

Links between arm trafficking and terrorism: a real challenge for international cooperation in criminal matters

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Excellencies, ladies and gentlemen,

The conference of today is actually good news. Up to few years ago, only raising the topic of the links between organized crime and terrorism was tabou. Still, several countries, members of the EU but also other important UN Member States continue to deny those links despite several Security Council Resolutions or Security Council Presidential Statements on that matter such as the last one of 8 May 2018 in which *The Security Council today strongly encouraged Member States as well as relevant regional, sub-regional and international organizations to enhance cooperation and strategies to prevent terrorists from benefiting from transnational organized crime.* According to the Media coverage, following up to the adoption of that Presidential Statement, *“The body also strongly encouraged States to secure their borders against, investigate and prosecute terrorists and criminals working with them, including by strengthening national, regional and global systems to collect, analyze and exchange information”*². This is even not speaking of the GA resolutions on the implementation of the UN Counter Terrorism strategies which are also critical in that matters.

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² S/PRST/2018/9

Crime and Director of the Centre on Counter Terrorism Expertise and Chair of the Cybersecurity Programme of the French Military Academy of St-Cyr, I would like to insist on the importance of the work of the international community on those aspects of the links between Counter Terrorism and Transnational Organized Crime and congratulate the MFA of the Russian Federation, especially the Department of New Threats and Challenges to have organized an international conference on that very topical issue.

Actually, we cannot ignore that, in the conflict areas, especially the ones in which terrorism is flourishing, arm trafficking is actively present.

I would like to take few examples in order to illustrate my position. First, and according to a data of the 2015 Havocscope report, it was indicated, in this report, that Government security agencies in Jordan seized 300 percent more weapons and firearms on its border with Syria in 2013 when compared to 2012; 900 weapons were seized in 2013 while attempting to be smuggled into Jordan and of course belonging to terrorist organizations. This is a significant element to demonstrate, at least, links between arm smuggling and the increase of the intensity of insurgency in Syria, noting that the growing influence of Daesch in Syria started also to have more impact around that period of time. Second, in the same time, in Afghanistan, and based on an investigation by NBC News, supplies from the United States military are being sold in street markets in Kabul, Afghanistan. Based on the report, high-tech night vision goggles were being sold for \$1,500. Firearm scopes are sold in the stalls for \$200, and U.S. military issued infrared sights sell for \$250³. Third, in the Sahel, and according to the study of NATO, Direction South on illicit trafficking in North Africa and and Sahel of 27.03.2018⁴, *“Unsecured weapons storage facilities that were previously guarded by the Libyan government are the main source of the outflow. The movement of these weapons across state*

³ Kiko Itasaka, “In Afghanistan, insider attacks begin with a trip to the market,” NBC News, October 6, 2013.

⁴ https://www.google.fr/search?ei=zpSLW_DOBI-00gW134ywAQ&q=arm+trafficking+and+terrorism+in+Sahel&oq=arm+trafficking+and+terrorism+in+Sahel&gs_l=psy-ab.3...5408.7658.0.10348.6.6.0.0.0.184.923.0j6.6.0....0...1c.1.64.psy-ab..0.0.0....0.TPkBdJwAuJ4

borders by former fighters”..... “has led to the proliferation of arms, to the benefit of arms traffickers and terrorists and other armed groups operating in the region. The largescale movements of foreign fighters fuelled the transfer of weapons » and “the reported presence of Middle Eastern SALW in Sahel terrorist attacks, denote an emerging trend in arms smuggling: the transnational supply chains take advantage of the terrorist groups’ links in other crisis areas”.

Speaking about the magnitude of arm trafficking and according to the same Havocscope source, in its Global Black Market Information⁵, arm trafficking was considered as part of transnational organized crime activities. In 2014, it represented an illegal trade of 1 billion US dollars while the magnitude of Human smuggling was of 35 billions \$ and Human Trafficking 32 billions \$. Still, it was much more important than Nuclear Smuggling 100 millions \$ or Organ Trafficking 75 millions \$.

Illegal Activities Monitored Within the Transnational Crime Section of Havocscope:

1. [Arms Trafficking](#)\$1 Billion
2. [Human Smuggling](#)\$35 Billion
3. [Human Trafficking](#)\$32 Billion
4. [International Adoptions](#)\$1.3 Billion
5. [Nuclear Smuggling](#)\$100 Million
6. [Organ Trafficking](#)\$75 Million
7. [Organized Crime](#)\$322 Billion
8. [Prostitution](#)\$186.00 Billion

While the magnitude is obviously less important than the ones of Human Smuggling or Human Trafficking, it should not be neglected since the links between arm trafficking and terrorism are real. In France, we have been able to observe those links at the occasion of the perpetration of terrorist acts. Indeed, in the 9-3 district, nearby Paris. *“It is true that radical terrorist networks establish their basis in this district close to Paris since they can hide themselves there and take advantage of underground and illicit economy since many of them have been part*

⁵ <https://www.havocscope.com/tag/arms-trafficking/>

*of those networks and were part of those illicit activities” said Jean-Charles Antoine in his article, “**Le 9-3, territoire de la Nation**”⁶. This author, in studying the territory of that district, observed, first, “that it was primarily a place of illicit arm trafficking because of easy connections with the Balkans through the international bus station of Porte de Bagnolet and, second that this place had a long standing tradition of illicit drug trafficking, and that the organized criminal groups created, there a zone in which law enforcement, social services and other State agencies had not anymore a real control on the territory. Those elements facilitated the preparation and the perpetration of the two main terrorist attacks in Paris and its region during the year 2015. Thus, perpetrators of the Charlie Hebdo attack left Paris towards this district. The logistical support as well as the first of the terrible attacks of 13 November 2015 in Paris and its region took place in that district since the National French Stadium is located there. It was also in one of its main cities, St- Denis that those terrorists were located and neutralized by the law enforcement agencies. Finally, close connections between this territory and radicalized suburbs in Belgium were discovered during the investigations. It should also be added that its geographical location is also close to the highway from which it is possible to drive very quickly to Belgium”.*

What do those observations mean for us today?

Yes, links between terrorism and arm trafficking are again clear; but there is a need also for that connection to be established, of an environment which can benefit to both terrorism on one side and arm trafficking on the other side. We call those elements objective links. Of course, the ultimate goals between terrorist organizations and organized criminal groups are different. If we come back to terrorist definitions encapsulated in the United Nations sectorial conventions against terrorism such as, for example, the Convention against Financing of Terrorism or the Terrorism Bombing Convention, we can see that the specific intentional element of terrorism is to terrorize the general population or to coerce a government to do or not to do something. At the contrary, the intentional element of an organized criminal group is to obtain a financial or other material benefit. However, at a certain

⁶ Le 9-3, Territoire de la Nation, Revue Hérodote , troisième trimestre 2016, n°162 Jean-Charles Antoine

point in time, it happens that an organized criminal group sells arms to terrorist organizations or even more, a terrorist organization may not hesitate to become an organized criminal group in order to get appropriate resources to support its structure and commit its terrorist attacks. In such a situation, the Transnational Organized Crime (TOC) Convention would be applicable to such terrorist organization.

Hence, it becomes clear that, not speaking of exchange of information between intelligence agencies but about international cooperation in criminal matters among law enforcement, prosecution and judiciary, there are several elements which constitute a series of huge challenges for the international community:

-First, it is as clear as the existence of links has been demonstrated that there is a need of relevant and fast international cooperation among law enforcement, prosecution and even judiciary at the moment of investigations on terrorist attacks on both aspects, organized criminal activities and terrorist ones whenever there are weapons involved in such attacks; actually, we should find accomplices who obtained and provided those weapons to the terrorists and we must also dismantle the specific networks which provided those arms. Of course, we should underline that more and more in Western Europe, arms for committing terrorist attacks are constituted of cars, trucks or knives but we should not neglect what happened during the previous days in Afghanistan, Syria, Iraq as well as in the African regions in which Boko Haram or Al Shabab commit their terrible attacks. They use bombs and weapons. And we should not even forget possibilities of trafficking in chemical weapons as the Exhibition of this Morning showed it to us today and which may, still, be a danger, as it was used in the past for terrorist attacks and could be used again not even speaking about combination of the use of drones together with weapons previously mentioned.

- Second, international cooperation in criminal matters which is even not enough used to counter terrorism on one side and TOC on the other side, becomes even less efficient when terrorist crimes are committed in a context in which arms trafficking was used to provide weapons to the perpetrators.

Several observations should be made in such a context:

- 1) Law enforcement agencies and prosecution or even but more rarely the judiciary which are specialized in both countering terrorism and organized crime are not always established. In several countries, Counter Terrorism Units are not at the same time Anti Organized Crime Units because of the so-called political aspect of terrorism. That aspect is at the national level.
- 2) At the international level, the conventions and protocols are also different. The sectorial conventions and protocols against terrorism are not so much used by the United Nations Member States which prefer bilateral cooperation. Actually, they should combine both in using the definition of terrorist acts contained in those instruments in order to face the difficult issues related to the implementation of the principle of dual criminality and at the same time, using the TOC Convention which is more frequently used but only to counter the activities of organized criminal groups. We should stress that it should also be used to tackle terrorism whenever terrorist groups become, de facto and de jure, organized criminal groups, for example in being involved in arm trafficking. It should also be underlined that the TOC Convention has incorporated in its provisions an important set of international cooperation provisions, much more than the UN sectorial instruments against terrorism.
- 3) At least, the Security Council 1267 Committee against Al Qaida, the Taliban and their associates works well at the preventative level to counter arm trafficking linked to the activities of terrorist organizations which are listed by the Committee. Also, the UN Security Council 1540 Committee works permanently on the matter. But we should do more in order to tackle impunity while at the same time promoting the rule of law and human rights in conducting appropriate criminal investigations.
- 4) The Protocol against illicit manufacturing and trafficking in firearms additional to the TOC Convention should be much more used. But here, we face several problems. First, the marking of firearms is not clear in that Protocol since a single marking system

was not adopted. Second, the number of ratifications is not at the level of the other TOC instruments. Third, there is still from many national agencies, a kind of political or technical hesitation to use this instrument. As the Executive Director of UNODC said yesterday, the international community should really agree to promote the implementation of the Protocol, notwithstanding that we could also use the generic terms and offences of the TOC Convention and its international cooperation measures if we cannot use the Protocol when a country has not ratified it or acceded to it. In that respect, it may be interesting that, as a laboratory experience, we may propose to the Bureau of the Parliamentary Assembly of the Mediterranean, a seminar in which Parliamentarians, law enforcement representatives, prosecutors including the International Association of Prosecutors in which the Prosecutor general of the Russian Federation is very active as well as representatives of the Supreme Court may attend

- 5) In terms of prevention and analysis, again, at the international level, several provisions are contained in the TOC convention and very few in the UN Counter Terrorism instruments. Cross-fertilization of studies and analysis is, indeed, critical to know when, where and how much those links are used. Academia and specialized institutes should work together on that subject. At the UN level, the Counter-Terrorism Executive Directorate of the Security Council is ideally placed to work on that study since it established several years ago a network of such institutes and academia; even more CTED has launched an initiative on Crime Terrorism Nexus which is an perfect place to continue those studies. Obviously, that work should be done in full coordination with UNODC which supports the implementation of the Arm Trafficking Protocol and under the overall coordination of the OCT which may wish to support those initiatives. On that topic, the Security Council Presidential statement of 8 May 2018 would be very useful to use. We should not forget, in the same vein, the importance of the work of the Office of Counter Terrorism for the work done in coordinating projects and activities on tat issues and supporting technical assistance programmes in this regard.

The road for the implementation of an efficient international action against the links between Terrorism and arm Trafficking is still very long. But it does not mean that we should not work more intensively against this criminal phenomenon while respecting the rule of law and human rights. The only way to do so is to increase the capacities of international cooperation in criminal matters. This is, moreover an important action to combat terrorists' impunity and protect more the life of our citizens.

Thank you