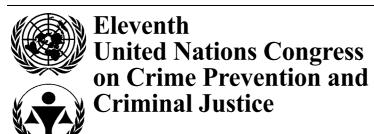
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International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime

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Working paper prepared by the Secretariat

Contents

			Paragraphs	Page
I.	Introduction		1-3	2
II.	Background		4-7	2
III.	The nature of the links between terrorism and other forms of crime		8-49	4
	A.	Survey findings	8-11	4
	B.	A framework for analysis	12-26	4
	C.	Major criminal activities and levels of cooperation	27-49	9
IV.	Towards a comprehensive and integrated response		50-62	14
	A.	More effective national measures	53-55	14
	B.	More effective international cooperation	56-62	15
V	Cor	nclusions and recommendations	63-70	17

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I. Introduction

- 1. In its report entitled "A more secure world: our shared responsibility" (A/59/565, para. 17), the High-level Panel on Threats, Challenges and Change noted that today, more than ever before, security threats (including terrorism and organized crime) were interrelated. In its resolution 1373 (2001) of 28 September 2001, the Security Council noted the "close connection" between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials.
- 2. The present working paper is intended to inform and stimulate discussion about the nature of the links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime (UNODC) and the role that international cooperation can play in the fight against terrorism.
- 3. In its resolution 58/136 of 22 December 2003, the General Assembly invited Member States to provide the Secretary-General with information on the nature of links between terrorism and other forms of crime in order to increase synergy in the delivery of technical assistance. On the basis of an analysis of the responses received, as well as the research findings available, the paper offers a conceptual framework for a more refined conception of the relationship between terrorism and organized crime. It presents an analysis of the different mechanisms of cooperation involving crime and terrorism, with a view to focusing and reinforcing the work of UNODC in providing technical assistance to States at their request. It argues that, despite differences in the nature of terrorist and criminal organizations, both benefit from a weak or non-existent presence of the State, as well as from little or no cooperation among States. In that regard, the paper considers the role of UNODC in strengthening the rule of law and international cooperation as a means of supporting the international fight against terrorism and transnational crime.

II. Background

- 4. The notion that there are links between terrorism and other forms of crime arose in the 1980s, when the term "narco-terrorism" was coined to describe the use of terrorism in Colombia and Peru perpetrated by large drug trafficking organizations. In those cases, a direct link was seen to exist between criminal organizations and terrorist activities. Since then, it has been argued that cooperation has become extensive and that a nexus exists between terrorist organizations and organized crime, one reason being that most terrorist organizations have been compelled to become more self-sufficient. One way of achieving this has been through criminal activities.
- 5. The evocation of an organized crime-terrorism nexus is disturbing for several reasons:
- (a) Close cooperation between criminal and terrorist organizations makes both kinds of organization more dangerous. To the extent that criminal and terrorist organizations share their resources, the synergies could be extensive. As one author has noted: "The growing global inter-connectivity of organized crime—with its vast resources and its ability to move money, share information, exploit and manipulate

modern technology, and provide endless quantities of black market commodities—has forever changed the way terrorists do business. Terrorists have always sought leverage to penetrate international power and influence. A major change today is that otherwise small and insignificant terrorist groups can join with organized crime to exercise disproportionate leverage." By pooling their resources and expertise, both groups significantly augment their capacity for harm;

- (b) Their close cooperation is making organized criminal and terrorist organizations increasingly difficult for law enforcement and intelligence agencies to combat. Mutual assistance in the criminal-terrorist world increases the flexibility and resilience of both types of organization, making it much harder for States to weaken or dismantle their networks;
- (c) Many terrorist and criminal organizations are transnational in scope and therefore pose diffused threats that are difficult for any one State or even small groups of States to combat. The creation of alliances between organized crime and terrorism makes these threats even more complex and significantly increases the difficulty of containing or reducing them by inflicting substantial and lasting damage.
- 6. There is increasing evidence to support these arguments. The High-level Panel on Threats, Challenges and Change noted that international terrorist groups preyed on weak States for sanctuary; their recruitment was aided by grievances nurtured by poverty, foreign occupation and the absence of human rights and democracy, by religious and other intolerance and by civil violence (A/59/565, para. 21). Terrorist and criminal organizations operated in the same clandestine underworld and were often located in the same geographical area—often a lawless area or region where the State was weak or absent. They had similar needs in terms of false documentation, weapons and the like, and also had common interests in countering the law enforcement efforts of Governments. Furthermore, to some degree, the kinds of resources and expertise each possessed complemented and supplemented those of the other.
- While many incidents of cooperation between terrorist groups and criminal organizations have been reported, the significance of the criminal-terrorism cooperation has in some cases been exaggerated. A well-known example is an advertisement stating "If you use drugs, you support terrorism"—a clear attempt to use the "terrorism card" to reinforce the drug control agenda. These broad allegations about the nexus often obscure more than they reveal. It is critical to avoid sensationalist and exaggerated conclusions. Different forms of cooperation do not all have the same strategic importance, and an occasional convergence of interest and outlook does not mean that terrorist and criminal organizations share the same philosophy or objectives. It is important to recognize that, although there are some incentives and opportunities for cooperation, there are also obstacles and impediments. The disincentive for organized criminal groups is that close association with terrorist organizations makes them a much higher priority for law enforcement and intelligence agencies. The disincentive for terrorists is that criminals are opportunistic "businessmen" rather than committed zealots, with the result that a close relationship could make the terrorist groups vulnerable to betrayal or even infiltration. However, while impediments to wholesale cooperation between the two parties remain, several factors are ensuring that cooperation and, in some

cases, merging of transnational organized crime and international terrorism are increasing.

III. The nature of the links between terrorism and other forms of crime

A. Survey findings

- 8. By a note verbale dated 30 September 2003 and a follow-up note dated 29 December 2003, the Secretariat, pursuant to General Assembly resolution 58/136, requested information from Member States on the nature of links between terrorism and other forms of crime.
- 9. The Secretariat has analysed the 60 responses to that request. In those cases where respondents perceived links between terrorism and other forms of crime, it was reported that the links were mostly of an operational, logistical or financial nature, denoting the presence of alliances of convenience. Many States indicated that often the aim of terrorist groups in committing other crimes was to obtain the financial or other means required to commit terrorist acts. According to some of the responses received, terrorist groups, in the absence of other means of support, had become involved in various forms of lucrative crime in order to support themselves and finance their main activities.
- 10. Many States indicated that terrorist groups were frequently involved in trafficking in illicit drugs and firearms, smuggling of migrants and other forms of exploitation of illegal markets, inter alia, to support terrorist activities. A number of countries indicated that there were links between terrorist activities and various criminal activities relating to corruption, money-laundering and the falsification of travel and identity or other official documents. Some States noted links between terrorism and trafficking in potentially deadly materials.
- 11. Other States found it difficult to comment on the existence of links between terrorism and other forms of crime, since they had not faced terrorist activities within their territories in recent years.

B. A framework for analysis²

12. While the replies to the questionnaire indicated that some States perceived a link between terrorism and other forms of crime, the replies did not provide sufficient information to develop an analytic framework that differentiated between entities and activities and used that distinction to provide insights into the relationship between terrorism and organized crime, with the ultimate objective of developing appropriate responses by Governments and international organizations. In the present section, an attempt is made to discuss more fully, using available research findings, the nexus between organized crime and terrorism.

1. The nature of organized criminal groups

13. In the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I, art. 2) an "organized criminal group"

is defined as "a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit". The Convention defines a "structured group" as "a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure". Organized criminal groups therefore can be understood as being quasi-Clausewitzian: criminal activity is a continuation of business by other means, that is, by criminal means. Organized criminal groups are typically pragmatic rather than ideological, more concerned about profit than principle or politics. While they can have a political dimension, sometimes creating "a political-criminal nexus", their political activities are intended to protect their illegal activities.3 Similarly, although they can be ruthless, violence is used selectively to eliminate rivals (for example, in gang wars), to remove threats (for example, by killing law enforcement personnel or judges) or to remove obstacles (for example, by killing intractable businessmen resisting infiltration by organized criminal groups) to their successful pursuit of profit. Criminal violence of this kind rarely involves the indiscriminate use of violence against innocent civilians. Consequently, such killings can rarely be understood as constituting terrorism,4 except in those cases where they are aimed at intimidating a population or compelling a Government to do or to abstain from doing something, as was the case in the terror campaigns initiated by the Medellin drug trafficking organization in Colombia and by the Mafia in Italy in the late 1980s and early 1990s (see para. 16 below).

2. Organized criminal activities

14. Organized criminal activities can also be understood to be part of a methodology that all kinds of entities can use to obtain funds. In the case of ethnic factions, terrorist groups and insurgent groups, the ultimate ends are political; however, organized crime methodologies are appropriated as a means of funding political agendas. In other words, the defining characteristic is not the activity so much as the purpose—and from this perspective, organized crime is simply an instrumental activity. Such activities, or what might be described as "do-it-yourself organized crime", are equally useful for terrorist organizations as funding through charities or from sympathetic financiers becomes more difficult for some terrorist groups (see paras. 28 and 32-45 below).

3. The nature of terrorist groups

15. In its report (A/57/273-S/2002/857, annex, para. 13), the Policy Working Group on the United Nations and Terrorism noted that terrorism is a criminal act, but it is more than mere criminality; terrorism is, in most cases, essentially a political act. Terrorist groups can be understood as criminal organizations with a political or ideological objective and the readiness to use violence to achieve it. Violence is not simply instrumental, nor is it merely a tactic for terrorist organizations; instead, it is their defining characteristic, giving such groups their sense of identity and differentiating them from political activists. Any activities they engage in are generally intended to facilitate the campaigns of focused or indiscriminate killings designed to obtain their political, ideological or other objectives (see E/CN.15/1996/7). Even though terrorist groups are resorting

increasingly to organized criminal activities, those activities are intended to promote their cause. For organized criminal groups, profit and control of specific criminal markets are the ultimate objectives; for terrorist organizations, money earned through crime or indeed any other channel is simply a means to an end.

4. Terrorist activities

16. At the same time, terrorism can also be understood as an activity that can be adopted by other entities such as organized criminal groups that are not predominantly political in their orientation. The best examples of this include the terror campaign initiated by the Medellin drug trafficking organizations. The campaign included the assassination of the Minister of Justice of Colombia, the use of the Movimiento 19 de Abril (M-19) to attack the Palace of Justice and to destroy (among many other things) records of drug traffickers, a bomb explosion on an airliner and a variety of other incidents. A very similar campaign was initiated by the Mafia in Italy in the late 1980s and early 1990s in response to a concerted anti-Mafia programme launched by the Government and the judiciary.

5. Hybrid forms of organization

17. Helpful as the distinction between terrorist entities and profit-oriented organized criminal groups may be as a starting point, it captures only part of a more complex reality. In several cases, amalgamation has occurred, resulting in hybrid forms of organization that clearly combine an explicit political or ideological goal with a desire to make profits through illegal activities and a willingness to use significant levels of violence—both discriminate and indiscriminate—in pursuit of that goal. This is particularly evident in many weak or collapsing States or in States embroiled in military conflict. In some countries, for example, the involvement of belligerents in drug trafficking generated proceeds that not only helped to sustain the conflict, but also intensified the conflict by enhancing the value of the spoils for the victor. In some of these cases, the major player is a hybrid organization: part criminal group, part terrorist group and part mercenary.

6. Dynamism and transformation

- 18. Most political and social phenomena are dynamic rather than static. This is certainly the case with both organized crime and terrorism. It is possible, for example, that a terrorist or criminal group can transform itself from one kind of entity to the other. Over time, a terrorist organization may subordinate its political agenda to profit-making activities for their own sake. The most extreme version of this involves a transformation in the nature of the organization from terrorist group to organized criminal group. In some cases, the transformation will prove difficult to detect, especially in the early stages, as it will be very difficult to distinguish a real change from the use of organized criminal activities to fund a political agenda. Nevertheless, it is possible to identify several indicators that are suggestive of a real transformation, including:
 - (a) A change in the ratio of profit-making activities to terrorist strikes;
- (b) The loss of intensity in political demands and a lower public profile, reflecting a downgrading and ultimately an abandonment of the political agenda;

- (c) A growing concern with avoiding harm to victims of kidnapping and a concomitant emphasis on negotiations for ransom payments that will guarantee the safe release of those victims rather than killing them for coercive effect;
- (d) A reduction in the number of attacks on innocent civilians and ultimately an abandonment of such attacks unless they are related to profit-making activities or the protection of such activities;
- (e) A political settlement that leads to a cessation of terrorist strikes but is followed by an increase in organized criminal activities—resulting from a phenomenon that one observer has described as "fighters turned felons".⁵
- 19. Transformation, of course, is not confined to one direction; the converse is also possible. Just as a terrorist group can become enamoured of wealth rather than a political or ideological cause, an organized criminal group could become highly politicized and radically alter the focus of its activity from the accrual of profit through illicit business to bringing about political change through indiscriminate violence. This is likely to be evident in a variety of activities such as:
- (a) Political rationalization for criminal activities such as drug trafficking, which are internally legitimized by focusing on their damaging impact on citizens of countries hostile to the cause;
- (b) Donations by the group or some of its members to radical political causes;
- (c) Regular and systematic associations between members of criminal organizations and known militants;
- (d) A readiness to barter drugs or other trafficked commodities for weapons or explosives, rather than simply selling those commodities for profit;
 - (e) Adoption of political rhetoric as part of a more visible public profile.
- 20. An illustration of such a transition is the hashish trafficking group that became involved in the Madrid bombings of 11 March 2004. This might have been primarily a result of the willingness of the head of the group to die with the other perpetrators of the train bombing in Madrid. On 3 April 2004, he was in the house with the terrorists who killed themselves rather than surrender to the police surrounding the house. This is very uncharacteristic for a drug trafficker intent on profit; it suggests that he had embraced a militant form of fundamentalism.
- 21. Conditions of unemployment, poverty, inequity and hardship are enhancing factors for the politicization and radicalization of criminals. If there is a continued politicization and radicalization of organized crime, then instances of transformation from drug trafficker to terrorist and from organized criminal to terrorist group could become more frequent. These transformations can be described respectively as the commercialization of terrorist (or insurgent) organizations and the politicization of criminal organizations.⁶

7. Implications

22. This discussion suggests that it is possible to identify specific examples of the different kinds of relationship in action. It makes it clear that the issue is partly one

of links between organized criminal groups and terrorist entities and partly the appropriation by terrorists of organized crime methods and activities.

- 23. The above-mentioned examples of indicators for organized crime-terrorism linkage and transformation should not distract from the fact that there are also a number of inherent organizational and operational similarities:⁷
 - Both are generally rational actors.
 - Both use extreme violence and the threat of reprisals.
 - Both use kidnappings, assassinations and extortion.
 - Both operate secretly, though at times publicly in friendly territory.
 - Both defy the State and the rule of law.
 - For a member to leave either group is rare and often fatal.
 - Both are highly adaptable, innovative and resilient.
 - Both have backup leaders and foot soldiers.
- 24. Both the distinctions and the similarities illustrate that it is important to focus on appropriation or cross-fertilization of methods and not simply on direct cooperation among groups. Indeed, recognizing that terrorist organizations often use organized crime methods to fund themselves makes it possible to go beyond jurisdictional disputes within Governments over responsibilities for combating terrorism on the one side and organized crime on the other. The acknowledgement of the possibility of appropriation of organized crime activities by terrorist organizations could facilitate cooperation not only between law enforcement and intelligence agencies domestically, but also between Governments.
- While cooperation and transformation pose complex new threats to national law enforcement agencies and the international community, there are also opportunities for Governments in all of the above. Cooperation with terrorists elevates organized criminals into major targets of law enforcement and intelligence agencies. Terrorist organizations are notoriously harder to infiltrate than traditional organized criminal groups. If terrorist organizations embrace organized crime, however, then the opportunities for infiltration may also increase. Moreover, conventional or organized crime is usually somewhat easier to investigate than terrorist conspiracies. Legal provisions, law enforcement strategies investigation techniques that have been tried and tested in the fight against organized crime can often be used with equal effect in efforts to combat terrorism, in cases where terrorist groups are involved in other criminal activities or cooperate with organized criminal groups. In those circumstances, much of the capacitybuilding and training that have been part of the global effort to combat transnational organized crime could prove to be equally useful and relevant in the fight against terrorism.
- 26. The way in which terrorist organizations have used organized crime methods to fund their activities is examined in the section below.

C. Major criminal activities and levels of cooperation

27. The High-level Panel on Threats, Challenges and Change noted that, in recent years, terrorists had helped to finance their activities and had moved large sums of money by gaining access to such valuable commodities as drugs in countries beset by civil war (A/59/565, para. 121). While the motivation for terrorists to use organized crime methods has increased since the end of the cold war, new opportunities have also become widely available as a result of globalization of trade, finance and communications. In many respects, the emergence of transnational organized crime during the 1990s provided an example and role model for terrorist groups to follow when in need of money for the cause. Pursuing this model was relatively easy, as most organized criminal activities did not have a steep earning curve, nor did they require significant advance payments on investments. Given the low entry costs on the one side and the gains that can be made on the other, the appropriation of organized crime methodologies by terrorists has increased.

1. Objectives and levels

- 28. If some terrorist groups have resorted to organized crime, there continue to be major differences in the scope of their activities, the level of their effectiveness and the degree of their efficiency. In some cases, organized criminal activities are clearly part of the infrastructure of the terrorist groups. There are also several different purposes for which crimes can be committed. The most obvious are crimes designed to produce income that will help to fund the cause. Terrorist groups tend to resort to organized criminal activities for funding when financial support through other means, such as donations and charitable contributions, is either unavailable or insufficient. One of the best examples of the strategic use of organized criminal activities by a terrorist group is Abu Sayyaf's use of kidnapping, both in the Philippines and in adjacent areas in South-East Asia. Kidnapping for ransom has generated a steady stream of revenue for the organization and in one case reportedly netted between at least \$20 million and \$25 million.8 Kidnapping has also been used by the insurgent group Revolutionary Armed Forces of Colombia (FARC), providing an almost equally lucrative supplement to the funds obtained through drug trafficking and taxation of traffickers and coca bush growers. Some groups develop a wide portfolio of criminal activities, such as the Salafist Group for Call and Combat (GSPC), which started as a splinter faction from the Armed Islamic Group (GIA) in Algeria. In 2003, a ransom estimated at 5 million euros was paid for the release of 14 tourists who had been kidnapped by GSPC.9 In October 2002, several GSPC members were arrested in Paris for producing and selling counterfeit clothing and watches. 10 In addition, the Group engages in extortion, 11 car theft, credit card fraud and document forgery.12
- 29. A second category of use of organized crime methods is what might be described as "logistical support" crime, that is, crime that facilitates easy and undetectable movement of personnel or money across national borders. One dimension of operational support is financial crime, including money-laundering. In fact, the involvement of terrorist groups in money-laundering could increase in the future as they seek to legitimize the proceeds of their burgeoning criminal activities.

- 30. Some crimes have a dual use: they both generate revenue for terrorists and help to facilitate terrorist activities. Document fraud and theft, for example, not only facilitates the free and undetected movement of members of terrorist groups, but also generate criminal proceeds to fund travel and other activities.¹³ Once a terrorist group has developed the necessary in-house expertise to produce fraudulent documents, it is only a small step for it to exploit that capability to generate additional financial resources.
- 31. A third category covers criminal activities designed to protect terrorist organizations against law enforcement and intelligence agencies. The use of criminal activities for the purpose of risk management can include violence or corruption or a combination of both. ¹⁴ In some cases, for example, terrorist organizations may use corruption to develop symbiotic relationships with key figures in government, in the hope that that will provide them with sanctuaries.

2. Major activities typical of organized crime

- 32. If the effort to combat terrorist organizations by attacking their finances is intensified and becomes more effective, then terrorists will most likely resort increasingly to crime for profit. In addition, one of the problems faced by States and the international community in the effort to combat terrorism by removing its financial base is that terrorist attacks are relatively cheap to carry out. Even if the diversion of funds from charities and the transfer of money through the formal financial system are prevented, this may still be insufficient to prevent continued terrorist attacks.
- 33. What makes this scenario particularly daunting is that the terrorist use of organized criminal activities could render the attack on terrorist finances by Governments less effective and ensure that the funding for further attacks remains readily available. With this in mind, it is necessary to identify some of the major activities typical of organized crime that are used by terrorist organizations to fund themselves. The following list is not exhaustive, but does highlight the "do-it-yourself" criminal activities that are typically utilized by terrorists.
- 34. It has been argued that one of the most lucrative crimes committed by terrorist organizations is intellectual property crime, 15 which is easily extended into other forms of counterfeiting. In July 2003, the Secretary-General of the International Criminal Police Organization (Interpol) stated that intellectual property crime was becoming an attractive and increasingly important means for terrorist organizations to fund themselves. According to Interpol, intellectual property crime was becoming the preferred method of funding for a number of terrorist groups. One of the attractions to terrorist groups and their supporters of this form of crime is that it is not given high priority by law enforcement. Consequently, inadequate resources are devoted to preventing or investigating such crime, thereby providing enormous opportunities for terrorists and their sympathizers to operate "under the radar" of law enforcement and intelligence agencies. Moreover, as noted by the Secretary-General of Interpol, investigations, when initiated, often tended to be seizure-based and did not extend to following onward flows of money to identify the ultimate beneficiaries of counterfeit or pirated goods. He urged that the issue be given much more serious attention because of its important implications for public safety and security. Although it is difficult to provide any meaningful estimate of the total amount of funding that is generated for terrorist groups by involvement in

intellectual property crime, it is likely that it is very substantial. ¹⁶ Moreover, it is a crime that often takes on a transnational dimension as counterfeit goods are smuggled across national borders. In this sense, it overlaps with a broader range of smuggling or trafficking activities.

- 35. Another component of "do-it-yourself" organized crime is the smuggling of various forms of contraband across national borders. The commodities that are smuggled are usually one of five types: prohibited products such as drugs or nuclear materials; differentially taxed products such as cigarettes; regulated products such as firearms, endangered species and cultural property; stolen property such as cars or art and antiquities; and counterfeit goods. Among the most important of these commodities for terrorist organizations are cigarettes. In recent years, for example, the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice has investigated more than 300 cases of illicit cigarette trafficking, some of which were linked to terrorist organizations.¹⁷
- 36. This is not to imply that all cigarette smuggling is directly tied to terrorism. In one case in the United States, in which a local police chief in the State of Ohio claimed to have disrupted a terrorist financing operation, no evidence has been found to validate such a claim. 18 Even so, since cigarette smuggling operations are a relatively low risk and easy to carry out, it is likely that they will continue to be used by terrorist supporters.
- Drug trafficking is another major activity typical of organized crime in which terrorist and insurgent groups are becoming involved; however, it should be pointed out that the extent of such involvement varies considerably, not only from one organization to another, but also by region and within regions. In Colombia, both the insurgent group FARC and the right-wing paramilitary organization Autodefensas Unidas de Colombia are involved in drug trafficking. Having said this, there are significant doctrinal differences within the organizations as to whether or not such involvement is appropriate. In the case of FARC, at least three divergent positions can be found among the members of the organization: those who are extensively involved in both drug trafficking and taxing of the drug industry and who are led by the 16th Front, which has been the main money-maker of the organization; those who are reluctant to traffic drugs but are happy to extort the drug crop growers and drug traffickers through the imposition of "taxes" in the same way that they tax major cattle-owners; and those who want nothing to do with the business, not least because they are concerned that crass commercialism is replacing ideological purity in the organization. Members of this last group are concerned that FARC is transforming itself from an ideological insurgency into a commercial insurgency. 19
- 38. It has also been claimed that terrorist groups based in Afghanistan, especially Al-Qaida are heavily involved in the heroin trade, making millions of dollars a year according to some claims. However, the National Commission on Terrorist Attacks upon the United States has concluded that those allegations are unfounded and that credible evidence to substantiate them is completely lacking.²⁰
- 39. In addition to the various forms of smuggling or trafficking, terrorist groups also earn money through extortion or taxation of both legal and illegal businesses. Where a terrorist organization has a clear territorial base, it can impose taxes on licit

or illicit goods or simply extort businesses, "encouraging" them to donate to the cause.

- 40. Kidnapping is another activity typical of organized crime that not only contributes to the climate of fear that terrorists and organized criminal groups wish to create, but also highlights the inability of States to provide protection to their citizens, as well as to foreign businesses and their employees in the country.
- 41. Another set of activities is involvement in financial crime. One common example is the use and sale of fraudulent and stolen credit cards by terrorists, who also sell such cards to conventional criminals for use in various kinds of financial scam. Other false or stolen documents are also used for financial scams, as well as for travel.
- 42. While there is sometimes overlap of terrorist financing and money-laundering, the two activities are not synonymous. In fact, terrorist financing has been described as the reverse of money-laundering: it is less about legitimizing the proceeds of crime than taking untainted money and using it to carry out attacks. Even though some of the terrorist money does not go through all the stages of classic money-laundering, terrorist financial transactions often involve criminal activities such as the fraudulent diversion of monies donated to charity to fund acts of terrorism, as well as the circumvention of financial reporting requirements and currency exchange controls.
- 43. This list of crimes committed by terrorist organizations is certainly not exhaustive. Terrorist cells, for example, have sometimes engaged in armed robbery. It is also possible that terrorists have been involved in the conflict diamond trade, although this has become an issue on which claims and counterclaims compete for attention. It is also likely that terrorists and their supporters will increasingly become involved in various forms of identity theft and fraud, which would be a natural extension of what is already fairly extensive experience with credit card theft and fraud. Various forms of cybercrime, including online fraud and extortion, could also become a much more frequently used means of generating funds.
- 44. It is clear from all this that criminal activities can be critical in providing funds. For the time being, at the terrorist cell or the individual level, resort to organized criminal activities is often designed to create a sudden or single infusion of funds for a forthcoming targeted strike rather than sustained support. From the terrorist perspective, the difficulty with this form of acquiring resources is that it may alert law enforcement to the activities of either the terrorist cell as a whole or to its individual members, who in turn could compromise the cell. Despite the risk of detection, proceeds of crime have become an important source of terrorist funding and could become even more important in the future as some of the more traditional sources, such as diversion from charities, are increasingly becoming limited.
- 45. If crime has already become one of the most important instruments of fundraising for terrorist groups, it also tends to feed on itself: the more terrorist groups use criminal activities, the more they are likely to come into contact with traditional organized criminal groups. Where those contacts result in cooperation, they are likely to become even more profitable and result in the terrorist group extending or even diversifying its criminal activities. In the section below attention is given to the issue of cooperation between organized crime and terrorism.

3. Cooperation between organized crime and terrorist groups

- 46. Although terrorists engage in "do-it-yourself" organized crime, on occasion they need goods or services that can only be provided by others. In such cases, they reach out to conventional criminal organizations, for example for providing specific operational support. Such organizations include those specializing in clandestine cross-border travel and possessing the resources and expertise to facilitate the illegal movement of people. Similarly, when terrorists need weapons or explosives and have difficulty in procuring them directly, they turn to criminal brokers who are adept at providing customers with the illegal supplies they need and who may or may not know that they are dealing with terrorists. In a similar vein, terrorists lacking the skill or resources to make fake passports or alter real ones will call on "criminal service providers" who specialize in document forgery. Such arrangements are generally for only one business deal.
- 47. Another possibility that has aroused considerable concern in some countries is that individuals who are members of, or associated with, terrorist groups are exploiting the capacity of smugglers of migrants to provide illegal and unimpeded movement across national borders. It is even possible that in some cases the assistance given by criminal organizations to terrorists will be unwitting.
- 48. There are also cases in which terrorist groups act as suppliers for organized criminal groups. Indeed, crime and terror converge primarily when terrorists commit conventional crime and, in effect, become part of the criminal world. In those circumstances, each kind of group can act as supplier or customer to the other. On occasion, they may even engage in direct exchanges, bartering one kind of criminal commodity, such as weapons, for another kind, such as drugs. In domains where supplier activities are legitimate, such activities are regarded as the normal dynamics of the market and not as some kind of sinister conspiracy enshrined in the notion of a nexus. They are simply a function of the market that brings together those who have certain commodities and those who want them. Nevertheless, even limited contact and cooperation can lead to the exchange of information, ideas and expertise.
- 49. In some cases, cooperation will be much deeper. This is likely to occur if and when members of organized criminal groups and members of terrorist groups establish close personal relationships with one another. A portent for the emergence of a nexus between organized crime and terrorism was certainly evident in the Madrid bombings in March 2004. The network that carried out the attacks was a strange combination of "long-time extremists and radicalized gangsters". Moreover, this linkage facilitated the financing of the operation: the explosives used in the bombings were purchased with both money and hashish. The drug traffickers also brought with them a degree of logistical expertise and provided "money, weapons, phones, cars, safe houses and other infrastructure". In addition, it is believed that some of the perpetrators travelled between countries, using the routes and methods typically adopted by illegal aliens.²¹ In other words, the Madrid bombings provided what is one of the first truly authentic cases—at least at the operational level—of the organized crime-terrorism nexus in action. Close cooperation of this kind between criminal and terrorist entities is likely to increase in the years ahead.

IV. Towards a comprehensive and integrated response

- 50. The High-level Panel on Threats, Challenges and Change noted that "threats are interrelated and a threat to one is a threat to all. The mutual vulnerability of weak and strong has never been clearer" (A/59/565, para. 17). Moreover, international terrorist groups prey on weak States for sanctuary (A/59/565, para. 21). Terrorist and criminal groups, unimpeded by international borders and capable of utilizing sophisticated communications technology, present a renewed challenge to the international community. States, regardless of region and/or political ideology, have a duty to cooperate more closely and to improve their shared information systems if they are to face this challenge effectively. There are currently 191 Member States of the United Nations, with significant variation among them in intelligence, law enforcement, prosecutorial and judicial capacities. Thus, it is easy for groups that engage in transnational criminality, including terrorism, to find countries where they can seek refuge, obtain support or operate without much concern of detection.²²
- 51. The High-level Panel has pointed out that no State, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats. Every State requires the cooperation of other States to make itself secure. It is in every State's interest, accordingly, to cooperate with other States to address their most pressing threats, because doing so will maximize the chances of reciprocal cooperation to address its own threat priorities (A/59/565, para. 24).
- 52. Consequently, the development of better instruments for universal and national counter-terrorism cooperation, all within a legal framework that is respectful of civil liberties and human rights, is an essential component of a comprehensive response to terrorism. While a comprehensive United Nations strategy against terrorism is being developed in pursuance of the recommendations of the High-level Panel—some parts of it going beyond the mandates of the United Nations Crime Prevention and Criminal Justice Programme and the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, including measures such as poverty reduction—UNODC can contribute towards the implementation of such a comprehensive response through, inter alia, efforts to reinforce both intra-State and inter-State cooperation.

A. More effective national measures

53. In theory, as terrorist groups and organized criminal groups cooperate, it should be helpful for Governments to combine the lessons learned from fighting each type of organization. While that is the case to some degree and Governments will benefit from using the apparatus initially set up to combat transnational organized crime when they are fighting terrorist groups and their financial activities, the changing nature of the threats poses difficulties for law enforcement and intelligence agencies. Both organized criminal groups and terrorist groups are learning from past mistakes while probing recent defences erected by targeted nations. They are constantly challenging sluggish, over-centralized responses to their asymmetrical, adaptable organizations and methods. While some terrorist groups are hierarchical in structure, more typical is a cell-based, amorphous structure like that of Al-Qaida, which devolves power and authority to autonomous

or semi-autonomous groups in dozens of countries.²³ Such structures dramatically increase the challenge to government efforts at combating those groups. The same applies more and more to organized crime.

- In general terms, when fighting organized crime and terrorism, some common denominators remain. Both terrorist and criminal groups benefit from a weak or absent State. They operate in the same underworld and have common interests in countering the efforts of law enforcement and government agencies. In addition, the absence of the rule of law provides ideal conditions for the blending of criminal and terrorist activities.²³ A country with no functioning criminal justice system provides an excellent meeting ground for criminals and terrorists. The intermingling of terrorist networks with the criminal milieu is made much easier in countries with no rule of law. A recent study on war and drugs in Colombia concluded that one goal of a coherent security policy should be to expand the rule of law across the country.²⁴ Where the rule of law is firmly in place, it ensures the responsiveness of government to the people, as it enables enhanced critical civil participation. The more citizens are stakeholders in the process, the less likely it is that some of them will form terrorist organizations or engage in criminal activities. In this sense, it can be argued that the rule of law has a preventive effect on the rise of terrorism and organized crime—at least on the domestic front.²⁵
- 55. A national strategy to fight terrorism needs to uphold the primacy of the rule of law. Technical assistance activities need to encourage requesting States to adopt a balanced approach between responding to legitimate national security concerns and respect for the rule of law. The work of UNODC with Member States on strengthening the rule of law, promoting stable and viable criminal justice systems and enhancing regional and international cooperation in criminal matters are important aspects of creating an environment conducive to peace and security.

B. More effective international cooperation

Given the advent of globalization, the development of international terrorism and the increased links between different forms of transnational crime, effective means of punishing such international acts need to be reinforced.²⁶ Investigating and prosecuting cases against persons suspected of participation in organized crime or terrorist activities are often difficult. It is all the more difficult to try to bring a case together when the suspect, the victim, key evidence, key witnesses, key expertise or the profits of crime are located outside the country's jurisdiction.²⁷ While all forms of transnational crime, including terrorism, have benefited from globalization, States' modalities of inter-State cooperation have remained largely fragmented and are often ineffective. For criminal justice practitioners confronted with modern organized crime and terrorism, relying on international cooperation has become a necessity. The international community has realized the increasingly global dimensions of terrorism and organized crime and has introduced a range of modalities and tools for international cooperation in criminal matters, such as extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, recognition of foreign penal judgements, freezing and seizing of assets and law enforcement cooperation. These modalities apply to all types of international, transnational and domestic criminality, including terrorism. They are not limited to terrorism, nor are there any modalities more appropriate to terrorism than others. The weaknesses and strengths of these modalities thus have an impact on the effectiveness of combating terrorism.

- In dealing with international cooperation in criminal matters, States either enter into bilateral and regional treaties, ratify international conventions or act based on an expectation of reciprocity. Especially in the face of globalized organized crime and terrorism, the practice of relying mainly on bilateralism is considered to be more or less outdated, since many organized criminal and terrorist activities now involve illegal activity in two or more States that do not have bilateral cooperation agreements with one another. New instruments for international cooperation must open up the possibility of cooperation between an expanding number of countries, the scope of assistance needs to be enlarged, conditions and grounds for refusal must be tightened or entirely eliminated and the process needs to be expedited. Some regional instruments reflect this dynamic in the development of international cooperation mechanisms. At the international level, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) reflect in many ways the "state of the art" of international cooperation in criminal matters.
- 58. UNODC, with its substantive and extensive expertise on international cooperation, is a key actor to assist States in developing treaty relations at the various levels, in particular on the basis of the revised manuals on the Model Treaty on Extradition (General Assembly resolutions 45/116, annex, and 52/88, annex) and on the Model Treaty on Mutual Legal Assistance in Criminal Matters (Assembly resolution 45/118, annex).
- 59. However, most States rely on domestic legislation to enact international cooperation modalities into law.²⁸ Existing international cooperation depends almost entirely on the effectiveness of national legal systems. For example, one of the main objectives of an effective international cooperation regime is that there should be no safe haven for criminals. This requires the establishment of a uniform and comprehensive approach to jurisdiction, the *aut dedere aut judicare* rule—which requires that an accused is either extradited or prosecuted—and more effective extradition procedures. Often States lack not only the legislative resources to engage in inter-State cooperation, but the required expertise in their ministries of justice, the interior and foreign affairs to deal adequately with those processes.
- 60. UNODC has assisted many countries in putting in place the required legislative framework for effective international cooperation, such as extradition, mutual legal assistance and procedures for freezing and seizing assets.
- 61. Experience in combating transnational criminal activity, including terrorism, reveals that the first and most important stage in interdiction is intelligence and law enforcement cooperation.²⁹ Such cooperation serves initially as a means of prevention and deterrence and ultimately as a means of bringing perpetrators to justice. National systems, however, distribute those functions between different agencies, often because of fear of excessive concentration of power. This reduces their individual and combined effectiveness. Furthermore, each separate national agency tends to develop ad hoc relationships with its counterparts in a select number of countries, so that whatever information is shared between corresponding

agencies of different countries runs into the same intra-State impediments to information-sharing and cooperation.

62. The experience of UNODC in this field has centred on information exchange at the international, regional and bilateral levels. Assistance in improving information- and intelligence-sharing capacity has been mainly provided to countries with a view to improving drug law enforcement, with UNODC looking into widening its activities in those areas, in order to also address other forms of organized crime. In view of the increasing links between the threats, strengthening cooperation in those areas will ultimately also benefit the fight against terrorism.

V. Conclusions and recommendations

- 63. In its report, the High-level Panel on Threats, Challenges and Change noted that the terrorist attacks of 11 September 2001 on New York and Washington, D.C., had revealed that States, as well as collective security institutions, had failed to keep pace with changes in the nature of threats (A/59/565, para. 16).
- 64. The above analysis illustrates that, like many contemporary security threats, transnational organized crime and terrorism are influenced by the continuously evolving environments in which they are found. The fact that terrorist groups and organized criminal groups interact has meant that each group learns from the other. One observer has suggested that terrorist groups have learned how to launder money and smuggle illicit commodities more efficiently, while criminal groups have learned how to safeguard their operations by imitating terrorists' cell-based structures. Both organized crime and terrorism should not be regarded as fixed phenomena; they are in a state of flux, and the characteristics of the groups, their motivations and operational tactics change over time. In the continuously evolving environments are influenced by the co
- 65. A combination of political and economic motivations in a group that is prepared to use sustained terror tactics poses a complex threat to national and international security. The radicalization of at least some members of an organized criminal group and the development of intimate working relationships between criminals and terrorists of the kind evident in the Madrid bombings is particularly disturbing, especially if it becomes more common. The terrorist of the future could be less ideological, more likely to harbour ethnic grievances and harder to distinguish from other criminals.³² The High-level Panel on Threats, Challenges and Change has noted that "we have yet to fully understand the impact of these changes, but they herald a fundamentally different security climate—one whose unique opportunities for cooperation are matched by an unprecedented scope for destruction" (A/59/565, para. 16).
- 66. Understanding how groups manipulate their criminal and political nature in various circumstances by identifying the group's strengths and weaknesses will help decision makers at all levels to react appropriately.³³ This is particularly important at the policy-making level, where an improved understanding of the criminal-terrorism relationship will lead to the formation of an integrated strategy. Effective coordination is a central component to such a strategy, aimed at synchronizing under a unifying concept, various organizational efforts, be it at the national or the international level.

67. Bearing this in mind and taking into account the recommendations of its regional preparatory meetings, the Eleventh Congress may wish to consider the recommendations set out below.

68. Member States should consider:

- (a) Ratifying the relevant universal instruments against terrorism, drugs, organized crime and corruption and reviewing their legislation with a view to implementing those instruments, through their national legislation, in practice;
- (b) Promoting an integrated national security policy that follows a balanced approach between responding to legitimate national security concerns, such as terrorism and organized crime, and respect for the rule of law;
- (c) Reinforcing inter-agency coordination and information exchange on, inter alia, terrorism and organized crime, including through dedicated inter-agency coordination mechanisms;
- (d) Strengthening the capacity of border control, law enforcement and intelligence agencies to effectively address transnational threats, such as terrorism and organized crime;
- (e) Making efforts to harmonize relevant counter-terrorism and organized crime legislation;
- (f) Making efforts to enhance inter-State coordination and cooperation and exchange information.

69. Regional organizations could:

- (a) Serve as a forum for regional security policy development;
- (b) Assist in devising reinforced mechanisms for cooperation and assistance in countering terrorism and organized crime.

70. The United Nations should:

- (a) Continue to promote the ratification and implementation of the relevant universal instruments against terrorism, drugs, organized crime and corruption and assist developing countries and countries with economies in transition in their efforts to become parties to and implement these instruments;
- (b) Continue to develop a reinforced regime for international cooperation in criminal matters in order to avoid legislative loopholes and restrict safe havens by providing technical cooperation to developing countries and countries with economies in transition, including through developing and implementing assistance tools, such as model laws and training manuals on international cooperation;
- (c) Continue its work on the links between organized crime and terrorism, with a view in particular to intensifying technical assistance delivery, building on an understanding of the crime-terrorism nexus;
- (d) Develop and implement training curricula on the legal regime against terrorism and other forms of organized criminal activity, including good practices in enhancing the rule of law in the context of countering terrorism and other forms of crime;

- (e) Include in its peacekeeping and post-conflict programmes, measures against terrorism and organized crime in the context of establishing a functioning criminal justice system, with due respect for the rule of law;
- (f) Continue to work with regional and other international entities to develop joint work programmes to support developing countries and countries with economies in transition in their efforts to counter transnational organized crime and international terrorism.

Notes

- ¹ Robert H. Kupperman, "A dangerous future", *Harvard International Review*, vol. 17, No. 3 (summer 1995), p. 46.
- ² The arguments in this section draw on Phil Williams, "Terrorist financing and organized crime: nexus of relationships, appropriation of methods or both?", Thomas Biersteker, Susan Eckert, and Nikos Passas, eds., forthcoming.
- ³ Roy Godson, "Special focus: the international fight against money laundering", *Trends in Organized Crime*, vol. 4, No. 4 (1999), pp.1-7.
- ⁴ There is no internationally agreed upon definition of terrorism. However, in its resolution 1566 (2004) of 8 October 2004, the Security Council recalled that criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constituted offences within the scope of and as defined in the international conventions and protocols relating to terrorism, were under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature. The High-level Panel on Threats, Challenges and Change has also proposed a description along those lines, characterizing terrorism as "any action, in addition to actions already specified by the existing conventions on aspects off terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act" (A/59/565, para. 164 (a)).
- ⁵ Charles Hanley, "Increasingly guerrillas financed by drugs", *Toronto Star*, 29 December 1994, p. A10.
- ⁶ "The nexus among terrorists, narcotics traffickers, weapons proliferators, and organized crime networks in Western Europe", study prepared by the Federal Research Division, Library of Congress of the United States, December 2002 (available at http://www.loc.gov/rr/frd/terrorism.html).
- ⁷ Thomas M. Sanderson, "Transnational terror and organized crime: blurring the lines", *SAIS Review*, vol. XXIV, No. 1 (winter-spring 2004).
- 8 Estimates vary between 10 and 25 million dollars (see Larry Niksch, "Abu Sayyaf: target of Philippine-U.S. anti-terrorism cooperation", Congressional Research Service, Library of Congress of the United States, 21 January 2002 (available at http://fpc.state.gov/documents/organization/8046.pdf)).
- ⁹ "An unforgotten ransom", *Expatica*, 5 September 2003 (available at http://www.expatica.com/source/site article.asp?subchannel id=19&story id=1974).

- 10 "French police arrest three linked to Algerian Islamist Group", Global News Wire—Asia Africa Intelligence Wire, 19 October 2002.
- ¹¹ El Kadi Ihsane, "In the heartland of the GSPC", *Algeria Interface*, 16 December 2002 (available at http://www.algeria-interface.com/new/article.php?article id=657&lng=e).
- ¹² Anthony Keats, "In the spotlight: the Salafist Group for Call and Combat (GSPC)", *CDI*, 14 January 2003.
- ¹³ Emerson Vermaat, "Bin Laden's terror networks in Europe", Mackenzie Institute Occasional Paper, 26 May 2002 (available at http://www.mackenzieinstitute.com/commentary.html).
- 14 The analysis presented here has benefited from an unpublished paper by Deborah Diamond on the relationship between organized crime and terrorism.
- 15 Intellectual property crime can be broken down into three categories: copyright violations, trademark infringement violations and theft of trade secrets. Copyright violations typically involve the piracy and counterfeiting of computer software, recorded music and movie videos. Trademark infringement violations encompass the counterfeiting of brand-name products. Theft of trade-secret violations involve the theft of valuable proprietary and sensitive information and includes all types of industries, from manufacturing to financial services to high technology. In all three of these categories, the ultimate goal is to sell the counterfeited or stolen items for a profit.
- 16 Testimony at the hearing "Intellectual Property Crimes: Are Proceeds from Counterfeited Goods Funding Terrorism?" before the Committee on International Relations, United States House of Representatives, 108th Congress, first session, 16 July 2003.
- ¹⁷ James A. Damask, "Cigarette smuggling: financing terrorism?", *Mackinac Center for Public Policy*, 1 July 2002 (available at http://www.mackinac.org/article.asp?ID=4461).
- ¹⁸ Kimball Perry, "Year later, terrorism claim blasted", *Cincinnati Post*, 11 June 2004 (available at http://www.cincypost.com/2004/11/06/terror110604.html).
- ¹⁹ Steven Metz, "The future of insurgency", 10 December 1993 (available at www.au.af.mil/au/awc/awcgate/ssi/metz.pdf).
- 20 See the website of the National Commission on Terrorist Attacks upon the United States (http://www.9-11commission.gov/staff statements/911 TerrFin Ch1.pdf).
- ²¹ Sebastian Rotella, "Jihad's unlikely alliance", Los Angeles Times, 23 May 2004.
- 22 M. Cherif Bassiouni, "Legal control of international terrorism: a policy-oriented assessment", Harvard International Law Journal, vol. 43, No. 1 (winter 2002).
- 23 Thomas M. Sanderson, "Transnational terror and organized crime: blurring the lines", SAIS Review, vol. XXIV, No. 1 (winter-spring 2004).
- ²⁴ International Crisis Group, War and Drugs in Colombia, Latin America Report, No. 11, 27 January 2005, p. 2 (available at http://www.icg.org/library/documents/latin_america/11_war_and_drugs_in_colombia.pdf).
- 25 The Rule of Law in the Global Village: Issues of Sovereignty and Universality (Milan, International Scientific and Professional Advisory Council, 2001), pp. X-XI.
- ²⁶ Bassiouni, loc.cit.
- ²⁷ Annual Report for 2000 and Resource Material Series No. 59 (Tokyo, Asia and Far East Institute for the Preparation of Crime and the Treatment of Offenders, October 2002), part three, Work Product of the 119th International Training Course, "Current Situation of and Countermeasures against Transnational Organized Crime", Visiting Experts' Papers, Matti Jousen, pp. 345 ff.

- ²⁸ See M. Bassiouni and E. Wise, Aut Dedere Aut Judicare: the Duty to Prosecute or Extradite in International Law (Dordrecht, M. Nijhoff, 1995), pp. 7-9; see also M. Bassiouni, International Extradition in United States Law and Practice, 3rd ed. (Dobbs Ferry, New York, Oceana Publications, 1996), pp. 295-382.
- ²⁹ M. Bassiouni, *International Extradition in United States Law and Practice*, 3rd ed. (Dobbs Ferry, New York, Oceana Publications).
- 30 Tamara Makarenko, "Countering the terror-crime nexus", Jane's Intelligence Review, 1 April 2002
- ³¹ Tamara Makarenko, "A model of terrorist criminal relations", *Jane's Intelligence Review*, 1 August 2003.
- ³² Walter Laqueur, "Postmodern terrorism", Foreign Affairs, September/October 1996.
- ³³ Tamara Makarenko, "Countering the terror-crime nexus", Jane's Intelligence Review, 1 April 2002; and Tamara Makarenko, "A model of terrorist criminal relations", Jane's Intelligence Review, 1 August 2003.

21