist threats. In the late twentieth century, as terrorist attacks increased globally, counterterrorism efforts became more serious, and the September 11 attacks led to changes in intelligence sharing and the establishment of specialized units in this field. Case studies such as the capture of Osama bin Laden in 2011 underscore the importance of intelligence exchange, inter-agency coordination, and the use of special forces. The valuable lessons drawn from these experiences support a comprehensive approach that addresses the root causes of terrorism, including social and political factors. Continuous vigilance is necessary to respond to changing terrorist tactics. By drawing on past experience, states can strengthen future counterterrorism efforts and respond more effectively to emerging threats. Analyzing past experiences is therefore essential for addressing the terrorist challenges of today and tomorrow (39).

Gulf Cooperation Council

The members of this organization are Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman. In the context of counterterrorism, these states have conducted joint exercises such as “Gulf Security 1,” which includes scenarios involving aggression, rescue operations, and countering insurgents. The organization has also undertaken efforts to combat the financing of terrorism. It has sought to develop domestic legal frameworks, institutional capacities, and the political will needed to trace and counter suspicious financial flows.

On October 7, 2016, the Gulf Cooperation Council adopted a counterterrorism law. The most important objective of adopting this law is combating the phenomenon of human trafficking in the region and preventing the spread of religious and sectarian extremism. This is despite the fact that some GCC members, by providing financial support to extremist elements and groups in the region, have been a source of many of these problems.

Since 1981, the Gulf Cooperation Council (GCC) has been one of the principal institutions of regional cooperation among the Arab states of the Persian Gulf. In the field of counterterrorism, the GCC has an information-security center in Riyadh and, in 2004, its members signed a joint security memorandum aimed at combating terrorism. The Council has pursued efforts to standardize definitions, coordinate judicial practices, and provide joint security training.

However, due to internal political disputes (such as the Qatar crisis in 2017) and the absence of binding legal structures, the GCC has not yet become an operational legal body in the counterterrorism domain. Cooperation has largely remained at the intelligence and technical level rather than evolving into legal and judicial coordination (40).

Arab League

The Arab League has taken steps to combat terrorism by adopting the Arab Strategy for Combating Terrorism in 1997, followed by the Arab Convention on the Suppression of Terrorism in 1998. This convention is considered one of the most important legal instruments for counterterrorism in the region. The Arab League has also issued

recommendations in its summits for addressing terrorism. For example, at the 26th Arab League summit held in Egypt in 2015, it recommended establishing a joint Arab military force to confront terrorist groups (41).

Cooperation with the United States

The United States has cooperated with Persian Gulf states across multiple areas, including counterterrorism, combating terrorist financing, cybersecurity, organized crime, human trafficking, and counter-piracy. A joint U.S.–GCC working-group report in 2023 emphasized strengthening joint performance to address terrorist threats through enhanced measures against terrorist financing (42).

Cooperation with International Institutions

Almost all states in the region have formally joined United Nations counterterrorism conventions, including the International Convention for the Suppression of the Financing of Terrorism (1999), the Convention for the Suppression of Terrorist Bombings (1997), and UN Security Council resolutions—especially Resolutions 1373 and 2396. Many of these states have also participated in Financial Action Task Force (FATF) evaluations and have taken measures to criminalize terrorist financing.

Some countries also maintain technical and training cooperation with INTERPOL, UNODC, and the Global Counterterrorism Forum (GCTF). Nevertheless, the absence of structured regional engagement with these bodies is considered a serious gap.

Overall, although Persian Gulf states have relied on bilateral and multilateral cooperation in counterterrorism, the lack of a shared regional legal framework, the absence of a judicial coordinating body, and the fragility of political relations among certain states have hindered the formation of an integrated and effective system of legal cooperation in the counterterrorism field.

Counterterrorism Laws in the Middle East and Their Link to the Persian Gulf

Counterterrorism laws across the Middle East and the Persian Gulf provide the foundational basis for legal counterterrorism in these regions. The core of these laws is the definition of terrorism. States in this region have offered broad and ambiguous definitions of terrorism that are often used to intimidate and silence opponents and to “advance state interests, even in areas unrelated to terrorism.” While some Middle Eastern and Persian Gulf states had counterterrorism laws prior to the September 11 attacks (such as Egypt and Algeria), other states in the Middle East and the Persian Gulf drafted or expanded existing counterterrorism legislation or enacted new laws in response to the “war on terror” (40).

In addition to adopting domestic laws, and given the transnational nature of terrorist threats, cooperation among states and engagement with international institutions constitute an inseparable component of effective policymaking in this field. In the Persian Gulf region, although security and intelligence cooperation exists at multiple levels, the absence of a comprehensive regional legal framework and the lack of a judicial coordinating institution have caused measures to remain fragmented, non-transparent, and largely shaped by political or international pressures.

Notably, since the “war on terror,” governments in the region have repeatedly responded to domestic terrorist attacks by adopting new laws or amending existing counterterrorism legislation. This is a general pattern that is by no means unique to the Middle East and the Persian Gulf. For example, the United Kingdom’s Terrorism Act of 2006 was adopted after the 2005 London bombings and introduced several new offenses, including encouragement

of terrorism, dissemination of terrorist publications, preparatory acts of terrorism, terrorist training offenses, and the manufacture, misuse, or possession of radioactive devices or materials (43).

However, in some countries, legal reforms are not necessarily directly connected to a response to domestic terrorist attacks (44).

New and amended counterterrorism laws during and after the “war on terror” have frequently been criticized for abuse. It is argued that most counterterrorism laws in the Middle East and North Africa have drifted away from their original purpose of combating terrorism. Instead, in many cases, they have addressed other matters such as maintaining public order or, indirectly, controlling political opponents (43, 45).

In recent years, with the expansion of ISIS-related threats, Middle East and North Africa countries adopted laws that generally strengthened existing counterterrorism regulations, broadened definitions of terrorism and terrorist crimes, increased penalties, and expanded criminal liability. To address the threat posed by foreign terrorist fighters, other measures have included expanding the jurisdiction of national courts, strengthening criminal justice institutions, and enhancing regional and international legal assistance in the investigation and prosecution of terrorists (46).

For example, Algeria and Morocco expanded their counterterrorism laws largely in response to the growing threat of foreign terrorist fighters. While Morocco adopted a comprehensive counterterrorism law in 2003, it expanded its definition of terrorist offenses in 2015 to include joining or attempting to join terrorist organizations or groups, and participating in recruitment, activity, or training for such organizations (47). It also broadened the jurisdiction of national courts to prosecute foreign nationals who commit terrorist crimes outside Morocco if they are present on Moroccan territory (47).

Similarly, Algeria introduced additions to its penal code in order to expand criminal liability with respect to foreign terrorist fighters and those who support, finance, or use information technology to recruit terrorists (45). These reforms align with UN Security Council resolutions and related sanctions regimes concerning ISIS and al-Qaeda.

In general, counterterrorism laws in the Middle East constitute an important tool for combating terrorism and deterring terrorists from committing future terrorist crimes or offenses. However, given the nature and frequency of terrorist attacks in the region, counterterrorism laws in Middle East and North Africa countries have adopted a more restrictive and harsher approach to responding to terrorism (43).

Challenges and Obstacles to Establishing a Regional Counterterrorism Mechanism in the Persian Gulf

Establishing a shared legal and institutional mechanism to combat terrorism at the regional level requires political will, legal coordination, executive mechanisms, and mutual trust among states. In the Persian Gulf region, despite the existence of shared terrorist threats, such a mechanism has not yet materialized. Examining the reasons for this situation requires a multi-layered analysis of the existing challenges across three dimensions: legal, political, and institutional.

Legal challenges include the absence of a shared definition of terrorism (this heterogeneity prevents joint criminalization, mutual judicial prosecution, and coordinated extradition of suspects), differences in judicial structures (the lack of comparable procedural standards hinders mutual recognition and enforcement of judgments), and weak transparency alongside the absence of independent judicial oversight.

Political challenges include geopolitical rivalries (these rivalries and disputes overshadow legal cooperation), a security-centered perception of terrorism (in most countries of the region, terrorism is defined not as a legal issue

but primarily as a security threat; as a result, cooperation has largely remained at the intelligence–military level, with little space for developing legal cooperation), and the lack of political will to transfer part of judicial sovereignty (centralized structures and mutual distrust have obstructed such transfers).

Institutional and executive challenges include the absence of a regional judicial coordinating body (currently, there is no organization with shared judicial or supervisory jurisdiction among the countries of the region; the Gulf Cooperation Council possesses mainly political, security, or economic structures and lacks binding legal infrastructure), the weakness of civil society institutions and independent media (in many countries of the region, these institutions have been weakened or operate under strict state supervision, resulting in the absence of a social foundation to support regional legal mechanisms), and excessive dependence on international actors (many counterterrorism measures undertaken by regional states are shaped by international pressures such as the FATF, the UN Security Council, or the United States rather than by independent policymaking grounded in shared regional interests; this dependence renders regional cooperation fragile and unstable).

An analysis of the various dimensions of these challenges shows that the failure to establish a shared counterterrorism mechanism in the Persian Gulf region is less a consequence of the absence of laws than the result of a lack of mutual trust, shared political will, and convergent legal and institutional infrastructures. As long as these obstacles persist, regional efforts will remain largely symbolic rather than structural and effective.

Accordingly, despite the intensification of terrorist threats in the region, national and regional counterterrorism frameworks suffer from structural weaknesses, conceptual fragmentation, and a lack of practical coherence in legal, institutional, and executive terms. In practice, this situation has led states to adopt predominantly security-based, temporary, and often reactive approaches to terrorism, without benefiting from a shared legal–institutional platform.

Under such circumstances, designing a model of regional legal cooperation in the field of counterterrorism is not merely a theoretical endeavor but a practical, security-related, and diplomatic necessity for regional governments facing the complex and transnational threats of terrorism.

Without fundamental reforms in domestic laws, the strengthening of judicial independence, the creation of transparent regional cooperation mechanisms, and the reduction of political tensions, the design and implementation of a regional counterterrorism framework in the Persian Gulf will remain difficult and fragile. Over recent decades, the region has focused primarily on military responses to terrorism. Despite the formation of coalitions and increases in security and military budgets, the emergence, reproduction, and expansion of terrorist groups have continued. This inefficiency further underscores the necessity of paying greater attention to complementary approaches—particularly legal approaches.

Therefore, designing a model capable of providing the necessary theoretical and practical foundations for establishing a rational, transparent, just, and effective regional legal system to combat terrorism in the Persian Gulf is of considerable importance, although addressing it in full requires a separate and more extensive examination.

Conclusion

Legal counterterrorism in the Persian Gulf region requires coordinated and multilateral efforts encompassing international cooperation, the strengthening of domestic legal frameworks, preventive mechanisms against extremism and terrorism, the use of modern technologies, an emphasis on non-military cooperation, and capacity- and skills-building.

Through the implementation of these strategies and measures, legal efforts to combat terrorism in the Persian Gulf region can be significantly improved, and terrorist threats can be reduced more effectively. International cooperation in areas such as intelligence sharing, joint exercises, and mutual support in fields including border security and aviation security has contributed to strengthening national and international capacities in counterterrorism. These forms of cooperation have enabled Persian Gulf states to respond more effectively to terrorist threats. Strengthening domestic legal frameworks is also of critical importance. Persian Gulf countries have sought to reinforce their internal legal systems to counter the financing of terrorism, including developing legal and operational capacities to trace and disrupt suspicious financial flows. These states have become more actively engaged in the formulation and enforcement of laws and regulations related to terrorist financing.

Preventing extremism and terrorism is likewise of high importance. Many Persian Gulf countries have implemented significant policies aimed at preventing extremism and terrorism. These policies include programs designed to address extremism and terrorism at both national and international levels. Such programs may involve education, international cooperation, and support for local communities.

An emphasis on non-military cooperation is also essential. Civilian cooperation in counterterrorism efforts can enhance legal responses to terrorism. This includes cooperation among police forces, security agencies, and non-governmental organizations. Such cooperation can strengthen local capacities and improve responsiveness to terrorist threats.

Overall, just as multiple factors contribute to the emergence and expansion of terrorism in the Persian Gulf region—as examined in this article—counterterrorism strategies may also take diverse forms, among which the legal approach is one of the most important. By adopting these strategies and measures, legal efforts to combat terrorism in the Persian Gulf can be substantially enhanced and terrorist threats more effectively reduced. These efforts not only contribute to increased security and stability in the region but also promote improved international relations and the strengthening of regional and international cooperation.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

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Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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