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## THE CULTURE AND CONFLICT REVIEW



### Defeating the International Criminal-Terrorist Network

Nathan A. Minami, 10/1/2010

#### Introduction

Cooperation between law enforcement agencies on both national and international levels is critical because research has shown that most terrorist groups end either due to them joining the political process or the success of law enforcement and intelligence agencies in arresting or killing key leaders.[1] While law enforcement agency efforts clearly failed on 9/11, the effectiveness of general law enforcement cooperation since then is debatable. Specifically, when this cooperation is analyzed in relation to efforts to combat the linkage between criminal activity and terror around the world, there appears to be several shortcomings.[2] This paper will show that the link between crime and terror is real and presents a number of challenges around the world. Despite some efforts to improve law enforcement cooperation on various levels, overall efforts to combat the criminal-terror nexus have only been moderately successful.

#### Link Between Crime and Terror

There is a substantial link between crime and terror. While international criminals and terrorists often have different motives for their activities, there are more forces that bring terrorists and criminals together than keep them apart. Coincidentally, the international criminal-terrorist nexus is increasing.[3] Indeed, there are a number of similarities between criminal and terrorist organizations. Both are typically rational actors, employ violence and intimidation as means of achieving their ends, and both create victims.[4] Criminal activities that terrorists engage in include kidnapping, cigarette smuggling, robbery, extortion, arms trading and drug smuggling.[5]

Most researchers and experts agree that the current international link between crime and terror began in the 1980s as the FARC exhibited great success in financing its terrorist organizations through the drug trade.[6] Gradually, other terror groups around the globe caught on and began to increase their links with criminal elements in order to diversify or expand their financial support. Since 9/11, another reason for the growing link between terror and organized criminal activity is that with the global war on terror restricting financial support to terrorist groups, these groups have had to engage more heavily in criminal activity.[7] An additional factor that encourages terrorist and criminal groups to work together is that they both typically operate in areas with limited government controls, weak law enforcement and open borders.[8] Both groups also use similar communications and technologies as well as similar money laundering mechanisms and methods for moving funds.[9]

The primary reason that criminal networks support terrorist networks is that terrorist networks undermine state security, making it easier for criminal networks to operate. In turn, terrorist networks back criminal organizations because criminal organizations generate revenue streams that terrorist networks can draw financing from.[10] This creates a symbiotic relationship between the two organizations where both benefit mutually from each other. A complimentary theory of how terrorism and crime are linked is viewed as an evolution from grass roots support for terrorism that grows to such an extent that more robust funding is needed than what can be provided by state sponsorship.[11] According to this theory, terrorists turn to criminal activities when their size and goals exceed the financial capacity of their

original base of support.

Terrorism's link to criminal activity makes it more difficult to target terrorists because of the hybrid terror-criminal organizations that are formed increase the complexity of the organization.[12] This confounds law enforcement agency efforts to target and capture terrorists. Indeed, terrorists and organized criminals often comprise complex network structures that intersect, making it easy for terrorists to hide among transnational criminal groups.[13] Another factor that makes the criminal-terrorist nexus so difficult to defeat is that the two parties learn from each other.[14] This implies that it is necessary to understand how the two types of organizations interact and evolve in order to effectively target and neutralize them. An additional challenge with defeating criminal-terrorist networks is that there has not been a great deal of research conducted on them, and the research that does exist appears to focus on proving that the phenomenon occurs in the first place.[15]

### **The Challenges**

While 9/11 terrorists were able to plan, train, retrieve finances, sustain and execute their operation all on American soil, it was their link to the international criminal-terrorist network that ultimately made their mission possible.[16] Specifically, it was their tie to Al Qaeda and the Taliban in Afghanistan which funded their mission. Indeed, one area where the link between crime and terror is perhaps most prolific is Central Asia, which is comprised of a number of weak states and is at a strategic hub for the transportation of drugs from East and Southeast Asia to Europe.

As Peters so vividly recounts in *Seeds of Terror*, there is a clear link between the poppy production and illicit drug trade that emerges from Afghanistan and the financial support that Al Qaeda and the Taliban receive from it.[17] Indeed, the Taliban raises between 15% and 40% of its budget from taxing the drug trade.[18] The poppy problem has been a specific challenge for U.S. military forces and law enforcement agencies operating in Afghanistan. On one hand, eradicating poppies is necessary because the Taliban collects taxes from poppy farmers, which provides substantial revenue that supports their operations.[19] On the other hand, eradication of poppy fields leaves farmers without a means for feeding their families and encourages them to engage in the insurgency or terrorist activities.[20] One example of why it is so difficult to eradicate this source of income from Al Qaeda is that it is so lucrative. For example, police chiefs in poppy-growing districts will pay up to \$100,000 for a six month appointment, for a salary of just \$60 per month.[21] This implies that only those involved in the poppy trade could possibly afford such a position and that they would then turn a blind-eye towards the drug trade and potentially even support it.

Tajikistan is another country in Central Asia where efforts to combat the growing terror-drug link have been largely unsuccessful. As approximately 87% of the world's opium production originates in Afghanistan, Tajikistan is an important thoroughfare for the flow of this drug to the West.[22] Consequently, in the late 1990s and early 2000s a powerful terrorist-criminal organization came to power in Tajikistan and eroded much of the government's legitimacy both with the people and the international community.[23] Finally, two additional locations where criminal-terrorist organizations have created instability in Central Asia are Uzbekistan and Chechnya.[24]

Unfortunately, Central Asia is not the only place in the world where terrorist organizations and crime are linked. Another example is Colombia where despite more than twenty years of U.S. assistance in combating the FARC and the drug trade, the problem still persists. In some aspects the terror-criminal nexus in Colombia has expanded over the past thirty years, and now the Movimiento 19 de Abril (M-19) also receives its funding through international drug trafficking.[25] Another area where a criminal-terrorist network flourishes is the Balkans. Indeed, efforts to combat the Albanian Kosovo Liberation Army (KLA) have not been successful for many reasons.[26] Part of the reason for this is that the KLA supported the U.S. in its air war against Serbian forces in Kosovo in 1999. Albanian criminal-terrorists have one of the most clandestine organizations in Europe and serve as a key smuggler for the movement of drugs from Central Asia into Europe.[27]

The Philippines is another place where criminal-terrorist networks have escaped justice. One recent failure was efforts to combat the Abu Sayyaf terrorist group which is linked to Al Qaeda.[28] Despite U.S. involvement to assist the Philippines in combating this terrorist group since 2003, Abu Sayyaf and the Moro Islamic Liberation Front have continually been able to kidnap foreign tourists and assistance workers in the Southern Philippines in exchange for ransoms which finance terrorist operations.[29]

Finally, other examples of criminal-terrorist organizations that have escaped law enforcement efforts to defeat them are The Shining Path in Peru, the Karen National Union in Myanmar, and the Liberation Tigers in Sri Lanka.[30]

### Cooperation

Perhaps the biggest challenge to cooperation between law enforcement agencies is that most of the major terror-criminal organization threats exist outside the U.S. This means that often, the U.S. military is employed to combat these threats (Afghanistan, Philippines, Kosovo) instead of traditional U.S. law enforcement agencies.[31] Therefore, cooperation takes on two perspectives, that internal to domestic law enforcement agencies and the effort that is external to the U.S..[32] While internal efforts have been consistently improving, the majority of the major terror-criminal networks that threaten global stability exist outside of the U.S., where it is more difficult for U.S. law enforcement agencies to have an impact.[33] And those efforts that have been conducted to increase cooperation on a global level have focused predominantly on military involvement or agreements for sharing information or extradition agreements. There have been only limited improvements in the employment of U.S. law enforcement expertise abroad or enhancement of international law enforcement agencies. In addition, one factor that complicates matters is that it is difficult to categorize law enforcement activities as either domestic or international as most threats now transcend borders.[34]

There are several factors that encourage various agencies to work together. Since 9/11 it appears that the efforts of domestic law enforcement agencies to improve cooperation have been moderately successful. One factor that encourages agencies to cooperate is that multiple agencies are often tasked with complimentary missions such as the CIA and FBI counterintelligence mission in the 1980s in efforts to arrest Aldrich Ames, a Soviet spy. Much of the reason for this cooperation was that both agencies working on their own only had half of the picture, and this same phenomenon helps to drive law enforcement cooperation in some cases today. A second major factor that causes agencies to work together is that various agencies have different powers.[35] For example, various law enforcement agencies have different jurisdictions, and in order for them to be successful, they must work together. Similarly, various agencies are allotted different constitutional uses of power to ensure that power is not abused.[36]

Unfortunately, there are also several problems with the current arrangement of law enforcement agencies inside the United States which makes it difficult for them to cooperate and prosecute the War on Terror. There are currently 87,000 different governmental jurisdictions within the United States.[37] This means that for any terrorist threat or criminal organization that is operating in a broad geographical area, the investigation authority usually is shared by a number of different agencies. So even when agencies want to cooperate, it is often a time consuming task for them to figure out who they need to cooperate with. Another complicating factor is that various agencies also have conflicting roles. As the 9/11 Commission pointed out, the intelligence community could not connect the dots prior to 9/11 largely because it was shrouded in secrecy and more emphasis was placed on who was allowed to view the dots than on collaborative sharing of information in order to put the whole picture together.[38]

The protection of informants, as identities often have to be revealed during criminal proceedings, also stunts the willingness of agencies to cooperate in many cases.[39] Equally important, the fact that local and state agency officers are expected to maintain focus on local problems often makes collaboration a secondary or tertiary priority.[40] While keeping a local focus can be helpful in developing contacts through good community relations, it also hurts law enforcement efforts specifically in combating terrorism because there is no incentive system for state and local law enforcement officers to think strategically about national and international threats. A final problem is that distrust often exists between law enforcement agencies at different levels, this is especially the case between state and local agencies and federal agencies.

Another challenge to cooperation is that a large amount of local and state law enforcement officials do not trust the FBI. This distrust makes it very difficult, sometimes impossible, for state, local and federal authorities to coordinate and synchronize their actions. Perhaps there is no better example of this than just prior to 9/11 when federal authorities were aware that Al Qaida was planning something and were actually looking for a couple of the 9/11 hijackers, but local officials were not aware of this. Therefore, when a Maryland state trooper pulled over one of the hijackers for a routine traffic stop the night prior to the attacks, the trooper simply let him go with a ticket rather than detaining him and handing him over to

federal investigators.[41] In the case of 9/11, it is likely that the plot could have been thwarted or at least delayed or mitigated had there been more cooperation and information sharing between local, state and federal agencies.

On the international level, the U.S. has made some important progress in improving counter-terrorism coordination. These improvements include legal assistance treaties, emplacement of FBI legal attaches in European courts and police officer exchange programs between the U.S. and various European countries.[42] These efforts also include agreements between the U.S. and European Union initiated by the European Police Office (Europol) for mutual legal assistance and extradition of suspected criminals and terrorists.[43] The U.S. has also undertaken efforts through FBI cooperative programs with Singapore, Malaysia, Thailand, Indonesia and other nations that focus on arresting suspected terrorists abroad and disrupting their financial support mechanisms.[44]

There are also some examples of international efforts that do not directly involve the U.S. that have helped to improve international law enforcement cooperation. One example is Southern Africa, where 11 countries formed a cooperative organization called the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO). SARPCCO has coordinated operations against organized crime and improved law enforcement cooperation between the member countries. Lessons learned from the SARPCCO and their multilateral expansion outside of their sphere to places as far as South America and Iran have shown that confidence building measures, joint border operations, and sufficient funding are critical to successful joint law enforcement activities.[45] Another area where there has been some success is the Asia-Pacific region where Australia has taken a lead in developing multi-lateral law enforcement agreements. One example is the Pacific Transnational Criminal Intelligence Network which combats both crime and terrorism in the region. This also includes a \$3.6 million project between Australia and the Philippines to enhance the Philippines' counter-terrorism capacity with regards to sharing information, explosives investigation techniques, and forensics.[46]

There are many areas, however, where international law enforcement cooperation efforts have been lacking. One example was a failure of U.S. law enforcement agencies to cooperate in the cases of Mzoudi and Mouttasedeq in Germany and Abu Hamza in England.[47] In addition, the U.S. has failed to get the European Union to assume a larger role in combating international terrorism, partly due to a lack of co-equal consultation between the two parties.[48] The effectiveness of U.S. efforts at overseas law enforcement has also been limited by a lack of coordination with partner countries overseas and a lack of oversight.[49] Specifically, more effort is needed to enable and encourage foreign law enforcement agencies to enforce law and order in their own countries.

One barrier to international law enforcement cooperation is sudden changes in the macroclimate regarding the relations between two countries. This has been the case on several occasions between the U.S. and China.[50] Other problems that limit international law enforcement cooperation are diverse legal systems and law enforcement structures, a lack of communication means between international law enforcement organizations, and differing approaches and priorities.[51]

### **Analysis**

As the preceding discussion demonstrates, while there has been some success in improving law enforcement cooperation since 9/11, there is still plenty of work to be done. This is especially the case in efforts to curb the growing nexus between criminal activity and terrorism. Indeed, the growing economy created by merging the economies of terror and international crime is approximately \$1.5 trillion, the size of the gross domestic products of the United Kingdom and Northern Ireland combined.[52] Complicating the problem, is the fact that terrorists don't need a lot of money to conduct operations. 9/11 only cost an estimated \$300,000 for Al Qaeda to conduct.[53] In addition, by claiming that 9/11 was an act of war instead of an act of terrorism or crime against humanity, the U.S. lost an opportunity to strengthen international legal practice that could have thwarted future terrorist attacks.[54]

As previously discussed, many law enforcement agencies in the U.S. have found it difficult to find the link between crime and terrorism, choosing to focus on either criminal organizations or terror groups individually rather than as a network.[55] But there are many efforts that can be made to improve in this area. A good place to start is improving our understanding of foreign police systems and courts, sharing information with international allies, and providing both legal and law enforcement assistance to allies.[56] This must be done to a much greater extent than what is currently practiced.

Other measures that can be effective are multilateral agreements, person to person training, meetings and assistance visits and using other economic and development venues to propel law enforcement cooperatives. Additional areas that need improvement are measuring advances in international cooperation, wider acceptance of existing agreements and protocols, focus on improving law enforcement capacity in developing countries, streamlining extradition processes and enhancing the utilization and sharing of available databases and information.[57]

There is also a need to develop a strategy to break the link between the black market economy and the legitimate economy. A specific way ahead would be to first focus on defeating international money laundering and then encouraging international banks to adhere to international rules and regulations which would make dirty money more difficult to transfer.[58] Another effort that can help is to formalize operational level planning procedures for international law enforcement missions that link the tactical law enforcement mission on the ground with overarching national security goals.[59] In accomplishing this, the placement of liaison officers with overseas law enforcement agencies, the sharing of law enforcement information and intelligence, and cooperation with international mechanisms such as Interpol and Europol are critical.[60] Other strategies that can help, especially on the domestic level, are outreach to various communities such as Muslims and Hispanics.[61] A final area of focus might be on improving some of the underlying conditions that lead to criminal activity and terrorism in the first place. Indeed, research shows that there is a connection between poverty and lack of education and terrorism.[62] Thus, efforts to improve education and the financial conditions of disenfranchised populations both at home and abroad could be very helpful in defeating criminal-terror networks. This could greatly reduce the challenge currently faced by international law enforcement agencies.

### **Conclusion**

While America and the international community have made some notable efforts to attack the growing international criminal-terrorist nexus, there has been only limited success. At best, current efforts are merely serving to disrupt the nexus, and have failed to decisively neutralize it. In addition, there has not been a concerted international effort to attack the nexus specifically, as most programs focus on either criminals or terrorists, but not in the areas where these two types of organizations are linked together. The advantage of focusing at the point where criminals and terrorists intersect is that these efforts will have a synergistic affect against both criminals and terrorists, neutralizing the symbiotic relationship that exists between the two entities. In accomplishing this, cooperation between international and domestic law enforcement agencies is critical. There must be focus on the diplomatic level to build trust and strong international relationships between countries that will set the conditions for strong law enforcement partnerships and intelligence sharing. Mutual respect is critical in building this trust, and outreach and exchange programs on all levels can help to achieve this. Finally, more funding is needed to enhance the ability of U.S. law enforcement agencies to expand overseas and build the strong partnerships that are requisite to defeating the global criminal-terrorist nexus.

### **About the Author**

Major Nathan Minami is an active duty Army officer and formerly an Assistant Professor in the Department of Systems Engineering at West Point. His education includes a B.S. from West Point and an M.S. from MIT. Major Minami is currently a doctoral candidate at Northcentral University with a specialization in Homeland Security Strategy and Policy. The views reflected in this article are the author's own and do not reflect those of Culture and Conflict Review or the United States Army.

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