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## **Forecasting and responding to non-traditional security threats on the new Silk Road\*\***

### *Abstract*

*This paper aims at illustrating the non-traditional security risks facing countries and regions interested by the One Belt and One Road project. Indeed the new Silk Road is bound to cross and connect countries and regions already strained by several threats ranging from transnational crime to terrorism. Increased interconnectivity and facilitation in travel if not promptly addressed may exacerbate certain challenges. While China is somehow prepared to respond to non-traditional security threats other countries are not. Action must be taken now, but serious questions remain as to whether anyone will ever take action and on whom should take the lead.*

**Key words:** *Non-traditional security threats, security risk-analysis, OBOR, UNODC, transnational organized crime, terrorism, corruption.*

### **1. Introduction**

The launch of the One Belt One Road project (OBOR) in 2013, and of the financial institutions created to back it up, has been accompanied ever since by many speculations on the drivers of the initiative. These span from establishing the real geopolitical aims of China to trying to ascertain the economic impact on the countries touched upon by this initiative: will they also benefit or will China reap most of the gains in a way similar to what is happening today in Africa?

The above questions are no doubt crucial and as such they get most of the attention with the result that other implications of the plan are neglected. The United Nations Office on Drugs and Crime (UNODC)<sup>1</sup>, in particular, has warned<sup>2</sup> that this initiative has been launched without a due security risk-analysis, something which will have serious consequences on all countries concerned.

Indeed, the risks involved in such an initiative are also related to security, whether traditional such as wars or non-traditional such as organized crime or terrorism. The UN recalls that

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1 UNODC is the UN agency mandated to fight against illicit drugs and international crime and was established in 1997.

2 D. Lee, "United Nations highlights 'One Belt, One Road' crime risks", *South China Morning Post*, 28 February 2016, Available at: <http://www.scmp.com/news/hong-kong/law-crime/article/1918028/united-nations-highlights-one-belt-one-road-crime-risks>, [accessed on 25/05/2017].

the latter threats are a reality to face as regional and global economic integration if on one side expand economic opportunities, on the other they facilitate the development of illicit markets by expanding infrastructure connections and facilitating travel. Indeed, OBOR will bring about all of this, including simplified customs clearance systems and quarantine processes, elimination of trade barriers, simplification of foreign investment procedures, and free-trade zones which all can be exploited for illicit purposes.

The topic is multifaceted and complex and will take years to be fully understood in its long-term consequences, as much as globalization of which OBOR may be one of its biggest byproducts. Still there are several questions that will need to be answered before it is too late. How could these threats develop and impact on the many countries, regions and populations involved? Has China really ignored such threats? What China, the countries concerned – especially the weakest - and the international community should do to prevent and respond to these threats?

## **2. The non-traditional security threats involved**

To strengthen its warning UNODC has provided the international community with a list of the threats that have increased in Southeast Asia in parallel with three decades of economic development and integration lead by China. According to UNODC, the estimate of organised criminal revenues in East Asia and the Pacific is US\$ 100 billion per year which not only surpasses the GDP of several states in that region, including Lao PDR, Cambodia and Myanmar, but also their GDP combined<sup>3</sup>. This UN agency warns that the situation in Southeast Asia and the Pacific may further deteriorate following the launch of OBOR and that the same criminal trends may develop in other Belt-related regions if a security risk-assessment is not carried out soon and its conclusions given appropriate follow-up. The fact is that the new Silk Road will connect Asia to Europe by linking less advanced and stable countries in Central Asia (particularly at risk Kyrgyzstan, Tajikistan, Uzbekistan), South Asia (Afghanistan, Pakistan and particularly Balochistan province and the India-China border), Southeast Asia (particularly northern Myanmar), the Middle East (Lebanon, Palestine, Syria, Turkey, Iraq, Iran), the Balkans (with “softer” spots like Albania and Kosovo) and in Africa. These states are characterized in different degrees by weak legal systems and are by themselves already unable to respond to existing non-traditional security threats.

Reviewing at least some of the threats facing Southeast Asia helps understanding what is at stake here and along the new Silk Road.

### **2.1 Illicit Drugs’ Trade**

Regional integration has facilitated the flow of illegal substances within Southeast Asia. Metamphetamine seizures tripled from less than 12 tons in 2008 to 36 tons in 2012<sup>4</sup> and

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3 UNODC, “Supporting Regional Integration with Effective Border Management Liaison Offices”, 2015, Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/patrol/BLO\\_Brochure\\_web.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/patrol/BLO_Brochure_web.pdf), (accessed on 11/11/2017).

4 UNODC, “Global Synthetic Drugs Assessment: Amphetamine-type stimulant and new psychoactive substances”, 2014, Available at: [https://www.unodc.org/documents/scientific/Global\\_Drugs\\_Assessment\\_2017.pdf](https://www.unodc.org/documents/scientific/Global_Drugs_Assessment_2017.pdf), (accessed on 11/11/2017).

the production and consumption of metamphetamine pills have started to “spill over” from older markets in the Greater Mekong Subregion into neighbouring countries, such as Brunei, the Philippines, and Singapore. This drugs’ flow may further expand in order to supply markets in Europe for instance, but also in other regions not considered until recently traditional consumer markets such as North Africa and the Middle East in what can be considered the latest development in this field<sup>5</sup>. Furthermore, the increasing demand for heroin and synthetic drugs creates demand for precursor chemicals needed for their production<sup>6</sup>. These precursors are primarily industrial chemicals diverted from licit production located mainly in China and India. The inter-regional economic integration plans connecting China, India and the ASEAN region will make it easier for criminals to move chemicals illegally diverted from licit trade.

## **2.2 Human smuggling and trafficking**

Easier travelling has helped small and big businesses in Southeast Asia to thrive and at the same time it has somehow facilitated migrant smuggling and labour exploitation. Migrants moving to Thailand, Singapore, India and China in search for work mainly come from Cambodia, Lao PDR, Myanmar, Viet Nam, Indonesia and the Philippines. Some of these labourers are exposed to illegal employment conditions, forced labour, physical abuse, and work in the sex industry. Moreover, migrants pay the smugglers for their journey thus enriching and strengthening organized crime. The foreseen changes to speed up border controls will further reduce risks and costs for smugglers and traffickers.

## **2.3 Maritime crimes**

Maritime crimes are facilitated by insufficient patrolling of the sea corridors and by the incapacity of ports’ authorities to inspect all cargoes. In fact \$5.3 trillion of global trade transit through Southeast Asian waters each year and of the 500 million containers that are shipped annually less than 2% are inspected<sup>7</sup>. This makes maritime trade useful for criminals intending to ship drugs or counterfeits, disguise illicit precursor chemicals or even migrants among licit goods and passengers. Southeast Asian waters are also plagued by piracy and armed robbery against ships, though latest reports<sup>8</sup> inform that there has been an improvement in the situation in Asia in 2016 compared to the past four years (2012-2015). In fact the total number of incidents reported in 2016 (85) has decreased by 58% compared to 2015 (203). Moreover, of the 85 incidents reported in 2016, five were incidents of piracy occurred in the South China Sea and 80 were incidents of armed robbery against ships, mostly occurred at ports and anchorages.

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5 In September 2017, at Genova port, Italy, law enforcers have seized 37 million tablets of Tramadol, a powerful synthetic opioid. The cargo was coming from India and Sri Lanka and was directed to Tobruk, Libia. In other cases cargoes arrive into Pireus when destined to Syria. These drugs are finally sold on the street of Gaza, Amman, Lebanon, Turkey, Iran to finance ISIS terrorist activities.

6 For heroin, acetic anhydride, and for synthetic drugs, ephedrine and pseudoephedrine.

7 UNODC, “Protecting peace and prosperity in Southeast Asia: synchronizing the economic and security agenda”, February 2016, Available at: [https://www.unodc.org/documents/southeastasiaandpacific/download/2017/Economic\\_Integration\\_07\\_05\\_Feb\\_2016.pdf](https://www.unodc.org/documents/southeastasiaandpacific/download/2017/Economic_Integration_07_05_Feb_2016.pdf) (accessed on 26/10/2017).

8 OCEANUSLive, “ReCAAP Piracy/Armed Robbery at Sea/Annual Report 2016”, 19 January 2107, Available at: <http://www.oceanuslive.org/main/viewnews.aspx?uid=00001247>, (accessed on 07/10/2017).

## 2.4 Counterfeit goods and medicines

According to Europol<sup>9</sup> the majority of counterfeit products<sup>10</sup> seized in Europe come from China whose counterfeit industry is worth 400 billion US\$<sup>11</sup>. Europol now warns that the increase in use of rail transport as a method of cargo conveyance between China and the EU may facilitate this criminal activity. The World Health Organization (WHO) further reports<sup>12</sup> that Asia accounts for the biggest share of the manufacturing and trade in counterfeit medicines. While the vast majority of such pharmaceuticals are still produced in China and India, increasing law enforcement and regulatory pressure have caused phases of the production to move elsewhere, including Myanmar and Viet Nam. Counterfeit ingredients are also sent from China to Southeast Asia for production and packaging. Simplified trade procedures and interconnectivity will make it easier for organized crime groups to ship counterfeit goods to unaware consumers around the world. To emphasize this threat it is worth recalling that such kind of criminal enterprises are usually poly-criminal, involved in other criminal activities often related to the distribution of illicit drugs as well as document fraud and corruption.

The UNODC report details other manifestations of crime<sup>13</sup> but does not examine neither terrorism nor corruption. Both, however, deserve mention considering that they are likely to play a major role along the new Silk Road.

## 2.5 Terrorism

Terrorism is present in Southeast Asia and particularly in parts of the Philippines, Indonesia and Thailand. In China it is concentrated in the Xinjiang Autonomous Region (XAR), where the ethnic minority Uyghur calls for respect for their culture, religion and for a fair share of the economic development. In the last few years Uyghurs carried out attacks outside their region reaching several Chinese cities including Beijing. The government is worried that the increase in terrorism activity witnessed in other parts of the world in the last decade may take hold in China as well and become a threat to Chinese interests and citizens inside and outside its borders. Indeed, the risks for China have increased since, in parallel with a growing radicalization of part of the Uyghur population, it became official that some Uyghurs have received training and combat experience in the Islamic State's ranks at the Iraqi and Syrian front lines, and that some of them are returning to China. Again, the rapid increase in geographical connectivity, as well as porous land and maritime borders, will provide not only opportunities for terrorists to transport cash, weapons and explosives, but also more avenues to get in touch with other groups, share ideas and attack techniques, and forge new alliances. Such

9 EUROPOL, "2017 Situation Report on Counterfeiting and Piracy in the European Union", available at: <https://www.europol.europa.eu/publications-documents/2017-situation-report-counterfeiting-and-piracy-in-european-union>, (accessed on 15/04/2018).

10 Clothing, accessories of luxury brands, body care and household appliances.

11 J. Hunt, "On a raid with the secret agents chasing China counterfeiters who cost big corporations billions", *South China Morning Post*, 21 October 2017. Available at: <http://www.scmp.com/magazines/post-magazine/long-reads/article/2116079/raid-secret-agents-chasing-china-counterfeiters> (accessed on 22/10/2017).

12 UNODC, "Protecting peace and prosperity in Southeast Asia: synchronizing the economic and security agenda", p.24, February 2016, Available at: [https://www.unodc.org/documents/southeastasiaandpacific/download/2017/Economic\\_Integration\\_07\\_05\\_Feb\\_2016.pdf](https://www.unodc.org/documents/southeastasiaandpacific/download/2017/Economic_Integration_07_05_Feb_2016.pdf), (accessed on 13/12/2017).

13 Trade in rare wildlife and illegal timber, shipping of e-waste and trade in ozone-depleting substances (ODS).

alliances, whether formal or informal, may bring other terrorist movements, especially in Central Asia, and eventually the Caucasus, to target Chinese interests along OBOR.

## 2.6 Corruption

Corruption will probably be among the biggest challenges to the implementation of Belt-related projects and to the countries hosting them. Firstly, corruption will thrive including through requests for, or offering of<sup>14</sup>, bribes to foreign officials. Criminals and corrupt public figures may become the main beneficiaries of future investments, with corrupt politicians more able to seize power or stay in power thanks to this new flow of resources. Petty corruption will develop as well and may, for instance, help local workers getting jobs in Chinese run projects. Secondly, the income from transnational organized crime and corruption will be laundered into the legitimate economy of the recipient countries contaminating local financial institutions and allowing criminals to take control of sectors of the local economy. The increased economic power of criminal organizations would then impact severely on these already unstable societies and, in those countries still transitioning from planned economy to free market and from autocracy to democracy, this criminal influence can undermine the transition forever. Much will depend on the outcome of the pervasive anti-corruption campaign sweeping China since the election of Xi Jinping: if successful, it may help in bringing down corruption along the new Silk Route and not only in the PRC. Should it fail - succumbing to the many opponents of the campaign within and without the Party - the perspectives of a clean business environment inside China and along OBOR are bleak.

## 3. Is China ignoring non-traditional security risks?

It is a worrisome scenario which lead us to wonder whether China's planners and related financial institutions have really ignored non-traditional security threats and failed to incorporate a security risk-assessment in their blueprints as the UN agency said. There are several circumstances, facts and leadership's declarations that confirm that China, on the contrary, is not taking OBOR non-traditional security implications lightly.

Firstly, the experience of China's foreign direct investments (FDI) is not new at all, with outbound investments pouring in developing countries and transition economies since many years, including in many if not all the countries interested by OBOR. As a result, Chinese companies have been exposed to risks for a long time and, in several occasions, have paid a high price. In this regard, Chinese officials have revealed that 350 security incidents involving their firms abroad have occurred between 2010 to 2015<sup>15</sup>. The real number is likely much higher considering that at least one million Chinese, but maybe up to five million, are working abroad on behalf of China and mainland companies, and taking into account that these companies mostly operate in countries where security and the rule of law are a scarce

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<sup>14</sup> C. Grace, "Tales from the new Silk Road", 15 July 2017, BBC, Available at: [http://www.bbc.co.uk/news/resources/idt-sh/new\\_silk\\_road](http://www.bbc.co.uk/news/resources/idt-sh/new_silk_road), (accessed on 28/11/2017).

<sup>15</sup> Reuters, "Security firms to cash in protecting China's 'New Silk Road'", *South China Morning Post*, 24 April 2017, Available at: <http://www.scmp.com/news/china/diplomacy-defence/article/2090033/security-firms-cash-protecting-chinas-new-silk-road> (accessed on 15/11/2018).

commodity and risks are higher. Besides, the Chinese government is probably under-reporting incidents abroad to avoid pressure at home to intervene with boots on the ground, something Beijing wants to avoid for the time being<sup>16</sup>. Incidents so far encompass killings, kidnappings, thefts, shootings, bombings, blackmail, and corruption, in many countries including Algeria, Angola, Cameroon, Egypt, Equatorial Guinea, Ethiopia, Kyrgyzstan, Lao, Libya, Mali, Pakistan, Sudan, Niger, Nigeria, Zambia.

Secondly, there are on the record declarations from high officials indicating that China has given more than a thought to the matter of security risks<sup>17</sup>. At a security conference held on the eve of a summit in Beijing called to discuss this infrastructure project, on May 14-15, 2017, Mr. Meng Jianzhu, Secretary of the Central Political and Legal Affairs Commission - the domestic security chief in other words - stressed that the success of OBOR will depend on the countries involved ensuring strong security. On the same occasion, the Minister of Public Security, Mr. Guo Shengkun, said there should be more pragmatic cooperation in such areas as public security, anti-terrorism, and protecting overseas interests and that all sides should foster the concept of common and cooperative security, and establish a sound security cooperation mechanism for the Belt and Road Initiative. Moreover, and very telling, Chen Wenqing, Minister of State Security, also attended the forum, thus confirming that the entire Chinese security apparatus, law enforcement and intelligence, both internal and external, has been alerted and mobilized. Last but not least President Xi Jinping himself has made specific reference to non-traditional security threats.<sup>18</sup>

Thirdly and finally, these leadership statements are already delivering. On 7 July 2015 the Supreme People's Court (SPC) issued an Opinion (意见) policy document<sup>19</sup> on how the courts should provide services and protection to the "One Belt One Road".<sup>20</sup> Local courts are dealing with new demands because of OBOR and are looking to the SPC for guidance. This Opinion covers cross-border criminal, civil, commercial, maritime law, judicial review of arbitration as well as free trade zone-related judicial issues. Regarding criminal law issues, the lower courts are requested to improve their work on cross-border criminal cases, and increase mutual judicial assistance in criminal matters. The focus is on criminal punishment of those characterized as violent terrorists, ethnic separatists, religious extremists, and secondarily on pirates, drug traffickers, smugglers, money launderers, telecommunication fraudsters, internet criminals, and human traffickers. Finally, it calls on courts to deal with criminal cases arising in trade, investment, and other cross-border business.

It is then unlikely that the Chinese government has overlooked security risks at least as these risks concern itself and its citizens. If there is still a degree of neglect towards non-traditional security threats on the Chinese side that would be at company level. Here an inclination to

16 To be noted that threats to Chinese project personnel abroad come now not only from local criminals, but also from Chinese criminals who first move abroad to work and then they find it more lucrative to attack their co-workers.

17 "China stresses security needed for new Silk Road initiative", *Reuters*, 5 May 2017, Available at: <https://in.reuters.com/article/china-silkroad-security-idINKBN18107H> (accessed on 07/09/2017).

18 Full text of Chinese President's speech at Boao Forum for Asia, 29/03/2015, Available at: [http://www.xinhuanet.com/english/2015-03/29/c\\_134106145.htm](http://www.xinhuanet.com/english/2015-03/29/c_134106145.htm), (accessed on 14/09/2017).

19 The Supreme People's Court of the People's Republic of China, Available at: <http://www.court.gov.cn/fabu-xiangqing-14900.html>, (accessed on 09/12/2017).

20 (关于人民法院为“一带一路”建设提供司法服务和保障的若干意见).

keep costs at the minimum, a preference to deal with Chinese people, and a reactive rather than preventive approach, are present and it is up to the Chinese government to force these companies to address the issue.

It is rather a different story when it comes to accounting for risks concerning OBOR-connected countries and communities. It is indeed implausible that either Beijing or the financial institutions backing the project have carried out a serious analysis of the consequences of a sudden flow of funds on the economic governance and long-term development of these countries. China has overlooked it because States, especially if autocratic, tend to put domestic priorities first, whereas financial institutions, like other banks, do not account for these threats because their job description is to lend money for a return, not to look into security risks. At most banks can venture into some form of evaluation of corruption risks and environmental impact of the projects they finance, but not more.

By blowing the whistle the UN has contributed to raising awareness about what should be a concern of all countries, donors and recipients. It should have probably added that while China is surely preparing to address such security challenges for some time now, most OBOR recipients are not.

### **3.1 Treaties and organizations**

Indeed, the work to offset non-traditional security threats will not have to start from scratch. Parallel to its economic development China embarked on a process of negotiating treaties to pursue crime in all its forms and joining and establishing regional and international organizations. This wide array of international actions puts China today in a better position to address the non-traditional security challenges stemming from OBOR.

Looking at substantive criminalization, China has ratified most relevant conventions in the field and, in particular: the UN Convention against Transnational Crime (UNTOC)<sup>21</sup>, the UN Convention against Corruption (UNCAC)<sup>22</sup>, the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances<sup>23</sup>, and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.<sup>24</sup>

China is also party to all the 19 existing UN treaties, conventions and protocols related to terrorism<sup>25</sup> but two: 1) the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection; and, 2) the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

With regard to the suppression of maritime crime, China has joined several conventions. In

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21 Ratified on 23 September 2003.

22 Ratified on 13 January 2006.

23 Both ratified on 18 June 1985.

24 Ratified on 4 September 1989.

25 Seven conventions on civil aviation, one on the protection of international staff, one on the taking of hostages, two related to nuclear material, four regarding maritime navigation, one regarding explosive material, one regarding terrorist bombings, one regarding the financing of terrorism, and one regarding nuclear terrorism.

addition to the UN Convention on the Law of the Sea<sup>26</sup>, China has ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the corresponding Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf<sup>27</sup>. And despite Chinese law does not foresee yet a specific offence on piracy, Chinese courts could, if necessary, convict pirates by applying provisions related to robbery and homicide.

Looking then at procedural cooperation, treaties have been signed with several states participating in OBOR. With regard to “mutual judicial assistance in civil and criminal matters” China has concluded treaties with Poland (1988), Romania (1991), Russia (1992), Ukraine (1992), Turkey (1992), Brazil (1992), Kazakhstan (1993), Greece (1994), Egypt (1994), Kyrgyzstan (1996), Tajikistan (1996), Uzbekistan (1997), Vietnam (1998), and Lao (1999). Moreover China has signed more specific treaties focusing on “mutual judicial assistance in criminal matters” with Canada (1994), Colombia (1999), Indonesia (2000), Korea (2000), the Philippines (2000), the US (2000), Thailand (2003), Brazil (2004), Mexico (2004), Peru (2005), France (2005), Spain (2005), Portugal (2005), Australia (2006), New Zealand (2006), Japan (2007), Venezuela (2008), Italy (2010), Argentina (2012), and the UK (2013).

Extradition treaties are in force already with Russia (1995), Kazakhstan, (1996), Mongolia (1997), Kyrgyzstan (1998), Lao (2002), Pakistan (2003), Spain (2005), Portugal (2007) and France (2007). No treaties are yet in place with Vietnam, India, or Myanmar and this could be a challenge to OBOR if not addressed.

These negotiating efforts have not always been successful and China has not yet signed extradition treaties with the US, Canada and Australia and with several developing countries. However, should extradition needs arise in countries along OBOR which do not have an extradition treaty in place with Beijing, China could pursue other paths to obtain the same results. Beyond the possibilities offered by specific provisions in UNTOC and UNCAC - allowing the repatriation of suspects also in those cases when there is no extradition agreement in place - China could, in the presence or even in the absence of a Mutual Legal Assistance Agreement (MLAA): 1) request the repatriation bilaterally and through the assistance of Interpol; or, 2) seek the conviction of criminals there where they have fled.

Regarding the establishment and participation in regional and international organizations China has also been very active. To respond to terrorism it has created the Shanghai Cooperation Organization (SCO) with its Regional Anti-Terrorist Structure (RATS) in Uzbekistan, the Conference on Interactions and Confidence Building Measures in Asia (CICA), and the ASEAN Regional Forum (ARF). To prevent corruption it launched in Beijing in 2006 the International Association of Anti-Corruption Authorities (IAACA). With regard to money laundering, China is a full-fledged member of the Financial Action Task Force (FATF)<sup>28</sup> on Anti-Money Laundering and is also a founding member of a FATF-style regional body

26 Ratified on 15 May 1996.

27 Ratified on 1 March 1993.

28 The Financial Action Task Force (FATF) is an inter-governmental body created in 1989 to develop and promote national and international policies to combat money laundering and terrorist financing.

known as the Euro-Asian Group on Combating Money Laundering (EAG).

The above impressive array of substantive and procedural laws, and organizations, has however not spared China criticism. Critics say that Beijing's aim behind these many initiatives is to achieve top priorities in its domestic agenda and that this *reservatio mentis* hinders the efficacy of these treaties.<sup>29</sup> This may be true, but it remains a fact that in the space of 30 years China has conspicuously enlarged her arsenal of legal measures and cross-border cooperation tools to prevent and suppress crime within its borders and beyond, and this arsenal can now well serve China in mitigating negative consequences from non-traditional security threats arising as a result of OBOR interconnectivity.

### 3.2 Non-legal measures

As well important China can count on additional measures, this time neither of legal or judicial nature nor of international cooperation, but apt to promptly address problems on the ground. Here, and until the day it decides to deploy its PLA troops outside China<sup>30</sup> and out of the framework of the UN peacekeeping missions, it has two options. It can either use private security contractors<sup>31</sup>, or outsource the defence of project sites and personnel to foreign armies. Both options are ideal to protect the kind of infrastructure OBOR entails: roads, railroads, pipelines, power plants and power lines.

In the first scenario we witness an increase in the involvement of private security contractors, both Chinese and foreigners. The former are many, approximately 5,800 companies, but with little if any experience under fire and mostly active in the territory of the PRC. The most experienced of them are those with personnel previously deployed in Iraq and Syria to protect Chinese embassies, consulates and major state owned companies. As under Chinese law private security personnel cannot be armed, they usually work with and train local staff and focus on logistics and planning. In some countries, where attacks by insurgents or terrorists are a serious threat, Chinese firms stipulate joint ventures with those local security companies with links to the armed forces to ensure the availability of firepower when necessary. The latter are fewer, but staffed with battle-hardened veterans from the the special forces who participated in the wars the US waged after September 11th, 2001. Some of these contractors operate already in Africa on behalf of the Chinese government and one has even been allowed to settle down in China<sup>32</sup>. These foreign contractors will also be unarmed – at least within the territory of the PRC - and will focus on helping those companies involved in border areas overcome operational and logistic obstacles. The fact that the Chinese government has gone as far as inviting foreign private security contractors is very

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29 A good example of this approach is the participation in the United Nations Convention against Corruption (UNCAC) whereby China wants to obtain the repatriation of its corrupt officials and their ill-gotten gains only, rather than offering full-fledged cooperation to other countries going after their economic crime suspects and criminals.

30 For emergencies or routine escorts on the seas it has already mobilized the PLA Navy which is deployed in the Horn of Africa to suppress piracy and will probably expand its scope and range counting on its new port facilities: Gwadar and Djibuti.

31 Reuters, "Security firms to cash in protecting China's 'New Silk Road'", *South China Morning Post*, 24 April 2017, Available at: <http://www.scmp.com/news/china/diplomacy-defence/article/2090033/security-firms-cash-protecting-chinas-new-silk-road> (accessed on 26/05/2017).

32 This company has established one base in Xinjiang to protect OBOR North-West corridor directed towards Afghanistan and Pakistan from Uyghur militants' threats, and one in Yunnan to secure the southern corridor towards Myanmar from rebel movements active there.

telling of the threats looming over OBOR and of the state of readiness of its own contractors.

In the second scenario, China could replicate what is already practicing in Pakistan where the Peshawar government has agreed to deploy 15,000 troops for the protection of the China-Pakistan Economic Corridor<sup>33</sup>. This decision to ask for help by a foreign army is motivated not only by the obvious need to ensure effective protection in a war-torn region<sup>34</sup>, but by the consideration that the army is an institution that survives governments' crisis, events that would make China lose the local government support to OBOR. In other words, China needs long-term commitments for the undertakings it has in mind - or already underway - and only historically strong and stable institutions can provide this kind of guarantee. Besides, armies such as that of Pakistan provide services which go much beyond military capabilities being equipped and staffed in such way that they can be involved also in construction works. In this way, should a government with which China has an agreement to build infrastructures suddenly change, the army may continue construction works at least until a better solution is identified.

#### 4. Remedial actions needed

In a period of weak global economic growth and uncertainty all should wish that OBOR succeed and bring benefits to all countries involved. Such an increase in opportunities for populations still left out of economic and social progress could also diminish the inclination of many unemployed young people to commit crimes or radicalize into terrorism, and finally impede new large migration movements from East and South towards Europe and North America. However, before that ideal development stage is reached – if it is ever reached - OBOR will provide also opportunities for criminals to expand their operations and launch new ones unless action is taken now.

China itself has the will and the tools to respond to threats coming from transnational crime in all its manifestations, or keep them in check at least. There where its legal means, body of international treaties and network of regional organizations and agreements will fail, the Communist Party of China (CPC) can revert, as seen above, to a series of additional measures from private security to other countries' armies. China could also finally decide to employ the People's Liberation Army (PLA) abroad and expand the mission's scope of is Navy from anti-piracy and cargo escort to a combat-ready force capable of deterring aggression against Chinese interest in other countries and, eventually, engaging in local conflicts that endanger OBOR realization or functioning, with unprecedented long term geostrategic consequences.

However, even this impressive arsenal of weapons, men and financial resources cannot fully protect China, let alone smaller countries. Today's threats – mainly terrorism, violent drug cartels, nuclear proliferation, as well as disease and climate change – cannot be fully ad-

33 F. Bokhari, L.Hornby, C. Shepherd, "China urges Pakistan to give army lead role in Silk Road project", *Financial Times*, 21 July 2016, Available at:<https://www.ft.com/content/5eea66c0-4ef9-11e6-8172-e39ecd3b86fc> (accessed on 22/08/2016).

34 This case of "outsourcing" military capabilities to Pakistan is not the only one. In Afghanistan, in fact, China has asked Nato to stay on, recognizing that stability there is key to its Xinjiang province and beyond in the region where China plans OBOR-related projects.

dressed by military or para-military solutions, nor can they be tackled by any one country alone. They require effective collective vision and action, and thus, willing and committed partners. More is needed and it is very unlikely that we shall see it happening anytime soon. Until then, other specific actions must be swiftly taken.

On the side of China it is auspicious that it now expand its international cooperation engagement with a more open-minded, truly global approach and in particular:

1. Sign and ratify outstanding treaties in the legal field, the Protocol on Smuggling of Migrants, the Firearms Protocol, and the two outstanding counter-terrorism conventions, *in primis*.
2. Complete the process of adaptation of its domestic laws to comply with the treaties in force in the PRC, and in particular UNTOC and UNCAC.
3. Achieve progress in guaranteeing reciprocity in handling mutual legal assistance (MLA) and extradition requests.
4. Expand the scope of its extradition requests to cover not only economic crime suspects, but also those responsible for perpetrating other crimes.
5. Negotiate MLA and extradition treaties with those OBOR-concerned countries with which she has no such agreements (Vietnam and Philippines to start with).
6. Revise foreign investment policies. Firstly, negotiate new investment treaties<sup>35</sup> with countries along OBOR to enable a switch from strategies based on exporting cheap goods and importing precious raw materials to a more sustainable approach.<sup>36</sup> Secondly, cooperate more with private local companies rather than only with governments. Finally, adopt legislation on joint projects to allow the involvement of third country companies beyond Chinese and local ones. Such new approach would create a fairer business environment thus decreasing opportunities for labor disputes and corruption and the possibility of mounting anti-Chinese sentiment which may then turn into more direct threats against Chinese businesses and citizens.

In such a context characterized by a China in a dominant position not only in the economic field, but also in the security realm, the ones whose security and development is at higher risk are the OBOR-concerned countries, especially developing ones. They must not be left alone in upgrading their legal systems and in finally completing the process of state building and nation building. Logically, it should be China as the main investor to take on this delicate job, but besides reluctance to be seen interfering in the internal affairs of other countries, the PRC does not yet possess neither the required rule of law credentials, nor the capacity to execute such a delicate technical advise mission. It is then up to the international community, especially the major ODA providers - regardless of the serious doubts they harbour about the new Silk Road - to provide assistance to upgrade legal and judicial systems of OBOR recipient countries including through the following activities:

1. Review and revise their legislation, in particular dispute resolution, to address the issue of investment disagreements.

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35 V. Bath, "One Belt, one Road and Chinese investment", *Legal Studies Research Paper No.16/98*, Sydney law School., Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2866169](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2866169) (accessed on 20/11/2018).

36 A. Jadesimi, "How China's \$60 billion for Africa will drive global prosperity", *Forbes*, 14 March 2017, Available at: <https://www.forbes.com/sites/amyjadesimi/2017/03/14/how-chinas-60-billion-for-africa-will-drive-global-prosperity/#6668befd638a3>, (accessed on: 08/11/2017).

2. Drafting new extradition and MLA treaties.
3. Raise awareness on the importance to ratify and implement outstanding relevant treaties in the field of transnational organized crime, drugs, corruption and terrorism.
4. Assist national policy makers and legislators in reviewing and drafting new legislation.
5. Provide capacity-building training for criminal justice and law enforcement officials for the effective implementation of the ratified instruments.
6. Improve their border management capabilities by: a) providing training and capacity building for border personnel to maintain a clearing process capable to be at the same time fast and able to detect illicit cargoes (including chemical, biological, radiological and nuclear materials); b) exploring viability, and eventually expand, initiatives such as port intelligence units, port control units and border liaison officers (BLO).
7. Advise them on how to allocate funds in such a way that they support not only national development objectives, but also the attainment of human security objectives.

## 5. Conclusions

OBOR, if transparently and fairly implemented, could not only be a decisive step towards bringing the benefits of global free trade to the many who have been left out, but also an historical opportunity to look finally at crime, drugs, corruption and terrorism with one global vision and the collective will to tackle them once for all. This lead to a key question: who will take the initiative?

China will surely continue working to address what she perceives as flaws to the plan that may affect her interests, but, as seen, will not venture into considering the fate of partner countries unless forced to by a sudden significant deterioration of the situation on the ground.

The EU, logically interested not only on security within its borders, but also outside throughout Eurasia and the Mediterranean, is still pondering about the geostrategic drivers of the initiatives and entangled in internal affairs from quantitative easing to internal reforms. As such, the organization seems not at present in a position to undertake the required bold actions outside its borders.

The United Nations (UN) which by 2030 should reach its 17 Sustainable Development Goals (SDGs)<sup>37</sup> should link the new agenda to OBOR because the new Silk Road will serve as an accelerator for the implementation of the SDGs. Besides, a cornerstone of this new agenda is a widespread understanding that sustainable development and rule of law must go hand in hand. The UN could then play a meaningful role as a provider of technical skills if conceived and implemented in a different way from the past. A UN which intervenes on the ground by providing technical advise as one organization, rather than many underfunded and understaffed agencies, would surely make a positive and tangible contribution.

Overall, however, it is disconcerting to see that outside China, in the Old World and in

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<sup>37</sup> The 2030 Agenda for Sustainable Development, and its 17 Sustainable Development Goals, was adopted by UN Member States on 25 September 2015. It provides a comprehensive and universal framework for development over the next 15 years.

America, there is a complete absence of leadership and vision, and that all attention is concentrated on domestic and short-term issues. It really seems that we have entered a period characterized by little faith in multilateralism and in an international liberal order. A rise in nationalism, the diminishing faith in regional organizations such as the EU or NATO, or international such as the UN, the delays and doubts accompanying important initiatives such as the Transatlantic Trade and Investment Partnership (TTIP), the Trans-Pacific Partnership (TPP) or the nuclear deal with Iran, seem to be influencing negatively the negotiation and implementation of agreements aiming at curbing crime, drugs, corruption and terrorism. Unless urgent, concerted and firm action is taken now, smaller, more vulnerable and less developed countries will have to fend off for themselves and thus inevitably lose in this grandiose new Silk Road plan, probably their last development opportunity.

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Ђовани Никотера

## **Предвиђање и одговарање на нетрадиционалне безбедносне претње на Новом путу свиле**

Апстракт

Циљ овог рада је да прикаже нетрадиционалне безбедносне ризике са којима се суочавају земље и региони заинтересовани за пројекат Један појас, један пут. Нови пут свиле прелази преко и повезује земље и регионе који су већ изложени неким претњама од транснационалног криминала до тероризма. Повећана међусобна повезаност и олакшано путовање, уколико им се не одговори брзо, могу повећати одређене изазове. Иако је Кина на неки начин спремна да одговори на нетрадиционалне безбедносне претње, друге земље нису. Акције морају бити предузете одмах, али остају отворена озбиљна питања да ли ће неко икада предузети акцију и ко би требало да преузме вођство.

**Кључне речи:** нетрадиционалне безбедносне претње, безбедносна анализа ризика, ОБОР, УНОДЦ, транснационални организовани криминал, тероризам, корупција.