

Drug Wars

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Articles & Testimony

This past week, President-elect Obama declared that "Bin Laden and Al Qaeda are our number one threat when it comes to American security," pledging to "do everything in our power" to eliminate safe havens which terrorists can use to plan attacks against the U.S. As these terrorist networks become increasingly transnational, one of the key roadblocks against destroying them is the difficulty of achieving international cooperation in counter-terrorism initiatives.

To overcome this challenge, the Obama administration needs to change the way the U.S. government thinks about the "War on Terror." Taking advantage of the growing involvement of terrorist groups in criminal activity, his team should increase the use of law enforcement tools as a key pillar of his counterterrorism strategy. While terrorist groups can hardly be defeated by prosecutors and police officers alone, these tools can greatly increase the effectiveness of our efforts to capture and neutralize them.

Before 9/11, Al Qaeda funded and controlled operations directly from its base in Afghanistan. The group provided funding for the East Africa embassy bombings in 1998, the 2000 attack on the USS Cole in Yemen, and the 2001 World Trade Center attacks. Today, the terrorist threat is far more decentralized, and Al Qaeda's central command is not funding operations as it once did. Left to their own devices, budding terrorist cells have resorted to criminal activity to raise the funds for attacks.

The cell that executed the devastating 2004 Madrid train bombing plot, which killed almost 200 people, partially financed the attack by selling hashish. The terrorists who carried out the July 7, 2005, attacks on the transportation system in London were also self-financed, in part through credit card fraud. In Southeast Asia, the Al Qaeda-affiliated Jemaah Islamiyah financed the 2002 Bali bombings, in part, through jewelry store robberies.

While terrorist groups are involved in a wide variety of criminal activity, ranging from cigarette smuggling to selling counterfeit products, the nexus between drugs and terror is particularly strong. According to the Drug Enforcement Administration, 19 of the 43 U.S.-designated Foreign Terrorist Organizations are definitively linked to the global drug trade, and up to 60 percent of terror organizations are suspected of having some ties with the illegal narcotics trade.

Terrorist groups are particularly attracted to the drug trade because of the potential profits. The United Nations estimates that the international drug trade generates \$322 billion per year in revenue, making drugs by far the most lucrative illicit activity. Beyond just selling the product, drugs provide many different avenues of revenue, including taxing farmers and local cartels, and providing security needs for all aspects of production, trade, and distribution. Groups like the Afghan Taliban, the Columbian FARC, and the Lebanese Hezbollah generate significant resources from the extortion fees they collect from drug cartels and poppy or coca farmers operating in their "territory."

While it may seem to be a contradiction for religiously oriented terrorist groups to rely on criminal activity, these groups are able to justify these seemingly hypocritical actions. In 2006, Khan Mohammed, an Afghan Taliban member convicted last May of drug trafficking and narco-terrorism, explained his involvement in the Afghan drug

trade as part of his desire that "God turn all the infidels into corpses," adding, "whether it is by opium or by shooting, this is our common goal." (A U.S. District Court sentenced Mohammed to life in prison earlier this month.) A leader of Fatah al-Islam, an al Qaeda-linked group based in Lebanon, rationalized his group's bank-robbing activities by noting that "stealing money from the infidels, from the usurious banks and the institutions which belong to the infidel regimes and states, is a legal thing which Allah has permitted us to do. This money is being seized from them and instead directed towards jihad."

This spike in terrorists' criminal activity can be used to America's advantage in trying to apprehend these groups. Pursuing them for their illicit endeavors has several benefits over trying to apprehend them as terrorists. For one, while countries may not agree on the definition of terrorism or share identical lists of designated terrorist organizations, they share a universal commitment to fighting crime.

The long-standing battles at the UN in trying to develop a definition of terrorism -- which generally degenerated into debates over who was a terrorist and who was a "freedom fighter" -- illustrate the difficulty in forging international consensus on this issue. The UN has only declared Al Qaeda and the Taliban to be terrorists, unable to reach agreement on any other groups. Even the U.S. and its European allies don't always see eye-to-eye on this issue: Europe has not designated Hezbollah as a terrorist group, for example, because of the organization's participation in the political process in Lebanon.

There are not the same types of international philosophical disputes over whether large-scale criminal activity, such as drug trafficking, should be illegal. While the Europeans may not view Hezbollah as a terrorist organization, for example, European countries are certainly eager to prevent Hezbollah from running criminal enterprises within their borders. Countries are particularly determined to prevent the importation of illegal narcotics across their borders, whether by organized criminal networks, terrorists groups, or the hybrid narco-terrorist networks that DEA officials describe as "meaner and uglier than anything law enforcement or militaries have ever faced."

Some countries are also more hesitant to cooperate with the U.S. on counterterrorism than they are on other criminal law enforcement matters -- concerned that by doing so, they will be acknowledging that they have a terrorism problem domestically. This has been a particular issue in the Tri-Border Area (TBA) of Latin America, where Hezbollah, Hamas, and others have had a presence for years. For example, in December 2006, the U.S. Treasury department designated as terrorists a number of prominent Lebanese expatriates in the TBA for their ties to Hezbollah. Immediately after the designation, the three governments in the TBA -- Argentina, Paraguay and Brazil -- issued a joint statement specifically exculpating these individuals and more broadly rejecting the U.S. claims about terrorist activity in the region.

By contrast, the State Department's 2007 annual report on terrorism suggests that these governments have a very different attitude about other types of crime, noting that "the governments of the TBA have long been concerned with arms and drugs smuggling, document fraud, money laundering, and the manufacture and movement of contraband goods through this region." Collaborating with the TBA governments in fighting these activities would thus likely be more fruitful than the U.S. overtures on counter-terrorism partnerships.

Furthermore, holding terrorists accountable for the crimes they commit requires countries to do nothing more than enforce their own laws. They need pass no new legislation, institute no organizational changes to the structure of government, nor draft any new legal, administrative or regulatory authorities. Enforcing domestic laws is a basic function of law and order and national sovereignty, not a political statement.

Kenya, for example, does not have adequate counterterrorism legislation, despite contending with Islamist terrorists networks along its lawless border regions, because terrorism-related legislation is perceived as "anti-Muslim." Kenyan officials have reacted quite negatively when U.S. officials have publicly discussed the terrorism threat in

Kenya, with the Kenyan government regarding these public statements as an "unfriendly act and a threat to the country's vital tourism industry."

Prosecuting suspected terrorists for traditional criminal activity is also often easier than for terrorism-related crimes. In terrorism prosecutions, the information is often derived from intelligence sources, which can present numerous complications in criminal trials: the information is not always admissible in court, its use may compromise a valuable source or method, or it may come from a foreign government that does not want its cooperation disclosed. On the other hand, information gathered through traditional criminal investigations is generally collected with prosecution in mind. The case of Zacarias Moussaoui, the so-called "20th hijacker," illustrates the challenges of prosecuting suspected terrorists. While Moussaoui eventually pleaded guilty, the litigation went on for more than three and a half years because of the various intelligence-related equities at stake.

As a side benefit, exposing the criminal activities of terrorist networks also denies them the clean image they seek to paint of themselves, whether as "freedom fighters" or religiously motivated purists. Publicly charging and trying terrorists for specific criminal activity denies them the veneer of religious, political, or other legitimacy that is so useful to their recruitment of operatives and financial supporters.

The link between terrorists and criminal activity is likely to grow even stronger in the coming years, particularly in the realm of drug trafficking. As Michael Braun, the former operations chief at DEA pointed out in a July speech, "Terrorist organizations and drug cartels often rely on the same money launderers" and shadow facilitation networks.

There are a number of steps the incoming Obama administration can take to capitalize on this linkage. The most basic shift needed may be a change in messaging. The Obama administration must work to overcome the perception that U.S. counterterrorism efforts have been at odds with those of our allies since September 11. In part, the U.S. must fight back against the inaccurate perception that it is only using military means to fight terror. Statements like those made by CIA Director Michael Hayden in an April 2008 speech, arguing that there is a "transatlantic divide" between the U.S. and Europe on counterterrorism issues, only exacerbate the tensions. Practically speaking, a focus on common ground should make it easier, even in terms of domestic political considerations, for our allies to openly cooperate with us on critically important counterterrorism issues.

In addition to the shift in public messaging, the incoming administration should also encourage other countries to increase their focus on the potential overlap between terrorism and crime, and to take advantage of such linkages in their prosecutorial efforts. The U.S. should fold into the existing training and technical assistance programs it offers to foreign countries a dedicated focus on the nexus between crime and terrorism. The U.S. should also press countries indirectly by leveraging key international organizations with relevant expertise in this area, like the Financial Action Task Force and the UN's Counterterrorism Committee.

On the home front, the Obama administration should ensure that targeting terrorists for criminal activities is a key pillar of the U.S. counterterrorism strategy. They should also ensure that along with the FBI, other major law enforcement agencies such as the DEA are fully integrated members of the U.S. counterterrorism and intelligence communities, and have a seat at the table in the key counterterrorism interagency groups. The Bush administration took a step towards this by making DEA an official member of the U.S. intelligence community in 2006, but DEA is still not a major player in this arena -- something the new Director of National Intelligence should focus on early in his tenure.

Law enforcement agencies' counterterrorism programs must be adequately funded, even in these tight budgetary times when resources are still dramatically skewed towards the military. For example, by 2010, the Pentagon will have 60,000 special operations forces -- more than five times the number of FBI agents and 12 times the number of

agents in the DEA. While Secretary Gates has recognized the imbalanced funding of the military and publicly endorsed more resources for the State Department, the Obama administration should not forget about the importance of law enforcement in nation security efforts as well.

Of course, prosecutors cannot shut down training camps in foreign countries or fire cruise missiles at terrorist hideouts, as a former FBI agent pointed out in addressing the criticism of law enforcement's 9/11 efforts. But when employed in tandem with other tools, as part of a broader counterterrorism strategy, targeting terrorists' criminal activity is an effective means of exposing and disrupting terrorist networks.

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