The Nexus between Transnational Organized Crime and Terrorism Initiative

Fourth Regional Meeting

8 - 9 May 2018
Nairobi, Kenya

Overview

The Global Counterterrorism Forum (GCTF) the Nexus between Transnational Organized Crime and Terrorism Initiative (Nexus Initiative) Fourth Regional Meeting was held in Nairobi, Kenya on 8-9 May 2018, under the leadership of the Netherlands. Endorsed at the GCTF Eighth Ministerial Plenary Meeting in New York on 20 September 2017, and supported by the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Initiative aims to develop a set of internationally recognized non-binding good practices, which can serve as the basis for international engagement, assistance and training to address the potential challenge posed by the nexus between terrorism and transnational organized crime, and which can help authorities at the global, national and local level to solve this problem.

Summary

The following is a thematic summary of the meeting. It is not a transcript of the proceedings.

Welcome and Opening Remarks

On behalf of the host, Kenya, Ambassador Martin Kimani, Director and Special Envoy, National Counter-Terrorism Centre (NCTC), welcomed the participants to the Fourth Regional Meeting. Ambassador Kimani convened the position of Kenya in countering terrorism and pointed to key efforts that should be undertaken in order for the international community to be able to take up the challenge. Terrorism has led to hundreds of fatalities in Kenya while reshaping the global security landscape. Since the 1998 terrorist attack on the Embassy of the United States (US) in Nairobi, more and more Kenyan nationals have been drawn into terrorism and organized crime with the willingness to attack their own countrymen, thus representing the most concerning feature of this particular threat. Mister Kimani stressed four points: (1) financing of terrorism and the need to stop terrorists from possessing territory that they can use to earn money and establish state-like structures; (2) avoid thinking in silos: exchange more information nationally, regionally and internationally, while putting more emphasis on border management; (3) engaging in more discussions about shadow economies and investigate big companies that are avoiding taxes, as tax avoidance in turn entails negative consequences for states since they have less income; (4) engaging in more cooperation in international fora such as the GCTF and the United Nations (UN) as well as bilaterally, while improving donor coordination while conceiving projects and funding in Kenya.

On behalf of the Initiative Lead, the Netherlands, Ambassador Frans Makken, Embassy of the Kingdom of the Netherlands in Nairobi, emphasized that inviting GCTF non-member countries to GCTF events, including to GCTF-led Initiatives, is of utmost importance to the GCTF. Ambassador Makken reminded the participants of the purpose of the Nexus Initiative and the three preceding regional meetings that contributed to gaining insight on the nexus, including its different regional manifestations. He
highlighted that the aim of the Fourth Regional Meeting was to explore the nexus in the East Africa region, its root causes and manifestations, while focusing on possible practical solutions.

On behalf of the implementing partner of the initiative (UNICRI), Mr. Leif Villadsen, Senior Programme Officer, pointed to the fact that the presence of a high number of participants is a clear endorsement of the Nexus Initiative. He further presented the work of UNICRI in the field of crime prevention including in policy development and in translating strategies and policies into concrete action. Mr. Villadsen reiterated the focus areas of the previously conducted regional meetings that concluded by calling for information sharing, engagement with civil society and the private sector among other things.

Session 1: The Nexus - Regional Overview
This session examined the nexus between transnational organized crime and terrorism in the Horn of Africa and East Africa region. The aim was to identify the regional dynamics and manifestations of the nexus in order to promote greater understanding and awareness, in addition to discussing practical and policy implications.

Organized crime activities such as trafficking of human beings and people smuggling, illicit arms trafficking, drug trafficking and environmental crimes are present in the East Africa region. Although some links between organized crime and terrorism were said to be overstated or lacking concrete evidence, research suggests that Al Shabaab is charging illicit taxes on charcoal and sugar as a means of income. The groups is also said to illegally export and trade charcoal using falsified documentation to conceal origin of shipment. There are also indications of Al Shabaab being involved in illicit trade and smuggling of weapons and ammunition as well as their possible engagement in money laundering. Although not constituting a generalized trend, Eastern Africa and the Horn of Africa provide examples of all categories of interaction between organized crime and terrorism, this being: (1) coexistence: where terrorist groups and organized crime groups are operating in the same geographical space; (2) cooperation: where interests of both groups are served or not threatened by working together; (3) convergence: where each group begins to engage in behavior more commonly associated with the other. Against this background, alliances between both groups are often identifiable along smuggling routes. The appropriation of tactics and integration is blurred, particularly where the recruitment pool is shared by both groups. An active coordination of recruitment can be noted at borders with Al Shabaab controlling ports in Somalia. As of today, Al Shabaab has travelled the spectrum, and could be considered a hybrid organization. This can be seen in recruits, and the division of priorities between engagement in terrorism and criminal enterprise. Challenges that nourish the nexus are inter alia associated to the inadequate capacity of law enforcement agencies, corruption within the institutions hindering investigation, prosecution, sentencing and corrections, legal limitations and existing socio-economic conditions conducive to violent radicalization.

The following recommendations emerged during the presentations: (1) avoid using the nexus as a justification to conflate organized crime and terrorism, as they are separate issues. Overstating links between a given transnational criminal activity and terrorism can lead to incoherent responses. Used appropriately the nexus is a tool that can work to identify how illicit groups operate in specific jurisdictions; (2) need to secure ‘buy-in’ from anti-crime and counterterrorism agencies; (3) untangle the exact portions of the criminal economy that fund terror. Intervention needs to be targeted, precise, and informed, so as to avoid negative externalities or creating new sets of problems; (4) engage in a holistic approach and include youth and civil society in countering the threat with possible establishment of trans-border local communities for peace; (5) enhance the sharing of relevant intelligence information; (6) collect relevant case studies on how to counter the nexus.
Session 2: Regional Case Studies
This session followed on from the regional overview, expanding on and going into more depth in examining case studies of the nexus in the Horn of Africa and East Africa region.

As a multi-ethnic, multi-religious, and multi-cultural democracy, Kenya has been subjected to terrorist attacks. Al Shabaab, Al Qaeda and ISIL Da’esh are said to have operational ambitions threatening Kenya. Al Shabaab still plays a significant role while having been pushed out of key strongholds. It is anticipated that the group continuously plans to conduct attacks in areas controlled by the African Union Mission to Somalia (AMISOM) to reclaim territory. The groups is said to acquire weapons and finances for attacks and is putting an emphasis on sustaining radicalization and recruitment. The ISIL Da’esh core is also eager to establish an ISIL Da’esh province in East Africa. However, its influence in Kenya and East Africa is not as momentous. In 2015, ISIL Da’esh recruited in Puntland and northern Somalia and a group associated with Sheikh Abdul Kadir Muumin pledged allegiance to ISIL Da’esh and subsequently carried out attacks.

Uganda pointed to the Lord’s Resistance Army and the Allied Democratic Forces National Army for the National Liberation of Uganda (ADF NALU) that are active on is territory. The latter is said to have formed the Madinat Tawheed Muwahedina (MTM) in the Democratic Republic of Congo (DRC). It set up camps (Medina Villages) in the Beni region, North Kivu province, and near Bukavu, South Kivu Province in DRC and have pledged allegiance to ISIL Da’esh.

Tanzania explained its legal and institutional framework aimed at countering organized crime and terrorism. Despite these efforts, terrorism and organized crime might be or might become present due to conditions conducive to these activities as well as due to Tanzania’s geographical location and the porous borders. The limited awareness of practitioners adds to the continued challenge.

Taking into consideration the growing terrorist threat, Mozambique noted that it was willing to talk learn, and cooperate with other countries in the region in order to counter the threat.

Session 3: Break-out Groups
The discussion during the break-out group on research and Information sharing considered the information needed to break down the nexus between organized crime and terrorism and explored means and actors to collect this information. While there is knowledge on existing terrorist groups and the activities they are engaging in, as well as on criminal gangs that are cooperating with the terrorists operating in the East African region, additional information is required, especially with regards to criminal activities themselves. In addition, there is very little evidence that can be relied on to prove that Al Shabaab is, for example, involved in wild life crime or other (minor) crimes apart from their proven involvement in charcoal and sugar smuggling. It is, therefore, important to analyze minor criminal activities that could reveal connections between terrorist groups and criminal organizations. It was further noted that criminal groups could be the hands of Al Shabaab reaching to the ground without being noticed. As a consequence, those actors could be considered sources of information. Other possible sources of information are witnesses, former members of terrorist or organized crimes organizations, former civil servants, inmates, survivors, as well as service providers and transporters. Another important source is local and international media and media directed by Al Shabaab as it provides information about how the group runs its activities and financial connections amongst others. Challenges associated to research and information sharing include the fact that people are scared to talk about Al Shabaab, which in turn contributes to the already existing secret nature of the group. In order to be able to collect relevant information, it is important to increase the trust of communities in governmental institutions, as this will in turn enable the communities to share information. In addition, witness protecting should be a priority, as well as sharing of information during early stages of an investigation. In light of these challenges, participants emphasized that properly compiling existing information from different sources is crucial.
Participants during the break-out group on local engagement discussed the modalities and actors of local engagement aimed at building social resilience to terrorism and crime. The need to empower local communities was voiced throughout the discussion. In this context, participants emphasized that the local communities should be granted another status than the one of being a simple implementing partner. Empowerment of local communities inter alia means to ask them about existing problems and inquire about solutions as well as include their voices into the design of comprehensive solutions. Possible local engagement could result in country-level action plans with community-based buy in and community-based peace programs. In order to see genuine participation from local actors such as religious leaders at community level, traditional leaders, women and youth leaders as well as key influencers, trust between the government and the local communities needs to be increased. Some participants pointed to the possibility that the international agenda may be perceived differently and highly disrupting by the local community.

During the break-out group on capacity building and law enforcement, discussions focused on exploring security and governance matters that require reinforcement and on assessing existing needs pertaining to capacity building. Participants identified key context-specific challenges of the Horn of Africa and East Africa region, and proposed strategies that could be taken into consideration when moving forward in this specific sphere. Weak laws, the mutation of crimes, corruption as well as socio-economic factors and inefficient border management were identified as the major challenges in relation to the nexus in the region. Participants also identified the following challenges pertaining to capacities of law enforcement personnel: limits of traditional investigation techniques, lack of law enforcement capacities to deal with emerging technologies and emerging crimes, crypto currencies and high-tech money laundering. In terms of good practices, participants emphasized that law enforcement personnel would profit from mentorship and joint investigation and prosecution task forces, round table meetings, and support from public-private partnerships in terms of capacity building. In addition, further training not only on methods of investigation but also on integrity would be beneficial. In turn, the private sector could also be reached out to and taught about reporting on suspicious financial flows.

**Session 4: Scenario-Based Discussion**

This session consisted of a scenario-based discussion highlighting common challenges that countries in the Horn of Africa and East Africa region are currently facing when combating the nexus. The scenario was set in three fictitious countries: a functioning democratic state, a neighbouring failed state and a developed state located in a different region. The scenario was centred around journalists and researchers who are kidnapped by terrorist for ransom, and the cooperation by the latter with an organized crime group in inter alia preparing an attack and in smuggling of ivory. The kidnapped persons are liberated only once ransom is paid and the local leadership is involved in the rescue operation. According to the participants, the following challenges are at the core of the scenario: (1) lack of effective international cooperation and the sharing of reliable information; (2) lack of updated international databases; (3) lack of prevention mechanisms and building of effective and accountable institutions; (4) falling short of engaging local leadership in crisis situations; (5) ransom payment as it finances terrorist attacks. Participants agreed that in order to avoid situations like the one described in the scenario, states need functioning institutions in general, and should be sharing information even at the informal level so as to accelerate operational procedures. In addition, states should invest more in prevention activities, and engage in peace and security pacts with the neighbouring countries, as such memberships could also contribute to controlling transnational organized crime. Countries should also form joint border management committees, with monthly meetings to exchange facts and ideas. The involvement of local leadership and the non-payment of ransom were further emphasized as practices to follow.
Conclusions and Closing Remarks
On behalf of the implementing partner UNICRI, Mr. Leif Villadsen, Senior Programme Officer, emphasized that the nexus manifests itself differently from country to country and that an integrated cross-cutting approach is needed when addressing it. He reiterated the need to enhance coordination and cooperation on a national and international level, the need for harmonized legislation as well as the need for strengthening investigation capabilities. He also emphasized the need for information sharing and better research as well as for community involvement, including youth empowerment.

On behalf of the Initiative Lead, the Netherlands, Ambassador Frans Makken, Embassy of the Kingdom of the Netherlands in Nairobi, reminded the participants that the main outcome of the regional meetings will be the development of a Good Practices document that will be put forward for endorsement at the GCTF Ministerial Plenary Meeting, to be held in New York in September 2018. He expressed hope that the present meeting was also a good incentive for the region to start national, sub-regional or regional follow-up meetings.

On behalf of the host of the meeting, Kenya, Senator Johnson Sakaja, reminded participants that no state alone could counter the threat emanating from terrorism and organized crime that threaten interfaith harmony, confidence in a system based on the rule of law. He emphasized that engaging religious and political leaders, women and youth is key to resolving the problem alongside addressing root causes of violent radicalization.