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Crime-Terror Nexus in the EU

How do you analyze the present situation of the crime-terror nexus in the EU?

The specific concept of crime-terror nexus refers to the grouping of two different actors, with distinct identities, tools and methods but able to easily go over rigid distinctions for practical purposes. According to the United Nations Convention Against Transnational Organized Crime, to be considered as organized crime, a group has to (a) consist of a collaboration of at least three people (b) that are gathered for a prolonged or indefinite period of time; (c) be suspected or convicted of committing serious criminal offences; and, (d) have as their objective the pursuit of profit and/or power (1).

Terrorism is usually conceived as the conduct of premeditated violence or the threat of violence that is perpetrated by members of an organized group, in order to achieve a predetermined political objective, normally an attempt to influence political behavior (EP Report, 2012: 10). This notion of terrorism differs from other forms of political violence, that is to say, from “paramilitary” which includes those groups that maintain some form of violent capacity and yet are not in any way part of the State as well as private enterprises employed by the state for providing various services (Tupman, 2009).

The different nature of both actors (entrepreneurial for criminals, more political for terrorists) is probably at the basis of the skepticism which has animated some scholarly debates. As Tamara Makarenko pointed out, the immediate post-Cold War environment provided both actors with more access to technological advancements and to financial and global market structures and combined with the abovementioned increasing of weak states and civil wars. Although traditionally separate phenomena, the rise of transnational dimension of organized crime activities in the 1990s, and the changing nature of terrorism, have contributed to blur the distinction between political and criminal motivated violence and to reveal operational and organizational similarities (Makarenko, 2004; 2009). Such evanescence of traditional boundaries is, currently, the predominant character of the nexus and it includes, on one hand the flexible set of interactions between separate entities and, on the other, the multi-layered implications they can produce on a regional and global level.

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As for the first one, Makarenko has efficaciously depicted the process through different phases or steps which can be put along a continuum (Makarenko, 2004). Nevertheless, recent events have shown that intersections between terrorism and organized crime have diversified over the years; they easily rush from chronological or logical order and tend to be more and more flexible. Although the continuum is useful for understanding the escalating relationship between the two actors, I argue that three larger categories (coexistence, cooperation, convergence) may better describes such flexibility, in embracing various gradations of activity and all of them can easily be found in Europe.

Coexistence is probably the most conceivable condition, in which criminals and terrorist groups operate in the same business but explicitly prefer to remain separate entities, unless it is rationally required. Local conditions are essential to facilitate coexistence, but they cannot deal only with the presence of a conflict or with a non-democratic political regime. Some of the features that build a situation conducive to organized crime also make it attractive to terrorist groups. The lack of border control and law enforcement and the eventual presence of certain types of infrastructure and services for operations may be more easily found in weak or fragile states, but can affect democratic states as well. The combined presence can amplify the threat to state structures – both weak or democratic states - even if they do not explicitly act together and they may produce cross-border effects.

Cooperation concerns established alliances between terrorist and criminal groups and is a more time-and-resources-consuming process. The fact that there are differences in motives and that it is inherently risky push to agree that real alliances between criminals and terrorist groups are unlikely, especially in the long-term. While short-term, occasional or *ad hoc* relations may be frequent and outweigh these risks, especially if focused upon specific operational requirements.

Convergence is apparently the most difficult to occur but basically the more frequent one. Organized criminal networks have long used terror tactics to safeguard business interests and protect their working environments, but even the use of criminal expertise by terrorist groups in order to meet operational requirements is increasing. More frequently, for terrorist groups, the incentive to develop such capabilities deals with the need to provide a sizeable and reliable source of funding. The overlapping in motives and identities is more difficult to arise. Even though lucrative illicit activities may eventually transform politically motivated groups and override their political aspirations, it becomes difficult to clearly distinct collective or individual motivations. Therefore, if conceived in its broadest sense, convergence may be considered as the most relevant source of threats

It is clear that the nexus can be still explained in terms of alliances and the reciprocal use of tactics, which remain its main visible – and measurable – component. Nevertheless, it has evolved also into something more complex, as the three categories may easily overlies or clash. Criminals and terrorist remain both able to separately

exploit illegal markets and to influence policy-making but the fact that this may happen jointly – and through various forms which cannot always be easily categorized – make the implications they can produce on a regional and global level extremely multi-layered.

The internationalization of EC/EU crime control started at the beginning of the Cold War, through the development of cross-border policing institutions, and the extension of its own practices to the neighbors. The deepening and widening of the European integration contributed to the increasing of this process.

The nuclear deterrence strategy and arms control negotiations of the Cold War and subsequent détente era, the three-decade-long Helsinki process, and the formulation of national and multilateral defence policies in the 1990s in response to new security threats, like new wars, the rising of civil conflicts, and the proliferation of weapons of mass destruction (WMD), contributed to the increasing will of the European countries to strengthen their cooperation in the key-issue of drug trafficking (Shelley, 1995).

The adoption of the EU Drug Strategy, in December 2004, witnessed the existence of a larger political concern about drugs across the EU countries, beyond the different approaches among Member States. The successive EU Drugs Action Plans, as well as the successive one, scheduled for the period 2009-12 are based on the same set of basic principles: a balanced approach to reducing the supply and demand for drugs, and the founding values of the Union: respect for human dignity, liberty, democracy, equality, solidarity, the rule of law and human rights. Among the measures prescribed for establishing joint policies, the enhancement of judicial cooperation in the area of combating drug trafficking and law enforcement and the strengthening of Europol, Eurojust and other EU structures are included (2).

The tradition of close cooperation with underdeveloped countries, in the field of aid and relief offered the already exploited platform and expertise for improving cooperation with third countries and international organizations in the field of drugs through closer coordination of policies within the EU.

In the document *A Secure Europe in a Better World*, issued by the European Council in December 2003, the EU High Representative for Common Foreign and Security Policy, Javier Solana, points out the main elements which are required to build a strong and solid *European Security Strategy* (ESS). The abovementioned set of principles is used also for enlarging EU capabilities and contribution to global security. The ESS stresses European responsibility for global security, the need of effective multilateralism and the extension of the international rule of law. The ESS lists five key threats to Europe: terrorism, the proliferation of WMD, regional conflicts, failed/failing states, and organized crime. The last one, in particular, is strictly linked to the conditions that cause conflict, fear and hatred, a criminalized economy that profits from violent methods of

controlling assets, weak illegitimate states, the existence of warlords and paramilitary groups. The document was essentially produced in response to the challenges posed by the US about the Union's actorness in the sphere of security policies and, in arguing that, "*the best protection for our security is a world of well-governed democratic states*" (ESS, 2003: 10), it goes towards the building of a broader and integrated strategy.

In your opinion, how will the situation likely evolve over the next five years?

In the EU, the main character of its contribution is the shifting process from the Home and Justice Affairs approach to a more comprehensive plan, essentially founded on the blurring boundary between internal and external security. And this shifting process is expected to increase in the coming years.

The common objective, which is the protection of citizens and States from risks, explains why the threat of terrorism and organized crime was identified in the ESS which had an explicit external perspective and then appears in the set of documents which constitutes what is commonly described as the Internal Security Strategy (ISS) of the Union . The ISS addresses a wide list of security challenges the European countries face in their domestic borders, including terrorism, organized and cross-border crime, cyber-crime, violence in all its forms, accidents (transport, industrial, etc.) and natural and man-made disasters and implicitly suggests a larger reflection on the *European Security Model*. Therefore, the need to integrate all the existing European strategies relevant to internal security, to strengthen coherence and consistency and to promote truly effective policies is urgently underlined (Attinà, 2013).

The necessity to tackle challenges which go beyond the EU states' national, bilateral or regional capability and which strongly require multilateral efforts have therefore produced two main outcomes.

On one hand, the EU is improving its institutional capacities and actions in a wider framework of international cooperation for preserving its own citizens and its neighborhood, namely the Arab world and the Western Balkan countries, from increasing domestic political violence by local organized groups. On the other, as made clear in the ESS, the rationale on which the fight against crime and terror is based is part of a broader security culture the European countries founded in the early 1990s and deals with the contribution the EU is able to provide for preserving global society.

The constant use of the common actions, in the last decades, has contributed to the rising of a specific international image of EU as a civilian power. The will to build long-term stabilization, to act through multilateralism, and to be inspired by norms and ideas are the main elements of the global actorness EU has developed in the field of promotion of democracy and security (Duchene, 1972). The more complex set of

competences the Treaty of Lisbon has contributed to link this policy to the common security and defence policy and to the civilian and military assets in support of peace-keeping missions, conflict prevention and international security outside the Union (TEU art. 42).

The number of military and civilian missions the EU has deployed inside and outside Europe has increased and developed over the years. On one hand, the EU foreign policy put more emphasis on conflict prevention than on management, through political commitment and constructive dialogue. On the other, even though military action is seen as a measure of last resort, the EU developed a structure of crises management and conflict resolution, which is coherent with the global trends about humanitarian intervention and also with its own model of commercial, economic, cooperative, and diplomatic nature (Longo, 2013).

Even though they are envisaged as the last resort, civilian missions have been extensively used for tackling non-traditional threats, including crime and terrorism issue. The number of cases in which threats dealing with organized crime and/or terrorism are managed through Common Security and Defence Policy (CSDP) missions is increasing. Also, the tasks are diversifying and becoming more professionalized. Security Sector Reform and Rule of Law may support additional policies or actors (i.e. EULEX in Kosovo).

Therefore, the use of civilian missions constitutes a unique feature of the EU contribution to the multilateral cooperation. Together with shared principles and institutional improvements in this area the EU is – gradually and hardly – improving its capacity to dialogue with the US and other actors and to shape the global environment.

What are the structural long-term perspectives?

In the long-term, despite the skepticism which still animates some scholarly debates, the nexus between terrorism and organized crime may represent a renovated kind of security threat. The basic definition, provided by the literature, refers to a strategic alliance between two non-state actors, both able to exploit illegal markets and to influence policy-making on a global level. Such effects may be deteriorated in troubled contexts, affected by war and insurgency, which can constitute safe heaven because ungoverned entities. Failed and weak state do not attract criminals and terrorist *per se* and they can be considered as an additional features, not a constitutive one.

I argue here that the nexus still represents a threat for the current global security agenda and, since challenges are posed to both states and international system, producing important implications for policy at national and international level, there is a need to understand how multilateral is the current state of response. Although they still remain two separate phenomena, the changing nature of global security and the increasing

effects of globalization have contributed to blur the distinction between political and criminal motivated violence and to reveal operational and organizational similarities. The evanescence of traditional boundaries is currently marking the new manifestations of the nexus and imposing to scholars and policy-makers a reconceptualization of the whole phenomenon, which include on one hand the flexible set of interactions between separate entities and, on the other, the multi-layered implications they can produce on a regional and global level.

In particular, three large categories (coexistence, cooperation, convergence) describe various gradations of intersections between the two actors. While cooperation expresses the traditional way to conceive the nexus, in terms of alliances, co-existence and convergence better represent the more practical use of terrorist techniques by criminals or the illicit activities by terrorist for funding in an occasional and functional perspective.

All categories may be found in both ungoverned or democratic states – therefore, even in Europe - and can occur in a very fluid way. The challenges the nexus poses to states are definitely marked by the global and regional widespread and can be placed on a double level. It constitutes a threat to the state capacity to provide security to its citizens and to the regional and international institutions ability to manage cross-border flows. This is the reason why it is listed among those issues of global concern which require a collective response.

If the comprehensive security paradigm can be easily used for analyzing the threats posed by the nexus towards the global system, multilateralism can constitute the framework within which the set of responses can be understood. Multilateral cooperation may be considered as a sophisticated form of interaction among states, international and regional organization, founded on universal principles, equal participation of states in collective mechanisms, and no discrimination in putting principles into action.

In this specific field, the internationalization of crime and terror control was essentially the export of law enforcement rules – namely the domestic definition of security and of organized crime – from the Western powers to the rest of the system.

The EU contributed to shape the international set of definition and rules in the field of organized crime and terror, by using their different but leading roles. The globalization process, the rising of non-State actors and the consequent development of the human aspects of security, as well as the events of September 11 pushed the main international political actors to change this composite structure of relations, stressing the blurring boundaries between internal and external dimension of security.

The potential for cooperation between organized crime and terrorist groups should lead

to governments and law enforcement agencies developing assertive and coordinated counter-strategies. Understanding the factors that contribute to the emergence of organized crime and terrorist groups will not only make states more resilient, but also more effective in ensuring that the crime-terrorism nexus becomes more risky and less profitable. Multilateralism can represent the only tool for producing this result as well as the only political context within which a coherent and efficient global counterstrategy can be conceived and developed for the overall resilience of states. The potential EU has developed and, in particular, its complex strategy based on an integrated strategy is a promising step for advancing multilateral cooperation.

Notes:

- (1) Council of the European Union (2008), *EU Drugs Action Plan for 2009-2012*, in OJEU C326/7, 20.12.2008.
- (2) *Towards a European Security Model*, prepared by the Council and approved at the European Council in 2010 (doc. 7120/10); *The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*, of 22 November 2010

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