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PANEL IV: Opening Up Or Cordoning Off:
The European Union and South East Europe –
A Struggle Over Organised Crime

Predrag Jurekovi_ and Frederic Labarre

PREFACE

When we started to discuss possible topics for the next Reichenau workshop a year ago, we decided after some deliberation for the topic of Organised Crime. It was one of the proposals jointly brought forward by our colleagues Minna Nikolova and Prof. Plamen Pantev. We had some heated discussions in Vienna as to the subject, and some had second thoughts.

On the one hand, we were well aware of the importance of the issue of crime and criminality as a danger to the stabilisation process in South East Europe: we had been following the developments regarding organised crime in South East Europe with interest over the last few years. On the other hand we had strong doubts if our Study Group which has been renamed last December from "Crisis Management in South East Europe" to "Regional Stability in South East Europe", and which consists mainly of security-political analysts, political scientist, military and historians, would be the right forum for discussion an issue which usually is dealt with by the Ministry of Interior or Interpol. But this qualitative shift is telling and relevant. More and more, the region is achieving deeper levels of security, and if international presence will be required for a long time to come, the indicators of success can be measured in the amount of references to EU enlargement to the new countries that the civil wars have created. Slovenia is, for all intents and purposes, ready for membership. Croatia is waiting in the wings. This testifies to the success of international intervention so far, but the uncertainties and fog surrounding organised crime begs further analysis from experts.

Another reason for our doubts was that we feared that putting the weight on crime might underline the negative stereotypes usually connected to the Balkans in Middle and Western Europe. This negative stereotype considers South East Europe as being mainly a chief exporter of problems and instability. We might have lost sight of the small, but

decisive positive steps taken through the stabilisation process and focus too much on negative perspectives. Transnational organised crime is not only a Balkan feature, it is also a burden to developed societies in Western Europe and North America, and the urgency of tackling this issue should be more felt by developed societies, where the negative effects of criminal activities are also felt.

The assassination of the Prime Minister of Serbia, Zoran Djindji_ has shown that the crime factor is not only a relevant security issue for South East Europe, but above all a phenomenon with direct consequences on democratisation and the political culture.

The first impressions of somebody watching the development of society in Serbia over the years was deep shock on how far the influence of criminal groups had progressed into the interiors of state structures. On the other side, it was breathtaking how fast the Serb government rediscovered its strength after the tragic murder of Zoran Djindji_ and how fast it got rid of its passive stance regarding organised crime and switched to a policy of energetic fighting against the clans. Regarded from the outside, the last two months seemed rather like a life and death struggle between the Serb government and organised crime. Though this impression might be overdone a little bit, it is a fact that many Serbs experienced this struggle as a liberating move after a long – perhaps too long – period of apathy and legal uncertainty. Only now, after the key players of organised crime seem to have been neutralised, the possibility of establishing a democratic post-conflict order seems to have become an option. One must not forget that many of the criminals arrested over the last weeks were celebrated war heroes of the Milosevic era, celebrated because of their patriotic deeds in Croatia, Bosnia and Kosovo. For these people, even the reform government formed after Milosevic's fall did not seem to pose a serious threat – up to the assassination of Djindjic. Serbia seems to have stepped away from a fatal brink, and it doesn't even realize it, because the symbiosis between criminal elements and underground figures is so complete in the region that the line between legal and illegal is frequently blurred and this enhances the prospects of so-called State capture by criminal elements who infiltrate and assimilate legitimate political trappings so well as to command the resources of the state. After years of dictatorship, itself

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criminal in nature, Serbia has narrowly avoided a fall back into the abyss, where organised crime would reign supreme over civil society. Other societies are even more at risk and this is an additional reason why inquisitive analysis and discussion is needed.

The security implications of organised crime are made more accute after September 11th, as measures are being taken to deal with terrorism, legislative amendments blur the line between an ordinary crime and terrorist support. There are indications that the proceeds of some crimes go to the financing of terrorist activities, and that furthermore, legitimate businesses are sometimes used as fund-generators for terrorism. The strategic position of the region between Europe and the Middle East adds a new dimension to the link with terrorism, and it cannot be ignored. In any case, the world cannot remain indifferent to the issue of crime, or terrorism, however defined.

Another problem is that today's terrorism requires some form of State capture to function, so that criminal or terrorist agents can act as *the de facto* State developers in such a way that they wield carrots and sticks with impunity within regions on the verge of collapse, or escaping failure. Commentators and scholars are just beginning to see the relationship between crime, super terrorism and State failure. State failure is required for terrorists to operate free from obstruction. Only in such a situation can criminals and terrorists impose their writ as the law of the land. And so the ultimate threat for Europe is a string of failed States on her doorstep that act as launchpads for terrorists and criminals enjoying the clout of illegitimate officialdom.

Therefore the workshop aims at encompassing the entire dimension of the crime phenomenon in South East Europe by putting the issue both into the domestic and regional as well as into the larger European context. At the beginning of the workshop, the **first panel** will centre on the question of how far various forms of organised crime – as the trafficking of human beings, drugs, weapons as well as corruption really put the stabilisation process in South East Europe in danger. The description of different forms of criminality and their relevance for the region by international experts with the help of statistics seems to be important for many reasons: first, it will give a more definite and

tangible shape to the rather abstract term of organised crime. Second, it will try to weigh and counter-weigh the relevance of the various issues. In addition, these speeches by experts will set the basis for the discussion of the question of whether South East Europe really is the chief exporter of organised crime or if this is nothing but Western prejudice.

In this context, we will have to look at the shared responsibility of Western Europe and the United States in helping to stop the expansion of organised crime in South East Europe. Above all, this responsibility cannot be denied for trafficking of humans, mainly women and children, as there is evidence that even members of Western police missions have been involved in these crimes.

The **second panel** will pose the question of how far individual countries in South East Europe are under the influence, if not seriously threatened in their stabilisation and reform processes by organised crime. Especially the individual successor countries to former Yugoslavia seem to be troubled with the problem of grey zones between the official political, police and military structures and criminal groups which seem to have large influence on state representatives. It is remarkable that those who benefit from these grey zones usually are war profiteers and real or potential war criminals. This factor leads to the assumption that real democratisation in the post-conflict societies in South East Europe will only be possible if one keeps working on solving the most recent past and refrains from sweeping it under the carpet. Considered from this perspective, the importance of the International Criminal Tribunal in The Hague is tremendous. Through its work, war crimes are being individualised, which is a tremendous help in diminishing collective *feindbilder*.[1] Another positive side-effect of the ICTY is that it contributes to establishing civil societies in the home countries of the war criminals. Once deported to The Hague, the war criminals are prevented from disturbing or endangering the reform and democratisation processes effectively.

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[1] "Enemy image", or a mental construct to which a pejorative generalisation is automatically ascribed. Note of the Editor.

As the second panel looks at organised crime mainly form the perspectives of individual countries, the **third panel** put the stress on the regional implications of these phenomena. Generally, they come to light through concrete security problems like in trans-border criminality between South Serbia and Kosovo. The panel will, however, not only look at the problem cases, but also try to work out positive aspects. Among them the numerous initiatives by the international community for establishing an overall system of co-operative security in South East Europe. It is a great pleasure to have representatives from several regional initiatives among us, who will hopefully provide first-hand information on their initiatives of fighting organised crime.

Panel four will finally expand the discussion by adding the aspect of European integration. Without exception, membership in the European Union has become an important aim in the foreign policy of SEE States. Some, like Romania and Bulgaria have already attained candidate status and made enormous steps on their way towards EU membership.

Other South East European countries like Serbia and Montenegro are working on signing a stabilisation and association agreement with the European Union in order to set the basis for further negotiations.

No matter how far the individual countries have come in their attempts of applying for EU membership, all are aware of the fact that deeper-reaching and more comprehensive reforms will be needed in order to become a full member of the Union. Success of these reform and democratisation processes is more than often dependant – as the Serb example has demonstrated clearly – upon the preparedness of the individual countries to prevent the instrumentalisation of state structures by criminal individuals or clans.

Another interesting aspect in this fourth panel could be the question, whether the closer security co-operation with the European Union by individual South East European countries, which are approaching EU membership along different speeds, might hamper co-operation or even establish barriers among the applicant countries. One consequence of Slovenia entering the EU could be that soon the Schengen regime might have to be applied between South East European countries.

It is partly this reason which prevents European disengagement from the region. But it must also be added that the efforts of the international community warrant continued involvement, if only for the fact that on the other side, in a South Eastern Europe emerging from the abyss, there are human beings too, whose rights and freedoms are inherent, and as responsible actors, it is a duty for international organizations, NGOs and Great Powers to remain involved.

In facing all these difficult issues, I am sure the workshop will achieve the following two aims:

• Firstly, the crime factor needs to be analysed in context with all relevant spheres of influence on the democratisation and stabilisation processes in South East Europe. Examples of this would be detecting possible connection between organised crime and problems in establishing civil societies or the relevance of regional co-operation in crushing organised crime. This multi-layered approach seems to be far more interesting from the analytical perspective than the real issue of how to tackle the problem of organised crime from a purely security-centred view.

• Another aim of the workshop could be to sum up all proposals and options in a Policy Paper and to offer this concept to those agencies having responsibility for stabilisation in South East Europe. After all the ad hoc intervention that the region has seen, we have the luxury to apply our skills in thinking how we can defeat organised crime in SEE, and to prevent it from spilling over our boarders. This would provide not only our collective insights in the matter, but would lay the foundations for an effective plan for concerted action.

The Study Group on Regional Stability in South Eastern Europe is both proud and grateful to the participants to have taken the time to give their own impressions and experiences in the service of crushing organised crime in the region. It needs to be stressed that these individuals, from no less than 10 countries some of which were at war only a few years ago, have shared their views in a professional manner, with the hope of finding solutions. It remains that their presentations may sometime differ

from the official positions and policies of their organizations and agencies. Therefore their views cannot be taken to be similar and we are grateful for their insight and dedication.

Predrag Jurekovic
Bureau for Security Policy at the
Austrian Ministry of Defence
Vienna

Frederic Labarre
Royal Military College of Canada
Kingston

PANEL I:

SOUTH EAST EUROPE – CHIEF EXPORTER OF ORGANISED CRIME IN EUROPE – A CLICHÉ? TYPES AND FORMS OF CRIME AND CRIMINALITY.

Sebouh Baghdoyan

DRUG TRAFFICKING IN SOUTH EAST EUROPE

The United Nations Office on Drugs and Crime (UNODC) is not a law enforcement agency. We do not manage informants, undertake surveillance or analyze criminal intelligence but we do coordinate and deliver technical assistance to countries to develop and strengthen these skills. This is our role in the war against drugs. To help us in South Eastern Europe we employ law enforcement officers in the field.

Today, I will present to you an overview of drug trafficking in South Eastern Europe – the threat – the prioritization – the response.

What do we at the United Nations Office on Drugs and Crime perceive as the principal threats in South Eastern Europe?

1.   Heroin trafficking

2.   Cocaine trafficking

3.   Cannabis cultivation

4.   Opium poppy diversion

5.   Synthetic drug production

6.   Precursor chemicals

7.   Increased drug abuse

8.   Organised Crime

9.   Corruption

South Eastern Europe is a complex region. The United Nations Office on Drugs and Crime considers the following countries to fall within its project activities in this area: Albania – Bosnia and Herzegovina –

Bulgaria – Croatia – the Former Yugoslav Republic of Macedonia – Romania and Serbia and Montenegro. In the past twelve years it is a region that has seen conflict and political instability. It has seen poverty, weak democratic institutions, porous borders and continues, in many countries, to see an abundance of corruption in state institutions, police, customs and the judiciary. The region has provided fertile soil for organised criminal activity of all descriptions and, importantly, drug trafficking, which brings us together here today.

South Eastern Europe has it all. There is almost no type of illicit drug that is not either trafficked, produced or consumed in the region I have described.

1. Heroin
2. Cocaine
3. Cannabis
4. Opium
5. Synthetic drugs
6. Precursor chemicals

All lead to increased local drug consumption, despite the poor buying power of the local market.

Of course, with drugs comes organised crime, local criminal groups trying to organize independent drug trafficking channels, and distribution networks leading to brutal territorial clashes, murders, gun battles and car bombings. All of this is commonplace in certain cities of South Eastern Europe.

Every organised criminal group will try to corrupt and bribe to facilitate the furtherance of its illegal activities. With greater financial resources than the true law enforcers who seek to undermine them, they will try to pay their way through any obstacles. In a region still emerging from transition under regimes where oppression was common place, "facilitation" is a way of life, where acceptance of facilitation as a means

to survive a low income turns to greed, and corruption is a debate that could cover many hours with no clear answer with solutions, in the short term even more difficult to implement.

So let us move on to look more closely at the principal drugs trafficked here in the Balkans.

Taking a look at heroin, South Eastern Europe is a bridge between the Middle Eastern and Central Asian drug producers and the lucrative Western European drug consumer market. The heroin produced in Afghanistan, generally, travels through Iran to Turkey, where it is refined, and then onwards into Bulgaria. Bulgaria is pivotal in the South Eastern European drug trafficking scene acting as a crossroads for a variety of trafficking routes.

Let us take a look at a few of these variations:

The Classical Route

Prior to 1991, licit traffic and, under its camouflage, the bulk of heroin, travelled along the Sofia–Belgrade-Zagreb-Ljubljana route. The wars in Croatia and Bosnia and Herzegovina and later the conflict in Kosovo, as well as the bombing in Serbia, led to a breakdown of this route and the emergence of a number of further variations.

The Northern Route

This route emerged leading from Bulgaria either utilizing the Ruse-Giurgiu bridge or by ferry across the Danube into Romania. Thereafter, either through the Czech Republic and Slovakia and from there to the EU countries, or through Ukraine and Poland and thereafter into the EU.

The Southern Route

From Bulgaria through the Former Yugoslav Republic of Macedonia into either Kosovo or Albania.

The Black Sea

Sea containers, RORO, train carriages, and bulk deep-sea cargo ships, all circulate and arrive at Black Sea ports, making this an ideal alternative to the traditional TIR routings.

The Ferry

There is increasing evidence that the ferry line between Istanbul and Trieste is used for the direct transfer of large quantities of heroin directly into the EU. The increased detection of heroin on the Bulgarian side of the Turkish/Bulgarian border has very quickly pushed the traffickers to considering a variety of new routings.

Central Asia

The route through Central Asia and Russia, with Central Asian countries Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, is beginning to play a significant part in the trafficking of heroin along this so called 'Silk Route'.

South Eastern Europe now becomes increasingly important as a transit country for South American cocaine.

Cocaine is regularly entering the Balkan region at the airports concealed with passengers and increasingly cargo.

The Black Sea Ports of Constanta, Varna and Burgas all potentially receive illicit drugs originating from South America concealed in sea containers and aboard deep-sea banana vessels. The illicit cargo will then generally be off-loaded, where it will continue its way by lorry across the myriad of leaky border crossings that comprise what has now become known not as the Balkan Route but rather the Balkan Corridor.

The situation is no different at the Adriatic ports where it is even easier to take illicit cargo by fast boats either up the Coast, or land it directly into Italy.

The United Nations Office on Drugs and Crime has realized that good governance and clear priorities enhance credibility and attract funding.

After almost half a year of analysis and consultation, the Office is now pleased to have emerged with a new name, a new vigor and enthusiasm and a professional prioritisation. I shall briefly outline some of the key changes that I believe take our Office forward, as a quality provider of technical assistance in support of the fight against drug trafficking and organised crime.

The Office of Drug Control and Crime Prevention of the United Nations was originally set up in 1997, combining the International Centre for Crime Prevention (CICP) and the International Drug Control Programme (UNDCP). It was established by the Secretary-General to enable the Organization to focus and enhance its capacity to address interrelated issues of drug control, crime prevention and international terrorism in all its forms.

Yet, with globalization came new agendas and new challenges in these three fields, triggering the need to apply fresh policies and move with the changing environment that we seek to interdict.

In the new name and the reorganization that shall occur in the coming months you will see our own institutional divide between Drugs and Crime removed forever.

Our mandate is derived from Conventions and General Assembly Resolutions, with which many of you are surely familiar, but they are now expanded with the coming into force of the Convention against Transnational Organised Crime.

This is our armoury and these are our key themes:

1.	An integrated approach

2.	Sustainable development

3.	Prevention and enforcement

4.	Knowledge and vision

5.	Best practices

6.	The power of partnership

An integrated approach

Drugs and crime, as well as terrorism, are most certainly intrinsically interrelated. The UNODC has now recognized that and in the period ahead it will be essential to take a more integrated approach and look into drugs issues in all their complexity.

Sustainable development

The UN Office on Drugs and Crime cannot work alone. It can enhance the civil society dimensions of globalization only if its programmes can trigger and become part of common and coordinated efforts to promote sustainable development.

Prevention and enforcement

Law enforcement alone will not succeed without parallel measures to prevent drug abuse and the treatment and rehabilitating of addicts. It is a fact that money spent on prevention and treatment will save several times that amount otherwise needed for law enforcement and interdiction.

Knowledge and vision

With more precise knowledge on the drugs phenomenon, more effective strategic decisions can be made, trends identified and timely projects

considered to permanently plug gaps as they appear. More technical assistance is needed to address these data deficiencies, which in turn undermine the effectiveness of any project whether multi- or bi-lateral.

Best practices

The UNODC will aim to identify best practices, adapting them to the country concerned and applying them to institution building. Best practice is easy – adapting this to local conditions and thereafter building sustainable capacity is much harder. Here, our network of Field Offices is very much our strength.

The power of Partnership

The Office desires and needs to work with others on the basis of its comparative advantage. This will become more difficult as the sharing of purpose and of instruments expands. We will promote partnerships at the earliest stages of our project development cycle – partnerships with assisted countries, partnerships with development institutions, partnerships with private sector stakeholders and, importantly, partnerships with donor institutions and Governments.

The response to the threat I have described, in line with the prioritisation that I have detailed, is very much the strength of our field-based implementation.

As mentioned in my opening words, UNODC is not an operational unit, as many of you here would understand it. UNODC is a technical assistance agency – some would believe that it just provides money to help agencies fight drugs and crime. But this is not true. UNODC in South Eastern Europe is an agency, which aims to make a difference. It is a combination of technical assistance with operational implementation.

In what follows, I am going to give you a brief overview of our current structure, our recent project successes and our plans for the future to meet the growing threat that proliferation of drug trafficking and organised crime poses to all of our countries.

Under the supervision of the UNODC HQ, day-to-day running of the Programme in South Eastern Europe is managed by a field-based Programme Coordinator, Mr. Mark Stanley, assisted by national support staff within the Field Operations Unit for South Eastern Europe, which is currently situated in Sofia. Additionally, locally engaged National Project Officers have been selected and are resident in Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia. These National Project Officers are also either current or ex-law enforcement officers. Together, they form a cohesive and formidable team with considerable experience within the region. We implement the Programme activities and ensure adherence to the aims and objectives of the United Nations and more specifically the Office on Drugs and Crime.

Possibilities for the future include the expansion of the network to include Project Offices in Tirana, where a border control/law enforcement project is under preparation, and Belgrade, where a priority project portfolio is also close to final authorisation.

Like all UNODC projects, they require direct donor funding and fall outside of the general UN contribution. This process can be a long one, as many donors, despite their confidence in UNODC operations, cannot offer the size of funding in one allocation. For this reason, many of our projects are divided in different financial tracks, which allow the activation of sub elements within the overall project as free-standing units. There are some potential funding sources, who prefer, for political reasons, to engage bilaterally with the beneficiary countries or through mechanisms such as twinning. Whilst some such mechanisms have succeeded, I would argue that without a dedicated and professional field operation many have shown intermittent results. Herein lies the comparative advantage of UNODC project execution in this region and one that I hope will be utilised to the full in the coming period.

In South East Europe, over 1200 staff received training by the UNODC projects in the past four years. Here is an example of front line training.

1.   Land Borders

2.   Sea Ports

3.   International Airports

4.   Intelligence Analysts

5.   Informants

6.   Surveillance

7.   Coordination

8.   Professional Networking

Does front line training work? – Yes. For example, in March 2000 at Bucharest Airport, 13.9 kilos cocaine concealed in baggage were detected through profiling by a recently trained team.

Over 200 officers have participated in Workshops and overseas study tours to consolidate their learning experiences.

Do Workshops and Study Tours work? – Yes. The September 1999 Study Tour at UK Airports permitted the seizure of 0.5 kilos of cocaine and 4.5 kilos of cannabis from passengers and 40 kilos of cannabis hidden in cargo.

Following is some of the equipment that the UNODC has provided in recent years to beneficiary agencies:

1.   Comprehensive rummage tools

2.   Contraband detection equipment

3.   Drugs scenting dogs and kennel vehicles

4.   Computer hardware for intelligence units

5.   Drug test kits

6.   Surveillance aids

Contraband detection equipment is used to detect relative density and thereby give an indication of potential concealment of contraband.

Does it work ? – Yes. It was beyond original expectations – UNODC Projects are flexible instruments of assistance – the figures speak for themselves – 10 kilos of heroin, concealed in a fuel tank, were detected with donated contraband detectors without previous intelligence at the Vidin Land Border. In all, 700 kilos were detected with these devices. Other smuggled substances and articles were also detected:

1.   Tons of cannabis

2.   Millions of cigarettes

3.   Counterfeit goods

4.   Gold

All that was the past – what about the future?

The UNODC Field Operations Unit for South Eastern Europe has just finalised a Strategic Programme Framework for 2003-2007. That document lays out the challenges for UNODC in the region and sets out a framework of projects aimed at plugging identified gaps where little or no technical assistance has to date been received. The framework dovetails with existing initiatives and moves forward other regional objectives – Accession – Stabilisation and Association Process, to name but two of the more significant. These are improved by enhanced capabilities and services to face new challenges. Together, they will energize the fight against crime and drug trafficking in the region. Here are some key initiatives as a conclusion:

1. Enhanced drug laboratory capacities in SEE

2. Basic surveillance training in BiH

3. Advanced surveillance and technical equipment in Bulgaria

4. Automated Donor Assistance Mechanism (ADAM)

5. Strengthening of capacities for the collection and analysis of criminal intelligence in SEE

6. Criminal Intelligence System for National and International Cooperation CISNIC

7. Fresh organisation with priorities written for the future not based in the past

8. Professional project design and field based implementation

9. Coordination with other agencies and common sense flexibility to adapt and dovetail

10. Offer effectiveness to beneficiaries and value for money to donors.

Sebouh Baghdoyan
United Nations Office on Drug and Crime (UNODC)
Vienna

Josef Nothdurfter

SMUGGLING AND WEAPONS TRAFFICKING IN SOUTH EAST EUROPE: THE EUPM EXPERIENCE

As the only foreign police force in South East Europe, the European Union Police Mission has a complex task. This essay aims at acquainting the reader with the purpose, mission and successes of the EUPM.

What is our goal? We aim to establish a sustainable policing arrangement under *their* ownership in accordance with the best European and international standards. This was issued by the Council on Joint Action in Brussels. How long does our mandate last? We are supposed to leave Bosnia by the end of 2005. We are 500 international police officers from the EU member States. How will we achieve our goal? We do not arrest criminals on our own. We are not armed. We just monitor, mentor and we advise and inspect the local ministry of interior and local high ranking police officers. By this we hope that they will establish a sustainable police force.

We have no executive mandate, contrary to the international police in Kosovo. They have executive power, but we don't as I mentioned. But our priorities are of course to protect returning refugees and displaced persons. They should feel secure if they want to return in Bosnia – we are still expecting a lot of returnees – and if they don't feel secure, they will be reluctant to return. Then, we try to reach the goal that minority representation in local police force will be reached. Regarding the present percentage of the respective populations, the local police officers should be representative. In every police force, there should be Serbs, Croats and Muslims. And of course very popular topics at the moment is the fight against organised crime, because Bosnia is one of the main targets of human trafficking, and the restructuration of criminal investigation departments in accordance with uniform intelligence-led models. The criminal investigation department in Bosnia and in SEE are

very poorly organised. And of course, we put a very big effort in the de-politicization of the local police. There is no need to have political influence in the local police, because then the population will have no confidence in them.

Some operational and security aspects; the economic situation was mentioned, as was the assassination of Prime Minister Djindjinc in Serbia[2], and we have a survey regarding the confidence of the local population in their police. The unemployment in Bosnia is 40%, in Kosovo 60% this influences the security feeling and smuggling and organised crime in the Balkans. Salaries and pensions are not regularly paid, then of course, there is low foreign investment, because if they don't feel secure, then why should they invest in the region? In Bosnia for instance, there is now a law on bankruptcy and liquidation. This will again raise the unemployment rate.

An enquiry and a survey done by SFOR shows you the confidence of the population in the local police. 34% of the local population have *some* confidence in the authorities and the police force, but 36% don't or have little confidence in the local police, and there, we have to build on this to look to a decrease of corruption and ensure that no politician will be involved in police activities.

Now a few words about weapons smuggling in SEE. In the Former Yugoslavia, the production of arms and military equipment was an important economic factor. Up to 60% of the State budget went into arms production. The majority of the mines laid in the Iraq-Iran conflict from 1980-1989 came from an ammunition factory in Bosnia. These arms exports culminated in the support of Iraqi air force by RS military officials. RS means Republika Srpska, which is a part of Bosnia. As you are aware, Bosnia is divided in two parts, the Republika Srpska and the Federation. And in the Republika Srpska there was this ORAU company which exported parts for aircraft in Iraq, and so violated the UNSC Resolution and the Dayton Agreement. And because of this so-called ORAU affair, the Serb member of the Bosnian presidency, Mr. Saravic

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[2] Some perpetrators of the assassination of the Prime Minister of Serbia are supposed to be in hiding in Bosnia.

had to resign. This detection was initiated by the US Embassy and SFOR[3]. And latest statements in the news also allege exports of arms to Liberia by a Belgrade company which also would have violated the UNSC sanctions against Liberia. But these activities cannot be taken to be arms smuggling in the classical sense of course. But there are also such classical cases, although the statistics in this connection is very poor. A crucial role in the smuggling of arms to Bosnia was played by the Third World Relief Agency located in Vienna. In 1992, this agency opened an office in Sarajevo and became the main intermediary and facilitator in the smuggling of weapons for the Bosnian Muslim Army. But what are the reasons why smuggling is relatively easy?

First of all, consider Bosnia; this country is divided in two entities each having their own armed forces. But at this moment I need to state that the unification of the army is in progress. And they have rather weak central authorities. These are some of the reasons supporting smuggling activities. Customs remain under the control of the entities and this didn't change much even with the establishment of the State Border Service. The State Border Service is the Police Force which is in charge of checking and controlling the border. But the State Border Service's competence is limited to the border crossing of persons, while the flow of goods remain with the custom authorities under entity control. The borders are very porous and cooperation with the respective counterparts, with the local police, or with the border police of the neighbouring countries is very very poor.

There is one case I would like to emphasize. Recently, one year ago, big smuggling was detected from Gorazde[4] to Kosovo, smuggling intended to support the Kosovo Liberation Army. Police have arrested 7 people in connection with a weapons smuggling gang which had been running arms from Bosnia to Kosovo. Among those arrested were a formal army general and two policemen. And here we see that corruption and the involvement of local authorities is still present. These weapons came from army and police depots. 300 automatic rifles and 1000 anti-tank rockets and 500 tank grenades, a lot of ammunition were hidden in a

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[3]   SFOR is the NATO Stabilisation Force in Bosnia and there are 12000 soldiers within it.
[4]   Gorazde is a village in Bosnia.

truck under wooden boards when they were seized by KFOR and UNMIK Police in Pecs. Some sources state that this ring has smuggled arms to equip up to 50 000 Kosovo Albanians. But there is no evidence and this is just an estimation.

How can we reduce the huge number of weapons in the Balkans? Because there are lots of relics from the war and it is still a tradition to fire weapons in the sky, for weddings or something like this. This is called celebration fire. There is Operation Harvest under way, and SFOR is urging the local population to deliver or to hand over ammunitions and weapons to them for destruction. The results in 2002? 8000 small arms, 40 000 hand grenades, 4000 mines and a lot of ammunition were destroyed. And this year this trend continues. This is a very big success on the way to destroying the weapons that remain from the war.

Finally, we can answer the question how can we improve the situation? There must be better coordination between border guards of the countries. There must be better equipment and finally there must be better intelligence gathering in order to end the fight against organised smuggling.

Josef Nothdurfter
EUPM to Bosnia and Herzegovina
Operations Department
Sarajevo

PANEL II:

ARE CRIME AND CORRUPTION JEOPARDIZING POLITICAL REFORM AND DEMOCRATISATION IN SOUTH EAST EUROPE? – SELECTED COUNTRY STUDIES.

Ivan Djordjevi_

THE CURRENT SECURITY SITUATION IN SERBIA AND THE AFTERMATH OF THE ASSASSINATION OF THE PRIME MINISTER

As you are well aware, the situation in Serbia in recent months was marred by the tragic murder of the Prime Minister, Zoran Djindjic.

I will be direct - the shot at Prime Minister Dr Zoran Djindjic was at the same time aimed at the young democracy, at our state Serbia.

This assassination was organised and perpetrated by a criminal organization – the so-called "Zemun band", which represents the residue of the criminal heritage from the Milosevic period and which worked in the past for the leadership of the former State Security Service and former commander of the Special Operations Unit of that Service.

The goal of their conspiracy, that they called "Stop to The Hague", was to use the assassination of the Prime Minister in order to provoke chaos in the country. They thought that such an act would prevent the election of the Council of ministers in the common state of Serbia and Montenegro. The assassination was performed at the time when this country was without a minister of defense. They also hoped that it would not be possible to elect the new Serbian Government. All this was supposed to trigger the fall of the administration and return of hostile forces to the same positions that they enjoyed under Milosevic.

The political background and platform of the conspirators was gathering the so-called "healthy patriotic forces", while in reality it was a joint attempt of all those who rose to protect Milosevic's criminal heritage.

Their plan had a boomerang effect. They got clear answers.

First of all, the citizens of Serbia, with their magnificient farewell to Dr. Djindjic during his funeral, which was attended by more than half a million citizens, clearly demonstrated that all the plans of these criminals had failed and that there were no chance of a return to the past.

The ruling coalition had not fallen apart. On the contrary, this tragedy unified it. The coalition understood the importance of this historical moment and it was aware of the responsibility that it had towards the citizens and the State. Elections for the Council of Ministers and the Government went on without a hitch.

Instead of disunity on which the terrorist were counting and instead of the disharmony between the Republican and Federal authorities that used to be the main problem in our fight against organised crime in the period after the democratic changes, we had full unity between the Government of Serbia and the Council of Ministers of the State Community.

At the urging of the Government of Serbia, the acting president of Serbia, Mrs. Natasa Micic, declared the state of emergency. The Supreme Defense Council passed a decision and ordered to the Yugoslav Army to provide full assistance to the Police of Serbia in the investigation and arrest of the perpetrators of this assassination and in the removal of all the conditions that caused the introduction of the state of emergency. So, for the first time we found ourselves in the position where the Army, the Police and security agencies were working together, with the same goal. The results are obvious.

The state of emergency was introduced in order to facilitate rapid arrest of the perpetrators, organizers, financial supporters and those who inspired the assassination of Prime Minister Djindjic, in order to fight organised crime throughout the country, as well as to fight against the individuals who used to be, for various reasons, untouchable by the law and who already had thick criminal records.

I want to clearly stress that the state of emergency was not imposed against the citizens, against their freedoms or rights and that it was not used in an abusive way. This was in general terms confirmed by the

delegation of the OSCE Mission in SAM that visited detained persons, although certain irregularities were noted with regard to the state of our prisons.

We enjoyed full understanding of the citizens and we had very good cooperation with them, in a way that by providing the public with certain information we located some members of this criminal organization or obtained other data relevant for the investigation.

When we talk about organised crime, I would like to use this opportunity just to repeat what Mr. Mihajlovic, Serbian Minister of Interior, said at the London Conference, whose conclusions are very good. Their relevance and significance, unfortunately, are confirmed also by this tragic event and enormous loss of our Prime Minister.

Organised crime gains its power from the ability to respond flexibly to every change in the environment in which it acts, as well as to adapt itself to all the repressive measures that the society is undertaking against it.

The existence of the "Zemun clan" is just another proof of this stand. This gang was, in reality, the biggest narcotics cartel in Serbia, and had exclusive rights for the distribution of cocaine and, connected with its partners throughout the world, a major supplier of heroin in the Serbian market. From Columbia and other countries whence the heroin was coming, up to the European countries where their bank accounts were.

All these activities significantly trespass national boundaries, so that the fight against them cannot be imagined exclusively within national jurisdictions. The organised crime that is today affecting both developed and underdeveloped countries has become international long ago and its actors, from different countries and regions, have been uniting and now act on a global scale. Arms dealers and drug traffickers, mercenaries and organised pirates, are laundering their profits through the well-established channels of financial crime, which is also taking its own part of the profits.

After coming to power Serbian authorities realized quickly how big and serious the criminal heritage of the Milosevic regime was. That criminal pyramid, at whose tip were the individuals from the state administration, had two faces. One face are war atrocities and the other is organised crime. We saw that terrorism is just a political aspect of organised crime and that it is financed from the revenues of criminal activities.

From these revenues the security details of some war criminals are also financed.

Also, we saw that criminals were behaving like real globalists as they established a real Balkan criminal brotherhood during the times of conflict and war in the area of the former Yugoslavia, while politicians and statesmen were divided and were trying to erect Berlin walls between new Balkan States.

But, after these wars the Balkans are again becoming a transit area, not only when we are talking about the Balkan heroin route, through which most of the heroin that is reaching the European Union's narcotics market is passing.

That is the reason why the countries of the European Union, if they want less drugs on the streets of their cities, if they want less false asylum seekers and less uncontrolled migrations, have to aid police, customs, tax and judiciary systems in the countries of South Eastern Europe. Such an orientation is also cheaper for the taxpayers of the countries of the European Union, than the expenses needed for the elimination of all these drugs and migrants from the streets of European capitals.
High level of violence in the previous regime in Serbia represented the main weapon of organised crime. Partners of organised crime were not protected from this violence even if they had high positions in the legal world. However, the consequences of this violence were not felt exclusively by partners of organised crime, but they were also felt by all citizens, who were victims of a feeling of personal insecurity and endangerment of life and property.

The Ministry of Internal Affairs of the Republic of Serbia has undertaken very clear and concrete measures in fighting organised crime.

The first step was a public recognition that organised crime does exist in Serbia, followed by the establishment, two years ago, of the Directorate for fight against organised crime, as a specialized organizational unit in the Ministry.

Unfortunately, too late, we got the Law on the fight against organised crime, which introduced in our legal system the necessary institutions - i.e. witness protection, etc. – so that we could reach the very core of the problem and to secure evidences on the activities of these criminal organizations. Up to then, police information did not have value.

Thanks to the moles in our own ranks and in the very system of prosecution – now we know that it was the deputy State Prosecutor, who was to be arrested – but there was a leak which reached this criminal group and they committed their desperate move by shooting the Prime Minister just days before we wanted to arrest them. The results are well known.

The killers of Prime Minister Djindjic are now in prison. The result of the undertaken police measures will be Serbia without unsolved crimes that used to disturb the public, without killers on the loose, without organised criminal groups and without war criminals.

Each one of the 105 criminal groups, which were detected at the begining of 2001, was attacked. Each person with a personal criminal record with the Police was submitted for interrogation. Over 11600 persons were interviewed. The measure of detention lasted just for the period of time that was necessary to gather information and secure material evidences. As of last Monday (May 12), 3560 criminal charges were filed against 3946 persons, for 5671 crimes.

Although the biggest burden of this action lays upon the Belgrade Police and Directorate for fight against organised crime, it is important to note that this action is undertaken throughout Serbia. That was a chance for

the citizens throughout Serbia to be rid of the fear of local bands. Local police branches solved numerous killings, located big printing premises for counterfeiting money, seized significant quantities of narcotics, weapons and found many stolen vehicles.

Now we are witnessing the real effects of our decision to establish a Gendarmerie. This unit is providing strong support to the implementation of emergency measures and in providing security in Southern Serbia. With their assistance the assassin was arrested, and the decision on dismembering of Special Operations Unit was implemented peacefully. With that action the last contaminated part of the Serbian Police was removed.

The general state of security has improved, and the number of crimes has significantly dropped compared with the same period last year. So for the first time in recent history we had days in Belgrade when more cars were recovered than were stolen.

Simultaneously with the seizure of illegal weapons and explosive devices from the criminals, the voluntarily surrender of weapons and of legalization was underway. For example, the following quantities of weapons were seized from criminals: 593 pistols, 235 automatic rifles, 463 rifles, 14 machine guns, 347 hand grenades, 7 bazookas, 10 rocket launchers and great quantities of explosives.

During this action 73.5 kg of drugs were seized, out of which 28.2 kg of heroin, 463.5 grams of cocaine and 44.8 kg of marijuana, as well as 4960 tablets of synthetic drug Ecstasy. Also 688 stolen vehicles were recovered.

Citizens surrendered to the Police and to the Army 40438 parts of weapons and mine devices as well as 2 million pieces of ammunition. Also, 27392 applications for the legalization of weapons were submitted.

We are not living in the illusion that organised crime can be completely eradicated, but we do think that we can exterminate it and that we can reduce it to a tolerable level, from which it will not represent danger for the institutions of society and for the values that our citizens cherish.

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We wanted to achieve this goal through the complete reform of our Ministry, and the conclusions of the London conference, as well as the readiness of the European Union and its member States to help not only us but also to the whole region in fighting this global evil, significantly encouraged us in our endeavor.

The tragedy of Dr. Zoran Djindjic on March 12 has its security, political and historical dimensions.From the security point of view theses events have the same significance for Serbia as the events of September 11th have for the United States. In the political sense, March 12th is for us October 6th as it gave us a chance for a successful completion of political changes, which were late due to the impermissible divisions within the political forces that led to October 5th. But these divisions are over.

From the historical angle, this horrible tragedy is a unique chance for a historical change of the way of thinking, and I believe that this is the last attempt, in a long string of events, to change power violently in Serbia.

The EU and the US offered support to Serbia and Montenegro, which was manifested by pledging assistance for the elimination of the budget deficit, by admitting us in the Council of Europe, and by a chance to define, on the occasion of the forthcoming Thessaloniki Summit, our process of stabilization and association.

By finishing the tasks already undertaken in implementing the necessary reforms, we will provide citizens with a better living standard, and to our people and state it will facilitate becoming full members of the family of European peoples and states.

The end of the state of emergency was the end of the extraordinary authority of the police, but that was not the end of our decisive fight against organised crime in Serbia.

Ivan Djordevic
Ministry of Internal Affairs of the Republic of Serbia
Chief of Staff
Belgrade

Elvedina Omerovi_

TERRORISM, VIOLENCE AND ORGANISED CRIME IN SANDZAK

During the last twelve years, the republics of Serbia and Montenegro gained a rich common experience with terrorism, violence and organised crime, whose emergence could be connected with radical nationalism there and with the wars of conquest in Croatia and Bosnia and Herzegovina. That fact undoubtedly determined the nature and character of terrorism and organised crime on their territories.

At the very beginning of the disintegration of Yugoslavia, authorities in Serbia and Montenegro formed special police, military and paramilitary forces. They have been trained by secret police and military services, composed of people with a rich criminal background, in some cases people released from prison.

Following the example of State institutions, most national political parties formed paramilitary forces that have also performed with military and even civil authorities' structures.[5] These forces have been used on foreign battlefields and in their countries as well, producing terror over the non-Serbian population with the aim of creating an homogeneous, ethnically clean space not only in Croatia and Bosnia-Herzegovina

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[5] The public knows of 4 political opposition parties who used to have strong and very well organized paramilitary forces. The first, so-called Serbian Guard, was formed by that Srpski Pokret Obnove Party (Serbian Movement of Restoration, or SPO), led by Vuk Draskovic. The second, White Eagles, was formed by the Serbian National Restoration Party (SNO), led by Mirko Jovic. Two paramilitary organizations bearing the names of their leaders but whose participation in politics is undeniable were the Seselj Men, an ethnic paramilitary formation created by the Serbian Radical Party (SRS) and Vjislav Seselj. The fourth paramilitary organization were the Tigers or Arkan's Guards, commanded by the leader of Serbian Unity Party (SSJ), Zeljko Arkan. Of the four, two were elected to Parliament (SNO and SSJ) while the two others had important roles in the structures of Serbian civil power. These are the most notorious of many other paramilitary organizaons, with the latter three infamous for their crims in Croatia and Bosnia-Herzegovina.

where most of the action took place, but also in the areas where the population was non-Serbian.

In keeping with the aforementionned aims, the authorities tolerated and supported the formation of rival police, military and paramilitary forces. The main characteristics of terrorism, violence and organised crime in Serbia and Montenegro between 1991 and 1995 was ethnically and politically motivated. Most victims of terrorism and violence, including also organised crime, were members of non-Serbian nationalities, concretely Bosniaks in Sandzak, Croats in Vojvodina, and Albanians in Kosovo. There are many examples of all this.

According to the evidence and statistics of violations of human rights in Sandzak between 1991 and 1995 done by the Helsinki Committee for Human Rights in Sandzak, members of the police, army, paramilitary forces and organised groups of citizens of Serbian nationality committed 36 murders. The citizens were killed in their homes, working places and other public places. 51 were kidnapped from their homes, trains and buses, of whom 43 were killed. There were 18 conventional attacks on villages by members of the police, army and paramilitary forces. Those actions have been followed by the burning of houses, murders and expulsion of citizens. In separate attacks 52 domestic and commercial buildings and 11 religious sites were booby-trapped or burned, and many private and commercial vehicles were destroyed. 279 citizens were injured, 291 citizens were mistreated individually or in groups in public places or in the streets.[6]

There is evidence that those criminal acts were supported and sometimes organised by official authorities. At the trial of one of the perpetrators of the kidnapping of 19 Bosniaks from a train station in Strpce on the 27th of February 1993, documentation provided by the State railways undoubtedly confirm that the abduction required participation of State railway employees as well as high ranking police officers, the State Security of the Ministry of Defence and senior members of the security

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[6]   The data refers only to the cases recorded and examined by the Helsinki Committee. In that sense they can't be considered correct, since they didn't involve all the cases. According to the information of political parties and their committees for humn rights and other NGOs, we can say that the Helsinki Committee gives 40-50% of the total number of cases.

apparatus. Also, the trial of the perpetrators of another kidnapping of 17 Bosniaks which took place in Sjeverin on the 22nd of October 1992, showed that representatives of police, army and civil authorities were to blame, together with directors of public entreprises in Priboj. There are also some clues indicating that top State echelons were involved in abductions and other forms of violence, leading the president of the Helsinki Committee, Mr. Alomerovic, to press criminal charges against the president of the Serb Former Republic of Yugoslavia (SFRY), Dobrica Cosic. Mr. Alomerovic practically won the case, but Cosic wasn't sentenced.[7]

Besides individual and collective suffering, terrorism and violence in Sandzak consequently led to the emigration of great numbers of citizens. They, being afraid of violence, left their homes, moving to West European countries or Turkey. That way, the whole territory of Bukovica near Pljevlja (Montenegro) was ethnically cleansed. It used to have 28 villages with mainly Bosniak populations. The same happened to 31 villages of the region of Priboj (Serbia) and part of (30-80%) of the few hundreds of villages on the territory of Pester (Serbia) and Bihor (Montenegro).[8] So the aim of those paramilitary and terrorist groups is obvious.

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[7] Dobrica Cosic and the Minister of Interior brought criminal charges against Mr. Alomerovic in mid 1996, but the charges were dropped when they discovered that Mr. Alomerovic indeed had incriminating evidence.

[8] According to the statements of the leader of the Bosniak National Party, 90 000 citizens from Sandzak emigrated. According to the rare statements of the authorities of the time, that number was never bigger than 40 000 and of course according to them, these people had not been pressured or expelled, they left on their own accord. The report of Elizabeth Rehn, special reporter on human rights, dated 25 October 1996, stated that as a result of violence 60 000 to 80 000 Muslims left the region of Sandzak since 1992, finding shelter in different countries of West Europe. The International Crisis Group (ICG) estimated that 80 000 Bosniaks left Sandzak because since the beginning of the war in 1992, until the end of 1993, the Milosevic regime performed an official policy of expulsion of Muslims in this region. Considering the total number of Bosniaksin Snadzak (244 446), whatever figure is right represents a big percentage of the population to emigrate. This very fact shows the dimensions and aims of terror and violence that has been used to trigger emigration. Anyway, there is a big number of people who experienced the tragedy of asylum seekers, beginning with losing members of their families, burning of property, the expulsion whether by escape or voluntary departure from their homes, to the problems faced as refugees, and the impossibility of returning home.

There is no doubt that the creation of those extremist groups had their political and national motives, but there was also the desire to get rich by robbing and plundering the conflict region including Sandzak. There are many such examples, beginning with robbery, confiscation by force to more subtle forms of pressure like ransom.

Those groups had been used by Serbian and Montenegrin authorities for illegal trading with foreign countries as means to overcome sanctions applied since 1991. That situation strengthened the connections between organised crime and State organs and politicians. Those connections still exist.

The Post Dayton Period

The separate and completely different experience with organised crime of Serbia and Montenegro could be related to the post-Dayton period, especially after the frictions and complete separation between Serbian and Montenegrin authorities in mid 1997. According to analysts there is a significant difference between organised crime in Serbia and in Montenegro. In Serbia, especially during the Milosevic regime, organised criminal groups were made of former "patriot" members of paramilitary formations, who were using the State as an instrument, but some individuals from the top echelons of the State participated in racketing with these groups (Milosevic did it through his son Marko who at the time was Prime Minister of Serbia).

However, in Montenegro, organised crime was a function of the State and it facilitated trading and other forms of organised crime, like contraband of cigarettes, laundering money, etc. From the profits of such business the Montenegrin State also took money from "taxes" for using the port of Bar.[9]

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[9] Forum, #2 and #3, Forum for Ethnical Relations, Belgrade

Bosnian organised crime in Sandzak

Sandzak differs from other regions in Serbia and Montenegro because of the ethnic structure organised crime. During the war in Bosnia-Herzegovina, the population of Sandzak, or the majority of it, was victim of terrorism and police violence, as well as victim of military and paramilitary units and some militant citizens of Serbian or Montenegrin origin who were affiliated to structures of authority.[10]

There is other evidence confirming the link between this form of crime and official authorities. Besides, the institutional, systematic political, economic, social, cultural and other discrimination against Bosniaks could be taken as a proof. The Helsinki Committee did a detailed analysis of 4 laws, 1 regulation and 1 legal surrogate according to which discrimination is being performed at a national level in territories with major Bosniak populations.[11] Such a relation to authorities in Sandzak prevented the development of terrorism and organised crime in extreme forms. On the other hand, the difficult economic and social position caused by national discrimination of Bosniak citizens caused the development of some types of organised crime involving Bosniaks.

One of the most frequent forms of organised crime in Sandzak is informal trading, or in slang, the "grey economy". The beginning of this form of organised crime in Sandzak can also be connected to the

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[10] According to incomplete statistics and partial evidence of human rights violations in Sandzak between 1991 and 1995, Serbian and Montenegrin nationals performed 98 acts of extreme violence in Serbia in general and in Sandzak. There were 9 murders and 17 woundeds. The rest refers to booby-trapping and bombing of businesses or appartments owned by Bosniaks. The Helsinki Committee also has date on big number of other forms of violence (general mistreatment, ransoming and confiscation of property) committed by Serbian and Montenegrin nationals. Those forms of violations couldn't be examined because of the mistrust of the victims.

[11] Law on Territorial Organization of the Republic of Serbia pertaining to Local Autonomy, Law on Special Conditions of Real Estate Turnover, Law on Area Plans of Serbia until 2010, and the Law on naming Undeveloped Regions of Serbia until 2005, as well as the regulation Program of Tasks and Measures for Faster Development and Making Slow Migration Movements in the Towns of Novi Pazar, Sjenica, Tutin and Prijepolje. See also instructions of the Federal Ministry for Traffic and Connections, which forbids return of refugees from asylum in a European country.

appearance of extreme nationalist policies of the Serbian and Montenegrin regimes.

The forms of organised crime involving Bosniaks in Sandzak

The first form of organised crime is informal trading and the counterfeiting of brand name clothing and footwear. Informal trading in Sandzak began to grow with the imposition of sanctions against the Federal Republic of Yugoslavia. Bosniaks organised a wide network to import all kinds of goods. They avoid paying taxes, customs duties and all other obligations. Another form of informal economy is Sandzak that spread quickly is the production of jeans, counterfeiting of brand names like Levi's, Diesel, Legend and Calvin Klein.

There is also a developed white slavery trade. Young girls are taken mainly from developed centres of Serbia or other Eastern European countries. Sandzak became a transit centre for white slave trading, but also the ultimate destination for owners of night clubs dealing with prostitution. There is a belief that young girls prostitute themselves willingly, but there is no doubt that some of them fall in the spider's web of white slave traders unwittingly. In Tutin and Novi Pazar, two girls had to murder their pimps to escape slavery.

The Sandzak population faced drug problems after the war in Bosnia. Informal traders began trafficking drugs, making connections with criminal groups in Belgrade, Kosovo and Podgorica, but it is a public secret that drugs come from Turkey, through Kosovo to Sandzak. However, the number of users is low, especially for strong drugs. So we can suppose that the drug is distributed further in great quantities. Unfortunately, policing in Sandzak towns is inefficient, which is a great advantage for organizing these groups better.

By definition, informal trade and manufacture as well as white slavery is followed by street corruption (of municipal service clerks, medical doctors, traffic police, etc.), commercial corruption (of customs officers, tax collectors, high ranking politicians and judges from lower and higher court) with the aim of maintaining illegal trading and avoiding sanctions.

Both forms of corruption are extremely well-developed in Sandzak among the Bosniak population.

Some analysts think there is a danger of terrorism by some Bosniak extremists to support secessionist trends, as well as from those who lean towards a radical interpretation of Islam. But we think there is no possibility of either of these two extremes developing.

First, among Bosniaks in Sandzak, secessionist trends do not exist. They are legal and legitimate demands for equal status and democratization of society. Second, there is indeed a group gathered around the Sandzak mufty who has a radical perception of Islam, but they perform this radicalism through the strict observance of Islamic rites and dress codes. Nevertheless, Serbian authorities tried to use the terrorist attack on New York on September 11th and the anti-terrorism campaign led by the USA against them.

11th September and the anti-terrorist campaign in Serbia was used for implementation of nationalistic aims directed against Muslims in Bosnia-Herzegovina, Sandzak and Albanians in Kosovo who are mainly of islamic faith. The authorities in Belgrade even tried to justify crimes committed by Milosevic against Bosniaks and Kosovo Albanians, finding connections between Bosniak authorities and Al-Qaida and the so-called presence of Al-Qaida in Bosnian and Albanian armies.

What differs organised crime in Sandzak from other regions is that no organised crime here practices violence, which is undoubtedly a structural part of terrorism and means of organised crime in Serbia and Montenegro. Regardless, organised crime in Sandzak, like elsewhere in the world, represents a serious threat to democracy and prosperity.

Elvedina Omerovic
Helsinki Committee for
Human Rights in Sandzak
Novi Pazar

Eno Trimcev

ORGANISED CRIME IN ALBANIA: AN UNCONVENTIONAL SECURITY THREAT

The end of the Cold War brought about a period of insecurity throughout South East Europe. The quick and unexpected collapse of communist regimes brought to the surface a long list of new challenges that the societies of SE Europe were ill-equipped to deal with. Poverty, the absence of rule of law, weak judicial systems and, in some places, open warfare and the collapse of community ties opened up plenty of opportunities for the birth and consolidation of organised crime. This paper will look at organised crime in Albania, one of the main links in a chain of Balkan states that are having a difficult time coping with the problem. However, it is not directly concerned with evidence of or reasons for the existence of organised crime in Albania. Rather, it will investigate the organised crime phenomenon from a security perspective. Traditionally, security threats in Albania have been viewed in terms of hard security. Political actors in the Albanian political scene still define their security problematic in terms of ethnic, religious and cultural cleavages within the state, or security threats from neighboring states or ethnic groups.[12] While these threats continue to be present, it has become necessary to reevaluate the security problematic definition in order to include organised crime. The strengthening of organised crime groups in Albania has increased the possibility of a permanent distortion of the local political system. With regard to Albania, the present definition of the security dilemma is particularly problematic. A cursory look at post-Cold War developments in Albania shows that Albanian

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[12] Security Strategy of the Republic of Albania, Law number 8572, 27.01.2000. While organized crime is mentioned as a security threat, it is lumped together with terrorism, westward migration, public misinformation and the environment. The Security Strategy mentions the growing professionalism and strength of criminal groups in Albania, without differentiating between "crime groups" and "organized crime groups". Hence, the fight against crime is seen simply in terms of strengthening those state institutions that are directly concerned with the fight against crime such as police and the judiciary while there is no discussion of the threat of state capture.

security has not been undermined so much by hard security but rather by soft security threats. The weakness of state institutions and the ingraining of non-democratic norms within the democratic polity have opened the way to serious security threats to Albanian citizens in the long-term.[13] Moreover, the lack of awareness from local and international actors of the ability of organised crime groups to penetrate the Albanian state, the so-called *state capture* process, means that the basic tools to combat this dangerous phenomenon are not being put in place.

Growth of Organised Crime: The Social and Political Climate

In order to support our thesis that organised crime must be viewed as a security threat that cannot be dealt with simply by strengthening policing and judicial institutions, we must look at the environment in which organised crime has evolved in Albania. In a famous 1979 article, Jeanne Kirkpatrick analyzed the distinctions between authoritarian regimes of the Right and totalitarian regimes of the Left. While the former "leave in place existing allocations of wealth, power, status" and "worship traditional gods and observe traditional taboos," radical totalitarianisms of the Left seek to "claim jurisdiction over the whole of society" and violate "internalized values and habits."[14]

Albania entered the post Cold War era with the baggage of 45 years of the most repressive totalitarian regime in Europe. In order to understand the weaknesses inherent in Albanian society today, weaknesses that range from weak state institutions to the erosion of the basic norms and values that make up organised community life, we have to investigate the dynamics of social and political life in communist Albania as the longest period of continuity in the existence of independent Albania.

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[13] Blendi Kajsiu, Aldo Bumçi, Albert Rakipi, Albania - A Weak Democracy, A Weak State, AIIS Report 2002, in The Inflexibility Trap: Frustrated Societies, Weak States And Democracy, Centre for Liberal Strategies and Institute for Market Economics, Sofia, 2003.
[14] Jeanne Kirkpatrick, "Dictatorships and Double Standards," Commentary 68 (November 1979): 34-45.

While it is true that from an outsider's perspective the Albanian communist state did exhibit features of a strong state (strong, palpable state presence from the center to the periphery, state penetration in society, citizens' observation of state laws and some improvement in public goods delivery), it is also true that state-exercised violence was the primary reason for its "strength".[15] Direct or indirect, physical, moral or psychological, violence was sanctioned by constitutional law[16] and if the constitutionally permissible degree of repression and terror was not enough, the arbitrary use of power was used by the authorities to carry out their will.

The complete isolation of the country, the extreme economic backwardness, the absence of cultural and scientific opportunities that were inherited by post-Cold War Albania are well-documented and there is no need to look at them in detail. However, what is of importance here is the *social engineering* project in which the Albanian regime engaged and which, in turn, destroyed much of the age-old moral values and norms that provide the basis for community life. The regime tried to build a new type of citizen which official propaganda named "the New Man" and which is not very different from the *Homo Sovieticus* that many Cold War academics are familiar with. What was different about the Albanian New Man, was the degree of ferocity in which the regime engaged to bring about this new reality. Religion was outlawed in 1967 and the 1974 Constitution declared Albania the first atheist state in the world. The New Man was supposed to be free of religious superstitions, material or carnal desires and all other 'vices' of the capitalist world.[17] Through sheer terror, the regime slowly but surely undermined the moral principles built by tradition, national pride and self-respect. Communist propaganda extolled the creation of a Communist *gemeinschaft* which was supposed to be based on selflessness and a willingness to sacrifice one's interests for the greater good of the community. However, in reality the threads that bound individuals together were the result of terror and fear. Once the regime was swept away due to its economic

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[15]   Albert Rakipi, Weak States and International Institutions, Ph.D. Thesis, NATO Defense College, Rome 2002.
[16]   Hall., J., John, The Return of the State, at http://www.ssrc.orgsept11/essays/hall.
[17]   Blendi Kajsiu, Aldo Bumçi, Albert Rakipi, Albania - A Weak Democracy, A Weak State, Albanian Institute for International Studies, 2002.

inefficiency and political inflexibility, the idea of a *community* was swept away with it. Ferdinand Toennies drew the distinction between local community, *gemeinschaft,* and larger society, *gesellschaft.* He saw as stronger the bonds of local community since they were based on kinship, locality, and a shared culture. *Gesellschaft*, on the other hand, was more impersonal and goal-oriented, prescribed by contractual relationships.[18] In the case of Albania, the pre-WWII *gemeinschaft* in the name of a new ideology, which failed to replace it with its own self-sustaining bonds. Today, modern Albania finds itself in the peculiar situation of having imported a democratic system based on the principles of political rights and freedoms and a market economy without however being able to create the necessary *gesellschaft* in which the new polity can function. Given its historical political and economic backwardness and its relatively recent communist past, Albanian society has been unable to create the necessary values conducive to a well-functioning democracy. On the other hand, the assumption that a "top-down" approach in the establishment of the rule of law would prove effective has not been vindicated. Consistent enforcement of the law remains hampered by serious deficiencies in the judicial system. [19] Since Albanian society lacks the values and the efficient institutional arrangements to combat organised crime, state capture has become a real threat that may result in a long-term distortion of the Albanian political system.

The Current Situation

Organised crime in Albania today has become closely interconnected with politics. A number of publications in the local and international press have documented that some of the smuggling channels have functioned as government-run businesses.[20] However, the real focus of

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[18] Community and Technology, Classic Ways of Looking at Community, http://www.sccs.swarthmore.edu/users/02/allan/community_technology/classic_comm.html.

[19] Commission of the European Communities, Albania: Stabilisation and Association Report 2003, Commission Staff Working Paper, Brussels, 26 March 2003, p. 2.

[20] Ivan Krastev, The Inflexibility Trap: Frustrated Societies, Weak States And Democracy, Centre fo Liberal Strategies and Institute for Market Economics, Sofia, Bulgaria, January 2003, p. 18.

this paper is not to interpret organised crime in cultural terms, in terms of weak institutional environments, communist legacies and so on. Neither is it to give evidence of the existence of organised crime and the economic wasteland which provides the fertile soil for its growth and consolidation. Our thesis states that organised crime is deforming permanently the political structure of the Albanian democratic polity. Given the dangers posed by this deformation to the future of Albania, and many other countries in the region, it has become imperative that regional and international actors enlarge the scope of their focus in the war against organised crime.

We will use Ivan Krastev's model in order to analyze the penetration of organised crime in Albanian politics.[21] While the organised crime epidemic is closely related to Albania's communist legacy, economic backwardness and the quality of its legal environment, the international community and local actors have been well-aware of these causes and steps are being taken to help reshape the structural tools needed to fight it. Although actual results have been almost impalpable, it is safe to state that the focus on these issues does exist. On the other hand, there has been little effort to explain the increasingly well-established links between organised crime revenues and the increasing cost of politics in Albania and the Balkans.[22] In the early years of transition, there was public resentment over the extreme levels of political confrontation. However, persistent accusations of corruption were absent. As the struggle against communism abated and politics lost its attractive dynamic as an idealistic exertion for the public good, there was a resultant deficit in interest in politics and an outflow of militants out of the political parties. The present 'reduction' of politics to a quarrel over minor differences in such a short period of time, has brought about a relative alienation of the electorate from local political parties and growing numbers of absentee voters from the electoral process. The absence of alternative institutions for citizen participation in decision-making and governance has made this problem even more serious for Albania.

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[21] Ibid., pp. 6-23.
[22] Ibid., p. 21.

This situation has opened the road for organised crime penetration into politics. The massive withdrawal of motivated citizens from political activities has suddenly made political communication much more expensive. In 1991 enthusiastic young people were actively involved in political demonstrations and other political activities. Now, youngsters have become alienated from the political process. In order to have their posters disseminated, and their political meetings well-attended for media purposes, political parties have to pay.[23] In 1991, with citizens on the streets eager to participate in the political process, it was easy and cheap for politicians to get their message across. Today they have to pay for expensive media commercials, and rock-concert type electoral meetings. The result is that parties are selling their influence over the decision-making process to the highest bidder. According to Krastev, the increased cost of politics and the effort to pay the price result in four major consequences. First, people become even more disgusted with politics, so the cost of politics goes up. Second, the new way of making politics leads to the promotion of new politicians, that Della Porta calls "business politicians." Third, the increased price of politics undermines the morality of individual politicians within political parties. Those who start taking money for the party through unofficial channels find it a great deal easier from a moral standpoint to start taking money for themselves. Fourth, political parties create a class of donors close to them. A mutually advantageous relationship is established whereupon a business gives funds to a political party in exchange for favorable policy or administrative decisions. One of the main tools with which political parties assure their revenues is the privatization process. Privatization is not any more about what to sell, but to whom to sell. Only recently, allegations sprung up quite openly that the Albanian government was buying the media through companies considered 'friendly' to the Socialist Party (SP) in power.[24]

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[23] Interview with Drini Skënderi and Anisa Tabaku. Many young Albanians are paid to become 'members' of a political parties and to attend their meetings or distribute their literature.

[24] Interview with Fatos Lubonja on KLAN TV, Opinion, 13 April 2003. He accused the owner of one of the main independent newspapers, Shekulli, for profiting through illegal auctions of public property. The government uses paid Job Advertisements and commercials to fund media close to it and bleed financially those media that do not support its point of view.

A New Approach to Organised Crime

Richard Rose has shown that the real danger to democracy does not come from the poor or ex-communist party members. Instead, it comes from those that are convinced that their party is wholly corrupt.[25] While this 'nightmare scenario' need not be the case in Albania, it is painfully obvious that the *modus vivendi* reached between politics and organised crime is causing a permanent deformation of the democratic system. It has become essential to grasp that a transformation in the process of governance, be it negative or positive, that persists over time solidifies and becomes the norm. While the political rhetoric pays lip-service to the fight against organised crime, results have been meager at best.

As a matter of fact, there have been a number of initiatives to combat organised crime, but their outcomes have shown few tangible results. An international anti-trafficking centre was set up in the southern city of Vlore jointly run with Italy, Greece and Germany.[26] However, the centre's work has been marred by allegations of idleness that reached a fever pitch when the German officer assigned to the centre resigned since the centre had been *de facto* by-passed by local police structures and had become redundant. Another well publicized action was Operation "Labour" that aimed to interrupt the flow of human and drug smuggling to Italy. Officially, the operation ended successfully with the Prime Minister symbolically burning a number of confiscated speedboats in front of the media. However, of the seventeen people arrested in the operation, today only one, a simple policeman, is still in prison. The others were allowed to go free by the courts.

Given the fact that at present the political dynamic in Albania is such that the lines between organised crime and the political class have become very blurry indeed, a new approach to the fight is needed. At present, the debate and measures that have been taken by the international community in cooperation with local actors, while

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[25] Richard Rose, A Diverging Europe, Journal of Democracy, Vol 12, No. 1, p. 93-106.
[26] International Crisis Group, Albania: State of the Nation 2003, 11 March 2003, http://www.intl-crisis-group.org.

commendable and necessary, must be improved upon. Some measures have been undertaken in regard to the institutionalization of the fight against organised crime. With international help, those state institutions that are designed to fight directly against organised crime are being strengthened and regional cooperation is being reinforced. Thus, there seems to be some awareness, at least on the level of political rhetoric, of the need to fight organised crime and increasing political will to project an image of fighting this phenomenon head-on. While results have been poor, work must continue to strengthen those state institutions that are confronting organised crime. Some of the practical areas where tangible progress must be made are:

1.   strengthening the institutional structures necessary for implementing the Law on Money Laundering;

2.   establishing a fully financed and well-publicized witness protection system

3.   making serious efforts to control border crossings;[27]

4.   begin prosecutions of corrupt judges and prosecutors; and

5.   strengthen cooperation between state police, the judicial police, and the prosecutor's office.[28]

Nevertheless, the debate on organised crime in Albania is found wanting on a very important dimension. While anecdotal evidence abounds, there exist no models or studies to measure the extent of state capture by organised crime syndicates. As a matter of fact, not only does organised crime distort the Albanian political system, it also imposes conditions on the systemic structure of the state, and therefore it makes the implementation of structural reforms very difficult. For example, interviews with Albanian political leaders by Albanian Institute of International Studies researchers on electoral system reform in local

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[27]   Ibid.
[28]   Commission Staff Working Paper, Albania: Stabilisation and Association Report 2003, Commission of the European Communities, Brussels, 26 March 2003.

government elections produced valuable insights on the way organised crime limits the available choices in electoral reform discussions. At present, municipal councilors in Albania are elected through a proportional system. Different analysts have raised concerns about the lack of representation in municipal councils and are advocating a majoritarian system. However, given the strong presence of organised crime in Albania, there exists a justifiable fear that it would be easier for criminal structures to get their representatives elected in municipal councils. Yet, this argument would be valid if we assume that organised crime has not captured Albanian political parties which is a very daring assumption indeed. While the present dimension of the war on organised crime may strengthen the state in the short-term, it also has the unfortunate side-effect of consolidating criminal structures within the hierarchy of power. In a country with a democratic system of governance where the relationship between citizens and their elected representatives is as weak as in Albania, the alienation of voters from the political process is facilitated considerably by the perceptions of corruption and state capture. In turn, this increases the cost of politics and, according to Krastev's model, it facilitates even further the penetration of organised crime in the body politic.

Hence, investing time, effort and money only in the institutions that are directly concerned with the fight against organised crime ought to be only part of the general effort to cleanse our political and social lives from this phenomenon. The time has come to enlarge the concept of security in order to include organised crime as one of the "security threats" faced by our society. While traditional security threats remain relevant, it has become obvious that the old definition of "security" is becoming obsolete. Transition societies, such as the societies of South East Europe, are in the midst of the state-building process. If that process becomes deformed due to the presence of organised crime, it will be very difficult to undo the damage. In Albania, little if anything is being done to create favourable socio-economic conditions that may help arrest the growth of organised crime. Policy formulation and implementation does not factor in the real and present danger of "state capture" as one of the greatest threats facing Balkan societies today. Often, local elites speak in terms of "us" (the law-makers and law-enforcers) against "them" (the law-breakers) while, in fact, the border-

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lines between the two groups seems to be a great deal more blurry than that. In Albania, the lack of long-term development policies coupled with the lack of awareness about the deformation that organised crime will quite probably cause to the local political system make the victory of the fight against organised crime quite questionable in the long term. Given the present situation, it will be no surprise if the state may be captured by organised crime through free and fair elections. We run the danger of having the appearance of a democratic state while the inside structure is controlled by criminal organizations. The complete absence of transparency of electoral funds by Albanian political parties cannot but raise questions about their ability to clearly position themselves on the opposite side of the barricades in the war on crime.

Eno Trimcev
Albanian Institute for Interbnational Studies (AIIS)
Tirana

Ayse Nilufer Narli

HUMAN SMUGGLING AND MIGRATION OF ILLEGAL LABOUR TO TURKEY

Illegal Human Mobility and Security in South East Europe

South Eastern Europe is a region of critical geopolitical importance in the post-Cold War landscape and it is important for the future of European stability. The analysis of a region must integrate all security-relevant data, whether military, economic or political, or related to transnational risks and threats. Otherwise, strategic analysis and political action will proceed on incoherent paths, ensuring that the efforts of the international community will be far less effective than desired.

Among the security issues, two major transnational security threats that have an impact on Southeastern Europe (SEE) and Black Sea countries are transnational organised crime and drug trafficking. There is a relationship between the organised crime and illegal human mobility , including illegal migration of labour, illegal immigrant smuggling, human smuggling and women trafficking since the organised crime organises human trafficking and illegal employment. The response of the states and NGOs, if there is any, to the illegal migration of labour need special attention to improve security in the SEE. Illegal human mobility in the forms described above de-stabilise many countries and causes violation of human rights, along with treating security in the region and in the European Union. Smuggling networks coexist with criminal organisations, exerting a crime multiplier for them and for militias, guerrillas and terrorists.

The paper recognises the need to have an extensive study of human smuggling and various movements of illegal human mobility in the region. It focuses on human smuggling in Turkey and transit migration via Turkey through illegal channels.

Transit Migration: Flows of Migrants Arriving in Turkey between 1980-2002

Until the 1980s, Turkey had been recognised as a "sending" country in terms of international migratory flows. Since then, Turkey has changed to become both a "receiving" and a "transit" country, and a major country for asylum. More than two million of people[29] have sought refuge in Turkey in one form or another. It has also become a major hub for illegal immigration thanks to its geography and poorly enforced immigration laws (as explained below). There are two factors explaining the reasons why Turkey has increasingly become a transit zone for large numbers of people who enter Turkey legally or illegally, from the South and East since the beginning of 1980s. First, political turmoil and regime changes (e.g., the Iranian Islamic Revolution in 1979), wars and civil wars, and the numerous conflicts in the Middle East (e.g., the Gulf War), the Balkans (Bosnia and Kosovo conflicts) and the Caucasus (e.g., armed conflict in Chechnia) have forced refugees[30], transients and all types of migrants into the country in the hope of security, protection from persecution and a better life. Turkey not only shares borders with many of the countries in the Middle East, the Caucasus and the Balkans, but also has cultural and ethnic ties with many of them. These ties generate human channels for illegal migrants who already have geographical access to Turkey. Second, Turkey's geographical location between the East and West, and the South and North has made the country a transit zone for many migrants intending to reach western and northern countries. Consequently, Turkey has received migration from the Middle East, the former Soviet Union and the Balkans, and Africa. Some of these people enter the country without legal documents seeking shelter on a temporary basis and then moving to another country. Others arrive in Turkey with the aim of working for a short period of time.

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[29]   The International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme. (Hereafter IOM 1995).

[30]   For detailed information on the refugee flows into Turkey since 1979, see Kemal Kirisci. 1994. Refugees and Turkey Since 1945. Boagzici Research Papers, 155/AOLS 94-3, Istanbul.

Some of the illegal migrants choose Turkey as transit zone to work and survive. This workforce is in addition to a huge number of illegal migrant workers[31] who entered Turkey with the aim of working. During field work in 1994-1995, we met Sudanese and Algerians who fled from the country because of the civil war; we encountered Afghans who had abandoned the country which had been in turmoil since the beginning of 1980s; we came across a large number of Iranians who had been in Turkey without any legal status for many years. Turkey applies the 1951 Geneva Convention with a geographical limitation. Accordingly, legal obligations applied only to persons who are seeking asylum as a result of the events in Europe, so there is no obligation regarding non-European refugees. Partly as a consequence of anti-Communist policy during the Cold War, this meant that Turkey could grant refugee status only to people coming from Eastern Europe and Soviet Union. Iranians were non-European asylum seekers. Therefore they were not recognised as asylum seekers under the terms of the Geneva Convention, but have been allowed to remain as tourists for a certain period of time subject to regular extension. Many Iranians who entered Turkey without any legal documentation frequently transited Turkey, but some of them stayed and continued to live without any legal documents or identity.

Turkey hosted around 3 million Iranians who left Iran after the Revolution in 1979. Some of them entered Turkey illegally by the assistance of human smugglers. The majority of them left Turkey after obtaining a visa for the Western Europe, the USA, Australia, and Canada. However, there are still a large number of Iranians (the estimations range from 200 000 – 500 000) living in Turkey.[32] Legal and illegal entries from Iran have continued, with many Iranians who felt persecuted by the regime continue to leave their country. Among them

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[31] My former research on the migration of illegal labor to Turkey in 1994-1995 revealed that there were around 3.5-4 million people (including the Iranians) who lived and worked in Turkey illegally. See Nilufer Narli.1995. Migration of Labor and Capital to Turkey", research report submitted to Center for Turkish Studies at Essen University, Germany. (Hereafter Narli 1995). According to the estimates by TURKIS in 2001, the number of illegal workers was around 4.5 million. However, the then Minister of Work, Ya_ar Okuyan gave a different figure: 1 million. Speaking at a meeting in Konya, Okuyan underlined the treat posed by illegal foreign workers to Turkish labor force by saying: "Ivan is steeling the bread of worker Mehmet" (quoted in Medyakronik on July 25, 2001; www.medyakronik.com).

[32] Narli 1995.

we met Bahais in 2002 who were staying with their relatives in Istanbul. We learned that there are also many of them staying in the Anatolian town of Kayseri and waiting for a visa to leave for the US and Canada. A few of them are planning to go to France and Belgium. The filed work and interviews with 50 Bahais in Kayseri show that the majority of them are in the age group of 26-40, the age of economically active population. Their level of education is higher, the majority of them with a high school diploma, but few reached the level of tertiary education because of the blocked social mobility of the Bahais, as they explained.[33]

Approximately 600 000 Iraqis between 1988-1991, mostly the Kurds, poured into Turkey. Despite the fact that a large number of them returned home, as explained below, they left a residual population in Turkey. They also caused a chain reaction in which many more left Iraq for Turkey with the aim of settling there or transiting Turkey to reach the West. As the social and economic situation deteriorated in Iraq, numerous Iraqis have entered Turkey with valid documents and obtained residence permits. Many more have been also brought by human smugglers who have benefited from this illicit trade.

The first flow arrived in 1988 when the Iran-Iraq War ended. Due to the allegations of betraying the state, the Iraqi army pushed more than "50 000 Kurdish guerrillas and their families" who poured into Turkey during the last week of August 1988.[34] Like the situation of many Iranians fleeing from the country, due to Turkey's geographical reservation on the Geneva Convention, the arriving Iraqis were considered 'temporary guests' rather than asylum seekers.[35] Consequently, they were expected to leave. According to the International Organisation for Migration (IMO) study completed in 1995, a large number of these people had returned to the zone of Northern Iraq outside Baghdad' s control between 1991-1995; nearly 2500 had left for Iran and Syria, and approximately 3000 were accepted

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[33] Mr. Turan Avsar, a graduate student in the Institute of Middle East Studies, is doing his thesis on the Bahai Refeguues in Kayseri, under the supervision of Prof. Dr. Nilufer Narli.
[34] International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme, p.6.
[35] Ibid., p.6.

as refugees in the West.[36] The second flow of people who arrived between August 1990 and April 1991 were foreign workers who had been in Iraq or Kuwait and who had wanted to leave during the Gulf Crisis. Nearly 60 000 foreign workers and their dependants were temporarily housed at a camp near the Iraqi-Turkish border. They left Turkey soon after their arrival once transport arrangements had been made by their governments or by international agencies (e.g., The International Organization for Migration the IMO).[37]

The third mass flow of people from Iraq to Turkey took place in early April 1991 when half a million Kurds, escaping the Iraqi military, poured into the mountainous region separating Turkey and Iraq. As a response, Turkey advocated the idea of creating a safe zone in Northern Iraq and initiated a voluntary and safe repatriation programme. The close co-operation of the Turkish authorities with the IOM, UN agencies and Allied Forces present at the time generated a solution to the unprecedented influx of nearly half a million Kurdish men, women and children stranded on the mountainous sides at the Turkish/Iraqi border. They returned either to their home villages, to camp shelters in Zakho, or to a tent camp set up in the Turkish towns of Silopi located near the border with Iraq.[38]

In addition to the flows of Iraqis, approximately 25 000 Bosnians have sought refuge in Turkey from 1992 to 1994[39], while the majority of them considered Turkey as a transit country, some of them stayed and started business. During field work in April and May 2002, we encountered Bosnians running shops in Laleli, where people from Russia and the Balkan countries visit and buy huge quantities of textile and leather products to and sell them in their countries. Some of them arrived as tourists with a former Yugoslavian passport[40], but many of them entered without legal documents. Approximately 350 000 (or, according to

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[36] Ibid., p.6.
[37] Ibid., p.6.
[38] Ibid., p.6.
[39] Ibid., p.7.
[40] As seen in Table 1, every year there is a visible difference between the number of foreigners entering Turkey and exiting Turkey.

Nurcan Özgür 250 000)[41] ethnic Turks of Bulgarian citizenship entered Turkey as a result of deportation under President Todor Jivkov and Jivkov's policy of changing Turkish names to Bulgarian ones in 1989. 100 000 of them returned home, but the rest are still living and working in Turkey (mainly in Bursa and Istanbul). The majority of them have obtained residence permits and they have been neutralised. In addition to the 1989 migration flow, around 150 000 Bulgarians, the majority of whom are ethnic Turks, have entered Turkey since 1993.[42] While some of them work here legally, others stay as tourists and work illegally. Among them there are hundreds of non-Turkish Bulgarians who have found a job and a place to stay with the help of the ethnic Turkish Bulgarians living in Turkey. The field-work data shows that the non-Turkish Bulgarians in Istanbul work in Ataturk Sanayi Sitesi (Ataturk Industrial Site) and in other workshops. Some of them reside in Gaziosmanpa_a.

The other flow of migration from the Balkans is the migration of Albanians caused by the Kosovo Crisis in 1999. They entered Turkey with valid passports and visa. It was not hard for them to find lodging and jobs since they had many relatives and primordial networks in Istanbul and the Marmara regions.

Since the late 1980s, thousands of transit migrants have also arrived from African and Asian countries such as Ghana, Tanzania, Nigeria, Ethiopia, Sudan, Algeria, Tunisia, the Philippines, Indonesia, Sri Lanka, Bangladesh, and Pakistan. In Istanbul, Tarlaba_ı, Taksim, Laleli, Aksaray, Suleymaniye, Vefa and the areas in the vicinity of the Manifaturacilar Bazaar and Eminonu are the places to encounter transit migrants coming from these countries. Since 2001, they have been less visible due to the increased measures taken by the police to prevent illegal migration.

Turkey does not define itself as a country of immigration, but the absence of effective immigration controls has made the country

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[41] Nurcan Özgür. 2002. "Bulgaristan'dan Türkiye'ye Göçlerin Yarattıkları Mülkiyet, Vatanda_lık ve Sosyal Güvenlik Sorunları" ppaer prsented at Panel Bulgaristan Türklerinin Dünü ve Bugünü, June 16, 2002. Also find Nurcan Özgür's paper published in www.deliormanturkleri.com on June 21, 2002.

[42] Özgür, Op. Cit.

vulnerable for various types of easy entries and stays. In response to becoming a *de facto* country of first asylum and to the mass influxes of people from the Middle East during and after the Gulf War, Turkey implemented a new regulation on asylum seekers effective since 30 November 1994. It is entitled, "Regulations on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with Intention of Seeking Asylum from A Third Country".

Human Smuggling

A definition of human smuggling, including its social organisation and political and economic significance, is still very much a work in progress. People smuggling is procuring the illegal entry of a person into a state, of which the person is not a national or permanent resident, in order to obtain a financial or other material benefit.[43] It is estimated that more than 50 percent of illegal immigrants are now being assisted globally by smugglers.[44] People trafficking is the recruiting, transporting, transferring, harbouring or reception of persons for the purpose of exploitation; by using or threatening force, coercion, abduction, fraud, deception, or abuse of power against them; or by giving or receiving a payment or a benefit to those who control them.[45] IOM statistics indicate that an estimated 700 000 to 2 million women and children are trafficked globally each year. The IOM (2001) estimates that the world-wide proceeds of people trafficking to be 10 billion USD a year. According to the U.S. State Department figures, the largest number of trafficked people are from Asia, with 225 000 victims each year from the Southeast Asia and over 150 000 from the South Asia.[46]

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[43]   Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, U.N.
        Convention Against Transnational Organized Crime).
[44]   See CNN "Human Smuggling Definition and Statistics.
        http://asia.cnn.com/2002/WORLD/asiapcf/auspac/03/01/smuggling.stats/
[45]   Article 3 of the Protocol to Prevent Suppress and Punish Trafficking in Persons, U.N.
        Convention Against Transnational Organized Crime.
[46]   The IOM. 2001. Trafficking in Migrants, Quarterly Bulletin , no. 23 (April).

People smuggling has become the preferred trade of a growing number of criminal networks world-wide. Transnational human smuggling, hardly a global issue in the 1980s, is a continuously growing phenomenon and is now a multibillion-dollar trade world-wide. Hard facts about human smuggling and trafficking are difficult to obtain because of the illicit nature of the trade. The International Organisation of Migration makes some estimates. The number of people trafficked or smuggled across borders on an annual basis is four million people. The annual revenue generated by smuggling is 5-7 billion USD. The IOM estimated total global revenues in 1997 to be up to 7 billion USD.[47] It is a crime that is organised[48] and linked to other criminal activities.[49] It is an issue of global nature, not only as a "transnational crime"[50] but also as an enormous violation of human rights,[51] and a contemporary form of slavery. After their arrival in the country of destination, the illegal status of the migrants puts them into the mercy of their smugglers, often

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[47] The IOM. 1997. "Trafficking in Migrants: IOM Policy and Activities" http://www.iom.ch/IOM/Trafficking/IOM_Policy.html. Also see BBC News. 2001. The Road to Refuge. " The Journey: A Smuggler's Story" in BBC News, 2001; hhtp://news.bbc.uk/1/hi/english/statistic/in-depth/world/2001/road_to_refuge/journey/default.stm.

[48] See James Finckenauer and Elin Waring. 1996. "Russian Émigré Crime in the United States: Organised Crime or Crime That is Organised?" Transnational Organised Crime 2 (2/3):139-155.

[49] The connection between human smuggling and other types of organised crime was mentioned in a draft statement issued by participants at an international conference on illegal immigration. It warned that people smuggling is increasingly linked to other criminal activities. "Many smuggling activities are being organized by criminal networks also involved in trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes," a draft statement said. The statement was drawn up by Australia and Indonesia, who were co-hosting the conference being held in Bali, Indonesia. See "Ministers from Asian and Pacific Nations Confer on Ways to End People Smuggling" By Slobodan Lekic, The Associated Press, February 27, 2002.

[50] Transnational Organized Crime is crime committed by an organized criminal group, which is planned or committed in more than one state, or has substantial effects on more than one state, or is committed by a group which commits crimes in more than one state. An organized criminal group is a structured group existing for a period of time and acting in concert, with the aim of committing one or more crimes for financial or other material benefit. (UN Convention Against Transnational Organised Crime, 2000)

[51] For the cases of human rights' violation of the illegal transit migrants and the smuggled migrants detained in Turkey, see Bülent Peker (ed). 2001. Sı_ınma Hakkı ve Mülteciler: Iltica ve Mültecilik Atelyesi. Anakar 24-26 March 2001. Ankara: Insan Haklari Derne_i, Chapters 5, 6 and 8.

forcing them for years to work in the illegal labour market to pay off the debts incurred as a result of their transportation.

This highly profitable trade poses a relatively low risk compared with trades in drugs or arms. Unlike drug trafficking, the principal investors do not have to accompany the commodity (the smuggled people) physically across the border. The low risk and high profit do not explain why the volume of human smuggling has increased since the early 1990s. The causes, social organisation, and proposed solutions are much more historically and politically complex than they may at first seem. As human smuggling has a global nature, it requires us to consider the wider social and economic context in which it is flourishing, rather than to simply demonise the smugglers and to ask the transit countries to tighten border control.

Thus, this paper which aims to present a mix of descriptive empirical evidence from the field work in Istanbul and a conceptual analysis providing a perspective of human smuggling via Turkey, first attempts to understand this phenomenon in the larger context of the processes of globalisation. The globalisation of economic activities and technological advances have increased the mobility of people in various forms ranging from the migration of documented labour to the illegal flow of labour including illegal migrant smuggling and expanded transitional crime. The excessive supply of labour in economically disadvantaged countries, where the size of the unemployed young population has expanded, is an important factor in the increased number of illegal migrant workers attempting to enter Western European countries and the USA. In the 1960s and 1970s the surplus labour supply in Middle Eastern, Asian and Mediterranean countries was largely absorbed by Western Europe through documented migration of labour. There was a sizeable proportion of illegal entry, but its volume has expanded in the 1990s. Its geography has changed too, as a result of the collapse of the Soviet Union and the spread of the capitalist economic systems throughout the so-called Second and Third Worlds. Unemployment and economic discomfort appear to be the main reasons of illegal migration movement. Migrants, however, are often driven to become professional smugglers by blocked social mobility, pre-existing corruption, uneven development (not necessarily poverty), persecution, racism and sexism. Studies show

that many illegal migrants who choose a clandestine route to work abroad feel compelled to leave their home communities because of unemployment, the risk of hunger (cited by more than 50 per cent of the African migrants in Turkey[52]), economic crisis, political conflict, ethnic persecution, and the "fear of rape at home in the case of many ethnic minority women."[53]

Therefore, political, sociological, and psychological factors are likely to be as important as economic factors that affect the causes of illegal migration movements and human smuggling. The liberalisation of international markets and investment in developing countries has not decreased migration, as predicted by neo-classical theory.[54] Increased investment and trade in developing countries is associated with an expansion in the illegal migration of labour from these countries to the advanced countries in the form of human smuggling. Although increase in investment may raise the number of available of jobs and decrease the wage differentials among the developed and the developing countries, surplus disposable income often becomes "migration capital" used to pay for international travel and to pay for smugglers.[55] A study on China[56] shows that a large proportion of the Chinese who are smuggled to the United States are from Fujian Province, a coastal province with one of China's fastest-growing regional economies. Smuggled Chinese are often from the middle class families that can afford cash down payments (approximately 1500 USD required by smugglers before embarkation).[57]

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[52] International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme. P. 17.

[53] See David Kyle and Rey Koslowski (eds). 2001. Global Human Smuggling: Comparative Perspective.. Baltimore: The John Hopkins University Press, "Introduction", pp. 1-25. P. 9.

[54] For the discussion on foreign investment in developing countries and migration see, Richard Layard, Oliver Blanchard, Rudiger Dornbusch and Paul Krugman. 1992. East-West Migration: The Alternative. Cambridge: MIT Press, chap. 1.

[55] See David Kyle. 1996. "The Transnational Peasant: The Social Construction of Transnational Migration from the Ecuadorian Andes." Ph.D. diss., John Hopkins University; and David Spener. 2001. "Smuggling Migrants through South Texas: Challenges Posed by Operation Rio Grande " in Global Human Smuggling: Comparative Perspective, David Kyle and Rey Koslowski (eds). Baltimore: The John Hopkins University Press. pp. 129-165.

[56] Zai Liang and Wenzhen Ye. 2001. "From Fujian to New York: Understanding the New Chiense Immigration" in Global Human Smuggling: Comparative Perspective, David Kyle and Rey Koslowski (eds). Baltimore: The John Hopkins University Press. pp. 187-215.

[57] For the amount of money given to smugglers see, Peter Hessler. 2002. "It's the Rich Chinese Who Flee to US", Seattle Post Intelligence, February 10, 2000.

The IOM's study[58] also reveals that Kurds from Northern Iraq paid smugglers a generous amount of money, 2000 USD to 8000 USD, for passage to Italy by boat between July 1997 and January 1998.

Economic development, rapidly advancing information, communication and transportation technologies raise the expectations of new middle classes whose members have recently gained social mobility. This is more likely to motivate people to look for higher living standards and "better future" for their children in the advanced countries.   The smuggled people from Iraq detained in Turkey on August 9, 2002 said: "We left our country because we desire a bright future for our children and it is important to guarantee it."[59] Political instability and a constant worry about one's own and family's future also drive people to migrate through legal or clandestine routes to search for security.

Turkey as a Transit Country in Human Smuggling

Turkey has become an international centre and a staging area for human smuggling because of its porous eastern borders and its geographical position on the edge of the Western Europe. It has not only become a transit country, but also a destination country for numbers of Iraqi, Iranian and Afghani migrants. A large number of Iraqis with ethnic identities, e.g., Kurd, Chaldean/Assyrian and Turkomans, Iranians, Afghanis, Pakistanis, Bengalis are smuggled to Europe via Turkey.

The IOM report of 1995 showed that 40 percent of the transit migrants interviewed entered Turkey without valid document such as passport or a refugee document[60]; and more than two-thirds of those who entered Turkey without valid documents were Iraqis.[61]

Turkey received a warning from the European Union leaders who placed illegal immigration atop the agenda for the EU Council summit in Seville, Spain on June 24. One of the reasons for this is the recent

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[58]   The IOM. 1998. Trafficking in Migrants, Quarterly Bulletin , no. 17 (January).
[59]   Reported by SKYTURK TV on August 9, 2002.
[60]   International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme, p.20.
[61]   Ibid., p.20.

upsurge in right-wing electoral support across Europe. The inability of the EU leaders to manage the complex mix of migrants and asylum seekers converging on their borders is causing them major political headaches and making daily headlines across Europe. Voters are expressing the people's frustration over what they perceive to be weak and ineffective government policies. They want action and governments appear to be listening. The public anger is complicated by the anxiety that the population increase in the EU countries is mainly generated by two non-European population sources: the higher rate of birth among the Middle Eastern and Asian migrants who have either become citizens of the EU countries or who are staying in the country with a residence and work permit, and, secondly, the ever increasing number of illegal migrant workers.[62]

Before the Seville Summit, Turkey, a southeast European country connecting Europe to Asia, received warnings from the EU countries to tighten its border control and to prevent human trafficking and the flow of illegal migrant workers via Turkey to Europe. For example, in early 2002 Italian Prime Minister and Foreign Minister, Silvio Berlusconi called upon Turkey to intensify its measures to prevent illegal human smuggling. Meeting with the Turkish Ambassador to Italy, Necati Utkan (on February 1), Berlusconi conveyed Italy's "serious unease" over the Turkish ship *Engin* that came to Italy's Gallipoli port three days earlier carrying illegal immigrants.[63] This was not the first time that Ankara received a warning from Italy. In the year 2000, the Italian authorities accused Turkey of doing too little to prevent illegal migrants reaching Europe.[64]

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[62] According to EUROSTATD data, the EU population is 379,4 million. In 2000 the number of people increased had been 1 070 000 and, in 2001, the same figure was 1 050 00. In 2002, it was 1 460 000, that meant 3.9 percent increase. According to the same source, 70 percent of the population increase was generated by the migration, both legal and illegal and the relatively higher birth rate of the "foreigners" residing in the EU countries.

[63] "Italian Premier Tells Turkish Envoy of Concern Over Immigrant Ship", BBC Monitoring International Reports, February 2, 2002, from text of report in English by Turkish news agency Anatolia.

[64] See Chris Morris. 2000. "Turkey Detains illegal Migrants", BBC News, August 6, 2000; http://news.bbc.uk/1/hi/world/from/europe/868687.stm. Morris also reporting of the police operations to detain smugglers following the week when Italian authorities accused Turkey of failing to take measures to prevent illegal migration to Europe via Turkey. Morris wrote: "A ship carrying more than 4000 Kurds arrived in southern Italy just over a week ago [July

What are the routes and networks of human smuggling? What are the causes of human smuggling? Is there anti human smuggling legislation? How is the situation and daily life of smuggled migrants in Turkey? How do Turkish people react to "shadow" society of smuggled migrants? Does ethnicity and religion make a difference in responding to them? The article aims to answer these question and identify the types of human smuggling ranging from profit-oriented operations to humanitarian smuggling.

In order to answer these questions, the researchers collected data from various sources: security departments in Istanbul and Ankara; local and international daily and weekly publications and reports from major TV channels; field work (in 1994-95 and in 2002) in various sections of Istanbul where the smugglers used to lodge the illegal migrants. They interviewed those who rent rooms for illegal migrant workers and smuggled migrants transiting Turkey, and people running shops, laundries in the region.

Routes, destination, networks and methods of human smuggling

A large number of migrants from the Middle East, Asia and Africa use the route via Turkey and from there via the Balkans to Western Europe. Human trafficking is executed via a number of land and water routes described below. Destination countries are Germany, England and other European Union countries. The following origin countries supply the human stock for the smugglers: Middle East Countries including Iraq, Iran and many Palestinians; Black African countries including Ethiopia;

30, 2000], prompting the Italian Government protest to Ankara." As a response, the police tightened border control. On August 5, the Turkish police in the city of Erzurum detained 109 Afghans and Iraqis who were hoping to be smuggled into Europe. They were discovered in the back of a lorry, whose driver was also taken in custody. The would-be migrants had paid him 2000 USD each to deliver them to Istanbul. For the information on the migrant detained on July 30, 2000 in Italy, also see the BBC story: "Italians Halt Migrant Boat" in BBC News, July 31, 2000; http://news.bbc.uk/1/hi/world/europe/858946.stm. This story reports: Italian coastguards detained 418 people on July 30 for illegally entering the country on a ship. The ship, named Kalsit, carrying mostly men from Northern Iraq, Afghanistan, Sri Lanka, Nigeria and Sierra Leone, "was believed to have begun its journey at a Turkish port four days ago, stopping at a Greek port to pick up food, officials said".

and Asian countries including Bangladesh, Pakistan and Afghanistan. They first transit Turkey from where they move to transit Southeast European and Eastern European countries to reach the final destination in Western Europe.

The major land routes of human trafficking via Turkey are as follows:

- Iran, Iraq or Syria-Turkey-Bulgaria-Romania-Hungary-Austria-Czech Republic or Slovakia-Germany;

- Iran, Iraq or Syria-Turkey-Bulgaria or Greece-Macedonia-Albania-Italy-Western European countries; and

- Iran, Iraq or Syria-Turkey-Southeast Europe countries-Western Europe countries.[65]

According to a report released by the Security Department Directorate's Smuggling and Organised Crime Unit in 2000, there are 13 points of entry or official and illegal crossings along the country's border with Iran, Iraq, Syria, Georgia and Armenia. And there are 10 points of exit on the Aegean and Mediterranean Sea coasts.

- *Armenia-Georgian Border*
  I_dır/Diluca, Kars/Digor-Tuzluca, Ardahan/Posof, Artvin/Sarp

- *Iranian Border*
  Küçük A_rı Da_ı/Do_ubeyazıt, Van/Özalp-Ba_kale, Hakkari/Yüksekova

- *Iraq Border*
  Hakkari/_emdilli-Cukurca, _ırnak/Uludere

- *Syrian Border*

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[65] See Tolga _ardan, "Satılık Hayat Var" ("Life for Sale"), Milliyet, July 17, 2000.

_anlıurfa/Suruç-Mert Village-Akçakale Village Hatay/Yaylada_ı-Güveççi Köyü, Altunözü-Turfanda-Avuttepe villages, Hatay/Karbeyaz Village, Hatay/Reyhanlı, Hatay/Samanda_ı, Hatay/_skenderun-Arsus section, Adana/Karata_ section, the zone where Seyhan and Ceyhan rivers merge with the Mediterranean Sea, Gaziantep/Islahiye-Karababa area.

Zones from which to exit Turkey, located in the Aegean and Mediterranean Sea regions:

Antalya/Ka_-Meis Island, Mu_la/Datça-Simi Island, Bodrum-Kos Island, Aydın/Didim-Ku_adası coast, Sisam Island, Edirne/Pazarkule-Karaa_aç, Trakya/Meriç-Sufli, Trakya/Kumdere-Pa_aköy-Karpuzlu-_psala Enez sector, Istanbul Airport. [66]

The Balkan routes, which are connected to Turkey, are well utilized in reaching Western Europe. Along with the land routes, air route is also utilized in the Balkans. Sarajevo airport is a key point in transiting to Western Europe, as Amra Kebo reports: "Minutes after a flight from Tehran or Istanbul touches down, an exotic mix of Turkish, Arabic and Farsi reverberates around Sarajevo airport's arrival terminal. Once some of these arrivals pass customs control, they will simply disappear, hooking up with criminals who will attempt to smuggle them into Western Europe." [67] The force is pitifully inadequate given that there are 426 different official and illegal crossings along the country's 1616 km border.

There are four basic Balkan routes according to the UN and IOM. Three involve smuggling the immigrants across the Croatian border - at Bihac, Srebrenica and Brcko. A fourth ferries them from the Adriatic coast to Italy. The head of the UN mission in Bosnia, Jacques Klein said that immigrants pay smugglers between 2000 and 10 000 German marks, depending on their country of origin.[68] In Klein's opinion, as a part of the deal, there's an unwritten rule that, if captured, the traffickers will

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[66] See Tolga _ardan, "Satılık Hayat Var" (Life for Sale), Milliyet, July 17, 2000.
[67] See article "Illegal immigrants flock to Bosnia in the hope of being smuggled into Western Europe". By Amra Kebo in Sarajevo (BCR No. 213, 29-Jan-2001).
[68] Ibid.

help immigrants twice more. Those who fail on the third attempt are left to try and make it across the frontier by themselves. The smuggling operation is fraught with danger. The immigrants are often duped by the smugglers and many are supposed to drown while they are trying to cross the Sava river into Croatia. the UN figures show that over the last year (2000-2001), 35 793 Iranians, Tunisians, Iraqis, Turks and Chinese entered Bosnia through Sarajevo airport alone - well over half of that are thought to have subsequently tried to sneak across the Croatian border. The lack of visa requirements means that most immigrants in possession of a valid passport can enter the country without having any problem. In an attempt to address the migrant problem, the authorities introduced visa restrictions for Iranians, the largest number of immigrants entering the country. As a result, their number dropped dramatically. But just as this hole was plugged, another has opened up. The UN says there has been a growth of migrants from China and Tunisia.[69]

The increased security measures, taken by the police and gendermaria in Turkey within the last two years (2000-2002), have affected the smugglers' choice of routes. According to Ankara Security Chief Feyzullah Arslan, there has been a decrease in the usage of Turkish routes in the four regions identified above. Now the most frequently used routes by human smugglers are the South Route: Iraq-Syria-Lebanon and the North Route: Iran-Caucasus-Ukraine.[70]

The changing of routes and of the methods of the people smuggling networks as a response to legislative and law enforcement activities is necessary for the survival of this network. Flexibility is one of main characteristics of transportation and choice of routes. While the routes used by people may sometimes be simple and direct, at other times it may be circuitous. The time between departure and arrival may vary from a few days to several months or even years. For example, the smuggled Iraqis were observed (by the people interviewed in Istanbul) spending several weeks in the Vefa (Istanbul) area where they stayed in "rooms rent to singles" (*bekar odası*) before they left for Greece by ship. These rooms are utilised as transitional shelters for the smuggled people

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[69]   Ibid.
[70]   Hurriyet 28 June, 2002

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and the smugglers wait to form a complete crossing group. One of the informants told us: " several groups of Iraqis used to arrive at different time intervals and to stay in the rooms for a short period of time. Then, they disappeared overnight. I observed many of them having been loaded into minibuses before they disappeared. Since the last six months, I have not been seeing illegal Iraqis and Iranians. As far as I have heard, the Police collected and expelled them."

How do they arrive in Turkey and depart from the country? Various methods are utilised by the smuggling networks. The Turkish authorities identified five methods:[71]

Land-to harbor crossing:

- Illegal migrants are first loaded into buses or minibuses and driven to cities or districts with harbors where they are put on small boats carrying them to ships to Greece or Italy. The next stage is their transfer to small boats again and their transportation to the coast in the destination country.

- River crossing. Crossing the Meriç by small boats;

- Crossing the borders hiding in lorries and trucks;

- Crossing the borders with fraudulent documents;

- Crossing the borders on foot or riding donkey and horse.

Human smuggling in the region is coordinated by the organised crime networks operating in Turkey and in the Balkan countries, and secondly by the terrorist groups who need money to finance their activities. Organised crime and drug trafficking co-exist and exert a crime multiplier for militias, guerrillas and terrorists.

Causes of Human Smuggling

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[71]   For the information on the methods, see Cumhuriyet, July 1, 2002 article titled "Goc, Umut Yolu" ("Immigration, Way of Hope").

The causes of human smuggling from the viewpoints of those who are smuggled vary from one to another. Economic discomfort and political persecution are the most important reasons. Holding higher aspirations for social mobility and a perception of blocked social mobility in the home communities are important push factors driving people to move to developed countries through the use of clandestine routes and illegal methods when legal means and entries are unavailable. Political persecution and escape from real or potential disaster are also significant factors that compel people to flee their home country.

The IOM study showed that more than half (56 percent) of the migrants referred to political or politically motivated push factors as being their reason for departure. The most often stated were armed conflicts, ethnic intolerance, religious fundamentalism, and political tension. The proportion of the migrants who cited political push factors was the highest for the Iraqis: 75 percent of the Iraqi transit migrants interviewed in 1995 mentioned political problems as the major motive for migration.[72] In addition to political motives, as the IOM survey on transit migrants in Turkey showed,[73] transients from Iran and Iraq gave a number of reasons for the migration process: education, family, social/cultural/religious considerations, war and military service. Transients from Bosnia also mentioned political problems as push factors, but Africans and other Asians gave mainly economically-oriented reasons.

A large number of Iranians left home through clandestine routes to avoid persecution under the new regime established after the Iranian Islamic Revolution in 1979. Similarly, numerous Iraqis left home because of persecution and problems generated by the political turmoil in Iraq. The Chaldean/Assyrian Iraqis, who were smuggled to Turkey with the help of *kacakci* (smugglers), mentioned political persecution and military service as the most important reasons for leaving Iraq in an interview I

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[72] International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme.
[73] Ibid. pp.17-19.

led in 1994. I met one of them through a friend[74] after gaining his confidence. We met at night, as he was afraid of going out during the day time. For him, the constant fear of getting arrested and killed in Iraq made life unbearable and he left the country. He was not free of dread in Turkey either, as he was afraid of being detained by the Turkish police and getting deported.

From the smugglers perspective, despite being a highly profitable trade, there are humanitarian reasons for organising human smuggling. For example a former Iranian people-smuggler, who called himself Hamid, explained his reason: "I was very young and believed that people should have the right to leave their country if they wanted to."[75] Then he told his story: "It was three years after the 1979 Iranian revolution, the country was at war with Iraq, and the borders were closed." Hamid said "I began smuggling people over the border to fund my own passage to the West." Despite having started this business for money, Hamid "saw himself as a Robin Hood character who, far from harming anyone, allowed people a safe passage to opportunities they would never otherwise have been able to enjoy." He launched this business with the aim of helping friends who could not afford what he described as an "expensive deal" through existing smugglers. Then using some of the connections he had made in his own journey, Hamid developed a system for smuggling people to Pakistan, and from there to Europe. He provided his clients with "European Passports stolen from tourists, and would bribe the passport control officials not to raise any objection."[76]

Human Smuggling Statistics from Turkish Sources

The Ankara Chief of Security provides hard data on human smuggling at press conferences on regular intervals. The Human Rights Association

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[74] When I was doing field work to collect data on illegal migrant workforce, I learned about the presence of Iraqis who were smuggled to Turkey. A friend whose neighbour was hosting such persons helped me to meet one of them at a café in Taksim and we talked about their journey and their life in Turkey.

[75] This was reported by John Tincey, the spokesman for British immigration officers, talking about the smuggling scheme. BBC News. 2001. The Road to Refuge. " The Journey: A Smuggler's Story" in BBC News, 2001; http://news.bbc.uk/1/hi/english/statistic/in-depth/world/2001/road_to_refuge/journey/default.stm

[76] Ibid.

and Foundation, which obtains information from the police and gendermeria, also publishes reports offering hard data on the number of illegal migrants and those charged with human smuggling and their nationalities. According to the Ankara Security Chief Feyzullah Arslan, between 1995-2002, 346 940 illegal migrants were detained. Between 1999 and 2002 45 779 illegal migrants' transit were precluded and 2520 smugglers were arrested.[77] Table 1 shows the figures on the number of illegal migrants captured each year. The origin countries are Afghanistan, Pakistan, Iran, Iraq and Bangladesh.

Table 1: Number of illegal migrants captured annually[78]

Year	Number	
1995	11 362	
1996	18 804	
1997	28 439	
1998	29 426	
1999	47 529	
2000	94 514	
2001	92 362	
2002 (to April)	16 545[79]	**Total:338,984**

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[77] Hurriyet 28 June, 2002.

[78] Source: Report 2002 by the General Directorate on Security, Unit of Foreigners, Refugees Department (Emniyet Genel Müdürlü_ü, Yabancılar _ubesi _ltica Dairesi Ba_kanlı_ı).

[79] For example, security forces in southwestern Turkey detained about 400 would-be illegal immigrants based on a word to the paramilitary police in the province of Mugla. Asian and African illegal migrants hoping to reach Europe are apprehended daily in Turkey. "Turkey Stops Some 400 Would-Be Immigrants", Agence France Presse, quoting the Anatolia News Agency, February 3, 2002. In August (2002) the Coast Guards in the province of Izmir's Cesme district detained 1300 would-be illegal immigrants and nine human smugglers (two of whom are Turkish citizens) in the ship flying Moroccan flag. The captain was Ukrainian, who indicated taking the illegal immigrants to Italy. See "1300 Ki_iyi Kacıracaklardı" (They were near to Smuggle 1,300 persons"), in Milliyet, August 15, 2002, p.13.
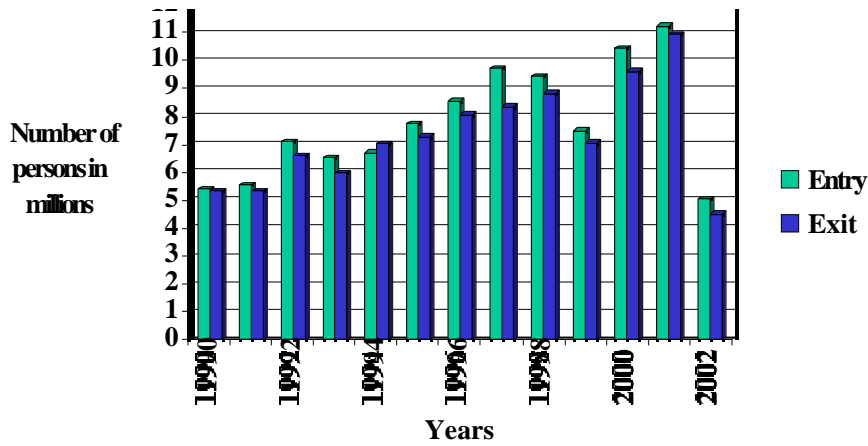
Figure 1: Foreigners entering and leaving Turkey

The illegal migrants detained were from various countries: In 2000, out of a total number of 94 514 "illegal migrants" who entered Turkey without valid documents through "illegal means and ways", 17 280 were from Iraq; 8746 from Afghanistan; 8 290 from Moldavia; 6825 from Iran; 5027 from Pakistan; 4554 Russia; 4527 from Ukraine; 4500 from Romania; and 3300 from Georgia. There was not any information on the number of those who were permitted to make legitimate claims to apply for political asylum, but it was certain that all of them were expelled. [80]

The number of human smugglers arrested through the operations of the police and the gendermaria has systematically increased since 1998 as a result of measures taken by the Ministry of Interior in response to the warnings received from the EU countries to prevent illegal migration to Europe via Turkey.

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[80] TÜRK_YE _NSAN HAKLARI VAKFI. Report published in 2001.

In 1998, only 98 organizers of trafficking in migrants were detained; in 2000 the number of detained human smugglers was 850; and in 2001, it was 1115.[81] By April 1st of the year 2002 only 280 human smugglers were detained. Similarly, the number of the ship carrying smuggled migrants has decreased. Accordingly, in 2000 a total number of 19 ships were reported to be going to Italy and Greece by passing Turkish water territories; the number was nine in 2001, and only two in 2002.[82] Moreover, the number of ships carrying smuggled migrants stopped by the Turkish authorities since 2000 has increased: while 17 ships were halted in 2000, in 2001 that number was nineteen; in the year 2002 by April merely 9 ships were prevented to transit Turkish waters. [83]

The field work data also shows that the number of smuggled migrants has decreased within the last two years, and dropped dramatically since the beginning of 2002. All the interviewed people renting rooms to the smuggled Iraqis and Iranians and those running laundry shops in the Vefa area, mentioned a decrease in the number of smuggled Iranians and Iraqis residing in the area during different time arrival intervals. They underlined the increased police control and operations in the regions. They observed the police collecting the illegal Iranian and Iraqi migrants, and believed that these illegal migrants have been deported. One of the room-renters (interviewed in July, 2002) said: "the illegal migrants who were smuggled and loaded in the area have diminished six months ago" (January 2002).

The nationalities of the smugglers vary, according to the information of the police: Out of the total number of 850 smugglers arrested in 2000, the nationalities were as follows: 701 Turks, 48 Iraqis, 19 Iranians, 14 Afghanis, 11 Bengalis, 10 Greeks, 9 Moroccans, and 8 Pakistanis; and . 30 of them were classified as from "other nationalities."[84]

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[81] The Ministry of Interior Report (2002) shows that Turkey is a transit and destination country, and an origin country supplying migrants. It provides information on both the number of illegal migrants and smugglers detained.   See Adnan Gerger NTV/Ankara. http://www.ntvmsnbc.com/news/161081.asp#BODY. Also see Emniyet Genel Müdürlü_ü, Yabancılar _ubesi _ltica Dairesi Ba_kanlı_ı Report 2002. P.6.

[82] Emniyet Genel Müdürlü_ü, Yabancılar _ubesi _ltica Dairesi Ba_kanlı_ı Report 2002, p. 6.

[83] Ibid., p. 6.

[84] TÜRK_YE _NSAN HAKLARI VAKFI. Op. Cit.

According to the Ministry of Interior, dealing with illegal migrants who have entered Turkey through clandestine routes is very costly. Since 1999, the total cost for their lodging and deportation has been 1014 trillion. A significant proportion of this money, 600 billion TL has been spent for deporting the migrant workers who were illegally employed in the sex industry.[85]

The Shadow Society of Transit Migrants and Smuggled People in Turkey

Transit migrants who use Turkey as a transit zone to enter the West constitute a dynamic but also an isolated group of people living in metropolitan areas such as Istanbul and Ankara. They struggle for the dynamics of a migratory process by getting involved in a very costly, long and uncertain mobility process. Several Iranians, interviewed in 1994, emphasized their feeling of isolation. Like Iranians, many other immigrants relied on informal, and often illegal, networks for support, money transactions, and information. They had difficulties with living at income levels much below those which they used to have in their homeland. Some of them who entered Turkey with false papers with the help of the smugglers got stuck, were forced to eek out a life outside the system in grinding poverty.

Nashmi Rashidi (interviewed by Chris Morris)[86] entered Turkey with her husband and two children. They paid thousands of pounds to buy false Iranian passports and to bribe their way across international borders via Iraq and Syria."[87] When interviewed in 2001, they were living in a rented room with no source of income and no means of escape. They were afraid to go back to Iran. Nashmi Rashidi explained the reason for their fear: "My husband could face the death penalty." There are many other Iranians who have also gone through the same experience since the Iranian Islamic Revolution. Some of them have managed to leave with refugee documents, some have succeeded with the assistance of smugglers, and numerous have stayed in Turkey and become immobilized.

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[85] See Adnan Gerger NTV/Ankara. http://www.ntvmsnbc.com/news/161081.asp#BODY.
[86] See Chris Morris. 2001. "Turkey's Human Traffic" BBC News, January 6, 2001; hhtp://news.bbc.uk/1/hi/world/from_our_correspondent/1100986.stm.
[87] Ibid.

Ethnic and religious identities are factors that affect the response of the Turkish society to the illegal migrants. Being an ethnic Turk, relating to those from Northern Iraq (Turkomans) and Afghanistan (Ozbeks), is important in being well received by the society and provides an easy access to "Turkish networks" including associations. It is much easier for them to obtain residence permits and jobs if they need to work. Likewise, a Muslim identity brings many advantages in receiving a warm welcome by the society and in having access to solidarity networks. In general the Turkish society tends to be tolerant and helpful to the Turkic and Muslim illegal migrants and transit migrants who have entered with valid documents.[88] The IOM survey on transients in Turkey shows that Arabs and Turkomans received help from their Turkish homeland friends.[89]

Balkan Muslims including Bulgarians, Bosnians and Kosovo Albanians, who have religious and ethnic ties with many people in Turkey, received a lot of attention and support from Turkish society. The Muslims from the Middle East, Asia and Africa easily contact "pious" Turkish Muslims in the mosques, who do not hesitate to host them on a temporary basis and to find jobs. An Algerian interviewed explained how he broke into the culture by using his Islamic identity. "The day after my arrival in Turkey, I went to a mosque in a non-tourist area. There, I met Muslim brothers who made inquiries about my situation and well-being. When they learned that I had just arrived and needed work and lodging, they invited me to their house. They hosted me and my family for a few weeks until I began to work as a translator in a company whose owner had contacted my host. Later, I found a place to stay, and still I live in Istanbul." There are many foreign men from Muslim countries who benefit from Muslim solidarity and hospitality in Turkey.

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[88] Similar observation was done by Sema Erder. See Sema Erder. 2000. "Uluslararası Göçte Yeni E_ilimler: Türkiye "Göç Alan" Ülke mi? in Mübeccel Kıray için Yazılar. Fulya Atacan, et al. Istanbul: Ba_lam Yayınları. pp. 235-359.

[89] IOM 1995, Op. Cit.

There are no specific pieces of legislation concerning human trafficking and there is no definition of trafficking in human beings in the Penal Code or any other legal acts. Legal measures prioritise law enforcement, investigation into, and the prosecution of, organised crime. Human trafficking is addressed as a component of organised crime activities, while little attention is given to the victims exposed (if they are foreigners) to expedite deportation procedures, and there is no specific legal provision or measure addressing their human rights.

The new law passed on August 3, 2002 does not depart fundamentally from this approach, although it does reflect an increased awareness of the human trafficking phenomenon, particularly that of women trafficking. While the emphasis is on smuggling, tougher penalties and more accurately defined grounds for prosecution are imposed on traffickers of humans or human organs.

The new law toughens penalties related to migrant smuggling and trafficking. This law has two facets. First, it incorporates in the penal code an article defining and criminalizing migrant smuggling and foresees penalties from two to five years imprisonment and fines of no less than 1 billion Turkish Liras. Should a victim die as a result of the transportation conditions, smugglers might be sentenced to 10 years imprisonment. Second, five to ten years imprisonment (ten to twenty years, if part of an organised crime network) shall be imposed on traffickers who confiscate passports from their victims with the purpose of trafficking them or selling human organs.

Law no. 5682, on passports, and Law no. 5683, on residency and travelling for foreigners in Turkey, both enacted in 1950, contain particular articles addressing trafficking in women. According to the Passport Law, if a prostitute or a trafficker is a foreigner, he or she is immediately deported upon seizure. Article 8 of the same Law states that "those who are engaged in prostitution, make a living by inciting women to prostitution, and those trafficking in women are prohibited to enter the country". Therefore, their testimony is not sought. Similarly, Article 19 of Law no 5683 states that the Ministry of Interior, governors and sub-

governors have the authorization to deport those foreigners who are involved in trafficking and in prostitution 15 days after the notice is issued for this purpose. Should the same person be reported once again for the same offence, no further notice is made, and the person is deported immediately after capture by police.

There are not any specific units established solely for this purpose within the General Directorate on Security. Yet there are some departments, such as the departments of general security of children, etc, that are involved in the issues concerning trafficking in women and children.

As far as the women trafficking is concerned, the most legal measures relate to sexual exploitation. While prostitution is legal - under certain conditions and for legal residents and natives, incitement to prostitution and sexual exploitation are described as crimes and are punishable through the Penal Code and the Law on Combating Benefit-Oriented Criminal Organizations. Additionally, the Passport Law and the Law on the Prevention of Money Laundering in Turkey, as well as certain administrative decrees and regulations contain provisions that may apply to the trafficking cases. Penalty for incitement to prostitution is specified under Articles 435-436 of the Penal Code (Law no. 765 enacted in 1926).[90]

Major Industries Employing illegal Immigrant Work Force

In Turkey, the illegal migrant workforce concentrates in production with a sizable proportion in sale. Most of the labor-intensive industries like garment-making industries including textile and leather workshops and

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[90] If the persons incited are under age 15, penalty is not less than 2 years. If the inciter is a relative of the victim, the penalty is not less than 3 years. For persons incited in the age range 15-21, the penalty for the inciter is from 6 months to 2 years, and if the inciter is a relative of the victim, the penalty is not less than 2. For persons incited above the age 21, the penalty is between 6 months to 2 years. As is stated in Article 436 of the Penal Code, those who force women (21 years old or younger) into prostitution by any means (power abuse, threat, beating and etc.) will be penalized with one to three years sentences in prison. If the inciter is a relative of the victim, penalty is in the 2-5 years range. These penalties may be toughened by virtue of Article 313 of the Penal Code, should the trafficker be involved in, or leading an organized crime network.

factories, other manufacturing industries, such as metal, plastic, chemicals, and agriculture (tea plantation, nut harvesting in the Black Sea), and construction sector hire immigrant work force. In the textile, metal and construction industries the rapid growth of subcontracting in the 1990s played a role in employing illegal migrant workforce.

Second, illegal migrant workforce concentrates in personal and domestic services industries. These sectors also used to exploit undocumented workforce. They generally have low profit margins. Before exploiting vulnerable immigrant workers, they used child labor or employed workers without social security insurance.

In sale, the increase of shops in Istanbul selling textile and leather goods to the Polish, Russian, Ukrainian customers has created a demand for Russian-speaking sales personnel from the early 1990s onwards. With the decline of the suitcase trade in the late 1990s, which worsened in the year 2000, the number of illegally employed sales people from Russia, Ukrainian and Azerbaijan decreased.

Conclusion

Economic globalisation fosters both migration and transnational crime. These two aspects of globalisation intersect in the phenomenon of human smuggling, which has in turn drawn the attention of immigration, law enforcement, and foreign ministry officials. Turkey is a major transit zone for the smugglers and their customers. Turkey has received migrant workforce from the Southeast European countries, Russia, Ukraine, the Caucasus region as well as from the Middle East and sub-continent. Insufficient inspection staff, inadequate penalties for violations, weak labor law, flexibility on the part of the authorities and the failure of trade unions to bring the issue of immigrant labor force sustained the illegal migrant workforce despite the complaints of the local workers. The AKP government drafted a new bill that brings severe penalities to those who employ illegal migrant workforce.

The European Union countries and North America have initiated campaigns to combat human smuggling and various forms of illegal

labour movements. In finding a solution to human trafficking and the smuggling of migrant workers, two inter-related security problems, it is essential to make studies on the definition of human smuggling, its social organisation, political and economic significance, and the political ramification of human smuggling across national borders. One should also understand that smugglers and traffickers in the Middle East, the Balkans, and the former Soviet Union are deeply integrated into the social fabric of indigenous settings, though not uniformly, and are facilitated by a loose network of recruiters, middlemen, actual smugglers, local and foreign financiers, and government officials and police on the take. Increasing the awareness of the general public on the issues of human trafficking and smuggling illegal workers and mobilising civil society to organise seminar and activities to prevent human trafficking are also important.

Ayse Nilufer Narli
Marmara University
Istanbul

Liubovi Revenko

TRAFFICKING IN WOMEN AND CHILDREN: MOLODVA: MYTHS AND REALITY

Moldova is a very small country; its population is 4.3 million people. According to some unofficial statistics – it is very difficult to estimate and to give formal statistics on the number of people who go abroad every year – the accumulated figure would be 1 million Moldovan citizens who are currently working abroad, some 90% of them illegally.

About 800 000 are minors and children. About 1 million are senior citizens, and 600 000 are *officially* unemployed. So basically that leaves no one. And if we add to that the political situation... I don't know if you are aware, but we have a Communist government now with 90% of the voices in Parliament, so it's basically a drawback for the country and it's really discouraging for me to give you this information. Moldova is struggling through the most severe crisis in its history.

On this foundation the phenomenon of massive migration is born. The people are just massively leaving the country. If you come across any man or woman of any age and ask "would you like to go work abroad?" you will immediately get yes as an answer. Young people especially are looking for the opportunities to go and earn their living abroad. And on this foundation Moldova has been particularly victimized by the traffic in human beings. And the primary categories that would fall under this would be women and children with an emphasis on minor girls.

If we talk about trafficking of course all of you are aware of the gravity of the issue. My colleagues have been mentioning in their presentations the trafficking and drug problems, trafficking in weapons, trafficking in human beings... For Moldova, the latter comes at the very top. And here we talk about trafficking in women and children for sexual exploitation, but not only that. We are talking about trafficking for forced labour slavery in a lot of Western European and other countries. We are talking

about the pornographic industry, many children are trafficked for this industry. Children are also trafficked to big Russian cities like Moscow and St. Petersburg where children are forced to beg in the streets. There is also the extraction of organs. There is a very famous village of Mindjire in Moldova where half of the population have basically sold their kidneys and got some very small sums for that. I think most of you must be aware of this. This also refers to human trafficking.

To a certain extent there has also been in recent years trafficking in men for military conflicts in Chechnya. Of course I will not refer to all that. This is just to give an impression of what the situation in Moldova is like.

We will focus more on the problem of trafficking for which Moldova has been often mentioned in the international media: trafficking in women. Unfortunately, the Moldovan Government's response to that has been very limited and focuses on the creation of the National Committee to Combat Trafficking in 2001. But most of all this can be attributed to the lobbying by civil society and international organizations together. The Government has adopted a plan of action to combat trafficking, but it has no budget support whatsoever, and right now the anti-trafficking program that have been running in the country have been able to be implemented only through the assistance of international donors.

If you come to Moldova, you come across this image, because it is in the streets, on billboards, on TV, everywhere. It is quite shocking, but the reality called for such an image and the slogan we are using says "You are not for sale!" The International Organization for Migration has adopted a trilateral approach to at least partially resolve the gravity of the phenomenon and we try to address the issue from this trilateral perspective.

The first area is of course prevention and awareness. It would not sound realistic if we tried to take the approach of stopping the girls from leaving the country, because it is not real; most of the women would still take the risk and look for the opportunity to work abroad. Together with other NGOs we have been trying to introduce the issue of trafficking as a subject in the school curriculum, as an optional course. All the young

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girls that graduate from high school have to be aware at least of what kind of traps might await them if they decide to go abroad. We use a comic strip in the schools for the young girls to describe a very typical story of what might happen to a girl and explain the mechanism of the process of trafficking which is very easy and not sophisticated at all. In the first place, it doesn't cost anything for a woman to go abroad. She doesn't have to pay anything. Most victims come from rural areas of Moldova, which are even less developed than the capital. Most of them are not educated enough and so they would fall easily in the trap of the recruiters. Recruiting in Moldova is done in a very easy way, by people, friends, acquaintances and by employment ads in the newspapers. The advantage of that is that the girls don't have to pay anything. The travel expenses are basically covered by the traffickers.

And of course we would be naive to suggest that the process is only limited to Moldova geographically. It is very regional at least if not international, because the destinations to which the Moldovan women travel to vary a lot. Starting from the Western European countries, the Balkans and even there is a channel through to Moscow and to Israel and Arab countries. Geographically, it is very widespread. The easy trap that the women fall into really deals with the possibility to get a job for free, not having to pay for the passport, visa, travel expenses, and this applies all over the country. And of course there are logistical details set up in each country; the recruiters would usually transport the girls in small groups of three or four.

For the Balkans, they would usually travel through Romania, because there is easy access to Romania for Moldovan citizens, where they would be taken over by their Romanian counterparts. The town of Timisoara has been recognized as a very famous market place for women. This is where the transaction takes place, where the girls are taken over by the persons coming from Former Yugoslavia, from Serbia and from Albania. They are transported and distributed to bars in the Balkans, and they circulate around. The mechanics works in such a way that the victims are sold and resold multiple times. They tell us their story sometimes, and the maximum times a woman has been sold and resold is believed to be fifty times. She has been basically recirculated in the Balkan area.

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The profile is quite clear. I don't have to expand on that. These are usually very young women and 85% come from rural areas of Moldova and they have experience of a certain degree of domestic violence in their families that is also a push factor to be trafficked. This is also a fact because a patriarchal society like Moldova tends to push women away from the country.

In terms of what kinds of methods are being used by the traffickers, I think that everybody knows and I don't have to explain, that many women who manage to come back to Moldova with the faciliation of Interpol, IOM or some other organization, have experienced some very high degree of violence, stress and abuse, both sexual and physical.

The medical issues are also quite serious. Out of the more than 1000 women brought back to Moldova, none was healthy, not a single case was not infected with STDs. That means that there is a 100% infection rate, along with an HIV/AIDS amongst them. So it requires a very systematic, comprehensive approach, including rehabilitation and reintegration assistance for them. The consequences are quite clear.

The rehabilitation centres that we have opened with the assistance of international donors in Chisinau offer quite comprehensive assistance in terms of the rehabilitation and reintegration of women, which is quite a problem at this stage because if we talk about reintegration in the classic sense of the word, it is very difficult for an ordinary well-educated citizen to find a decent job and decent living in the country.

Prosecution and criminalization still remains a very big issue for us for various reasons. The first one is the corruption within Moldova. This is the corruption we talked about, the corruption with law enforcement or with higher ranking officials which stops the issue from being addressed properly. Out of the 500 cases that have been opened in the recent two years since the legislation was introduced in Moldova, only two cases of successful prosecution took place. One got 2 years and the other got 10 years. This is but a drop in the ocean. It requires a very systematic regional approach because otherwise Moldova alone can solve the problem on its territory, but all the chains, all the trafficking rings

require very comprehensive police cooperation, a law-enforcement cooperation, because this leads to successfull prosecution which is not currently happening in Moldova.

What kind of services do we offer to the women who come back to Moldova? We offer a lot of vocational training within the very limited ressources that we have. And now we are currently implementing a very comprehensive EU assistance project.

We see that the Balkan countries are in first place when it comes to repatriation of women to Moldova, but this is not an indicator. There are seemingly only few Western European countries mentioned, it is not due to the fact Moldovan women are not being trafficked to Western European countries, but because most EU countries just deport them despite the fact of them being signatories to the Palermo Protocol. The voluntary repatriation mechanisms should really be well developed if we are talking about regional cooperation, because for us, for the country of origin, the victims become invisible and we can't really provide assistance.

There is finally an issue for the destinations countries. Temporary residence for the victims permits them to testify against the perpetrators. This temporary residence privilege should happen independently of whether or not the victim wants to testify. I think she should be offered a chance for a temporary residence permit anyway. This is an issue which is widely discussed now and I would like to attract your attention to it as well.

Liubovi Revenko
International Organisation for Migration
Moldova Office
Chisinau

PANEL III:

THE IMPACT OF CRIME ON THE REGIONAL STABILIZATION PROCESSES IN SOUTH EAST EUROPE

Duska Anastasijevic

THE IMPACT OF CRIME ON THE REGIONAL STABILISATION IN SOUTHERN SERBIA AND KOSOVO

With the end of wars in the former Yugoslavia and the fall from power of Serbian strongman Slobodan Milosevic in October 2000, the Balkans have finally got a chance to rid themselves of the 'powder-keg' stigma. However, the peace did not settle down without hiccups. Aftermaths of major earthquakes are always marked by aftershocks. Similarly, the peace was disturbed by low-intensity conflict that started first in predominantly Albanian municipalities in Southern Serbia along the borders with Kosovo; more serious fighting ensued in the north-west parts of the Former Yugoslav Republic of Macedonia (FYROM)[91] between ethnic-Albanian insurgents (National Liberation Army) and state security forces. Reportedly, Albanian insurgencies both in Southern Serbia and in FYROM were supported by networks involving former Kosovo Liberation Army (KLA) activists. The subsequent fighting prompted many observers to temper their optimism about the possibility of durable stability in the region. Yet, both conflicts have been successfully contained and proved that it would be wrong to herald a return to enduring gloom in the region. However, the absence of armed conflict does not equal durable stability. The presence of international troops in the region in question on the one hand, and strong commitment of the governments in the regional capitals to the goal of full integration in European and Euro-Atlantic structures on the other, unquestionably serve as effective safeguards against the revival of bloodshed. In fact, conditions for solving the issue of instability on a regional level are more favourable than ever.

Nevertheless, efforts on all sides are needed if the current truce is to be translated into sustainable peace. Therefore, the paper proposes to

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[91] Turkey recognises Macedonia under its constitutional name.

examine the link between crime and stability in the region from an inverted perspective. It attempts to look at the impact of regional stabilisation on the organised crime, or rather, how a lack of a comprehensive strategy for development has contributed to the fact that the region became an outlet for the perverted entrepreneurship.

Brief outline of the conflict dynamics

The three municipalities of Pre_evo (Preshevë), Bujanovac (Bujanovc) and Medve_a (Medvegjë), situated in southern Serbia along with the border of Kosovo (south-west), and FYROM (south), comprise a compact region of around 1200 square kilometres. This is the only region in Serbia with a mixed Albanian, Serb and Roma population. The population of the three municipalities is over 100 000, of whom around 60 000 ethnic Albanians. Given the demographic composition, location and underdevelopment of the municipalities, the region has been strongly and specifically influenced by events, security situation and other developments in Serbia and Kosovo, but also the wider region. Therefore, the armed conflict that started in January 2000, just months after the war in Kosovo ended, and intensified over the next 17 months, did not happen in isolation.

While Serb and Albanian communities in the region rarely experienced a truly high level of cordial coexistence, interethnic relations were severely damaged in Milosevic's Serbia. Moreover, the walls of mistrust between the two communities were further reinforced by the armed conflict in Kosovo, as it coincided with grave human rights violations and open repression by paramilitary formations, the army and police. During the NATO air campaign in spring 1999, eleven Albanians were killed in the municipality of Pre_evo alone, while thousands were expelled. Albanians were subjected to human rights violations (murder, harassment, expulsion and looting) of the Albanian population in all

three municipalities in great deal followed the pattern of those taking place in Kosovo.[92]

Conditions for armed conflict and the rise of the self-styled Liberation Army of Presevo, Bujanovac and Medvedja[93] were facilitated by the establishment of the Ground Security Zone (GSZ) under the Military-Technical Agreement. The so-called "Kumanovo agreement" was signed by Serbian and Yugoslav security forces and NATO representatives on June 9, 1999. The GSZ was a five-kilometre wide demilitarised strip along the administrative border with Kosovo, and was established as a buffer-zone between the Yugoslav Army (VJ) and NATO-led international security forces in Kosovo (KFOR). Access to and movement of the VJ forces were prohibited in the strip, while only lightly-armed ("calibre below 12 mm") members of the police force were allowed to patrol.

Soon after it was established, the strip became the haven for KLA-style attacks on Serbian targets, as the insurgents utilised the power vacuum to launch attacks.[94] So, for almost two years, the GSZ, or *the demilitarised zone* was that in name only. According to a report, large amounts of small arms and light weapons (SALW) were widely available in Kosovo, despite the efforts of KFOR and UNMIK police to collect them and uncover secret caches. Portions of that arsenal poured freely into

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[92] For a detailed description of human rights abuses of ethnic Albanians in the region see the report by "Albanians in Presevo, Bujanovac and Medvedja", Humanitarian Law Center, Belgrade, 2002.

[93] The Albanian acronym is UCPBM – *Ushtria Clirimtare e Presheve, Medvegje dhe Bujanovcit*). The number of fighters was a contested issue, but it is reasonable to assert that the UCPBM had around 2000 members.

[94] The KLA was formally disbanded and demilitarised on September 20, 1999, under the "Undertaking of Demilitarization and Transformation' Agreement. The subsequent creation of the Kosovo Protection Corps (KPC), led by former KLA commander Aim Ceku, absorbed around 5000 former fighters. Although the members of the KPC are not allowed to carry guns, as the Corps is designed to provide disaster relief and humanitarian assistance, an international analyst described its structure "curiously similar to the KLA's wartime organisation." Other ex-KLA members were incorporated in the Kosovo Police Service, after finishing the OSCE-supervised training course. Another faction followed their charismatic leaders Hashim Thaqi, president of the Democratic Party of Kosovo (PDK) and Ramush Haradinaj, leader of the Alliance for the Future of Kosovo (AAK). However, some elements of KLA network, that even during war-time could not boast of a firm structure and hierarchy, decided to operate on their own, and moved into organised crime, forming loose networks.

southern Serbia - the border was practically open for all kinds of illicit trafficking, especially arms.[95] When the fighting intensified, KFOR tightened the border control and intercepted shipments for the insurgence, and evidence suggested that the UCPBM had support by splinter groups of the disbanded KLA.[96] Their proclaimed goal was the eventual unification with Kosovo.

But, the problem was further intensified by the fact that in the aftermath of the Kosovo war a large number of Serb police troops who were forced to withdraw from Kosovo, were located in the Presevo valley, as the region is also known. Many of those were members of the notorious Unit of Special Operations, or Red Berets, that cut a murderous swath through the Bosnian and Kosovo wars.[97] Their presence alone was enough to terrify the local Albanian population. The behaviour of Kosovo Serb policemen, also with a record of numerous grave human rights abuses while serving in Kosovo, created additional security problems. Harassment, extortion, expulsion and other abuses of the rights of ethnic Albanians in the area was the norm, and many Albanians fled to Kosovo. Moreover, their presence served as an effective deterrent for thousands of Albanians who fled the area during the Kosovo war to return to their homes. This was the situation that new authorities in Belgrade inherited after they came to power in late 2000.

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[95] For a comprehensive discussion on legal and illicit arsenal of SALW in the region see report by Ian Davis, "Small Arms and Light Weapons in the Federal Republic of Yugoslavia: the Nature of the Problem", Saferworld, London, May 2002.

[96] For example, in March 2000, the US troops of KFOR raided Albanian hideouts along the southern Serbian border, and seized more than 200 uniforms, 22 crates of riffle and machineguns ammunition, 2 mortars, 28 hand-grenades, six landmines and other military supplies belonging to the UCPBM. Gjeraldina Tuhina, "Raid in Kosovo", AP, 16 March 2000.

[97] One of the founders and the first commander of the Unit was arrested in Belgrade after the assassination of the Serbian Prime Minister Zoran Djindjic. In late May he was transferred to the Hague Tribunal, after being indicted for war crimes in Croatia and Bosnia. Another commander of the Unit, Milorad Lukovic a.k.a Legija is suspect no.1 in relation to the murder of Mr. Djindjic. Together with Dusan Spasojevic, he formed a powerful network of criminals, organised mainly around drug trafficking, the so-called Zemun clan. They are believed to be the main organisers behind the assassination of the Serbian PM. Spasojevic, incidentally from Bujanovac, was killed during a police attempt to arrest him related to the above-mentioned charges. The unit was disbanded.

After months of fighting, an internationally-brokered deal was reached between the two sides on May 31 2001, under which the UCPBM disarmed and gave up plans for secession in return for guarantees of greater human rights and representation in local government and police structures. The Yugoslav forces were allowed to reoccupy the GSZ, and the process was supervised by NATO. Agreement was also reached on the implementation of a multi-ethnic police force under the auspices of OSCE, as a part of a broader effort in confidence-building measures. KFOR and UNMIK introduced tighter control of the border with Kosovo in order to prevent infiltration of armed men. Resettlement of around 10,000 displaced Albanians began, while the Serbian government, with the assistance of international donors, provided aid for the repair of damaged property and infrastructure. In the fall of 2002, local elections were held in the three municipalities with a monitoring mission of the OSCE. For the first time the Albanians got their legitimate political representatives in local government.

This success notwithstanding, the regional dimension of the conflict was soon revealed. As efforts to contain the conflict in the Presevo valley intensified in 2001, a new armed conflict erupted in neighbouring FYROM between National Liberation Army (NLA) and government forces.[98] The fighting took place in northern parts of FYROM and the declared goals of the NLA was to protect the rights of ethnic Albanians in the country that comprise around one third of the population. Similarly to the rise of the KLA, the NLA regarded Albanian political representatives in the country impotent and too weak to advance the cause of improvement of political and economic rights of the Albanians in Macedonia, who had for long been disenfranchised from economic and political life of the country. Again, some KLA veterans came to aid their kin in the neighbourhood. This restricted KFOR capacities as it was forced to combat illicit trafficking of arms and fighters on two sides. Nevertheless, KFOR arrested over 1000 people in 2001, related to the armed conflict both in Presevo Valley and in northern FYROM.

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[98] Curiously, the Albanian acronym of the formation is UCK (Ushtria Clirimtare e Kombetar), the same as for the Kosovo Liberation Army.

The response of the government forces was often unprofessional and indiscriminate, targeting civilians as well, which only propelled the spiral of violence. All major international actors were alarmed by the conflict in FYROM, for its potential to destabilise a much wider region. The High Representative for Foreign and Security Policy Javier Solana, the head of the European Commission Chris Patten and NATO Secretary General Lord George Robertson were dispatched to contain the conflict. The diplomatic efforts culminated in the General Framework Agreement in August 2001 (so-called Ohrid Agreement), which provided for substantial representation of minorities in public administration, language rights and the strengthening of the local government. The NLA was disarmed and disbanded, while the leader of the guerrilla Ali Ahmeti formed a political party that won seats in the September 2002 elections. NATO's Task Force Operation Harvest, that ran from August 27 to September 26 2001 resulted in the collection of nearly 4000 weapons within the 30-day mandate.[99]

The role of organised crime in the conflict

Milosevic's regime left behind organised criminal networks that used to be key supporting pillars of his power. For more than a decade, the state not only tolerated those networks, but even organised and directed them through the powerful state security apparatus (secret service) SDB. Individuals with criminal record were directly linked with military and paramilitary structures, and were used as shock-troops in all wars that led to the disintegration of Yugoslavia. The most notorious of them were promoted as 'national heroes' and 'devoted patriots'. In exchange for their loyalty in the war-effort, they were allowed to operate in impunity and were protected from prosecution, as they moved into the lucrative underworld business. The main business was trafficking of drugs, cigarettes, and to some extent human beings. Many of them were official members of the SDB. Elements of these groups were moved to Southern Serbia in the aftermath of the war in Kosovo, on a pretext to 'fight terrorism'. But their targets were not so much members of insurgence as

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[99] All the weapons were handed over voluntarily by NLA members. The Saferworld report warns that the SALW was still in abundance in FYROM. Op.cit.

the civilian Albanian population in the area. At the same time, they forged partnership in illegal business with criminal elements among the Albanian fighters, both from Kosovo and Presevo Valley.[100]

With the change of power in Serbia in October 2000, the new authorities in Belgrade inherited highly criminalised security structures. The new government in Belgrade, overwhelmed with many problems, did not commit fully to the restructuring of the judiciary, the police and the army. As a result, remnants of these groups continued to operate in Southern Serbia beyond the peace deal between Belgrade and local Albanian leadership.

The assassination of the Serbian Prime Minister came as a wake-up call for leaders in Serbia who attempted to eradicate organised crime elements in society. It was this tragic event that truly exposed the connection between criminals, hard-liners and militants, as these gangs often used 'patriotism' as a shield in their dealings.

Although the UCPBM demilitarised after May 2001, splinter groups continued to operate in the region.[101] Car-bombs, random explosions, and skirmish fire continued well beyond the May peace deal, although on a smaller scale. This time the targets of assaults, abductions even, were Albanian moderates and members of the multi-ethnic police force. Radical elements of the splinter group used these assaults to deter normalisation of relations in the region.

In fact, evidence suggests the strong links between ethnic Albanian and Serbian gangs who saw the stabilisation of the region as against their interest. Namely, their true motive was the protection of lucrative smuggling routes, especially for drugs. They joined forces after the peace deal to keep the region in the state of ongoing tension, as they had a strong incentive to resist the normalisation, in attempt to prevent contraband routes to be disrupted. Curiously, the incidents faded away after the assassination of the Serbian Prime minister and after KFOR

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[100] Some intelligence suggests that the notorious leaders of the JSO offered their 'good offices' to special police units of the FYROM Ministry of Interior ("Lions").

[101] Estimates say the number of fighters does not exceed a few hundreds.

arrested Shefket Musliu, alleged leader of the splinter group, in the neighbouring area of Gnjilane in Kosovo.[102]

In a similar vein, the appearance of the Albanian National Army (ANA), that claimed responsibility for various incidents in Kosovo, FYROM and Southern Serbia, is seen as yet another feeble reincarnation of the KLA.

The last thing these elements want is tightening of the borders and heightening security arrangements, and regional co-operation that may enhance legal trade among neighbouring societies. As one member of international community in Kosovo observed, "the organised criminal fraternity contains some of the most 'ethnically tolerant' members of each community."

Some good news

Although it may seem that these groups are too pervasive and that organised crime will continue to reign in the region, several positive examples suggest that conditions for creating a durable stability on a regional level are far more favourable than meets the eye. As mentioned above, all conflicts have been successfully contained, with a strong engagement of interantional actors, such as the EU, the OSCE, NATO and the US government. Other regional initiatives, such as Stability Pact and SECI continue to support various efforts in this direction.

The ongoing struggle against organised crime in Serbia that was at the very core of Milosevic's criminal heritage seriously damaged criminal networks that had partners in neighbouring regions. Besides, the event prompted the government in Belgrade to commence a profound reform of the judiciary and security apparatus. That one strong branch of organised crime was hacked off in the region, undermining the entire

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[102] In late May 2003, the US President George W. Bush lifted "national emergency" on orders dating back 11 years that enabled sanctions against the former Yugoslavia. In a letter to Congress Bush stressed that sanctions against Milosevic and his associates would continue, as would those targeted against individuals threatening to obstruct peace deals involving FYROM, Kosovo and Bosnia-Herzegovina. Both Lukovic, suspect in the murder of Serbian Prime Minister, and Musliu are on the black list.

network has greatly helped. As peaceful general elections in FYROM in September 2002 demonstrated, proponents of nationalist ideologies on both side were defeated, and cleared the way for future political change to take place within constitutional order.

As was the case during all the clashes in the aftermath of the Kosovo war, splinter groups, or various incarnations of the former KLA, had little support among Kosovan political leadership, leaving the groups without serious political sponsorship. In fact, the most prominent political leaders condemned the violence both in southern Serbia and in FYROM. Thus, the splinter groups pretend to operate as some sort of "Real IRA". Moreover, KFOR and UNMIK police in Kosovo over the last year became more efficient in combatting organised crime groups in the province. The arrest of individuals indicted by The Hague Tribunal, former commanders of the KLA Daut Haradinaj, brother of the leader of AAK and Rrustem Mustafa, a.k.a. Commander Remi last year, were also serious blows for criminal entrepreneurship.

On a larger scale, other positive preconditions also create a favourable climate for enhancing stability in the entire region. First of all, governments in all regional capitals are determined more than ever to catch up with the EU and Euro-Atlantic security structures. Five Western Balkan countries, Albania, Bosnia-Herzegovina, Croatia, FYROM and Serbia and Montenegro are increasingly joining ranks and improving intra-regional cooperation in anticipation of full-fledged EU membership.[103] They have made great strides in overcoming the legacy of half a century of command economy and 10 years of violent instability.

In addition, the Border Security and Management conference, hosted in late May by the FYROM government and supported by NATO, the EU, the OSCE, and the Stability Pact clearly demonstrated the readiness of the governments in the region to join forces in combatting organised crime and be integrated into the European mainstream. Stability Pact

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[103] Joint op-ed by President of Croatia Stjepan Mesic, President of the Former Yugoslav Republic of Macedonia Boris Trajkovski, Prime Minister of Serbia Zoran Zivkovic and Prime Minister of Albania Fatos Nano: "The EU and the Southeastern Europe need each other", International Herald Tribune, May 22, 2003.

coordinator Erhard Busek commended the effort by saying: "Given the sensitivity of border issues, the conference must be seen as a major achievement that the western Balkans are joining forces to deal with the topic." The event also revealed that the regional leaders are taking seriously the warning of NATO's Secretary General Lord George Robertson: "Either this region takes control of its borders – or the criminals will take control." This is an impressive achievement, but certain structural obstacles still have the potential to impede the process of stabilisation, and by the same token revive organised and less organised criminal elements.

Southern Serbia, parts of Kosovo (around the town of Gnjilane/Gjilan) and FYROM (Kumanovo) remain the most underdeveloped areas in the entire region. The area was a compact region that disintegrated after the state collapsed. Borders that were imposed disrupted the economic and social fabric of the whole region, something which criminal elements were quick to take advantage of. Economies of the states in the region are still too weak to propel development. Moreover, extensive ESI research in the area suggests that ethnic conflicts do have a political-economic dimension that is so often neglected.[104] What all these parts have in common is that their societies are shaped by the crisis of industrial societies created by Yugoslav socialism. In the case of FYROM, local industry has collapsed, while public administration is under huge pressure not only to downsize, but also to make more space for minority representation. At the same time, the private sector is emerging too slowly to be able to generate more jobs. Large portions of Albanian population remain trapped in the cycle of underdevelopment. The Slavic population feels threatened by Albanian demands to be integrated in the shrinking public sector. Consequently, both sides remain trapped in some sort of zero-sum game. As another report noted: "There are a great deal of unemployed 'young warriors' with no occupation other than further violence."[105]

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[104] See for example "Ahmeti's Village: The Political Economy of Interethnic relations in Macedonia", Skopje and Berlin, October 2002.
[105] Saferworld, op.cit., p.25.

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Similarly, in northern Kosovo the majority of the Serb population remains there largely because of budgetary transfers from the Serbian state. This ability to remain in the public sector although industry collapsed creates a strong incentive for large sections of the Serb population to resist integration with other parts of Kosovo. The fact that the town of Mitrovica is still divided on north 'Serb' and southern 'Albanian' part is a case in point.

Similar examples abound in the region. Gnjilane/Gjilan, the closest town in Kosovo to formerly troubled southern Serbian municipalities has high unemployment, while at the same time is one of the youngest regions in Europe. The average age is 27, while more than 50 % of the population is under age of 24. The biggest industry in the region, textile, that used to employ nearly 3000 people 15 years ago, employs only 200 today. If nothing changes in terms of economic development, what these regions are most likely to export in the coming decades will be organised crime and migration.

However, the international community, most notably the European Union, has large stakes in keeping the region affluent. The peace process that ended fighting in FYROM, for example, has a big EU flag on it. Now that the interests of the governments in the region truly converge with those of European Union – and these are stability and prosperity – all actors must seize the opportunity and work together towards the common goal. Governments in the region need to continue their efforts in combatting organised crime, but a harder task is to devise effective ways of reducing the unacceptably high levels of unemployment. This cannot be done without greater engagement and assistance from the EU. In fact, the nascent European common foreign and security policy the region can indeed become a model for creating durable stability after crises. In other words, the EU must take a bolder step and move beyond conflict-containment policies and post-conflict reconstruction, and commit its resources in a way that will pull the region out of the development trap.

Duska Anastasijevic
European Stability Initiative (ESI)
Belgrade

Tamara Duffey

A GRASSROOTS APPROACH TO COMBATTING ORGANISED CRIME AND BUILDING PEACE IN SOUTH EASTERN EUROPE: OPPORTUNITIES FOR THE KOSOVO POLICE SERVICE

Many post-conflict settings experience significant increases in levels of crime and violence, due to the social and economic legacies of war. Unemployment, poverty, breakdown in law and order and fragile governance capacities create environments that foster the progress of illicit trade and serve to disrupt continuing rehabilitation efforts. Such conditions often lead to the emergence of an 'uncivil society', in the form of organised crime, nationalist extremism, or a combustible combination of both[106]. However, there is ample evidence to show that reform and restructuring of the security sector – in particular, the criminal justice triad of the police, judiciary, and corrections systems – plays a vital role in preventing conflict, preserving social stability during crises, and supporting sustainable post-conflict peacebuilding and rehabilitation.

Peacebuilding strategies involving the creation of accountable and effective police and judicial institutions in order to provide a secure and safe environment for political, economic, and social development can be seen throughout the Balkans: the building of a strong police service in Bosnia, the creation of a more effective judiciary in Croatia, the transformation of the customs service in Albania, and the creation of an indigenous democratic police service in Kosovo. The task of creating the Kosovo Police Service (KPS) and developing practices that comply with democratic norms and international human rights standards is central to durable peace in Kosovo and to long-term stability in South Eastern Europe (SEE).

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[106] EastWest Institute, in partnership with the European Stability Initiative, *Democracy, Security and the Future of the Stability Pact for South Eastern Europe: A Political Framework*, 4 April 2001, p 6.

Statistics and public perceptions show that the security situation in Kosovo has improved and serious criminal activities have declined over the last two years.[107] However, organised crime has gained an increasingly prominent role in Kosovo and is considered by analysts as a negative development affecting the final status issue[108]. Activities such as trafficking in human beings (particularly for sexual exploitation), drugs, weapons and stolen vehicles, extortion and racketeering, large-scale smuggling in consumer goods (e.g., cigarettes), forgery of documents and money, and economic crime are widespread. In a recent study by the United Nations Development Program in Kosovo, organised crime is viewed by Albanian Kosovans as the sixth major problem for Kosovo in a list of 16 major problems, and by Serbian Kosovans as the seventh.[109] These illicit activities are affecting all levels of society as they challenge human rights protection, undermine democratisation processes, disrespect the rule of law, and interfere with institution-building, reform efforts, and potential investment in Kosovo. Unbridled corruption and organised crime negatively affects the peacebuilding processes in Kosovo and – as networks transcend Kosovo's porous borders – threaten stabilisation efforts in SEE.

In line with European Union and Stability Pact for South Eastern Europe arrangements (in particular, the Stability Pact Initiative to Fight Organised Crime (SPOC) and the London Statement on Defeating Organised Crime in South Eastern Europe), organised crime has been placed high on the agendas of the United Nations Mission in Kosovo (UNMIK) and Organisation for Security and Cooperation in Europe Mission in Kosovo (OMIK) in 2003. In his recent speech to the OSCE

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[107] A recent UNDP survey reports that the main problems in Kosovo today – based on the answers of 6,000 interviewed citizens – are not crime or general security (7% and 5%, respectively), rather unemployment (indicated by 50% of Albanian interviewees, 38% of Others, and 9% of Serbs). See UNDP, *The Kosovo Mosaic: Perceptions of Local Government and Public Services in Kosovo*, March 2003; and UNDP, *Kosovo Early Warning Report*, Report #2, September-December 2002. See also, UNMIK Police Press Release, 29 October 2002. Although findings suggest that unemployment is about 49% in Kosovo, international agencies estimate up to 70%.

[108] United States Institute of Peace, *Kosovo Decision Time*, Special Report 100, February 2003. Other factors include faltering economic progress, disaffection with the results of democratic reforms, and slow reconciliation processes, all of which may be linked to organized crime, causally or symptomatically.

[109] UNDP, *Kosovo Early Warning Report*, Report #2, September-December 2002, p.32.

Permanent Council, UN Special Representative to the Secretary General in Kosovo, Michael Steiner, reported: "We need to continue to battle organised crime, which still poisons the Balkans and threatens the security of Europe. We need to consolidate the rule of law. This means ensuring that all institutions respect human rights. It also means dismantling the parallel structures whose very existence undermines the rule of law."[110] This has been reiterated by Lord George Robertson at a recent conference in Ohrid, Macedonia on border safety and management. By fostering democracy and respect for the rule of law – the cornerstones of conflict prevention and economic development – SRSG Steiner optimistically asserts that Kosovo could be the exporter of stability to SEE.

Whilst unprecedented opportunities for combating organised crime exist, few have been identified, developed, and implemented. A comprehensive, complementary multi-track approach to promoting security and combating organised crime must be vigorously adopted by an assortment of actors and agencies. Such an approach must not only tackle the symptoms arising from organised criminal activities, but also address the deep-rooted causes in order to prevent the necessary conditions for organised crime to flourish, particularly in marginalized communities and transitioning societies.[111] Analogous to multi-track approaches in the field of conflict resolution[112], this requires an effective combination of top, middle and grassroots strategies involving all sectors of society and operating at structural-constitutional as well as relational-community levels, with cooperation between involved international and internal agencies.

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[110] Special Representative to the Secretary General of the United Nations, Michael Steiner, Intervention to the OSCE Permanent Council, 8 May 2003.

[111] A multi-layered, multi-agency framework for combating organized crime was presented by Dennis J.D. Sandole, "Combating Crime in South East Europe: An Integrated, Co-ordinated, Multi-Level Approach", at the 4th Reichenau Workshop, Crushing Crime in South East Europe: A Struggle of Domestic, Regional and European Dimensions, 16-19 May 2003. In short, the framework consists of local community, society, sub-regional, and regional contexts (verticle), overlaid with multi-track local, regional and international actors, including official leaders, business communities, non-government organizations, citizen diplomacy, research, training and education, activists, religious groups, funding authorities, and the media (horizontal).

[112] See Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse, *Contemporary Conflict Resolution*, Polity Press, Cambridge, 1999.

Experiences of the Kosovo Police Service School (KPSS)[113] suggest that Kosovo could play a crucial role in regional stability through the training and professional development of the Kosovo Police Service to engage in crime prevention strategies in the communities themselves. Within this perspective, an organised crime strategy should not be limited to reactive operational law enforcement, but should include proactive measures to prevent it through effective democratic and community-based policing. Improved policing will reduce crime domestically, and may curb the spread of transnational organised crime, which threatens the fabric of society regionally and globally.

Historical Perspectives of the Police in Kosovo

Throughout the Milosevic regime, the mission of the police[114] was to support the political regime under military/ethnic/partisan political command and control. The police did not require public legitimacy to be effective, and there were few, if any, accountability mechanisms. The police had a reputation among the Kosovan communities of intimidating citizens; hence, the police were viewed as a 'force' used against people, rather than a 'service' for people. Inevitably, these experiences have a profound effect on the public's perception of the capabilities, skills, and public legitimacy of the police even today.

The Military Technical Agreement ending NATO's bombing campaign in Kosovo and Serbia resulted in the withdrawal not only of the Yugoslav military forces, but of the entire police and public order apparatus. As a result, the international community took on an executive

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[113] Information provided herewith on the KPSS has been obtained from first-hand experiences and internal, as well as public, documents.

[114] The police were highly militarised, particularly the heavily armed paramilitary units called the Interior Special Police (MUPs), which were under *de facto* if not *de jure* command of the army. During the Yugoslav conflicts, these police units were essentially 'up-graded' into soldiers, fighting for the ethnic constituency to which their officers and members were loyal. Their ranks swelled by an influx of paramilitary personnel with little or no training. Before and during the war in Bosnia, police used the traditional practices of roadblocks, checkpoints and interrogation to harass and intimidate members of other ethnic communities. See Laina Reynolds, *To Serve and Protect: The Reconstruction of Civilian Policing in Post-Settlement Peacebuilding*, Unpublished MA Dissertation, Centre for Conflict Resolution, Department of Peace Studies, University of Bradford, UK, 1999, pp. 69-9.

policing role for the UNMIK Civilian Police in some fields and by KFOR troops and military police in others. The OMIK Department of Police Education and Development was simultaneously mandated to promote the development of an institution to provide Kosovo with a sustainable, representative, community-based, local law enforcement *service*. This law enforcement service would be dedicated to maintaining civil law and order, promoting the rule of law, respecting human rights for all the people of Kosovo, and upholding international standards and practices. The newly constructed indigenous KPS would have to take an active role in rebuilding trust by reaching out to the community, and creating channels for communication about local security fears and needs.

According to a recent international article featuring the KPS, the "mere existence of an indigenous police service, built from scratch by the United Nations in the four years since the end of the NATO-led war against Serbia, is an extraordinary accomplishment"[115]. Since the KPSS was established in 1999, 5,663 Basic Recruits – from all ethnic groups in the province – have graduated from 24 generations at the KPSS and have been deployed to the communities throughout the province. Currently, another 198 students are undergoing the 12-week basic training programme. Throughout Kosovo, the number of KPS Officers delivering police service now exceeds that of the UN Civilian Police. (Currently, there are 4,101 international police officers in the Mission, however, only 2,891 are patrolling the streets jointly with the KPS. The remaining officers are in Specialised Units, training capacities, or deployed elsewhere.)

Early measures of success are encouraging. A significant improvement in the province's crime statistics testifies to improved security in Kosovo, assisted in part by the success of the training programme. Serious crime – from murder to kidnappings – has fallen dramatically since the KPS began operating. Murder rates are down from 245 in 2000 to 68 last year, robberies were down 73% in 2001 from a year

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[115] Green, op. cit.

earlier, arson fell 58%, and burglaries dropped more than 10%.116 Traffic fatalities, which may be a direct measure of how well the police enforce laws, dropped from 250 in 2000 to 132 last year.117 Moreover, the KPS Officers are working together in a co-operative, professional, multi-ethnic, mixed gender service; throughout Kosovo multi-ethnic patrol units provide law enforcement services to all ethnic communities. The latest public opinion poll, published in UNDP's second Kosovo Early Warning Report, shows that respondents are now more satisfied with the work of KPS than they used to be (approximately 89% are satisfied or very satisfied), and marginally more satisfied than with the international civilian police (approximately 80%).[118]

Democratic Policing: "Police are the People, People are the Police"

As Kosovo continues its challenging journey to democracy through building and strengthening democratic institutions, the KPS plays a vital role. For democracy to flourish, the people of Kosovo must have faith in the effectiveness, impartiality, and accountability of the police. Because organised crime thrives in environments where public trust of the police is low, the KPSS emphasis on effective democratic policing is fundamental to crime prevention, locally and regionally.

Upon entering the main building of the KPSS, the words written on the wall remind everyone of the democratic policing ideals that form the foundation of the KPS Officers' training and their service to the community: "Police are the People, People are the Police". When cadets commence their training, they sign a "Democratic Policing Contract" and adhere to it in their development towards becoming a KPS Officer.

Moreover, KPS officers have an ethical responsibility to maintain the highest possible standards of professional police behaviour. Any

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[116] Organisation for Security and Co-operation in Europe, "US Support for OSCE Policing Drive Will Help fight Terrorism and Organised Crime", Press Release, 23 October 2002.

[117] Peter S. Green, "Kosovo Force Takes a Bite Out of Crime", *International Herald Tribune*, 19 May 2003, p. 4.

[118] UNDP, *Kosovo Early Warning Report*, Report #2, September-December 2002, p.32.

unethical behaviour exhibited by a KPS officer is subject to scrutiny by the public and may lead to a decrease in the public's confidence or trust. The principles for maintaining these standards are expressed in the "Code of Conduct for Law Enforcement Officials" adopted by the UN General Assembly in 1979 and "Resolution 690 – The Declaration on the Police" adopted by the Council of Europe in 1979, in addition to the KPS Policies and Procedures Manual. The code of conduct is based on the concept of public service as a public trust; it reinforces the legal and human rights issues provided under the law.

Overview of the KPS Training Programme

There are six components of training undertaken by KPS Officers. The first, which forms the foundation, is Basic Training. It consists of two phases: a 12-week basic academy and a 15-week field training academy. The basic academy focuses on a strong core of legal and officer survival knowledge and skills and consists of approximately 500 hours of training, alternating between theoretical lectures and practical applications. The objective is to teach cadets the basic skills and ethics to safely begin the second phase of training. This is accomplished on the job while performing rudimentary law enforcement duties accompanied by an international civilian police Field Training Officer (FTO). FTOs are competitively selected and specially trained to serve in this phase of the programme. Their role is to serve as mentor, role model, and trainer, reinforcing the procedures and practices taught in the School, refining and evaluating performance in the real world of law enforcement. Training is guided by the Professional Development Reference (PDR), an evaluation portfolio developed by the KPSS to provide a guideline for training. PDRs are initiated on all students when they begin the basic programme and continue into the field-training component. They serve as a reference for student performance, a guide for continued development, a tool for action plans, and a document for certifying competency levels.

Whilst there are no lessons on organised crime in the 12-week Basic Training programme at KPSS, modules on "Democratic Policing", "Human Rights", "Code of Conduct", "Ethics", "Policing in a Multi-

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Ethnic Society", "Diversity Awareness", "Gender Issues", and "Community Policing" contribute to the professional, democratic training of KPS Officers.

As KPS reaches its basic recruitment target, the workload is accelerating toward the second and third training components, i.e., Specialized and Advanced Training programmes. These were developed to compensate for a relatively compressed basic academy and have been designed to promote full competency and fundamental specialization for all serving police officers, particularly in areas that are imperative for combating and preventing organised crime (including anti-trafficking and narcotics). Ideally, some of the specialized courses would be included in the basic training programme, however, in the interest of early rapid deployment to establish a fully-functioning indigenous police service, they are instead offered to officers throughout their service. The advanced courses embrace both management/supervision and technically advanced subject areas. The former is provided in incremental phases to compliment the selection and promotion of officers to first line, middle management, and senior management positions. The technical training is provided as special units are designated, organised and deployed (this includes border police and, potentially, an organised crime squad).

Re-certification training constitutes the fourth component. It is conducted annually for all KPS Officers to ensure and renew competency in skills associated with the use of force and survival. The KPSS is also focusing on capacity-building, a fifth training component. This is targeted at developing a basic cadre of police instructors and educational specialists. Currently, there are 55 fully qualified KPS Instructors assigned to the Police Training Division at the KPSS, with the aim of 125 KPS Instructors at the KPSS by 2005. Over 250 KPS Officers are also certified to deliver the re-certification training in the five operational regions. Finally, internships and training abroad have offered invaluable opportunities for KPS Officers to further develop their skills and increase the quality/standards of the service provided to the public.

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The training activities facilitated by the KPSS contribute to a proactive policing approach to prevent and/or respond to criminal activities. Concerted efforts by KPSS to combat organised crime began in 2002, commencing with discussions related to potential activities and partner organizations. The KPSS is currently liaising with UNMIK/KPS and the Kosovo Organised Crime Bureau (KOCB) with the aim of establishing a co-ordinated, multi-agency approach to combating organised crime in Kosovo.

The KOCB, established in April 2002 by UNMIK, is a highly specialised operational unit dealing specifically with organised crime-related matters. Prior to its establishment, no provisions were made for an organised crime unit within the executive law enforcement mission. The SRSG's approval of the legal framework to fight organised crime, Regulation 2001/22 ("Measures Against Organised Crime"), which recognises the need to prevent and combat organised crime in Kosovo, Regulation 2002/6 ("Covert Measures and Technical Measures of Surveillance and Investigation"), which offers tactical and operational opportunities, and the arrival of a new Police Commissioner who set new priorities paved the way for the KOCB. The KOCB reports directly to the Police Commissioner under UNMIK Pillar I (Police and Justice). It is comprised entirely of internationals and, whilst the KOCB will soon start to recruit KPS Officers to serve in the unit, there are no final structural or administrative plans to integrate the KOCB into the KPS in the future.

Together with the KOCB, the KPSS is currently designing an appropriate organised crime training programme, to be funded bilaterally through the United States Department of Justice International Criminal Investigation Training Assistance Program (ICITAP). KPS Officers will be recruited and screened by the KOCB and, upon completion of the course, they may be integrated into the KOCB.

KPSS will also host a three-day seminar on Organised Crime in Autumn 2003. The seminar will bring together key actors and agencies in Kosovo (from law enforcement, judiciary, customs and border authority,

private sector, local administration, education, community-based organizations, and media) in an effort to develop interagency co-ordination and co-operation. The seminar aims to disseminate information related to organised crime activities in Kosovo; explore domestic, regional, and international perspectives on trans-border organised crime; and develop multi-agency plans of action to combat and prevent organised crime.

Community-Based Policing: A Bottom-Up Strategy

The international community has attempted to replace reactive crisis intervention policies in SEE with a comprehensive long-term conflict prevention strategy (i.e., the Stability Pact[119]). From a conflict resolution perspective it is apparent that reactive law enforcement approaches (i.e., waiting for a crime to occur before responding) should be complemented with pro-active policing (i.e., taking positive steps prior to the occurrence of a crime to prevent it from occurring). This approach is fundamentally community-based and requires working directly with community members and leaders.

Organised crime is fueled by weak economic, political, and social structures in the communities the police are serving. According to UNDP's opinion poll, respondents acknowledged that the responsibility for corruption and organised crime falls upon the citizens themselves.[120] Strategies to remove the incentives that motivate and nurture organised crime, unravel the criminal networks that sustain it, build and promote local support for action against crime, and to develop prevention mechanisms at the grassroots level have tremendous potential. By addressing some of the root causes in the community through problem-solving strategies employed by community policing practices, the evolution and dispersion of organised crime may cease. These

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[119] On the initiative of the European Union, on 10 June 1999, the Stability Pact for South Eastern Europe was adopted by more than 40 nations and organizations to support the countries from SEE "in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region". See http://www/stabilitypact.org.

[120] UNDP, 2002, op. cit., p. 30.

approaches to law enforcement are generally still in experimental stages in the Balkans, however, the philosophy that underpins the approach is prevalent within the KPSS and the practices are being employed by community policing units throughout Kosovo.

Community policing[121] is both a philosophy and a practice that actively involves the community in order to reduce, prevent, and detect crime. It assists the police in identifying and solving problems of concern to the people and contributes to the peaceful resolution of conflicts. Moreover, it aims at creating partnerships between the police service and the community to ensure that the police continually provide quality services to the public. Community members have the right and responsibility to participate in the policing process in exchange for their support of law enforcement. Community policing emphasizes positive interaction with the public, in order to gain trust and confidence of the public to which they serve. If the community is involved with the police, it will begin to demonstrate a commonality of interest and belongingness, ensuring a sense of ownership and pride. Once community members sense that they have ownership of their crime prevention process and outcome, positive change will occur. Community policing will encourage citizens to work together to increase safety and security of their communities, which will extend beyond their community – and even state/provincial – boundaries.

Taking a clue from conflict transformation theory, effective community policing means ensuring that citizens who are affected by criminal activities discover and develop the power to put and end to them. It means increasing the participation of people in all sectors of society to find a voice. It means supporting 'people power' in combating organised crime.[122]

Community-based policing utilizes flexible, creative problem-solving tools, characteristic of those in conflict resolution processes. The aim of interactive problem-solving tools is to improve the relationships between

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[121] From the KPSS Basic Training Programme, "Community Policing", Lesson #GP06.
[122] Diana Francis, *People, Peace and Power: Conflict Transformation in Action*, Pluto Press, London, 2002.

the participants (in this case, the police and the community members), to concentrate on the needs of the people involved, and to get at the root causes of conflict (or, crime). One five-step model used in community policing requires participants to: (1) diagnose and prioritise problems that have some generalized impact in the communities; (2) analyse the problem by defining the both the causes and effects, as well as possible options; (3) design strategies and realistic options for solving the problem; (4) implement the strategies; and (5) evaluate and continuously monitor the results. Problem-solving theory focuses on existing institutions, social relations and cultural meaning which are often taken for granted – resources that already exist in the given context and which contribute to the bottom-up approach. Rather than measuring success in traditional terms (e.g., numbers of arrests and citations, stolen property recovered), the police measure success using indicators established in collaboration with those most affected by the problems, i.e., the stakeholders.

In order for the community-policing approach to be completely effective, it needs to be institutionalized. Although the KPS has a community-policing element in its policing activities, this fundamental element of democratic policing has not been institutionalized within its operations. This institutionalization is crucial to the success of community policing. Further training for KPS Officers will assist them in working in and with the communities they serve, and the increased inclusion of training in topics such as non-violent methods of conflict resolution should be a priority.[123] Moreover, Kosovan community members must be more systematically engaged as participants and leaders in problem-solving forums and community-based policing methods.

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[123] Reynolds, op. cit.

Threats and Opportunities to the KPS' Role in Combating Organised Crime

The KPS strategic plan envisions an end-strength of 6,300 officers, with a goal of maintaining a 15% minority and 15% female participation. By the end of 2003, all patrol operational enforcement is expected to transition from UN International Civilian Police to the KPS. Every year thereafter, one additional progressive level of responsibility, moving from first-line supervision to middle management, and culminating with senior management, will be handed over from international to local officers. By 2006, the operation, management and leadership of the KPS is expected to be entirely in the hands of local institutions.

As this transition takes place, several threats and opportunities may affect the ability of the KPS to effectively address organised crime issues. Given the low salaries of KPS officers, the potential for corruption, extortion, and abuse of position within the KPS is frequently cited. At this point in time, there are no serious discussions considering an increase in salaries to prevent such activities. However, the KPSS establishes a climate that fosters character development and moral habits. KPS Officers learn early in their training that standards in the police should be managed through a range of formal (regulation) and informal (common sense) factors – an 'ethics infrastructure'. This should provide officers not only with the tools to identify and analyze ethical dilemmas but give them the ability to make the appropriate ethical choices (e.g., KPS Code of Police Ethics, KPS Code of Conduct). (Respondents from UNDP's opinion poll believe that corruption is very widespread in many Kosovo institutions; however, according to Albanian Kosovan respondents, it is not very present in local police – only 8.2%.)

While training programmes can build individual competence and create a culture of ethics and professionalism, police administrative and operational structures cannot be established until such time as UNMIK permits a full transfer of responsibility to local authorities. Effective hand-over of institutional responsibilities to the appropriate Kosovo government ministries has been slow and frustrating, failing to contribute to a lasting solution with regard to the status of Kosovo.

Whilst the KPSS and the KPS are demonstrating increasing proactive, democratic policing approaches, the slow pace with which the Government of Kosovo and the Assembly are drafting and issuing laws is further hampered by the delays in the SRSG's endorsement of the laws approved by the Assembly. Many of the domestic institutions are weak and, therefore, unable to implement the rule of law, provide effective protection of human rights, or demonstrate participatory democracy. Yet, without the international community and its protectorate powers, the KPSS/KPS would operate in a vacuum of state authority and security.

Co-operation between international and local law enforcement and judicial organisations have been limited. In the absence of an adequate interagency co-ordination mechanism, KPSS has focused on increasing its co-ordination with partner organisations, including UNMIK/KPS and KOCB. Closer cooperation has also been initiated between UNMIK/KPS, KOCB, Central Intelligence Unit, Central Criminal Investigations Unit, and the Trafficking and Prostitution Investigation Unit in dealing with organised crime networks. Additionally, professional training of other agencies and services involved in addressing issues arising from organised crime is required. To this end, the Kosovo Police Service School is institutionalizing standards and providing specialized training that is imperative for combating organised crime. With 27 million Euros invested in rebuilding the Police School, dialogue has been initiated regarding the future use of the venue as a training institution that will serve as a valuable resource for training in all areas of public safety and security (justice, law enforcement, penal management, fire and safety). Undoubtedly, a co-ordinated, multi-agency strategy would have a tremendous impact on combating organised crime in Kosovo.

Regional co-operation and training has also been insufficient. Although in the wider context of security sector reform, the importance of police training and regional cooperation of police has received wide acknowledgement by Stability Pact partners, few activities have taken place. The KPSS has liaised with regional police training institutions, including Bosnia, Macedonia, and Serbia to share experiences and curriculum and to initiate co-operation in counter-terrorism and serious

crimes. However, these initiatives should be significantly increased and may be better co-ordinated through the Justice and Home Affairs Council of the European Union, the OSCE's Special Police Matters Unit, or the SPOC, and focus particularly on trans-border issues.

Abundant experiences in the field of conflict resolution have proven that bottom-up approaches to transforming conflict are crucial in fostering self-sufficiency and producing viable and sustainable peace. Central to this approach is the participation of local people in the process. Typically, however, prescriptive top-down processes imposed from above by the international community (exemplified by UNMIK), which tend to overlook the cultural contextual issues and local resources and mechanisms, are favoured over grassroots activities.[124] A bottom-up approach to crime and conflict prevention, initiated by local communities and working along side KPS Officers, is one track in a multi-tracked approach to combating organised crime. Solutions will be achieved through the empowerment of participants (citizens and police) and enhanced local control of the legal system by the communities. A comprehensive strategy for combating organised crime would involve multiple actors operating at the top, middle and grassroots levels and engaging in a variety of activities.

The international community must, therefore, continue to support the vital work in training and developing the Kosovo Police Service, as declared in the 4742nd UN Security Council Meeting on 23 April 2003[125]. Shortcuts such as reducing the length of training, leaving judicial reform to be dealt with later, failing to build management and command systems to keep pace with the deployments or failing to provide ongoing support beyond the typical short-term period of a peace process may lead to problems.[126] The international community must coordinate and share the responsibility of ongoing bilateral support until

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[124] For a more comprehensive discussion of top-down and bottom-up approaches to peacebuilding, see John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, United States Institute of Peace, Washington, DC, 1997.

[125] See the speeches by the Assistant Secretary-General for Peacekeeping Operations, and the Representatives for the Russian Federation and United Kingdom

[126] Rachel Neild, "Democratic Policing", in *Peacebuilding: A Field Guide*, 2001, p. 416-427.

transfer of responsibility to local authority can be made effectively and until there is evidence to support the notion that effective democratic, community-based policing in Kosovo is contributing to the prevention of conflict, eradication of organised crime and promotion of social, political and economic stability in Kosovo and SEE.

Tamara Duffey
OSCE Mission in Kosovo
Kosovo Police Service School
Vuctrin

Sebastian von Muenchow

SOME REFLECTIONS ON THE STABILITY PACT INITIATIVE TO FIGHT ORGANISED CRIME

Introduction

The assassination of Serbian Prime Minister Djindjic in March 2003 showed the devastating role of organised crime in South Eastern Europe (SEE). International analysis and discussions with representatives from the region have confirmed that one of the most serious problems within the region is transnational organised crime. Terrorism's link to organised crime has been confirmed and condemned. The close connection of international terrorism to illegal arms and drug-trafficking and money laundering needs an adequate response: enhanced co-ordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this threat. The lack of coordinated action has enabled organised crime to reach devastating levels, undermining democratization, human rights, respect for the rule of law and trust in investment and reform efforts. The overall stability and sovereignty of SEE countries is endangered by organised crime groups who have infiltrated high level political positions, making identification, arrest and prosecution of their members even more complicated.

Ever since the feeling of urgency spread to tackle the issue of organised crime, various international institutions and agencies have developed solutions. This paper will elaborate on actions initiated by the Stability Pact's office for South Eastern Europe. It will redraw the history of the fight against organised crime, introduce its working structure and allied actors. It will also address the current obstacles in the development of a joint strategy which is ready for implementation.

History of the Stability Pact Initiative to fight Organised Crime (SPOC)

Over two years ago, the Special Coordinator of the Stability Pact for South Eastern Europe (SCSP) determined that support and assistance to SEE countries required coordination on multiple levels simultaneously. In order for such action to be undertaken as efficiently as possible, upon the decision of the Regional Table of the Stability Pact for SEE and under the framework of Working Table III, the Stability Pact Initiative to fight Organised Crime (SPOC) was created.

The overall objective of the SPOC initiative is to strengthen regional capacities to combat organised crime in accordance with internationally recognized standards. The initiative focuses on the adoption of policies, strategies and legislation, the development of multi-disciplinary inter-agency coordination mechanisms, encouraging the establishment of specialized units and the enhancement of regional and international co-operation.

In this respect, a Regional Steering Group and an Advisory & Contact Group, composed of high-level representatives of SEE countries and of representatives from the EU countries and institutions and from the international community were established. Governments of the region were asked to appoint representatives responsible for the implementation of the initiative in co-operation with key law enforcement and judicial authorities using a multi-disciplinary approach. Reviews of existing information on organised crime and meetings to discuss measures to counter organised crime followed. The final aim was to design needs assessments and country-specific priorities, work plans, technical assistance programs and measures to promote regional co-operation. This aim was not achieved by the time of the London conference in late 2002.

The London Conference

The necessity to fight organised crime in SEE was reaffirmed by the countries of the region at the London Conference against Organised

Crime by the adoption of the London Statement on Defeating Organised Crime in South Eastern Europe, which stated that the countries "will draw on the wide range of regional initiatives, including the Stability Pact for South Eastern Europe".

The London Conference Statement priority action includes:

•	Legislative and institutional harmonization with European standards;
•	Adoption of laws which help crime-fighting agencies to work more effectively;
•	Ensure law enforcement agencies have proper technical means;
•	Strengthening capacity for financial investigations;
•	Implementing anti-corruption strategies;
•	Build public support for action against crime;
•	Improvement of regional co-operation.

Although not a binding treaty under public international law, the London statement recently gained higher value due to the conditionality between serious implementation and further European integration.

Stability Pact Initiative to fight Organised Crime working structures

Shortly after the Conference, the Stability Pact formulated concrete policies regarding the combat against organised crime and opened the SPOC Secretariat in Bucharest. In parallel, measures were initiated to simplify the existing working structures by merging the Regional Steering Group and the Advisory & Contact Group into a SPOC Board. In May 2003, the Head of the International Law Enforcement Cooperation Department of Austrian Federal Ministry of the Interior was elected chair of the SPOC Board.

The Stability Pact Initiative to fight Organised Crime Board

The board will normally meet approximately twice a year, with the next meetings scheduled for June and November 2003. The chair will invite representatives of the SEE states, principal IOs, the EU, major donor countries and NGOs active in the research field against organised crime. In general, the board is open to all actors who intend to commit their efforts to combat organised crime in SEE: representatives from the law enforcement community, the legal community, the academic world, regional expertise and the donor community. It is expected that the present composition will be broadened.

In order to gain an overview of all activities against organised crime in the Balkans, actors were approached which either did not play an active role so far or were not included at all. Among them were the Organization for Security and Cooperation in Europe (OSCE) and the United Nations Office on Drugs and Crime (UNODC). Additionally, the USA was called upon to engage itself in this issue. With the intention of closing the circle of SEE participants, first steps were initiated to include representatives of Kosovo's law enforcement community. At this stage, UN Mission in Kosovo (UNMIK) and/or OSCE mission staff members are expected to represent the territory's interest in tackling organised crime.

Over and above attracting new players, the chair in conjunction with the Secretariat and the Stability Pact office in Brussels has to focus on maintaining the active involvement of the current and former SPOC members. The partly complicated structures of the Stability Pact require constant communication between National Coordinators (representatives appointed by their governments for all matters concerning the Stability Pact), SEE diplomatic staff members in their representations in Brussels, officers of the local ministries of the interior, justice and foreign affairs. On top of all these potential partners, one needs to add officers from the local police apparatus and the judiciary. However, all these representatives may not guarantee the determination of appropriate action, its implementation and follow-up. The regular change of staff members, complicated hierarchies and the eventual lack of political will hamper consequent participation by dedicated personalities. What can be

observed at the SEE states can not be excluded for the international community. Taking into account different levels of devotion within bigger authorities, it is sometimes hard to identify personalities who provide all conditions to take part in the joint combat against organised crime. Hence, it is expected that some time will pass until engaged individuals who represent competent agencies make the right composition of SPOC to tackle this issue of utmost importance.

Stability Pact Initiative to fight Organised Crime Working Groups

Ideally, the SPOC Board members will form working groups along selected technical and legal issues related to the fight against organised crime. The chair, in cooperation with the SPOC Secretariat and the SCSP's Working Table III, will facilitate a dialogue between SPOC board members who wish to commit themselves through a working group.

They will formulate common interests, give advice for launching joint projects and monitor implementation. As indicated above, partners will be drawn from -but are not limited to- EU member states, Non-EU Stability Pact partner states, The European Commission, Europol, Interpol, The Council of Europe, The UNODC, OECD, The South East European Cooperation Process (SEECP), The Central European Initiative (CEI), The South-East European Cooperative Initiative (SECI) and the Research Centre on Transnational Crime in Trento, Italy.

Below, I elaborate on how working groups should be formed in line with their state of legislative harmonization and technical development to deserve further European integration. Plus, three basic fields of concern will pre-determine where and how working group members should become engaged.

Stability Pact Initiative to fight Organised Crime Secretariat

The SPOC Secretariat has been operational from the beginning of 2003. It is located in the premises of the South Eastern European Cooperative

Initiative's Regional Center for Combating the Transborder Crime in Bucharest (SECI Center). It consists of, but it is not limited to, a Head of the Secretariat, a Judicial Expert and an Assistant. The SPOC Secretariat acts as a support body for the practical implementation of the objectives of the SPOC Initiative. It will support and advise the SPOC Board and the Special Co-coordinator of the Stability Pact. In 2003, the Secretariat initiated a number of activities with SPOC board members.

It enhanced relations with aforementioned international, European, regional and national actors; the SPOC Secretariat's legal advisor started to analyze laws, decrees, international conventions and programmes, etc. The Secretariat also distributed the findings of the first regional needs assessment project of Transcrime University of Trento. It will elaborate on the proposed studies from Trento. The Secretariat launched an initiative to address the processing and protection of personal data. It is also engaged itself in collaboration with the Trafficking in Human Beings Task Force on the improvement of witness protection.

The Secretariat is also liaising with the SECI Center. The Center has been operational since January 2001 and now functions as a regional focal point for the communication and transmission of information in "real time" on cross-border crime. As of March 2002, 15 liaison officers (police and customs officers) from 9 SECI countries had been deployed to the SECI Center. Specialized Task Forces composed of police and customs officers from SECI Participating States have been organised and are operating in the region. The Task Forces include *inter alia* law enforcement experts from international organizations and SECI Supporting States. The Task Forces are aimed at combating a variety of transborder crimes including illicit drug trafficking, trafficking in human beings, customs valuation fraud, commercial fraud, financial and cyber crime, trafficking in small arms, trafficking in stolen vehicles and trafficking in radioactive and other dangerous substances. Hence, it is essential that the SPOC Secretariat maintains daily contact with the Center to create synergies between SPOC and SECI Center activities.

The Stability Pact for South Eastern Europe, Working Table III

The office the SCSP provides expertise on legal and technical issues within its Working Table III's Sub Table on Justice and Home Affairs. The experts located in Brussels monitor the progress achieved by SPOC and ensure political support for the work of the Board through regular reports to the SCSP.

In addition, SPOC seeks to create synergies with other Stability Pact initiatives because some concrete features of organised crime were addressed through other on-going initiatives. The coordination with these activities is usually easy since Stability Pact staff members tend to exchange their information on a daily basis.

The Stability Pact Anti-Corruption Initiative's (SPAI) steering group addresses another phenomenon which undermines rule of law and the business climate. Although less active in tackling trans-border trends, SPAI contributes to the creation of local instruments that would generally allow it to address organised crime matters as well. Urgent measures were presented by ABA/CEELI and OECD to guarantee a de-politicized and professional public administration, to strengthen the rules related to conflicts of interest, to intensify the role and capacities of police and prosecutors, to screen the legal system in order to eliminate provisions which might favour corruption (particularly in public procurement) and to develop internal and external auditing. SPAI did decide to place a secretariat in Sarajevo. The experience of the SPOC Secretariat's set-up will be taken into account for this office in Bosnia and Herzegovina's capital.

The Stability Pact´s engagement with the Trafficking in Human Beings Task Force is mainly to facilitate regional and international cooperation through the respective secretariats seated in Vienna. Cooperation with the Task Force is essential since it is combating one of the most notorious features of organised crime. Moreover, the Task Force provides already valuable experience when it comes to special attention granted to victims and witnesses. Currently, it is drafting a regional agreement on temporary residence for trafficked victims.

The illicit spread of Small & Light Weapons (SALW) is also linked with endeavours to fight organised crime. The Belgrade-based South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) – a joint project of the UNDP and the Stability Pact – is fully operational and assists in developing programs for reducing illicit SALW proliferation. Active throughout the region, SEESAC has contributed to the destruction of a significant number of weapons.

Last, but not least, organised crime issues matter as far as the Stability Pact´s Investment Compact and Business Advisory Council (BAC) work are concerned. The participants of the Compact and BAC voiced concern on the distrust of international potential investors for the region. Hence SPOC complements and shares valuable experience with these activities as well.

Under the Stability Pact´s Police Forum initiative, the Association of the European Police Colleges (AEPC) develops training modules in line with London Conference commitments. The new created Association of the Police Chiefs in SEE (SEPCA) might join these activities. From SPOC´s view, police training programmes could be of high significance for capacity-building activities for SEE law enforcement officers. Hence, SPOC welcomed the proposal by Austria, Switzerland and Norway of a programme called Organised Crime Training Network (OCTN). OCTN will take place under the Forum's umbrella. Beneficiaries of the training components will be middle management police officers in charge of organised crime matters.

The Stability Pact regards effective control of borders as an essential precondition for security and stability in the region. Border control of the "Schengen type" is a necessary precondition to economic development, especially in connection with efficient customs service, and the utilization of the Free Trade Area policy. Effective border management plays an equally vital role in combating illegal migration, trafficking of human beings, drugs, arms and other forms of regional organised crime activities. To balance this complex issue, key international players and SEE governments started to become involved. The Pact has offered to serve as an "umbrella" to the process and provide auspices for continued joint work with three main partners – EU, NATO and OSCE. The

pragmatic and flexible nature of Working Table III provided for an excellent framework in that regard. Effective border management in accordance with established EU standards is the ultimate aim of all SAP countries. Hence, the goal of the process has been defined from the beginning as "establishing open but controlled and secure borders in the entire region, in accordance with European standards". The achievement of effective border management must ensure tailor-made solutions. The situation in the sub-region called for NATO involvement. In these areas cross-border co-operation of police and military has to be strengthened and fine-tuned in order to successfully combat all cross-border illegal activities. The OSCE's role was also identified as important due to its practical experience in training of border police, institution building as well as promotion of regional and cross-border bilateral cooperation. NATO suggested holding an international conference in Ohrid on border security and management in SEE about a year ago. This conference took place in May 2003 and provided SPOC with new input and potential additional actors. Synergetic coordination with SPOC was deemed necessary regarding all activities in that field.

Stability Pact Initiative to fight Organised Crime at work

SPOC actors discuss informally how best to tackle organised crime. All partners agree that a multileveled strategy should address, among other targets, the educational component and awareness campaigns for civil society, the adoption of properly adjusted legislative tools, the strengthening of institutional capacities, the training of specialists, and the development of a direct and fruitful co-operation, both at the international and regional levels. Regular monitoring should be conducted in order to assess the impact of the anti-organised crime policy and to identify further needs and priorities.

SPOC needs to ensure complementarity with the Stabilisation and Association Process (SAP). This follows the line of the Informal Consultative Committee and the Stability Pact where mutual complementary roles of the Pact and the SAP were envisaged. With its broad scope, the Stability Pact aims at overcoming the legacies of the conflicts of the 1990s and is horizontally including all countries of the

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region. It is a primarily political initiative to streamline existing efforts to assist SEE on its way to political, economic and security integration as well as to encourage and strengthen co-operation between the countries involved. In relation to the SAP, the added value of the Stability Pact is particularly evident in enhancing regional cooperation, thereby strengthening the regional component of the SAP. It is fostering regional ownership and eventually leadership, most visibly through full participation of the countries of the region in all Pact activities. The Pact is acting as a political coordination forum for the main international players, thereby delivering important additional donor support and enhancing burden sharing in the jointly-elaborated stabilisation efforts. While SAP and Stability Pact are thus in general complementary by design, there are a number of specific ways in which the Stability Pact complements the SAP. With its more encompassing approach, it can embed SAP activities into a wider context by enhancing regional dialogue on a specific subject such as the combat against organised crime. Designed as a flexible instrument, SPOC can function as a "laboratory" for certain activities, and after generating sufficient political momentum in the region and among donors, help prepare the ground for regular European Commission support or other solutions. In sum, SPOC deems close coordination with the European Commission as essential when formulating future projects.

As mentioned above, the initial priorities of the SPOC Initiative are data exchange and witness protection. The reason to concentrate on these issues is the necessity to enhance communication between EU member states and EU institutions such as Europol and the SEE region, be it bilaterally or with regional law enforcement community actors. Data exchange can take place only under the condition that the region provides a system of data protection in accordance with European standards and best practices. Therefore, the processing/protection of personal data and witness protection were chosen to be kick-off projects in order to harmonize laws and technical cooperation.

Stability Pact Initiative to fight Organised Crime in the near future

Mapping the approach

When planning action against organised crime, first of all a determination on the definition of organised crime is needed. SPOC uses the generally accepted definition which requires an on-going criminal enterprise by multiple actors who act in conspiracy. Additionally, the goal of the criminal enterprise must be economic, not political gain. However, in order to be considered an organised crime operation, the enterprise must participate in or be willing to participate in criminal acts, and use violence to protect and promote its interests. Some economists argue that organised criminal enterprises must be "clubs" in the economic sense that they can exclude some people and provide benefits only to members. Others argue that there must be a hierarchical structure.

Anyway, the generally agreed definition would fit for a lot of activities in SEE. For instance, professors belonging to a scientific council of a faculty may well determine prices for selling exams, diplomas or even PhDs to students. Although these may be regarded as serious crimes since society is endangered of being equipped with incompetent future decision-makers, the lack of violence is obvious. This may change if teachers abuse examinations for the sexual exploitation of female undergraduate. In cases where female students are asked for "individual extra" attempts in the professor cabinets, one might classify such common acts in SEE as serious crimes. However, it is hard to prove that these practices constitute a conspiring approach by a group of teachers. Another example may be seen in the dubious relation between local party leaders, political decision-makers such as mayors and management board members of power supply facilities. Often, only a few individuals are able to determine in a non-transparent manner the price for electric or water supply in local communities. Thus, they contribute to the impoverishment of average citizens in SEE. However, focus on those illicit activities would overlook the Stability Pact´s regional scope, meaning to address regional issues and thus complementing to the entire integration of SEE. However, the above-described activities might be of concern for SPOC if illicit money is laundered in other parts of the

region. In any case, although fully aware of the high criminal potential of the described phenomena, SPOC will concentrate on crimes which are of transborder character, i.e. drug, weapons and women smuggling routes etc.

The SEE region is not homogenous. Though cultural and historical values may be common assets, the countries in the region are on different stages of development and each has particular problems and specific issues to address, especially in the fight against organised crime. This heterogeneity needs to be seriously taken into consideration when developing anti-organised crime policies.

Concretely, this means to differentiate between the stages of development in legal and institutional reforms between the SEE states. According to the SPOC Secretariat's research, three groups can be drawn. The first would consist of Greece, Slovenia and Hungary. The second embraces Romania, Bulgaria and Croatia. The third group would be composed of Serbia and Montenegro, Bosnia-Herzegovina, Albania, the former Yugoslav Republic of Macedonia (FYROM)[127] and Moldova. The differentiation between these groups is essential when designing concrete projects. Especially, EU financed projects require exact pre-defining of the status of beneficiaries. But also in terms of internal SPOC overview and programme management, it is of importance to keep the different levels of development in mind.

Horizontally, anti-organised crime measures need to be differentiated by their nature and character. When analyzing various international documents, treaties or conventions, tackling organised crime comes down to three major required activities. First is the creation of a legislative system which allows the fight against organised crime. Secondly, the fight against organised crime can only be successful if technical conditions are met to allow enforcement. And thirdly, public opinion needs to support the authorities' fight against organised criminals. In order to ensure the success of the working groups, joint efforts in the fight against organised crime should be grounded in capacity-building and enhanced international and regional cooperation. Within this frame, focus will be on:

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[127] Turkey recognizes Macedonia under its constitutional name.

- Legal harmonization
- Effective enforcement
- Partnership with the civil society

Legal Harmonization

The successful prosecution of one person in one country is unlikely to impact continuing criminal activities of a criminal group operating within the region. No country in SEE provides sufficient legislative tools or the institutional capacity to successfully investigate and prosecute multi-jurisdictional crimes. Without the requisite criminal legislation allowing multi-jurisdictional investigations and prosecutions, the creation of a secure environment, the promotion of rule of law, of economic and social well-being in SEE cannot be assured.

Legislation needs to address not only the criminalization of various forms of organised activities, but also to provide the necessary procedural tools for their efficient investigation, prosecution and trial in accordance with European standards.

The legislative tools necessary to investigate, prosecute and bring to trial multi-jurisdictional organised crime cases include, but are not limited to, legislation on:

- Protection and processing of personal data;
- Witness protection, including aspects of protection of victims, not only for the duration of the criminal process, but beyond that point as well;
- The use of special investigative techniques: interception and monitoring of telecommunications (including those conducted by computer networks, audio and video surveillance of private and public premises), covert search of private premises, controlled delivery, use of tracking or positioning devices, use of undercover investigators, disclosure of financial data;
- Criminal liability of legal persons, because various entities, such as associations or foundations, can cover illicit operations;

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- Effective disclosure of financial data and control of money laundering operations and recognition of electronic evidence as viable evidence in the court;
- Confiscation or seizure of proceeds from crime;
- Common standards on the collection, preservation and use of evidence as to allow evidence collected in one country to be used in the criminal proceedings in another country;
- The execution of penal sentences, extradition of suspects of organised crime activities, mutual legal assistance and multi-jurisdictional task forces.

Ensuring effective enforcement

Most SEE countries lack specialized bodies for the investigation and prosecution of organised crime activities. There is an absence of effective inter-agency and inter-institutional cooperation. In addition to insufficient logistical support and deficiencies in training.

The solution lies in strengthening institutional capacity to fight organised crime. Multi-disciplinary national coordinating mechanisms need to be established throughout the region, which should be primarily responsible for ensuring the enforcement of the anti-organised crime policy, especially of the prevention component.

In-country co-operation between agencies involved in measures for fighting against organised crime must be improved. Joint teams or task forces – consisting of representatives of various agencies: police, customs, border police, prosecutors' offices, judicial experts, etc. – should be set up for the investigation of the most serious forms of organised crime.

Any attempt to structurally dismantle organised crime groups and operations is bound to fail if insufficient human and logistical resources are provided. This constitutes one of the most serious problems for the region, as both experienced specialists and proper technical and financial resources are insufficient. SPOC will mediate assistance requests from SEE countries, based on concrete assistance projects and national reform

priorities. Training seminars and study visits can be developed in the same manner.

Promoting the Partnership with civil society

Civil society is now a key player in any anti-crime policy, especially in its preventive component. Ultimately, state institutions work not only for the society, but also with the society. NGOs, mass media, the business community and the society as a whole must be involved in all stages of the process of fighting organised crime. Partnership with civil society should be developed by promoting education campaigns, including vulnerable targets, such as children and women. Also, informing the civil society of the results of important investigations and actions in order to promote transparency with respect to the work of the public institutions is a must.

Public relations work will address the SEE audience in terms of the region's role in providing transit for organised criminal action. Campaigns shall stress that Europe is fully aware that organised crime groups created multi-ethnic empires eroding SEE states. It should be clearly stated that SPOC is conscious of the fact that groups managed to place followers in highest ranking decisions. Signals should be sent that further integration is not possible if the issue of organised crime is locally dealt with as a minor obstacle. The devastating effect of organised crime towards investment should be underlined as well. In sum, SPOC will be firm in its message that further accession will not be rubberstamped.

Secondly, SPOC should also address the wrongly-held belief in SEE that negative effects take place only at the destination (the current EU member states). Insecurity, raising rates of drug addicts or stolen vehicles within SEE prove that a former transit phenomenon spills over on the concerned route countries.

Expected Obstacles

I indicated above that various obstacles can be expected when setting up an effective initiative against organised crime. As far as it is possible to judge, three major difficulties need to be overcome:

•   Communication and efficient engagement within SEE countries
•   Cooperation between SEE countries
•   Commitment by the international community

When describing the composition of the SPOC board, the difficulties to engage the right representatives were pointed out. This will stay on the agenda of the SPOC chair, the Secretariat and the experts of Working Table III.   The lack of efficient sharing of information between authorities within one country hampers communication between the SPOC working structures and the region. It delays the involvement of competent individuals and administrative or judicial bodies in SEE. Hence, it delays action against organised crime. The inclusion of committed representatives will serve as the litmus test of the political will from the region. While shortcomings in the administration's management can be excused for a considerable period of time, the constant negligence to participate in the fight against organised crime cannot. The latter would even lead to the assumption that local authorities have good reasons to give the combat against transborder crime a low priority.

Secondly, SEE states need to communicate with each other. Organised crime groups work by exploiting the lack of multilateral cooperation. For example, traffickers from Romania may recruit their victims in Moldova. Smuggled through Bulgaria and Serbia, they may get trafficked by Bosnian Serbs and Slavic Muslims to a Croat-dominated area in Bosnia-Herzegovina. The profits of these activities may be laundered by Albanians in FYROM or Montenegro. This simple example shows the involvement of various countries. However, the state authorities involved do little to investigate these activities. While it is politically understandable that each SEE state wishes to communicate directly with EU institutions or authorities in EU member states, the lack of regional cooperation harms common aims such as the fight against

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organised crime. Therefore, they are better advised to overcome former rivalries on their way to European integration by taking joint views and determining joint action.

The third obstacle can be expected within the various actors of the international community. The advantage of organised criminal groups lays in its efficient profit oriented approach. Illicit activities do not necessarily match the mandates of international or European agencies. While other post conflict phenomena could have been addressed through a range of international actors and specific instruments (i.e. fostering return of refugees or displace persons through UNHCR, OSCE, OHR etc.), the fight against organised crime lacks efficient instruments and specialised international actors. Although the work of Interpol, Europol, SECI Center and others is crucial, investigation, enforcement and prosecution remains within the domestic responsibility of local authorities. Thus, assistance from the international community is limited from the beginning. Additionally, potential assistance from international and European actors needs to be well defined in terms of mandates, structures and funding options. While some local needs might fall through a funding gap because no agency feels responsible to reply to the requirements, other requests may not meet satisfaction due to general donor fatigue for the SEE region. Another obstacle in this regard constitutes the lack of local management in SEE which is sometimes barely understood from without. Hence, patience and capacity-building expertise is required of international actors when formulating and implementing projects with partners in the region. SPOC is devoted to bridge the aforementioned obstacles through its constant facilitation of dialogue between the numerous players in the fight against organised crime.

Sebastian von Muenchow
Stability Pact Office
Brussels

Dennis J.D. Sandole

COMBATTING CRIME IN SOUTHEASTERN EUROPE: AN INTEGRATED, COORDINATED, MULTI-LEVEL APPROACH

Introduction

Before I begin, let me articulate some basic assumptions underlying organised crime:

1.   Organised crime is probably better *organised* than are all the efforts to deal with it, which may explain in large part its persistence to some degree in many societies across the world (including in the U.S.).

2.   Hence, we can never really eliminate -- or to use the preferred term of this workshop, *"crush"* -- organised crime. What we can do, however, is reduce its intensity and frequency of expression as a threat to the security of civil society.

3.   Although organised crime is a worldwide phenomenon, it is an especially acute problem in structurally marginalized societies; e.g., "failed states" and states undergoing transition from one set of paradigmatic conditions to another.

4.   Particularly for vulnerable societies, organised crime is *opportunistic* -- as are many diseases (physiological and social). What this means is that we should focus on reducing the opportunities -- i.e., personal motivations and structural incentives -- for organised crime to develop into a significant force threatening the security of civil society, especially in the transitioning societies of Central and Eastern Europe and the former Soviet Union.

5.   A major problem, however, is that organised crime is not a simple, unidimensional problem to be dealt with in a simple way. It is complex, overlapping and linked with warlordism and terrorism (e.g., in Afghanistan, Columbia, the Balkans, Northern Ireland, and in the not-too-distant future, probably in Iraq as well). What this means is that to deal effectively with any one of these problems, we have to deal with the others as well -- either at the same time or sequentially -- because each one feeds off the others.

As one generic example of such linkage, we have the following account by the International Crisis Group (ICG) of Africa's "first World War" in the Democratic Republic of the Congo (DRC):

At one level it is a conflict between two regional allies -- a "Great Lakes" alliance of Rwanda, Uganda and Burundi, versus one of Angola, Zimbabwe, and Namibia. On another level, it is a violent mixture of national civil wars, including those of Rwanda, Uganda, Burundi and Angola, all of which are partly fought on Congolese soil. Finally, in the midst of this chaos, the Congo's own stew of ethnic feuds has sparked an explosion of bloodshed in the eastern part of the country. All of these conflicts feed and reinforce one another, and together risk to transform the Congo into a patchwork of warlords' fiefdoms (ICG, 2000, p. 2).

We can add to this mix the Western and other entrepreneurs who have an interest in keeping these complex conflicts ongoing, in order to continue to access and extract their "blood diamonds" and other precious resources for profitable sales worldwide. In a similar manner, organised crime, warlordism, and terrorism feed off each other in South Eastern Europe and elsewhere.

6.   Because we have in this workshop a complex, multi-thematic subject matter, we have to deal with it in a way that captures that complexity.

Such an approach is what I attempt to articulate in this paper.

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Organised Crime: The 'Nature Of The Beast'

By "organised crime" I mean, for example, trafficking in women and children, drugs, and weapons (including weapons of mass destruction); and money laundering, plus some of their consequences: prostitution, "white slavery", political corruption, and political violence (e.g., the recent assassination of Serbian Prime Minister Dr. Zoran Djindjic).

In this kind of political landscape, organised crime bosses = warlords = terrorists: Not only are there similarities and spillover among the three roles, but sometimes they are occupied by one and the same person (e.g., in Afghanistan, Columbia).

Implications of organised crime include:

1.   Members of the international community are reluctant to invest in infrastructure, including economic reconstruction. This is based in part on a fear that the NATO-led SFOR (Stabilization Force) in Bosnia and KFOR (Kosovo Force) in Kosovo will be prematurely withdrawn, either due to "donor fatigue" or because political leaders like U.S. President George W. Bush have threatened in the past to withdraw their forces. And if U.S. forces were to withdraw, others would be sure to follow.

2.   Lack of investment in such societies facilitates conflict dynamics conducive to perpetuation of a Hobbesian "state of nature," where (e.g., in Columbia, Afghanistan, and most recently, Iraq): men live without a common Power to keep them all in awe, ... in that condition which is called Warre; and such a warre as is of every man against every man ... where the life of man [is] solitary, poore, nasty, brutish, and short (Hobbes, 1950, pp. 103, 104).

3.   Such turmoil further dissuades the international donor community from making significant investments in economic reconstruction.

4.   This, in turn, enhances recruitment of locals into organised crime because there are no meaningful alternatives. A case in point: the shocking unemployment rate of 73 percent and poverty rate of 50 percent (of the population of 4.3 million) in the Soviet successor state of Moldova, undoubtedly explain in part the trafficking of Moldovan women to Western and Eastern Europe, the former Soviet Union, and the Middle East (Revenko, 2003).

Specifically regarding Moldovans trafficked to Kosovo:

International Organization for Migration (IOM) statistics reveal that, between February 2000 and September 2002, 53 per cent of the known victims trafficked to Kosovo were from Moldova. About a quarter were from Romania and 13 per cent were from Ukraine, Albania, Bulgaria, Kosovo and the Russian Federation accounted for very small shares.

Of the 322 people assisted by the IOM during this same period, almost 70 per cent came from either "poor" or "very poor" circumstances. Nearly 80 per cent had fallen prey to false job promises, while eight per cent had been kidnapped (OSCE Newsletter, 2003, p. 11) (also see Trafficking in Human Beings in Southeastern Europe, 2002).

Acutely stressed countries like Moldova are often further characterized by "frozen" intrastate conflicts (see Vorkunova, 2001), plus a self-perpetuating, "no way out" dynamic, where:

a.   Underground economies result from scarce resources and roles.

b.   Scarce resources and roles are exacerbated by a lack of investment in sustainable development.

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A Practical Need To Do Something:

Because of the scope of the problem - and of the overlap and spillover between organised crime, warlordism, and terrorism - there is clearly a practical need to do something about organised crime and its correlatives in South Eastern Europe and elsewhere.

To begin to pursue such a daunting goal, however, we need, first of all, an underlying philosophy to guide the effort. As Anatol Rapoport (1974) reminds us, we need to first have an image of something before we can attempt to achieve it. Are we, for instance, *"crushing"* crime (*Realpolitik*) or *"combatting"* it (*Idealpolitik*)?

If we are "crushing" crime, then we are responding "reactively" in *Realpolitik* terms only to its symptoms. Such an approach has characterized the U.S. and its allies in Afghanistan who "smoked out" the Taliban and al Qaeda operatives. It also characterizes Israeli assaults on occupied Palestinian refugee camps following suicide bombings, plus Russian actions in Chechnya. In such situations, a predominant use of force -- and in these particular cases, *against Muslims!* -- tends to become more a part of the problem than of the solution.

If however, we are "combatting" organised crime, then, in *Idealpolitik* fashion, we are also "proactively" dealing with its underlying root causes and by extension, those of warlordism and terrorism as well (see Sandole, 2002b).

The 3 Pillar Framework

To facilitate dealing with underlying causes and conditions *as well as* symptoms of violent conflict in general -- which includes organised crime, warlordism, and terrorism -- I have developed the *3 pillar framework for mapping conflict and conflict resolution*, where:

Pillar 1 deals with the **elements of conflict** (such as parties, issues, objectives, means, conflict-handling orientations, and conflict environments).

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Pillar 2 deals with **conflict causes and conditions** (operative at, for example, the individual, societal, international, and global-ecological levels). And

Pillar 3 deals with **conflict intervention** (featuring 3rd party goals such as violent conflict prevention, management, settlement, resolution, and transformation; plus 3rd party means for achieving these goals, such as confrontational and/or collaborative measures, *"negative peace"* and/or *"positive peace"* orientations, and track 1 and/or multi-track actors and processes) (see Sandole, 1998b, 2002ab, 2003).

An Application of the 3 Pillar Framework: NEPSS

As part of my long-term effort to design peace and security architecture to prevent future Yugoslav-type conflicts in post-Cold War Europe, I have employed the 3 pillar framework as a basis for developing the new European peace and security system (NEPSS) (see Sandole, 1998a, 1999a, 1999b [Ch. 7]).

NEPSS comprises descriptive and prescriptive elements; i.e., developments that are actually occurring as well as those that could or should occur, respectively.

Descriptively, NEPSS makes use of existing international organizations in Europe -- e.g., the Organization for Security and Cooperation in Europe (OSCE), European Union (EU), Council of Europe (CoE), and the North Atlantic Treaty Organization (NATO) -- using the basic structure of the OSCE as a conceptual and operational framework for enhancing the complementarity and synergy of all mechanisms working together on common problems.
Within this framework:

1. NATO represents an example of *political* and *military* aspects of a reframed, more comprehensive sense of security;

2. The EU an example of *economic* and *environmental* aspects; and

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3.   The CoE offers an example of *humanitarian* and *human rights* aspects of comprehensive security.

More importantly, each of these heretofore Cold War institutions has been reaching out to its former enemies, inviting them to either become members and/or join together in constituting new, post-Cold War institutions (e.g., NATO's Euro-Atlantic Partnership Council [EAPC] and the Partnership for Peace [PfP]: both major components of the infrastructure of the Reichenau Workshops).

This outreach has had the effect of facilitating a genuine *"paradigm shift"* from *Realpolitik*, "zero-sum" *national* security to *Idealpolitik*, "positive-sum" *common* security among former Cold War enemies.

But revolutionary though these developments have been, all these organizations are basically *inter*-state in nature, while the problems posed by conflicts in former Yugoslavia and elsewhere are essentially *intra*-state in nature, although, as in organised crime, warlordism, and terrorism, with inter-state dimensions as well. Hence, there has been a need for something else to deal with the conflicts of the post-Cold War world, as well as organised crime, warlordism, and terrorism. This is where the prescriptive element enters the picture.

Prescriptively, NEPSS is characterized by "Integrated Systems of Conflict Resolution Networks", with vertical and horizontal components. Under the *vertical*, we would have a mapping of, say, South Eastern Europe in terms of the local, societal, subregional, regional, and global levels of analysis, with *track-1* (governmental) and *track-2* (nongovernmental) actors and processes corresponding to each level.

The idea here is that "all conflicts are local". And, assuming an *early warning system* to activate the *preventive diplomacy* envisaged by Michael Lund (1996) and others (e.g., Peter Wallensteen, 1998), conflicts developing at any local level could be responded to by a synergistic combination of track-1 and track-2 resources at that level -- plus, to the extent necessary, societal, subregional, regional, and global levels as well.

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Should the vertical dimension fail to prevent "the house from catching on fire", then there could be a need for the *horizontal* dimension to be activated: the judicious use of *Realpolitik* force, but basically within an *Idealpolitik* framework, to achieve *negative peace* (put the fire out) but only as a "necessary" (although not "sufficient") condition for achieving *positive peace*: the elimination of the underlying causes and conditions!

Louise Diamond and Ambassador John McDonald (1996) -- founders of the Institute for Multi-Track Diplomacy (IMTD) in Washington, DC -- have expanded the track-1/track-2 system into the *"Multi-Track Diplomacy Framework"*, where:

Track 1 remains the realm of official, governmental activity, *peacemaking through diplomacy*, with track 2 (*writ large*) subdivided into the following tracks:

Track 2 (*writ small*) (nongovernment/professional): *peacemaking through professional conflict resolution*.

Track 3 (business): *peacemaking through commerce*.

Track 4 (private citizen): *peacemaking through personal involvement*.

Track 5 (research, training, and education): *peacemaking through learning*.

Track 6 (activism): *peacemaking through advocacy*.

Track 7 (religion): *peacemaking through faith in action*.

Track 8 (funding); *peacemaking through providing resources*. And

Track 9 (communications and the media): *peacemaking through information*.

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Again, each of these nine tracks would correspond to the local, societal, subregional, regional, and global levels. For example, under Track 1, we could have:

a.   *Local*:   Community policing.

b.   *Societal*:   Community policing (see Duffey, 2003).
                                  European Union Police Mission (EUPM) to
                                  Bosnia (see Nothdurfter, 2003).

c.   *Subregiona*l: Stability Pact for South Eastern Europe
                                  (see von Münchow, 2003).
                                  Transborder Crime Fighting Centre in
                                  Bucharest, Romania.

d.   *Regional:*   EU.
                                    Europol.
                                    CoE.
                                    NATO.
                                    OSCE.

e.   *Global:*   Interpol.
                                    UN.
                                    United Nations Office on Drugs and Crime
                                    (UNODC) (see Baghdoyan, 2003).

Track 3 would deal with the all-important investments in economic and other infrastructure. Tracks 2, 4, 5, 6, and 8 would deal with various categories of funded, nongovernmental, training, humanitarian, and developmental advocacy and assistance. Track 7 would deal with the role of religion and religious organizations. And Track 9 would deal with the role of the media in combatting organised crime, warlordism, and terrorism.

The media are especially important as they can monitor and keep track of all the other tracks. When truthful or accurate, the media prove to be at least embarrassing to those -- including governments -- they reveal to be in egregious violation of basic human rights and the like. Under such

circumstances, the journalists involved risk their jobs and civil liberties, if not also their lives.

The OSCE's Representative on Freedom of the Media (RFM) plays a significant role in monitoring the status of media in all OSCE participating States, especially those in the transitioning societies of Eastern and Central Europe and the former Soviet Union. The RFM brings violations of democratic media standards to light through early warning on violations of free expression ... assist[s] participating States by advocating and promoting full compliance with OSCE principles and commitments regarding freedom of expression and free media [and when violations are uncovered] -- for instance ... obstruction of media activities and unfavourable working conditions for journalists -- the Representative seeks direct contacts with the participating State and other parties involved, assesses the facts and contributes towards the resolution of the issue (OSCE Annual Report 2002, p. 79).

The OSCE's RFM also publicizes its activities, further enhancing its visibility and effectiveness as a media watchdog, through its annual OSCE Prize for Journalism and Democracy, instituted by RFM Freimut Duve in 1996. The winner for 2003 was Russian journalist Ms. Anna Politkovskaya "for her journalistic courage in conflict regions." According to RFM Freimut Duve:

More than 50 times now, Anna has crossed the bridge into a war region that is considered a no-man's land for independent journalism. ... She felt obliged to go to Chechnya again and again. She felt obliged to publish her articles [for the Russian weekly Novaya Gazeta] in a book, The Dirty War: A Russian Reporter in Chechnya [2001] (OSCE Newsletter, 2003, p. 2).

Ms. Politkovskaya's response to the question, "What does this latest prize mean for you?", was:

All the awards I have received simply mean I have been doing the right thing. It's a difficult situation in Russia right now; there is great pressure on the mass media and any international recognition that a person receives is a kind of protection against Government and official powers.

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I very much value the awards, as they help me continue my work in the pursuit of freedoms (ibid., p. 3).

In general, it would be useful, perhaps in the context of the Reichenau Workshops, to use the device of "scenarios developmental exercises" to elaborate on each of the nine tracks by exploring problems, "drivers" of those problems, plausible scenarios on their likely development, and strategies for dealing with them; i.e.,

Phase 1:   problem identification (e.g., trafficking in women).

Phase 2:   identification of factors that "drive" the problem (e.g., massive unemployment).

Phase 3:   construction of a "scenario" that indicates how, over time, the "drivers" can shape the problem in either a positive or negative trajectory.

Phase 4:   development of a "strategy" for either enhancing prospects for the "best-case" scenario or for undermining the "worst-case" scenario.

Individually, the nine tracks should be framed vertically and collectively, horizontally in terms of John Paul Lederach's (1997, p. 39) three levels of leadership: top-level, mid-level, and grassroots-level. In this manner, vertical and horizontal, as well as diagonal coordination can occur from bottom-up as well as top-down directions.

It is part of Lederach's overall argument that mid-level actors (e.g., ethnic/religious leaders, academics/intellectuals, humanitarian leaders [NGOs]) are best-placed to reach out to both the top (military/political/religious leaders with high visibility) and bottom levels of leadership (local leaders, leaders of indigenous NGOs, community developers, local health officials, refugee camp leaders) (ibid.).

The organizational actor best placed to facilitate such coordination would appear to be the *"Special Coordinator"* of the Stability Pact for

South Eastern Europe (**www.stabilitypact.org**): A vertically mid-level entity which was the theme of last year's Reichenau Workshop (see Jurekovic, et al., 2002).

The Stability Pact, however, is still a "work in progress," with more promise than achievement. Hence, for it to be the "glue" that effectively holds something like NEPSS together and the "oil" which keeps it running smoothly, there will be a need for enhanced commitment -- "political will" -- and more resources. In effect, according to empirical studies of what kinds of third party interventions lead to what kinds of outcomes in civil wars conducted by Federic Pearson and his associates (2003) at Wayne State University in Detroit, there is a need for more *persistence* from the international community: "Provisions for third party guarantees are crucial in settlement outcomes, adding considerably to success probability" (ibid., p. 12). Or as *Newsweek's* Fareed Zakaria (2003) argues:

The key lesson of nation-building over the past decade is, don't leave. In Haiti and Somalia, we left. In Bosnia and Kosovo, we're still there. The corollary: keep sufficient force to maintain order. In Somalia and Haiti, the forces were too thin and too soon withdrawn; in Bosnia and Kosovo, large troop deployments remain for the long term.

As we have already noted, however, there is much more for the international community to do in Bosnia and Kosovo than remain only at the Track-1 level of military peacekeeping, significant though that clearly is.

Conclusion

We are all in the "fight" together against organised crime, warlordism, and terrorism. "What goes around comes around," is a clear expression of the validity of *complexity theory*: that everything is connected to everything else, and with great sensitivity of initial conditions (see Waldrop, 1992).

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Implication? We must all endeavor to protect the "Global Commons": a truly significant example of a *superordinate goal* that no one nation can achieve on its own, but only by working together with others (see Sherif, 1967). As Olga Vorkunova (2001, p. 123) put it:

Preventive diplomacy efforts are more effective when major powers, regional powers, and neighboring states consider uncontrolled conflict [plus organised crime, warlordism, and terrorist] escalation as a major threat not only to national and regional security, but to global security as well.

In other words, "global interests" are "national interests," and vice versa. But: whose business is it to protect global interests...? Who is going to worry about global problems such as war, poverty, unemployment, discrimination, alienation, and environmental decay? Our answer is, given the quasi-anarchical structure of today's international system, no one. In the meantime, concern with global interests will probably continue at the level of private national and international organizations, and among well-meaning academic and business people, who are at times dismissed unfairly as utopians, do-gooders, and eggheads (Couloumbis and Wolfe, 1986, pp. 122-123).

The main difference between now and when Theodore Couloumbis and James Wolfe uttered these sentiments nearly 20 ears ago is that, with the end of the Cold War, the return of genocide to Africa and Europe, and the spectre of catastrophic terrorism, with implications for the use of weapons of mass destruction, global interests have evolved into a practical imperative and not just a theoretical or ethical issue.

Still, it seems to be the case that Track 1 tends to focus more on national than global issues, with the remaining Tracks picking up the slack. This focus/power asymmetry is likely to be counter-productive and self-defeating: the Israelis and Palestinians are clearly less secure now than they were before Ariel Sharon visited the Temple Mount in late September 2000; Russians and Chechens are less secure now than they were when the first Russian-Chechen war ended in 1996; and arguably, the Iraqi people are worse off now, even with the departure of the brutal dictatorship of Saddam Hussein - with rampant lawlessness, and lack of

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electricity, water, and sanitation - than they were before the Americans and British invaded the country.

Until states - especially the world's pre-eminent and only superpower - shift or expand paradigms to at least complement their use of *Realpolitik* with *Idealpolitik*, leaving narrow-minded unilateralism behind as they coordinate among themselves and with Tracks 2-9 in concerted efforts to deal with the "Global Commons," organised crime, warlordism, and terrorism, among other problems, are likely only to worsen. Witness the recent Riyadh suicide bombings, and their impact on the Saudi government which views the attacks as "our 9/11"; the global fear and paralysis caused by the warnings of further "Holy War" on the West reputedly made by Dr. Ayman al-Zawahiri (a physician), al Qaeda's "no. 2 man".

As Gareth Evans (former Australian foreign minister) and Robert Malley of the International Crisis Group remind us with regard to the U.S.-Iraq war (ICG, 2003, p. 1):

Full assumption of authority by the U.S. would create a serious backlash in the region and, over time, in Iraq itself. A U.S. transitional overseer would provide a constant reminder of the lack of UN mandate for the war and, as we may already have seen, a recruiting tool for suicide bombers aimed at coalition peacekeepers and civilian aid workers alike.

The implication is clear: unilateralist ideology must catch up with multilateral reality.

Against the background of this categorical imperative, Ambassador Istvan Gyarmati (2003) reminds us that the Westphalian system of sovereign states is under assault by, among others, global terrorism and organised crime. Indeed, it is safe to say that Robert D. Kaplan's (1994, 2000) prescient anticipation of "The Coming Anarchy" a few months before the genocidal bloodbath in Rwanda is quickly becoming more the norm than the exception, with Martin van Creveld's (1991) image of the "new" warfare being more reflective of medieval than modern times.

Under the circumstances, we must strive to bridge the gap between unilateralist ideology (*national interests*) and multilateral reality (*global interests*).

Surely, we can do it. We even know that we can do it, as recent coordinated, transparent, information-sharing efforts by governments and others in South East Asia, North America, and Western Europe have shown with regard to "SARS" (severe acute respiratory syndrome) which, given its impact on fears, anxieties, economies, and markets worldwide, would have been the perfect act of global terrorism!

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PANEL IV:

OPENING UP OR CORDONING OFF – THE EUROPEAN UNION AND SOUTH EAST EUROPE – A STRUGGLE OVER ORGANISED CRIME

Josip Kregar

ORGANISED CRIME AS A THREAT TO DEMOCRACY

It was the 12th of December of the year 1999 and I was in Zakopane in a hotel at a conference regarding, organised crime! We had been discussing for a few days – mainly academically – organised crime in society. The next day a man by the nickname Ersik was assassinated in the lobby of the hotel. It looks like he was one of the hotel's guests but in fact he was the head of organised crime in Poland. The killers were never found. He looked like a businessman; he had a family, he had interests in hotels in Poland, he had some property in Slovakia.I am telling you this story as an introduction because at that time for us, simply because of the assassination, organised crime as an issue was not academic. Not at all. It was a serious problem in our society.

Indeed organised crime is a threat for the new democracies. Even consolidated democracies, such as Poland, or Hungary, or Croatia, or Slovakia do have some problems with organised crime. From time to time they do have scandals and affairs about organised crime. Reports about the transitional economies are showing us very clearly that organised crime is one specific part of their economies. If you look at the Freedom House reports, you will find out how mafia ties and organised crime money is penetrating the new economies actually legalizing the activities of organised crime.

In other issues, we are faced with a new wave of organised crime, or new types of crime such as trafficking, organised prostitution, drug trafficking and so on. All those phenomenon are relatively new to us. Also what is a problematic with organised crime is the fact that it is very much influencing political decisions. "Very much" is difficult to measure but in any case the leaders of the criminal organizations do have influence. For instance, investing money in elections, having permanent contact with judges and police officers.

Government studies are showing us that the problem and that will be my point today of organised crime in transitional democracies is just not the problem of criminality and deviance. It is a problem of the weak States. It is not a problem that *they* [criminals] are doing something, it is the problem of what the weak States *are not doing*. What has to be done?

All States have organised crime, but in some cases, organised crime has a State. There is no efficient police, prosecution or judiciary system to fight against it. That is connected with the topic of today's discussion. Weak States are the most dangerous element of instability and the most likely the source of new trouble spots in decades to come. Well, today I will talk mainly about Croatia. This is my country, and I know the situation. But it seems to me that many of the conclusions we can extend to other countries.

First of all, roughly about 10 to 15 years ago, we didn't have organised crime. The detection of organised crime started with some media scandals. The journalists discovered that there is a connection between gangs and competing organizations. Organizations competing for let's say market, for power, for connections with politicians and so on. The police denied for a long time that there is organised crime, but in the early 90s, the police recognized or somehow found out the connections of something they called the Albanian Mafia in Croatia. The first signal of organised crime. But that was just the tip of the iceberg. They actually failed to find out the full extent of organised crime. Politicians only recognized the problem in the *late* 90s when opposition leaders started to discuss and talk openly about connections between the top of organised crime and the top of the State. Top politicians were part of and included in some criminal activities, maybe just protecting some of the persons organizing crime because of different reasons.

I must say courts still did not recognize the problem. In spite of the fact that we had some changes in our legislation, we had just a few cases against organised criminals in the courts, unfortunately unsuccessful. There was no proof of organization but in the two biggest cases the gangsters were released or sentenced for minor offenses. I think somebody who recognized very early that Croatia had a problem with organised crime were foreign investors. They discovered that they

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cannot compete with local organised "investors" or "entrepreneurs" but connected to organised crime and politics.

That was the reason that we are formulating a strategy of change to fight organised crime. First of all, in two instances, Croatia changed the Penal Code and the criminal procedures acts. Actually the last change was in May 2002, trying to speed up the procedures and in the end to introduced some measures to fight organised crime. One of the main events was organization of the so-called USKOK, the Office of Prevention of Corruption and Organised Crime in October 2001. I will talk about it more specifically.

Croatia is continuously accepting international instruments regarding impartial legal assistance and let's say some conventions and legal standards regarding organised crime, especially the fight against organised crime in the region.

I think something that was successfully done, mainly by journalists and the media, was a kind of alert or mobilization of the public against the problem of organised crime. Nobody denies anymore the existence and the danger of organised crime in Croatia anymore.

A few words about some elements of the effort against crime. In the penal code, at the end of 90s and last year, we increased sanctions against organised crime offenses. Even before we had relatively rigid sanctions, but now Croatia is introducing long term imprisonment sanctions (over 20 years) which is actually a kind of replacement for a life sentence. We didn't have enough specific details and definition regarding white-collar crimes or economic crimes and these are categories of crime which are expanding tremendously in the 1990s. And it is very difficult to find a balance between say, freedom of entrepreneurship and the protection of legality and honesty in the economic sphere.

Croatia has a kind of national strategy to fight corruption and also similar acts regarding the prevention of drug use and all those acts are determining a lot of interventions and the changes regard more prevention than sanction of such activities. According to some

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international obligations, Croatia introduced in the penal code suppression of the financing of terrorism and similar types of organizations. Very problematic, but very efficient are the new tools that are introduced in the criminal procedure act, introducing a kind of new let's say new forms to investigate and find proofs of organised crime. For instance witness protection. We didn't have such a program and this is a crucial measure against organised crime. Also according to some international obligations we have introduced the responsibility of legal persons.

A few words about USKOK. I can talk a lot about it, but I will summarize in two parts. First of all, we had very great expectations regarding the introduction of an independent body to fight against organised crime. Actually activities started with NGO initiatives proposing to the goevernment the organization of an independent body. The government and the Ministry of Justice accepted something that was not proposed; actually the proposal tended to imitate the Hong Kong agency to fight corruption, but they actually wanted to imitate the Italian model of some semi-military organization to fight the mafia.

In the end, because of many compromises, the final version of the law was not accepted by everybody. First of all this institution is somehow too strongly connected with the State Attorney Office, which promotes the efficiency of prosecution, but definitely focus the activities of this independent body only the court cases. The Office of Prevention of Corruption and Organised Crime has authority only on activities emanating from criminal organizations. They have the possibilities to discretely and with a great span of different tools to investigate organised crime. They have specialists for bank transactions, specialists for the investigation of financial aspects of crime, they have research and public relations departments and so on.

But in reality, I think I share the opinions of my colleagues. The results are not brilliant. First of all there is a lack of real political will to support the activities of USKOK. USKOK right now has only few of those specialists, and near the end of 2002, we had few hundreds of cases, and we see quite clearly a selection or filtering of the cases. A lot of pre investigative procedures, leading in the end to only 150 accusations. The

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main part of the activity of USKOK is the fight against organised crime. 244 persons were accused of conspiracy to commit punishable acts.

The next part of activity of international instruments, but I will not delve in that too much. Suffice it to say that there is a big effort from the international community to mount a kind of new legislation and new legal instruments in the area of South Eastern Europe, and Croatia adopted almost all of them.

To me, one of the biggest effort and success is the adaptation of some bilateral agreements with neighbouring countries, especially regarding assistance in legal matters and police investigations.

Well to conclude, I think Croatia is not a case of a country in which organised crime is the most serious danger for democracy. There are many other dangers. But if we look at statistics of convictions and sentences, we shall find out that it is very dangerous to ignore the fact that organised crime is appearing and becoming from time to time the decisive element in economic and political competition. Extremely important is the warning from the big cases. We had two big cases against mafia; small mafia and big mafia. Unfortunately, after two and a half years of proceedings, almost all of the accused were released. Only a few of them, and not the organizers and the leaders, were sentenced because of some serious offences, but received minimal punishment.

In the big cases, we discovered that attorneys are not capable of fighting against the big money of organised crime, good lawyers which they are able to pay and the possibility of the manipulation of public, because organised crime is not just one company; it is a very active group of people willing and able to influence public opinion. We are very much aware that organised crime as some support in culture. Celebrities and leading politicians are having coffee with persons of the milieu. Even the leading public servants accept with a great smile the people publicly accused or denounced by the media as the organizers of crime. There is certainly the influence of public officials. Just recently USKOK discovered the relations of the Chief Attorney of Croatia, some lawyers with the people at the top of organised crime.

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It is for our interest very important to note that there is an international dimension. We are importing not just criminals; we are importing the methods of organised crime and Croatia is one of the countries in which organised crime from other countries is trying to legalize the money and the profit from their criminal activities by investing in attractive ventures, such as tourism and other areas.

Is organised crime really organised? When we discuss organised crime, we always have in our mind the picture of a really big Weberian type of organization, with hierarchy, with rules, with wages, with promotion and career. Organised crime is not such a type of organization. Mafias are not bureaucratic organizations, they are not even companies. They are groups who are surviving because they are very closely connected. This is the reason why we have a so-called mafia connected by ethnicity, origin or national identification. We are talking about the Russian mafia, about Croatian and Serbian mafia, we are talking about Italian mafia. They are not organizations. The point here is that we cannot fight against organised crime by eliminating just the top of the groups. They are a big group, and very easily are able to replace the top with newcomers, with the new people who are using the opportunity to become the leaders.

Eliminating just a few of them will not be the solution. I think one of the good examples from the Serbian case, even if I worry very much about the final result, is that they eliminated not just the top, but the substance of the organization. They are like a hydra; when you eliminate one head, two heads or organizations arise. But let's keep in mind that the definitions of what is crime and what is not are changeable. In countries in transition, the line between legal and illegal business activities is very flexible. In many cases legal activity has to be supported by disobedience to the law. The people are investing a lot of efforts in order to avoid some rules, trying to bribe officers, courts or some important politicians. They do perceive as necessary such type of behaviour. This is illegal, but sometimes they are using a behaviour or tools which are completely legal but not acceptable. Not just from the moral point of view but also because of open and honest competition in the market.

With some distance of ten years, we can discuss almost all of the economic change in Croatia also from the perspective of organised

crime. The days of privatization, denationalization, return of property and transformation of social and legal categories in the new capitalist system can be described as the days of semi-legal activity. Formally, legalistically, that was not against the law, but in reality this produced a lot of risky situations which are actually opportunities for organised crime which has some capital to invest, influence to use, to get some advantages. Organised crime is the answer, actually organised crime has some advantages against the uncertainties we face in transition.

I would emphasize that the fight against organised crime is not just a fight against individuals or individual criminal behaviour; it is a fight to increase the efficiency of the government. We can better understand the problem of organised crime if we approach it from the point of view of good governance. The precondition to fight against organised crime or parallel activity requires increased efficiency and capacity of governmental institutions.

Josip Kregar
University of Zagreb
School of Law
Zagreb

Henriette Riegler

CONTEXTUALIZING CRIMINALITY AND SECURITY IN SOUTH EAST EUROPE

In contextualizing one must not forget that

1) The region's heterogeneity is an omnipresent fact. If one looks at the national level of the various states in the region as well as on their individual pace of transformation it is very difficult to present a regional South East European perspective at all. This is the case in several aspects but also the one of criminality and other security issues. This does not mean, however that we do not see criminal activities organised on a transnational European and international level. On the contrary: organised criminality functions exactly this way - but we should delve into national characteristics and look whether and how politics and crime have joined ranks on a nation-state level. This is what I see as the prevalent danger in SEE because of weak political, societal and economic institutions and the lack of public trust in them.

2) By analysing criminality on a state level as well as on an international level we look at a transnational and a global phenomenon and one that is as transnationalizing as it is globalizing. It has to be looked and acted upon as such in SEE while keeping in mind its local effects and roots. What we should not do is to treat SEE as a region that is somehow naturally inclined to crime and mafia style activities – in the same way as we treated SEE a decade ago as an area prone to conflict and war. In both cases such a kind of stigmatisation seldom leads to accurate analysis.

3) The phenomenon of criminality could develop and threaten both (inter)national security and the rule of law in SEE due to dramatic changes in the international system. The break up of the Former Yugoslavia and the collapse of the Communist bloc as a firm ideological system of control both contributed to this or rather were the most

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important elements in these changes. There was an ideological vacuum that led to a vacuum of legitimacy.

4) Due to the need for analytical clarity as well as because the successor States of the Former Yugoslavia form an important part of SEE, the Former Yugoslavia and other SEE states have to be dealt with separately. I would argue that the break-up of Yugoslavia and the resulting wars remain the central political events of and in the region. Last but not least as this is the subject of the paper they should be identified as grand-strategic state-instigated criminal manoeuvres and have to be analysed accordingly. Not only this – the wars and the way they were led fundamentally changed what was legal and illegal, what was part of civil politics and what was a military affair – or rather blurred the fine line between those two areas. The wars and organised violence in itself could be read and interpreted as acts of state and (para-) military terrorism against a largely unprotected civilian population. What could the ethnic cleansing campaigns be but organised crime? What else the sieges of Vukovar or Sarajevo were than terrorism? It is due to the Yugoslav wars that this area was and to a very unequal degree still is one of immense insecurity. Not only did the Yugoslav wars bring with them "conventional" war-induced security problems i.e. death and destruction, flights of civilians we came to know as ethnic cleansing, etc. it also brought about -and this is an issue we are dealing with here which is even more important- the break-down of State authority and public order not only in the war afflicted regions, but in areas where actual combat had not spilled over.

Old and established norms and forms of legitimacy were purposefully destroyed, they were erased by highly skilful bureaucratic and organizational means and were for a time almost non-existent. These manoeuvres were successful to a large degree and had a devastating effect on established norms of legality, rule of law and accountability which cannot be overestimated. When the most criminal actors – many of whom are now in The Hague– should be considered a huge progress and success in crime fighting. For years these were the actors that were legitimized internally by elections and externally by international diplomacy. How could the citizenry understand that they were criminals? By which means are they to understand that paramilitaries

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that were politically and in some cases also physically responsible for the most atrocious crimes against civilians could be deputies in national parliaments like Seselj and Arkan and thereby embody and symbolise legitimate authority? Arkan is a good example to illustrate the mechanism in action: in order to destroy the old system that was simply in the way of his political plans, criminals were needed instead of competing fellow politicians, a competent police force or judiciary. A criminal is cheap labour as he is already outside any form of legality, has nothing to lose but everything to win by serving his political master. The politician is the one who gives him credit, protection and immunity. When his services become obsolete and his actions become a threat to the master, he gets laid off – and that is exactly what happened to Arkan and several others that operated in the tightly knit net between politics and criminality. One could evaluate this in two ways: either the political system is a criminal one, or the criminal element in society has overtaken the political. For both, evidence could be found easily, the recent murder of Zoran Djindjic being only the most prominent example.

5) A deep transformation of the political power structure took place in another sense: The shift from civilian to military power made control over the means of violence and not legality the most crucial precondition for getting and holding on to power. The general dispersion of the State's control transferred the monopoly of power to regional and local war-lords and substituted formal political activities and procedures by mafia activities in many forms and variations. One could not say that this was a sheer outcome of the war. Rather were these metamorphoses were carried out in the "form" of war. Or to put it even more bluntly: these wars have to be seen as organised political efforts to undermine legitimate political structures, state sovereignty, national security and to eventually break them.

6) Having this in mind we should track down the phenomenon that we think is central to explaining insecurity and the obstacle to reducing criminality and illegal activities in the region. I would argue that it is the lack of state and institution building – whether as a legacy of wars or as a legacy of totalitarianism party – that made for a lasting security vacuum. The main dilemma at work here is that on the one hand we ask for legitimacy and the rule of law, on the other the International

Community recognized and legitimized warlords and their success (e.g. with the Dayton Peace Accord).

In the post-war phase efforts were slow to repair war damages. Slower still is the reconstruction of the political and social fabric of war-ridden and almost destroyed societies. This is done, however, within a system of parallel levels of various sovereignties which have a lasting effect on post-war reconstruction efforts and are re-produced in a much more civil and well-intentioned way by the national-international division of power, especially in places under international protection like Bosnia, Kosovo or the Former Yugoslav Republic of Macedonia (FYROM). Not only do we see at times a rather chaotic and divided response to the national-international division of power and authority, we are also confronted with the fact that often the formal political structure is rather powerless unless it responds to the informal and hidden power base that was built during the war. That norms like accountability and trust in public offices could not develop and take root has therefore a domestic war-time dimension to it as well as one that has to do with the fact that office holders are internationals who don't owe their position to the local electorate nor have to legitimise their actions and policies before them and in this way contribute to a sovereignty and legality dilemma.

In order to conclude I think a political plan for all kinds of international or solely European intervention in SEE is important and its perspective should be the achievement of European integration while we recognise as well as remind ourselves of the fact that within the criminal realm, Europeanization has already taken place.

Henriette Riegler
Austrian Institute for International Affairs (OIIP)
Vienna

Istvan Gyarmati

SECURITY SECTOR REFORM AS A CONTRIBUTION TO CRIME PREVENTION IN SOUTH EAST EUROPE

Being the last speaker of this seminar, which is a good news in itself, I will try to take a step back and put this in a broader perspective, because I think that the changes that are happening in the world, the radical changes in the world order make this issue of dealing with organised crime more important and at the same time so much more difficult.

All that is happening against this background is tied to September 11th, just like the emergence of the previous world order was tied to the Treaty of Westphalia which is basically a good tool to illustrate what these changes really were. Organised crime really fits into these changes unfortunately and we cannot deal with it without addressing the changes in general.

The New World Order is mainly characterised by the appearance of such non-State actors who do not look like States, don't behave like States and don't want to behave like States and therefore all the instruments at our disposal who were geared to deal with States do not work.

We had similar non-State actors before, but the non State actors before, like the Catholic Church, or lately the entities which tried to gain independence, like the Nagorno Karabakhs, the Kosovos and the Abkhazias of this world always had a desire to be seen and treated as if they were States and that is what we were basically doing which created tremendous problems at the end, but at least we had some tools to deal with them.

With new non-State actors, organised crime, terrorism, we do not have these instruments. They are against these instruments. The desire of Kosovos and Nagorno Karabakhs was to fit into the existing order of

States to be recognized as one of them. The new actors do not want to fit, they want to destroy it, and it is a tremendous difference. There is a difference between organised crime and terrorism because global terrorism wants to destroy the system as it is. Organised crime wants to destroy the system by using it to its advantage, but they are natuaral allies because they have very similar features and very similar objectives.

The collapse of the old world order –the Westphalian order if you wish– has lots of consequences, which I don't want to discuss here, but which we will have to face in the decades to come. Just to name a few, the collapse of the Non Proliferation regime, which we do not want to recognize, but which is a fact, the crisis in Transatlantic relations, the growing gap between public opinion and Governments all over Europe if not in all countries, but there is one more which is also maybe more important. The total crisis of international law and international institutions, because international law and institutions were invented to deal with States, we now have to deal with non State actors who don't care about legal constraints and we don't tend to remain without remedies in front of actors who love to violate legal constraints, especially when they have powers which rival those of States, and will become even more powerful by acquiring weapons of mass destruction when we talk about international terrorism.

So we have to face these new threats by non State actors and organised crime is one of them. There is I think a competition between organised crime and terrorism which I think is more dangerous but I don't think we need to decide, ultimately, they do not compete, they are basically allies who provide support for international terrorism.

Organised crime is a threat to the stability of any one State, especially to weak States. We have heard it before, and actually weak States are the targets of organised crime for very understandable reasons. It is much less dangerous for them, it is much more profitable for them, and last but not least, they have a chance to hijack the State or State institutions, which they always do more or less easily. The process of institution building, in transition States, even more in new States, in States which are not yet nation-States, where the nation-building process has not been

concluded, it is very easy for organised crime to be part of the institution-building process and become part of the institutions. And we see the results that if organised crime has penetrated or taken over the police or judiciary, intelligence or customs, it is extremely difficult to fight, because we fight the organised crime by the criminals, it is very difficult to offer cooperation with institutions, because you offer information to the targets. In most cases, if you provide information from the intelligence services to the police or the intelligence services of those countries, you know that in the next day or the next hour the information will end up in the hands of those who are the target of investigation.

It is of course a tremendous danger to democracy. It not only undermines democracy and democratic institutions, it undermines the belief of the public in democracy. It looks then like democracy equals chaos, equals crime. And therefore the nostalgia for a more stable, regulated, safe regime, even at the cost of some political concessions, can grow.

Transitional economies produce basically the labour force for organised crime. If you have tens of thousands of soldiers –trained soldiers– policemen, border guards unemployed, that of course is where organised crime can recruit everybody and everything they need. And there is no way to avoid it. In the transition, tens of thousands of policemen, soldiers and border guards *will become unemployed*.

Weak States, poor States, have serious difficulties dealing with that problem. And finally, there is the threat to the EU itself, because the more the enlargement is progressing, the more organised crime will become a part of the EU. With the first enlargement – it will already happen I can tell you unfortunately, coming from a country which will be part of the first enlargement. But the more enlargement will progress, especially if it is going fast, as we all wish, the more the Schengen regime will become irrelevant. It will be much less difficult for the criminals to commute inside Schengen and outside Schengen as State institutions which are already corrupted will then be part of it.

I think there is an absolutely new approach needed which I don't see emerging, frankly. A new approach because organised crime – especially combined with international terrorism, and sooner or later, rest assured that it will happen also in SEE – cannot be combatted with police alone. And we are of course moving against very basic principles of democracy as we knew it until now; that intelligence and army are not for internal use. But we will have to recognize and the Americans are starting to recognize and they misuse it to some extent, as will always be the case, that organised crime is not a police issue alone. Intelligence is extremely important, maybe even more important than police. Intelligence cooperation is very important. Cooperation between different agencies is very important. At some point paramilitary forces or even the military will be needed and this is extremely dangerous to democracy as we know it and to human rights as we know them. And it is very difficult to find the right balance.

We can only hope that we will be able to do it. But we can make two mistakes and *we are making two mistakes*. Human rights activists are fighting against extending the powers of intelligence services and of course State bureaucrats are fighting for extending it for different reasons and there is no real compromise between the two.

Intelligence cooperation, vertical cooperation and international cooperation will be a must. This of course challenges a lot of principles and practices we've had before; we have to give up additional parts of our sovereignty, but it is very difficult not only for political reasons; it is very difficult for newly emerged countries who have regained or gained independence ten years ago to immediatly give up important parts of sovereignty. And it's the best place for nationalist forces to use against those governments.

But it is also difficult for the others, for the EU countries, the other democracies to make it a two-way street. And in most cases they keep it a one-way street; which will not work in the long run. They have good reasons to keep it a one-way street, because as I said, information flowing to the institutions of another State has a direct way to organised crime. But keeping it a one-way street will soon raise questions about

the whole process in the eyes of those who only give information and don't also receive.

It is also a threat to privacy as we knew it because if you have databases of different agencies or of different countries connected, privacy will be basically gone. It is also very difficult to fight organised crime because States do not like to admit the problem, and society even less. We saw that most societies are in a state of denial regarding concrete forms of organised crime, and this is not typical only to SEE, the new member States of the EU always take pride in the fact that they are different from the SEE; they do not have organised crime at all, and I quote you examples where organised crime has penetrated governments in those countries. Not to mention old members of the EU, where on a different scale of course you also have organised crime.

It's also difficult for those countries to detect organised crime because it is hiding in State institutions and those institutions will be the last to admit that organised crime is a problem, and they are part of the problem, not part of the solution. And as soon as State institutions are dominated by criminals, the fight against them will be difficult for very understandable reasons.

There is also a huge contradiction between the legal situation and the reality on the ground. Most of these countries are hastily introducing legislation which is in accordance or even better than the EU, but if you look at the reality on the ground, the implimentation of those laws and regulations. There little has changed. There is a culture in those countries of not implementing laws, which comes from history, which comes from the Ottoman Empire, which comes from the Communist Empire where you said one thing and did another. This is not seen as something bad, this is normal, this is part of life. And in many countries, you see beautiful legislation, and terrible implementation. With all the problems mentioned before, implementation will be extremely difficult, and I think the EU is making a huge mistake by looking only at legislation and not implementation when deciding about cooperation, about enlargement and other such things.

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Last but not least: corruption. Corruption is the door opener to organised crime, because once you have corrupted a politician, there is no way he or she can fight against organised crime; basically this is the way to receive political support and nobody can deny that corruption has penetrated very high in the political life of these countries. And so it is very difficult to fight.

When I don't know the answers to all my questions, I always quote Albert Einstein who said that "the right question is already 50% of the answer" so I can take pride that I gave you 50% of the answer, and the other 50% should come from the rest of the world.

But that is not enough: we should find *some* answers. And I think the only answer is finding a much more coherent, much more rigid approach of the EU not only inside, but also with regards to the countries concerned. It is in the interest of the rest of those countries. It might delay their accession to the EU by a few years, but I think it will do much more good than harm to them if it's done very coherently.

Institution-building should be the focus of cooperation. And institution-building in very strict terms; controlling if and how much these institutions are penetrated by criminals. It can be done. In most cases countries know this; intelligence services from the outside basically know that too, but out of politeness and out of misinterpretation of equality, they do not tell it, or tell it in such a way that there are no consequences.

The other side of the coin is that we shouldn't try to build many Netherlands in Bosnia and we shouldn't try to build a mini EU in SEE. These countries have a very special histories, very special cultures which are to some extent different from the rest of Europe, and this must be taken into account. I am not suggesting that low levels of salaries are a justification for corruption, but we have to understand that as a long as policemen cannot live on their salary, he or she will always be more vulnerable to corruption and to supporting organised crime. And as long as politicians and ministers in these countries make 300 Euros a month, they will always be more vulnerable to corruption than those who make a little bit more. Transparency is also very important, which is not in the

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traditions of these countries. I am not suggesting that increasing the salaries of policemen from 50 Euros to 500 Euros will immediately solve the problem, but this and salaries, very strong institutions, sincere cooperation from the outside, more transparency and conditionality not in terms of what we had before which are conditions which are impossible to meet and easily forgotten –this is what the EU used to do– but real conditions for help and then delivering the help once the conditions are met. I think that the combination of all this in a long term strategy is what could be very helpful to these countries and to Western Europe as well, because if we don't win the war in SEE we will lose the war at home.

Istvan Gyarmati
Geneva Centre for the Democratic Control of
Armed Forces (DCAF)
Geneva