

Le Président du Conseil de sécurité présente ses compliments aux membres du Conseil et a l'honneur de transmettre, pour information, le texte d'**une lettre datée du 4 décembre 2014**, adressée au Secrétaire général, **par le Représentant permanent du Tchad auprès de l'Organisation des Nations Unies**, ainsi que la pièce qui y est jointe.

Cette lettre et la pièce qui y est jointe seront publiées comme document du Conseil de sécurité sous la cote S/2014/869.

Le 4 décembre 2014

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of **a letter dated 4 December 2014 from the Permanent Representative of Chad to the United Nations** addressed to the Secretary-General, and its enclosure.

This letter and its enclosure will be issued as a document of the Security Council under the symbol S/2014/869.

4 December 2014

ENGLISH TRANSLATION OF THE LETTER TO FOLLOW

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N°1163/MPTNU/PSE/ 2014

New-York, le 4 décembre 2014

Son Excellence Monsieur le Secrétaire général  
de l'Organisation des Nations Unies  
New York

Excellence,

J'ai l'honneur de vous transmettre ci-joint la note de cadrage relative au débat public de haut niveau du Conseil de sécurité portant sur les « menaces à la paix et à la sécurité internationales : terrorisme et criminalité transfrontalière » qui aura lieu le 19 décembre 2014 (confère annexe).

Je vous saurai gré de bien vouloir transmettre la présente ainsi que son annexe comme document du Conseil de sécurité.

L'Ambassadeur / Représentant Permanent



*Chère Excellence*

S.E M. Ban Ki-moon  
Secrétaire général de  
l'Organisation des Nations Unies  
New York

# **Threats to International Peace and Security: Terrorism and Cross-Border Crime**

## **Concept Note for the UN Security Council Thematic Debate**

**On 19 December 2014**

**Under the Presidency of the Republic of Chad**

### **Introduction**

Building on a recent tradition of African states encouraging the Security Council to consider the relationship between organized crime, trafficking and instability, on 19 December 2014 the Republic of Chad will preside over an Open Debate in the Council concerning threats to international peace and security: terrorism and cross-border crime. The debate will focus in particular on the *intersection* of those two phenomena, in Africa, but also consider the broader impact of this intersection on international peace and security. The concept note examines how the intersection of cross-border crime and terrorism complicates the Council's conflict prevention and resolution efforts, and raises the question of the tools available to the Council to address these impacts. The concept note proposes the Council initiate a strategic review of the tools at its disposal (including peace operations, sanctions, the Council's counter-terrorism bodies, and Article 34 investigations) for consideration alongside the report of the High-Level Panel on Peace Operations in 2015.

The concept note begins by recalling the Security Council's fifteen years of activity on the question of the impact on international peace and security resulting from the interaction of terrorism and cross-border crime. It notes that support for such activity has been strongest where it relates to specific conflict management and resolution efforts already on the Council's agenda. Because, however, the Council's focus has tended to be on the operational level of interaction between cross-border criminal activity and terrorist groups, the Council has not to date effectively considered the strategic level implications of this interaction – specifically, how the intersection of cross-border crime and terrorism complicates its conflict prevention and resolution efforts.

Reviewing relevant items from the Council's agenda, the concept note argues that cross-border crime: 1) increases the strategic space within which terrorists operate, by weakening state capabilities and authority, and in turn increasing terrorist groups' capabilities and support; and 2) increases obstacles to effective conflict resolution through increased risk of: a) conflict relapse, b) cross-border spillover and resulting internationalization of conflict, c) harm to civilians and d) threats to mission personnel safety and security.

The note proposes that the Security Council initiate a formal 'Strategic Review' process to consider how the intersection of cross-border crime and terrorism may be impacting its conflict prevention and conflict resolution efforts, particularly in Africa, and to consider the tools at its disposal for reducing the strategic space that cross-border crime affords terrorist groups. This 'Strategic Review' could take the form of a report to the Council by the Secretary-General, or, if the review is limited to Africa, a report developed jointly by the Chairs of the Council's ad hoc Working group on Conflict Prevention and Resolution in Africa and its Counter-Terrorism Committee.

## 1. Past Security Council activity

1.1 During the Cold War, UN Secretaries-General drew attention to specific cross-border crime issues complicating conflict situations already on the Security Council's agenda. For twenty years, UN peace operations in the Balkans, Central America, DRC, Haiti, Somalia and West Africa wrestled quietly with the impacts of cross-border crime on conflict and peace processes. Starting in the late 1990s, individual Council members also began warning of the threats posed by drug trafficking in Angola, Bosnia and Herzegovina, DRC, Haiti, Iraq, Kosovo, Lebanon, Myanmar and Somalia.<sup>1</sup>

1.2 The link between cross-border crime and terrorism began to be highlighted following Al Qaida's bombings of American embassies in Tanzania and Kenya in 1998. After the Council demanded, in Resolution 1267 (1999) that the Taliban 'cooperate with efforts to bring indicted terrorists [i.e. Usama bin Laden] to justice', in Resolution 1333 (2000) the Council, reacting to the Taliban's failure to comply, banned the sale of acetic anhydride, a heroin precursor, to Afghanistan, and demanded that the Taliban eliminate all illicit cultivation of the opium poppy.<sup>2</sup>

1.3 The conceptual link between terrorism and organized crime was made more explicit when the Council adopted Resolution 1373 (2001), which for the first time required all Member States to domestically criminalize terrorism and the financing thereof. The Council described the connection between terrorist and criminal activities as a 'serious challenge and threat to international security'.<sup>3</sup> The counter-terrorism bodies entrusted by the Council with implementation of Resolution 1373 (2001) have, in the subsequent decade, routinely treated the potential links between terrorism and organized crime as falling within their purview. The UN Counter-Terrorism Executive Directorate, for example, has worked extensively with states to build their border management capacities to control terrorist movements and their criminal justice capacity to tackle money-laundering.

1.4 The Council began to consider whether drug trafficking and organized crime might, in and of themselves, in some cases constitute threats to international peace and security – without any specific link to terrorism – around 2004. From that year, a 'crescendo' of reporting from UNODC and the UN's regional Office for West Africa (UNOWA) sounded the alarm regarding the corrupting influence the drug trade was having on West African political and security institutions.<sup>4</sup> Latin American cocaine trafficking networks had been building new routes to the European market through West Africa. Between 2007 and 2009, often at the instigation of African members, the Council adopted a series of Presidential Statements and Resolutions tasking UN bodies in the region with assisting local actors to tackle organized crime, and ultimately describing it

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<sup>1</sup> Security Council Report, *Update Report No. 1*, 4 December 2009.

<sup>2</sup> S/RES/1333 (2000), 19 December 2000. See also S/PRST/2003/7, 18 June 2003; and UN Doc. SC/8850, Press Statement, 9 October 2006; and S/RES/1817 (2008), 11 June 2008.

<sup>3</sup> S/RES/1373 (2001), 28 September 2001, OP 4.

<sup>4</sup> S/PV.6277, 24 February 2010, p. 21.

as a ‘threat to regional stability’ and a ‘threat to security’ – absent any requirement of a demonstrated link to terrorism.<sup>5</sup>

1.5 The Council quickly imported the language developed in the West African context into commentary on the impact of drug trafficking on other situations on its agenda, notably Afghanistan and Haiti.<sup>6</sup> It soon began to treat transnational organized crime as a thematic issue. In Presidential Statements in late 2009 and early 2010, and then routinely, including as recently as December 2013, the Council has invited the Secretary-General to consider mainstreaming the issue of drug trafficking as a factor in conflict prevention strategies, conflict analysis, integrated missions’ assessment and planning and peacebuilding support.<sup>7</sup>

1.6 In parallel, the Council was also supporting efforts by Member States to tackle another form of cross-border crime – maritime piracy – in part because of its potential links to terrorism.<sup>8</sup> As with the question of the links between drug trafficking and terrorism, the issue of piracy came onto the Council’s agenda through conflict situations already there, with African situations – notably Somalia and the Gulf of Guinea – figuring prominently. Over time, the cross-border criminal activity in question came to be considered a threat first to regional stability, and then to international peace and security in its own right, and on that basis the Council supported states’ cooperative efforts to tackle a growing cross-border crime problem.

1.7 The Somali piracy problem differed however from the Council’s handling of organized crime and drug trafficking in several respects.<sup>9</sup> Perhaps most significantly, the legal definition of piracy as a crime in international law is clear and universally accepted, as is the right of every state to try and punish pirates. This is not the case for some other cross-border crimes, which has led to some notable resistance in recent years to the Council considering those issues *absent* a link to terrorism or specific conflicts on its agenda.

1.8 This was particularly notable during an open debate in April 2012 entitled ‘Threats to international peace and security: Securing borders against illicit flows’.<sup>10</sup> Some states argued that the Council should not address different forms of commodity trafficking in piecemeal fashion, but instead focus on efforts to strengthen national

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<sup>5</sup> S/RES/1829 (2008), 4 August 2008; S/RES/1876 (2009), 26 June 2009; S/PRST/2009/20, 10 July 2009; S/RES/1885 (2009), 15 September 2009; S/PV.6212, 5 November 2009; and S/PRST/2009/29, 5 November 2009.

<sup>6</sup> See S/RES/1890 (2009), 8 October 2009; and S/RES/1892 (2009), 13 October 2009.

<sup>7</sup> See S/PRST/2009/32, and the discussion in S/PV.6233, both 8 December 2009; and S/PRST/2010/4, and S/PV.6277, 24 February 2010. See also S/PRST/2013/22, 18 December 2013.

<sup>8</sup> S/RES/1816 (2008), 8 June 2008; S/RES/1846 (2008), 2 December 2008; S/RES/1851, 6 December 2008; S/RES/1897 (2009), 30 November 2009; S/RES/1918 (2010), 27 April 2010; S/RES/1976 (2010), 11 April 2011; S/2011/360, 15 June 2011.

<sup>9</sup> James Cockayne, “The UN Security Council and Organized Criminal Activity: Experiments in International Law Enforcement”, *United Nations University*, 3 November 2011, Available at: <http://unu.edu/publications/working-papers/the-un-security-council-and-organized-criminal-activity-experiments-in-international-law-enforcement.html>

<sup>10</sup> See S/PV.6760, 25 April 2012.

borders to deal with all trafficking. Others responded bluntly that ‘border management falls within the sovereignty of Member States’, and that the Council should ‘avoid duplication of labour and disrupting the functions of other United Nations bodies’.<sup>11</sup> The Chair of the New York caucus of the Non-Aligned Movement (NAM) wrote an open letter to the Council criticizing it for holding the debate and encroaching on state sovereignty.<sup>12</sup> Another group of countries, and the Secretary-General, cautioned that hardening borders should not come at the expense of trade, migration and development.<sup>13</sup>

1.9 Still, since then, the Security Council has however shown a willingness to continue to tackle specific forms of cross-border crime that clearly complicate specific conflict management and resolution efforts, including those in which terrorist groups are involved. This is most notable in two areas: 1) wildlife trafficking (in CAR and DRC);<sup>14</sup> and 2) the trading of oil with listed terrorist groups in Iraq and Syria.<sup>15</sup>

## 2. Strategic impacts of the interaction of terrorism and cross-border crime

2.1 To date Council discussions of the interaction of terrorism and cross-border crime have focused on the *operational level*, in particular how terrorist groups benefit from revenue earned from criminal activities, and how cross-border trafficking facilitates their access to weapons and personnel.<sup>16</sup> Yet this risks overlooking the considerable impact of the intersection of terrorism and cross-border crime at the *strategic level*. Cross-border crime increases the strategic space for terrorist groups to operate, in three ways.

2.2 First, **cross-border crime and weak border controls can weaken state authority**. States’ inability to control criminal activity, particularly in border regions far from state capitals, leaves populations vulnerable to intimidation and violence from bandits, mercenaries and terrorist groups, including those on the other side of international borders. Cross-border charcoal trafficking has supported Al Shabaab, underpinning its raids into Kenya. Cross-border smuggling and kidnap and ransom activity has played an important role in financing AQIM in the Sahel, allowing it to move from North Africa into the Sahel. More recently, in July 2014, Boko Haram staged a cross-border raid into Cameroon that led to the kidnapping of the wife of Vice Prime Minister Amadou Ali, and the death of three others. And beyond Africa, cross-border oil and drug trafficking play an important role in financing the ongoing activities of terrorist groups in the Middle East and Central Asia. Over time, the state’s inability to maintain an effective monopoly on violence weakens its populations’ allegiance to the state, creating space for alternative providers of public goods and services, including the regulation of violence, and eroding support for the state. As we saw in Mali, this can leave the state vulnerable to the onset of civil conflict.

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<sup>11</sup> Ibid., pp. 8, 11, 17, 29.

<sup>12</sup> UN Doc. S/2012/257, 25 April 2012.

<sup>13</sup> S/PV.6760, 25 April 2012, pp. 12, 16, 25.

<sup>14</sup> S/RES/2134 (2014), 28 January 2014 and S/RES/2136 (2016), 30 January 2014.

<sup>15</sup> S/PRST/2014/4, 28 July 2014.

<sup>16</sup> See for example S/PV.7271, 19 September 2014, pp. 13, 20, 37, 43; S/PV.6277, 24 February 2010, pp. 9, 17; S/PV.6760, 25 April 2012.

2.3 Second, **cross-border crime weakens state capabilities, including military and policing capabilities.** Because crime may appear to pay better than the state, crime can weaken military discipline and morale, undermining the effectiveness of state security institutions. In Mali, the corruption of security institutions through encounters with drug trafficking and regional kidnapping and ransom markets is now understood to have weakened the capabilities of the Malian army, reducing its effectiveness in the face of non-state armed groups in 2012.<sup>17</sup> In Libya, illicit markets have played a central role in security dynamics since the fall of the Qaddafi regime, and disputes over cross-border smuggling revenues have contributed to the weakening of central government security institutions.<sup>18</sup> The problem is not confined to active conflict settings, but also features in other countries where the Council has mandated special political missions, such as Guinea-Bissau.

2.4 Third, **cross-border crime facilitates terrorist organization, making terrorist groups more formidable rivals to the state.** Reduced barriers to access to illicit markets turn terrorist groups and other non-state armed groups into viable rivals to the state as providers of livelihoods and protection. The way in which access to markets facilitates armed groups' organization is reflected in the startling fact that in Africa the price of AK-47s actually goes *down* when conflict breaks out, not up. Why? Because, as research supported by the World Bank shows, weapons tend to flow unimpeded to trouble spots, ensuring that supply quickly exceeds demand.<sup>19</sup> Today, access to cross-border arms and other illicit markets makes it easy for local militant and terrorist groups throughout Africa to get their hands on guns, cash, and recruits, and to offer them illicit livelihoods.

2.5 These trends are manifest in several contemporary conflict situations on the Council's agenda. In **Somalia**, the illicit cross-border charcoal trade has been a major source of revenue and local power for Al-Shabaab (at one point generating revenues of over \$25 million/year).<sup>20</sup> Despite a Security Council sanctions regime imposed in 2012, charcoal exports from Al-Shabaab-controlled ports have significantly increased.<sup>21</sup> In fact Al-Shabaab appears to have expanded from a brokering role to a market governance role, collecting tax and tribute from other groups. This raises difficult questions about the effectiveness of these sanctions, what more could be done to improve that effectiveness, and whether secondary sanctions may be needed to ensure that private actors do not render the sanctions regime ineffective.

2.6 In **Libya** the collapse of state control following the fall of the Qaddafi regime in 2011, coupled with ineffective border control and a stockpile of arms and weapons, led to

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<sup>17</sup> Wolfram Lacher, "Organized Crime and Conflict in the Sahel-Sahara Region (Washington, D.C.: Carnegie Endowment for International Peace, 2012).

<sup>18</sup> Mark Shaw and Fiona Mangan, "Illicit Trafficking and Libya's Transition: Profits and Losses", USIP, 2014

<sup>19</sup> Phillip Killicoat, "Weaponomics: The Global Market For Assault Rifles," World Bank Policy Research Working Paper 4202, April 2007

<sup>20</sup> Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution (2011), S/2012/544, Annex 2.1., para. 4.

<sup>21</sup> Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia, S/2013/413, Annex 9.2., para. 2.

the development of a major illicit arms market in the country which fueled existing conflict internally as well as in the greater Sahel region.<sup>22</sup> Weapons trafficking also fostered a market for protection amongst armed groups and smugglers protecting illicit trade routes. These strong vested interests will make attempts to dismantle these enterprises inherently difficult, likely to fuel further violence and conflict<sup>23</sup> as trade in arms benefits largely from instability in the country and surrounding regions.<sup>24</sup> Along with weapons trafficking, smuggling, illicit commodities and drug trafficking have resulted in these illicit markets becoming “key drivers for conflict” in the country.<sup>25</sup>

2.7 In **Mali**, cross-border smuggling by trafficking networks rooted in tribal and ethnic identities has a long tradition.<sup>26</sup> However, the recent growth of trafficking in high-value commodities such as cocaine and firearms seems to have notably impacted local balances of power in the region.<sup>27</sup> While the recent rebellion in northern Mali was precipitated by wider political tensions, it is also clear that access to weapons in Libya and revenue from cross-border smuggling created rivalries over the control of smuggling routes which significantly affected conflict dynamics, catalyzing collaboration between terrorist and criminal networks, and accelerating civil war onset.<sup>28</sup>

2.8 Nor are these patterns confined to Africa. In **Syria**, conflict has led to the growth in a war economy (including trafficking in people, weapons and drugs; abduction and hostage taking for ransom; seizure of oil fields; levying taxes on the illicit economy) that has created strong incentives for some armed groups to prolong the conflict.<sup>29</sup> Insurgent groups are becoming progressively more financially self-sufficient, some of which are now believed to focus entirely on their illicit business activities.<sup>30</sup> This leaves outsiders with less influence to encourage them to engage in peace negotiations.<sup>31</sup> With fuel smugglers earning profits in excess of 100 per cent, these smuggling networks have a vested interest in prolonging the conflict.<sup>32</sup>

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<sup>22</sup> Mark Shaw and Fiona Mangan, “Illicit Trafficking and Libya’s Transition, Profits and Losses,” *Peaceworks* No.96, 2014, United States Institute of Peace, 2014, p.17,

<sup>23</sup> Wolfram Lacher, “Organized Crime and Conflict in the Sahel-Sahara Region (Washington, D.C.: Carnegie Endowment for International Peace, 2012), p.11.

[http://carnegieendowment.org/files/sahel\\_sahara.pdf](http://carnegieendowment.org/files/sahel_sahara.pdf) , accessed 15 October 2014

<sup>24</sup> Shaw and Mangan , p.17.

<sup>25</sup> *Ibid.*, p. 20.

<sup>26</sup> On the origins and evolution of illicit trafficking in Mali and the Sahel, see: “Illicit Trafficking and Instability in Mali: Past, Present and Future”, The Global Initiative Against Transnational Organized Crime, January 2014.

<sup>27</sup> For an analysis of trafficking flows affecting West Africa and the Sahel, see: UNODC, *Transnational Organized Crime in West Africa: A Threat Assessment*, 2013.

<sup>28</sup> Wolfram Lacher, “Organized Crime and Conflict in the Sahel-Sahara region”, *The Carnegie Papers*, September 2012.

<sup>29</sup> Syrian Centre for Policy Research, “The Syrian Catastrophe: Socioeconomic Monitoring Report, First Quarterly Report (January – March 2013), for United Nations Relief and Works Agency, June 2013

<sup>30</sup> Yazigi, J, 2014, “Syria’s War Economy,” *European Council on Foreign Relations Policy Brief*, ECFR/97, April 2014, p.7

<sup>31</sup> *Ibid.*, p.79-80.

<sup>32</sup> *Ibid.*, p. 63.

### 3. Complications for conflict prevention and resolution

3.1 The intersection of terrorism and cross-border crime also increases the difficulty of effective conflict resolution, for four reasons. First, **it increases the risk of conflict relapse**. Terrorist and other non-state armed groups with access to cross-border criminal markets may have weaker incentives to exit conflict and enter a political settlement.<sup>33</sup> Research shows that civil wars in which a major rebel group has access to funds from contraband tend to last significantly longer than others.<sup>34</sup> The role that the exploitation of “conflict resources” (such as diamonds, minerals, timber, coltan, wildlife, charcoal, poppy or coca) has played in fuelling and prolonging civil wars in many countries across the world is well established.

3.2 Moreover, cross-border crime can undermine militant groups’ internal discipline, leading to fragmentation, in turn increasing the difficulties of external mediation. Lootable resources, in particular, which can be accessed directly by militant cadres (rather than through their chain of command), can prolong conflict by creating discipline problems that make it difficult for leaders to impose a settlement on followers.<sup>35</sup> There are signs of this pattern at work in CAR and DRC. And the argument may extend to taxation of illicit flows in drugs or oil, for example in Mali, Afghanistan and Syria. For example in Afghanistan, divisions have recently started to appear within the Taliban, with parts of the movement changing from “a group based on religiously couched ideology to a coalition of increasingly criminalized networks, guided by the profit motive.”<sup>36</sup> New ‘fronts’ may be emerging as those groups with sufficient control over their own illicit funding sources behave autonomously from Taliban central command.<sup>37</sup>

3.3 Similar discipline problems can also emerge in the post-conflict phase. Access to cross-border criminal markets may facilitate the emergence of informal criminal networks as peace process spoilers, weakening the state (and peace-oriented factions within rebel groups) and leaving the peace process vulnerable to spoiler terrorist attacks and conflict relapse.<sup>38</sup> There are signs of this dynamic at play in both CAR and Syria.

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<sup>33</sup> James Cockayne, “Strengthening mediation to deal with criminal agendas”, Centre for Humanitarian Dialogue, November 2013, Available at: [http://www.hdcentre.org/uploads/tx\\_news/Strengthening-mediation-to-deal-with-criminal-agendas.pdf](http://www.hdcentre.org/uploads/tx_news/Strengthening-mediation-to-deal-with-criminal-agendas.pdf).

<sup>34</sup> James Fearon, “Why Do Some Civil Wars Last So Much Longer than Others?” *Journal of Peace Research* May 2004 vol. 41 no. 3 275-301.

<sup>35</sup> Michael Ross, “Oil, Drugs, and Diamonds: The Varying Roles of Natural Resources in Civil War”, in Karen Ballentine and Jake Sherman (eds), *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder, Lynner Rienner, 2003), pp. 47 – 73.

<sup>36</sup> Illicit activities include illegal taxing of local economies (mainly poppy cultivation and water and electricity services); extortion of local and international contractors and drug traffickers; forced and voluntary donations; illegal exploitation of the country’s abundant natural resources (precious stones, marble and timber) as well as ransom monies resulting from kidnappings of wealthy citizens. UN Security Council, Fourth report of the Analytical Support and Sanctions Monitoring Team , S/2014/402, para 47.

<sup>37</sup> UN Security Council, Fourth report of the Analytical Support and Sanctions Monitoring Team , S/2014/402.

<sup>38</sup> Cockayne, ‘Strengthening Mediation’, op. cit.

3.4 Second, it **increases the risk of cross-border conflict spillover and resulting internationalization of civil wars**. Cross-border mineral and diamond trafficking has been at the heart of regionalized conflict dynamics in both West Africa and the Great Lakes for many years. More recently, there are signs that cross-border wildlife poaching may be a factor in Central African conflict dynamics, and there is evidence that the conflict in Mali was in part the result of cross-border arms trafficking resulting from the conflict in Libya. Where these cross-border criminal activities sustain *terrorist* groups, there is a danger that neighboring or distant countries may be drawn into civil wars as they seek to deal with terrorist groups through military attack. This has been the pattern in several conflicts in recent years: in Somalia, Kenya was drawn into a conflict after raids by Al Shabaab, sustained in part by cross-border crime; in Mali, Mauritania was responded to attacks by AQIM which was sustained in part by cross-border kidnap and ransom activity elsewhere in the Sahel; in Syria, several countries have been drawn into attacks on terrorist groups sustained by oil trafficking and kidnap and ransom; and the same pattern is evident in military operations in Afghanistan against Al Qaida and the Taliban.

3.5 This internationalization of civil wars can complicate the Security Council's conflict resolution efforts. Research shows that when external interventions in domestic conflicts do not lead to a rapid military victory, they are likely to make internal conflicts last longer.<sup>39</sup> And internationalized intrastate conflicts are also on average more deadly than purely internal armed conflicts.<sup>40</sup> In recent years, the portion of civil wars that is internationalized has been growing: in 2013, it was 27%. Participation in cross-border crime may be part of the reason why that trend is evident.

3.6 Fourth, it **complicates protection of civilians**. Armed groups that are profiting from cross-border crime have reduced incentives to appeal to the hearts and minds of local populations.<sup>41</sup> The ability to offer recruits material benefits and income independent of their social base makes rebel groups more likely to target civilians.<sup>42</sup> Moreover, mobile armed groups relying on banditry tend to be more brutal in their methods, since they have a lower incentive to establish local popular support.<sup>43</sup> With UN peace operations now routinely mandated to protect civilians, this begs the question whether they are adequately equipped to analyze, let alone respond to, how cross-border criminal activity will impact on protection of civilian tasks.

3.7 And fifth, it poses **direct threats to the safety and security of mission personnel**. Given the attention paid by the Security Council to terrorism over the last

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<sup>39</sup> Cunningham D. (2010), "Blocking resolution: How external states can prolong civil wars", *Journal of Peace Research* 47(2): 115-127.

<sup>40</sup> See figures from: Human Security Report 2013, Human Fraser University, p.90.

<sup>41</sup> Karen Ballentine, "Conclusion", in: Karen Ballentine and Jake Sherman (eds), *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder, Lynne Rienner, 2003), p. 270.

<sup>42</sup> Weinstein, Jeremy. (2006) *Inside Rebellion: The politics of insurgent violence* (Cambridge: Cambridge University Press).

<sup>43</sup> Kyle Beardsley, Kristian Gleditsch and Nigel Lo, 'Roving and Stationary Bandits in African Armed Conflicts', conference paper, Annual Meeting of the International Studies Association, San Francisco, 2013.

decade, it may be startling to learn that there has been a ten-fold rise in global terrorist incidents from 895 in 2004 to 8,461 in 2013.<sup>44</sup> The number of violent extremist fighters and attacks has doubled since 2010 – and the number of groups has increased by 60%.<sup>45</sup> Among the eleven countries identified by a RAND Corporation study as facing the highest levels of threat from al Qaeda-affiliated terrorist groups while having the weakest rule of law capacity to confront it, eight are hosting UN peace operations: Afghanistan, Iraq, Libya, Syria, Somalia and Yemen, and Lebanon, and Mali.<sup>46</sup> Given the longstanding hostility of these groups to the United Nations, this suggests an ongoing risk to mission personnel.

3.8 For example in **Mali**, attacks on mission personnel have impeded MINUSMA’s efforts to support the return to civilian governance and to ensure safe humanitarian access. MINUSMA has, in its own words, become the “primary target.”<sup>47</sup> There is also significant documentation of this happening in other missions,<sup>48</sup> and general recognition amongst UN staff that this is a growing challenge. UN peace operations have adjusted their posture accordingly and show an increasing tendency to “bunker up and hunker down”, constraining the ability of both uniformed personnel and civilian staff to engage with the local population, win hearts and minds, mediate local disputes, and gather information – work critical to the implementation of peace agreements and the effort to resolve conflict.

#### **4. Taking the strategic impact of cross-border crime on terrorism into account in the Council’s conflict prevention and resolution efforts**

4.1 The Security Council has, as discussed in Section 1, taken a number of steps to deal with the threats to international peace and security posed by the intersection of cross-border crime and terrorism. Yet there is a plausible argument that debates within the Council relating to terrorism and organized crime have been unhelpfully and artificially separated from those relating to conflict resolution, and that the ways in which cross-border crime creates strategic space for terrorism have not been effectively addressed by the Council in its conflict resolution efforts. This is all the more surprising, given that the UN Global Counter-Terrorism Strategy, unanimously endorsed by the General Assembly, crucially confirms, at its very outset, Member States’ commitment

*to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial*

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<sup>44</sup> National Consortium for the Study of Terrorism and Responses to Terrorism (START). (2013). Global Terrorism Database [Data file]. Retrieved from <http://www.start.umd.edu/gtd>

<sup>45</sup> Seth Jones, A Persistent Threat: The Evolution of Al Qaeda and other Salafi Jihadists (RAND, 2014)

<sup>46</sup> Afghanistan, Iraq, Libya, Somalia and Yemen, and Lebanon host UN field-based political missions; Mali and Syria (Golan heights) host peacekeeping operations; and hosts both a PKO and an SPM.

<sup>47</sup> Report of the Secretary-General on the Situation in Mali, S/2014/692, see in particular paragraphs 23,26, and 36. See also, Jeune Afrique, « *Mali: IBK veut une Minusma plus forte* », 11 June 2014, and MaliJet, « *Quelle stratégie adopter avec le MNLA* », 20 May 2014.

<sup>48</sup> See, for example, Lynch, C. “Security woes plague UN’s Libya Mission,” accessed at [http://thecable.foreignpolicy.com/posts/2014/05/28/security\\_woes\\_plague\\_uns\\_libya\\_mission](http://thecable.foreignpolicy.com/posts/2014/05/28/security_woes_plague_uns_libya_mission); or Deibert, M. “Time to adapt or time to go,” accessed at [http://www.truthdig.com/report/page2/the\\_un\\_in\\_haiti\\_time\\_to\\_adapt\\_or\\_time\\_to\\_go\\_20110901](http://www.truthdig.com/report/page2/the_un_in_haiti_time_to_adapt_or_time_to_go_20110901)

*settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism.*<sup>49</sup>

4.2 When the Secretary-General established the Counter-Terrorism Implementation Task Force, it in turn created a Working Group on Preventing and Resolving Conflict. That Working Group's two major outputs consist of: 1) an innovative Joint Action Plan by Central Asian states, brokered by a Council-backed special political mission, the United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA); and 2) a one-page note entitled 'Guidelines for UN Mediators – Terrorism'.<sup>50</sup>

4.3 To date the Council has not requested that the Secretary-General report back to the Council on his efforts, as invited in Presidential Statements in 2009 and 2010, to mainstream the issue of drug trafficking as a factor in conflict prevention strategies, conflict analysis, integrated missions' assessment and planning and peacebuilding support.<sup>51</sup> Several recent peace operations have incorporated analysis of cross-border crime into their mission planning and joint mission analysis structures – notably MINUSMA. But at present these efforts are Secretariat-led, and the Council has not undertaken a systematic review of mission efforts in this area.

4.4 In 2012, the Council adopted a Presidential Statement requesting a 'comprehensive survey and assessment of the UN's work' to assist states in countering illicit cross-border trafficking and movement',<sup>52</sup> which resulted in a report mapping the roles of 20 UN entities and 3 non-UN bodies (IOM, WCO and INTERPOL), without suggesting new major initiatives.<sup>53</sup> The report properly characterized the appropriate role of the UN as one of coordination and technical assistance to states. But the report did not focus on how cross-border crime impacts the Council's efforts to tackle terrorism and resolve conflict at the strategic level. The Council has at times lent its political support to efforts by the UN system to strengthen states' capabilities to manage cross-border crime, for example encouraging support for the UNODC/World Customs Organization Container Control Programme to enhance law enforcement responses at sea and dry ports.<sup>54</sup> But inclusion of border-control support in peace operations' mandates has been sporadic.

4.5 Nor has the Council systematically considered the other tools at its disposal to help states reduce the strategic space that cross-border crime affords terrorist groups. For example, the Council has charged a range of different bodies with fact-finding on specific trafficking and related criminal activities. Through their monitoring and reporting activities, panels of experts have sometimes played a prominent role in helping the

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<sup>49</sup> See A/RES/60/288, 20 September 2006, Section I, paragraph 1.

<sup>50</sup> [http://www.un.org/en/terrorism/ctitf/pdfs/web\\_wg\\_preventing\\_resolving\\_conflicts\\_guidance\\_for\\_mediators.pdf](http://www.un.org/en/terrorism/ctitf/pdfs/web_wg_preventing_resolving_conflicts_guidance_for_mediators.pdf)

<sup>51</sup> See S/PRST/2009/32, and the discussion in S/PV.6233, both 8 December 2009; and S/PRST/2010/4, and S/PV.6277, 24 February 2010.

<sup>52</sup> S/PRST/2012/16, 25 April 2012.

<sup>53</sup> UN Doc. S/2012/777, 19 October 2012.

<sup>54</sup> S/PRST/2013/22, 18 December 2013.

Council understand and even adjust sanctions regimes to address criminal trafficking, including by terrorist groups. This has included illicit gem and mineral trafficking in many African countries, the illicit charcoal trade between Somalia and the Arabian Gulf, wildlife trafficking in CAR and DRC, and most recently oil smuggling by listed terrorist groups in the Middle East.

4.6 Yet the Council has also on some occasions refrained from establishing fact-finding mechanisms where there was a risk that they could complicate conflict resolution efforts. One notable recent case was Mali, where the Council did not act on a request from the Secretary-General to create a panel of experts to ‘investigate the identity and activities of those involved in transnational and organized crime in Mali and the subregion, with the possibility of imposing punitive, targeted sanctions’.<sup>55</sup> A more systematic consideration of the role these fact-finding efforts can play could assist the Council to take advantage of and the full range of tools potentially available to it, such as Article 34 investigations.<sup>56</sup>

4.7 In other cases, the Council’s special political missions have played an important role in helping states reduce the strategic space afforded to terrorist groups through engagement in cross-border crime. The case of the UNRCCA’s work with Central Asian states was noted above. In West Africa, UNOWA has played a prominent role in supporting efforts to implement the Economic Community of West African States (ECOWAS) Regional Action Plan to Address the Growing Problem of Illicit Drug Trafficking, Organized Crime and Drug Abuse in West Africa. Notably, this has included advocacy and political support for the West Africa Coast Initiative (WACI) involving the development of transnational crime units in four countries, through collaboration with UN peace operations.

4.8 These examples point to the potential for the Council to work creatively, combining different types of peace operations, counter-terrorism bodies, panels of experts and other tools to reduce the ability of terrorist groups to take advantage of cross-border crime. But a more systematic analysis would be required to understand the options available to the Council, before concrete initiatives are undertaken.

4.9 The Secretary-General’s appointment of a High-Level Panel on Peace Operations, which is expected to provide a report to him in mid-2015 and which he will then make available to the General Assembly in September 2015, provides a unique opportunity for the Council to consider these issues in a timely and systematic manner. As significant and important as that High-Level Panel’s findings are likely to be for the future of Council-mandated peace operations, the findings may not speak directly to the important question of whether the Council could or should use other tools at its disposal in different ways to tackle terrorism and cross-border crime. Indeed, absent strategic consideration of this important question, there is a risk that the peace operations review will further entrench

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<sup>55</sup> UN Doc. S/2013/189, 26 March 2013, pp. 161-17.

<sup>56</sup> For discussion of the recent use of Article 34 by the Security Council, see UN, *Repertoire of the Practice of the Security Council, 17<sup>th</sup> Supplement (2010-2011)* (Advance Version), Part VI, available at [http://www.un.org/en/sc/repertoire/2010-2011/Part%20VI/2010-2011\\_Part%20VI.pdf#page=12](http://www.un.org/en/sc/repertoire/2010-2011/Part%20VI/2010-2011_Part%20VI.pdf#page=12) .

the separation of the Council's practice into distinct counter-terrorism and conflict resolution silos, despite the fact that these are instruments intended to be brought to bear on intertwined real-world problems.

4.10 This concept note therefore proposes that the Council consider initiating a Strategic Review of the tools available to it to reduce the strategic space that cross-border crime affords terrorist groups. This Strategic Review could be led by the Secretary-General, taking the form of a report to the Council; or, if the Council prefers to limit its scope to Africa, led by the Chairs of the Counter-Terrorism Committee and the ad hoc Working group on Conflict Prevention and Resolution in Africa.

4.11 The strategic review should:

- analyze the strategic space that involvement in cross-border crime affords terrorist groups involved in items currently on the agenda of the Security Council;
- take stock of efforts by the Secretary-General in response to the Council's invitation to mainstream the issue of drug trafficking and organized crime as a factor in conflict prevention strategies, conflict analysis, integrated missions' assessment and planning and peacebuilding support;
- consider the role currently played by the Council's subsidiary bodies and missions, including the Counter-Terrorism Committee, the UN Counter-Terrorism Executive Directorate, sanctions committees, panels of experts, fact-finding inquiries and specific political missions and peace operations, in tackling cross-border crime in the context of the Council's ongoing conflict prevention and resolution efforts;
- consider how the Council's ongoing conflict prevention and resolution efforts might be better integrated with UN system-wide efforts to support states activities to tackle cross-border crime, in the context of the UN Global Counter-Terrorism Strategy; and
- recommend concrete options for strengthening the Council's use of different tools to reduce the negative impacts of terrorist involvement in cross-border crime on its conflict resolution efforts, and to support states in their efforts to strengthen border controls and efforts to combat cross-border crime.

4.12 The Committee established pursuant to resolution 1267 (1999) and 1889 (2011) and the Analytical Support and Sanctions Monitoring Team will be asked to report on the threat posed by foreign terrorist fighters in Africa.