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MASTER'S DEGREE THESIS
PROBLEMS AND IMPLICATION OF EUROPEAN
COOPERATION ON CRIMINAL MATTERS: THE CHALLENGE
OF THE WESTERN BALKANS

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To my family and Boyka

Abstract

This paper undertakes an effort to highlight the full range of implications of transnational organized crime in Europe in the contemporary globalized context. Through a combination of theoretical models and historical information we attempt to bring forward the reasons for the variations of degrees and characteristics of criminal activity throughout the continent. We examine the origins of organized crime and put emphasis on the Western Balkans as a region with increased importance for the proliferation of the phenomenon. The role of the European Union as the most dynamic factor in the process of containing organized crime is thoroughly analyzed. Finally, by utilizing statistical data we attempt to make connections between the fight against organized crime, European integration and the prospect of Western Balkans' EU accession potentiality.

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INTRODUCTION

Criminal trends in an era of rapid and massive globalization have acquired a respectively international character. Making use of technological achievements and grasping the benefits from the loosened national borders after the end of the Cold War, transnational criminal networks have become both an extraordinary security threat for world order and a notoriously difficult phenomenon to contain. As time goes by and the efforts for limiting the phenomenon are intensified it becomes uncomfortably clear that organized crime is comprised by very well functioning and highly sophisticated networks whose depth and width cannot be fully estimated.

Since the late 1990's, EU countries have taken a great deal of initiatives for confronting security related issues. The Amsterdam Treaty, signed in 1997, was largely galvanized by the changing character of security threats which were no longer based on clearly defined sets of rules of geopolitics but were posed by non-state actors with escalating capacity and willingness for upsetting world order. This change in the contextualization of security forced Member States to redefine their level of cooperation provided that all of them were equally threatened by the new modes of warfare¹.

On the other hand, the articulation of EU Member States undistracted commitment for the establishment of what was grandly called an "area of freedom, security and justice" in Europe as it was made in the "Amendment Treaty" (Pinder 2001, 6), included, and partially referred to, a common European fight against crime. Organized crime was defined as part of a larger security threat that could not be dealt by Member States individually. Thus, the proliferation of transnational organized crime seems to have been an important motivation as well as a triggering power for deepening European institutions.

One of the major causes of the sizeable European problem with organized crime has to do with the everlasting unrest in certain regions. Obviously, the Western Balkans, having experienced long periods of sociopolitical turbulence as well as numerous violent conflicts, constitutes a characteristic example of such a region. It has been a common argument for scholars and EU policy makers that the motivation of EU accession could manage serious blows to organized crime networks in the area and thereafter in the continent in general (Bruno-Querim, 2006; Delevic, 2007, 31-46)

In that context, through the Stabilization and Association Process (SAP), the European Union has consistently provided Western Balkan countries with funds and know how for the containment of the phenomenon. However, the roots of organized crime in South East Europe are extremely deep seated and are affecting the whole range of the countries sociopolitical activities while undermining the potentiality of a fruitful cooperation with European instruments. Therefore, despite the potential gains for the Union, EU investment in the Western Balkans could seriously undermine its public image as an international actor that can ensure and promote security and justice given that the proportions of organized crime in the region currently does not leave room for optimism for a fast and effective confrontation.

Having in mind that the possibility of future further European enlargement in South East Europe plays an essential role in the fight against criminal activity, I will claim that **despite the higher level of commitment and the increased willingness of both the EU and the Western Balkan countries for enhancing cooperation on criminal matters, the international character of the problem, its deep roots in Western Balkan societies and the finite capabilities of international assistance render a successful containment of organized crime in Europe currently**

unlikely while posing threats for EU's public image and undermining the potential of a future EU enlargement South Eastwards.

The above working hypothesis will be proved or amended through an attempt to deconstruct the phenomenon of organized crime. We will undertake an effort to combine theory with practice in order to accentuate the importance that the phenomenon has currently acquired. Selected controversial scholarly and theoretical articles and research from the rapidly expanding electronic bibliography on the subject as well as official documentation will be presented and compared. These analyses and data will be therefore utilized, on the one hand, in order to underline the full range of social, economic and political ramifications and implication of organized crime in Europe and, on the other, in order to reach tentative conclusions on the potentials and threats deriving from European policies against it.

In the first part of the main body, we will undertake an effort to underline the reasons for the emergence of organized crime as well as for its different degrees of proliferation throughout Europe after 1989. Theoretical and scholarly approaches will be presented and utilized in order to provide an overall picture of the origins of organized crime in the continent. In the second part, there will be an analysis of European policies and instruments for tackling transnational organized crime in international, European and regional level. In the next part, official statistics will be apposed and elaborated upon in order to provide an overall picture of contemporary trends of organized crime. In chapter IV, a regional study will take place regarding the implications of organized crime on selected Western Balkan countries' performance at meeting EU accession criteria. In the next part, we will utilize information deriving from our research in order to underline the potentials and threats that the common fight against organized crime is posing to the process

of deepening and widening European cooperation. In the final part, the conclusions of the present dissertation will be presented.

I. THE EMERGENCE AND EVOLUTION OF TRANSNATIONAL ORGANIZED CRIME IN EUROPE

A. Theoretical Background

It can hardly be questioned nowadays that organized crime is an endemic phenomenon, constantly expanding throughout the globe. The dissolution of the Soviet Union in 1989 constituted the starting point for the evolution of organized crime in its contemporary form (Kleemans 2008, 3; Sanderson, 2004, 49). However, despite a generalized intensification of criminal activity after 1989, organized crime did not thrive equally in all regions of Europe. For instance, South Eastern Europe became the theatre of most intense organized criminal activity whereas other regions, equally affected by the end of Cold War, experienced much milder phenomena.

Thus, in the present chapter, we will undertake an effort to present the basic theoretic approaches regarding the causal sequences that have led to the emergence of criminal organizations and then utilize them in order to interpret the proliferation of organized crime in Central and South Eastern Europe. Some of the theories that are presented have been publicized as early as the 1960's; a period when the concept of transnational organized crime has not yet emerged. However, even in the modern globalized context, they seem to be rather valid, given that basic triggering forces such as the quest for profit and power are intrinsic human qualities and as such they have not been altered throughout the past decades.

One of the first comprehensive analyses on organized crime was provided in the work of Donald Cressey (Cressey, 1967, 101-102). According to Cressey's perspective, criminal organizations constitute closely connected, strictly hierarchical groups of individuals with clearly defined goals and great coercive power. The determinant difference between organized criminals and ordinary criminals lies on the connections of the former to respected members of society which are used for establishing safer enterprises. These relations, based either on recruitment or coercion, are considered a key point for the establishment of mighty organizations. The constant expansion and intensification of networks of individuals that obey to the same sets of rules provides criminal groups with a degree of power that enables them to act unrestrained and thus profit through openly manipulating the system².

Another theoretical approach, embraced by many scholars, such as Thorsten Sellin, Edward Kleemans et al. or George Gilligan emphasize on the principles of supply and demand as the main triggering forces for the emergence of organized crime (Sellin, 1963, 12-13; Kleemans et al., 2002; Gilligan, 2007, 101-112). Criminal activity is considered a rational choice geared by the potential profitability of the enterprise. The structure of criminal groups is largely defined by the contemporary needs for illegal products and services. Either formatted as strictly hierarchical organizations or as loose networks, criminal enterprises aim at grasping the benefits from changing trends of demand and minimize the risks of detriment and prosecution. In that context, modern economic concepts are utilized both in terms of structure and in terms of goals. With regards to the former, organized criminal groups, like legitimate enterprises, must have capital, physical plant, creative and managerial personnel as well as employees of various kinds. With regards to the latter, criminal enterprises, as any other, aim at survival, continuity and development (Sellin, 1963, 13).

A third school of thought, generated and primarily represented by Ronald Burt, focuses on the importance of individuals' capacity to acquire information and utilize structural holes. The emergence of criminal organizations is attributed to systemic inefficiencies that allow groups and networks to be created in an ad hoc fashion. In this context, the perception of criminal groups as predictably functioning enterprises with formal structures is highly contested. Opportunity and not profession is put in the centre of analysis. Prominent personalities of organized crime occupy hubs in social networks and bring together individuals from the private and public sectors. Improper relations between the former and the latter instantaneously transform into enterprises which are put together once the opportunity occurs (Burt 2002)⁴.

Similarly, numerous sociologists and social anthropologists such as Tim Hope or Daniel Lederman et al. suggest that social relations and interactions are ultimately definitive for the emergence of organized criminality. Lederman et al. puts social capital in the centre of his analysis. On the one hand social capital decreases the costs of social transactions, which would then allow for peaceful resolution of conflicts while, on the other, communities with stronger ties among its members are better equipped to organize themselves to overcome the free-rider problem of collective action. Lederman et al. despite recognizing impediments that social capital might pose to the process of combating organized crime, such as the increased capacity of criminals to exchange information; through extensive statistical evidence he reaches the conclusion that positive social capital is definitive for the prevention of organized crime proliferation (Lederman et al., 2002).

Tim Hope, on the other hand, suggests that horizontal and vertical community relations are essential when it comes to crime prevention. The former refers to social relationships in the context of families, social clubs or associations while the

latter refers to residents' relations with formal communal institutions. In particular, Hope in his rather comprehensive analysis maintains that interpersonal relations interact with communal structures for the creation of a common culture which indulges or deters the emergence of criminal groups (Hope, 1995).

Overall, it can be argued that most theories on the origins of organized crime are usually attached to one of four basic concepts. Power, profit, opportunity or culture has diachronically been utilized by scholars of different epistemic fields for establishing theories on the origins of the phenomenon. However, contemporary organized crime constitutes a world wide phenomenon with massive implications on institutions, societies and economies. Therefore, the sizeable proportions of the phenomenon demand the utilization of an equally broad theoretical base is any safe conclusions on the origins of organized criminality to be reached. Thus in the following subchapters we will undertake an effort to provide conclusions on the proliferation of organized crime in Europe in the post-1989 era by making use of all four main analytical concepts.

B. The Emergence of Transnational Organized Crime in Central Europe in the Post Cold War Setting

Western and Central European countries throughout the past two decades have suffered severe social and economic damage due to rapidly internationalized organized crime. The demise of communism in Europe in 1989 radically changed the world order and constituted a great shock for societies and economies throughout the continent. Privatization and price liberalization together with social turbulence deriving from the revolutionary movements that led communist parties' monopoly of power to an end, created an explosive atmosphere throughout the Eastern part of the "Iron Curtain" (Giatzidis, 2008, 328-329). Criminal groups organized or not, emerged all around the area, arguably as a result of increasing unemployment, the lack of solid institutional frameworks and

decreasing prosecution capacities of the countries, in an effort to grasp the benefits from the new settings.

In terms of social psychology, the political apathy that communist regimes had cultivated throughout the latter period of their rule had resulted in increased atomization and the perception of the state as the “other” (Verdery, 1996, 35-37. Capitalism at least in the early period of transition was largely understood as mere and unlimited individualism (Giatzidis, 2008, 332-333). The inability of the states in the first transitional period to promote tangible progress resulted in generalized feelings of frustration and decreased public confidence in the new regimes.

Arguably the ineffectiveness of the new democratic leadership in Central European states at manifesting actual differentiation with the communist regimes decreased social capital and largely resulted in the perpetuation of feelings of atomization which were just reproduced in the new setting and largely led to the escalation of illegal activities (Celichofski 2007, 145-147).

Nevertheless, Central European countries, such as Poland, Hungary or Czechoslovakia, quickly managed to reinvent themselves, reestablish viable regimes and drastically minimize the room for escalation of criminal activity. The existence of a comparatively vibrant civil society, with revolutionary character, especially in the final period of the Communist regimes, resulted in the timely change of one-party logic and to the simultaneous emergence of a pluralist system. Unifying movements such as Charter 77 in Czechoslovakia, Duna Kor in Hungary or Solidarity (together with the extensive social effect of the Catholic Church) in Poland, effectively marginalized extremist groupings that could lead to a new round of socio-political unrest and a further escalation of criminal activity (Giatzidis, 2007, 333). Additionally, they constituted points of reference for the countries’ double transition towards democracy and market economy while playing a definitive role in the timely alteration of public perception with regards

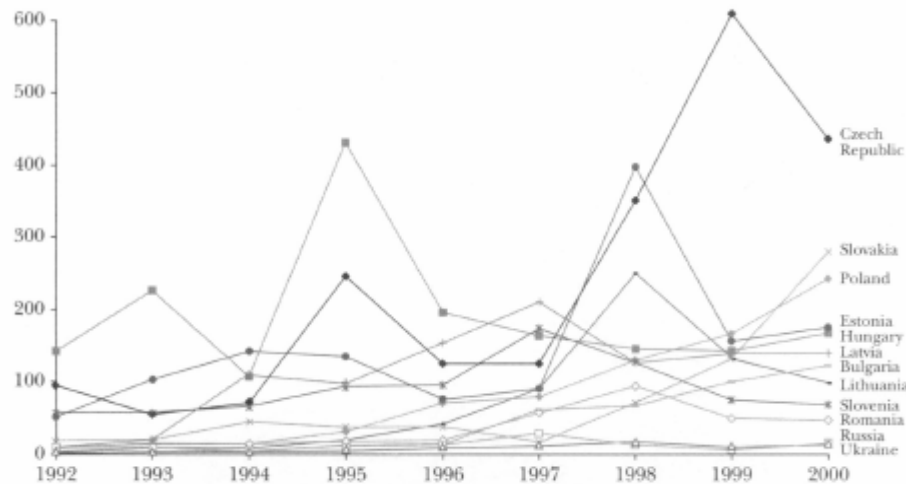
to relation with the state and the rules of the game in the new democratic framework.

Furthermore, either through the so called shock therapy or the gradualist approach, newly established governments of Central European countries after 1989, consistently worked on the transition towards market economy (Roland, 2001). Despite lagging behind the vision of a well adjusted, functioning democracy, leaders of Central European countries managed to steadfast establish a comparatively functioning open markets and proceed through the period of privatization and price liberalization in a fairly smooth manner. Arguably this had more than a little to do with the so-called transition tournament between the Czech Hungarian and Polish governments where each pretended to be the most advanced transition country in the hope of attracting the bulk of FDI to the region (Roland, 2001, 43) (Figure 2). It is characteristic that contrary to South Eastern European countries which witnessed a drop of their GDP ranging from 30% to 50% (the latter in Serbia) in the period between 1989-99 and only reached pre-1989 economic levels in the eve of the century, Central European democracies had already reached the respective levels in 1995 while witnessing an up to 40% rise of their GDP during the same decade (Figure 1).

Figure 2

Foreign Direct Investment Per Capita

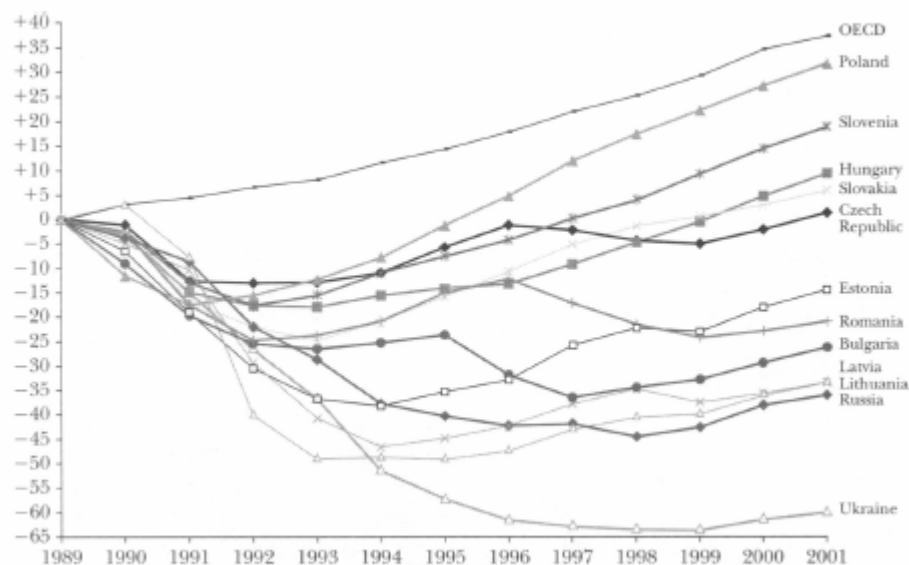
(net inflows in U.S. dollars recorded in the balance of payments, per capita)



Sources: William Davidson Institute, based on EBRD *Transition Report 2001 Update*, World Bank *Development Indicators 2001* and Davidson Institute staff calculations.

Figure 1

Real GDP Percentage Change Index (1989 = Base)



Sources: William Davidson Institute, based on OECD *Economic Outlook*, July 2001; EBRD *Transition Report 2001 Update*; and Davidson Institute staff calculations.

However, it is also true that despite the satisfactory level of adaptability that the new leaderships in Central European countries manifested in the new internationalized context, the tumultuous periods that preceded and followed the demise of communism, provided for a new set of opportunities for making illegal business. On the one hand, the establishment of connection networks between

criminal groups throughout Central and Western Europe in the latter communist period had vertically increased the workload and therefore the profits of organized groups. The exploitation of structural holes in the early transition period through widespread corruption in the public sector not only increased criminals' supply dynamics through their improper enrichment but also equipped them with know how and techniques (Lotspeich, 1995).

Moreover, it can be argued that the escalation of organized crime activity caught both national and international institutions "off guard". The lack of laws, instruments and institutional frameworks in the post-communist setting for fighting crime together with the lack of common international definitions and penalization of activities performed by organized criminal groups minimized prosecution potentials as well as sanctions for the activities of such enterprises. Therefore, those international conceptual misunderstandings rendered organized crime an exceptionally promising, low risk business choice in terms of market economy (Lotspeich, 1995, 528-529).

However, the proliferation of organized crime in Europe has most importantly to do with periods and regions where all four parameters that we examine in the present chapter (power, profit, opportunity and culture) have co-existed for long periods of time. Wartime and/or socioeconomic turbulence have usually resulted in the abolition of the Rule of Law and Constitutional order while the existence of weak states and democratic institutions which indulge phenomena of favouritism and corruption have massively contributed to the formation of pan European criminal networks. The Western Balkan region constitutes a characteristic example of such an unfortunate circumstance when turbulence, experienced criminal groups, increasing demand for illegal products, weak states and even weaker institutions coincided.

C. The Emergence of Organized Crime in the Western Balkans

Communist parties in South Eastern Europe despite the revolutionary atmosphere and the unfriendly international environment, manifested great surviving skills; the lack of democratic culture and the consequent absence of independent civil society movements, especially in the Western Balkans' countries, averted the emergence of democratic institutions. Throughout the 1990's nationalist rhetoric was utilized, by the changed in name but not in character Communist Parties, in order to fill in the ideological vacuum left by the defeat of Communism (Pridham and Gallacher (eds) 2000, 220-223; Strazzari, 2007, 189-190).

In the context of what Guillermo O'Donnell has defined as "delegative democracy" (in contrast to representative democracy) leaders in the Western Balkans held extensive mandates deriving from the unconditional trust on them for defending the countries' sovereignty as well as from the lack of credible alternatives (O'Donnell, 1994). These extensive powers that placed the leaders above the Law aggravated the already existing gangrene of clientalism while severely undermining the procedure of restoration of democratic institutions' and of Constitutional order. Personal relations or connections with the leaders became the ultimate test for employment in the public sector while unconditional loyalty determined civil servants prospects and careers (Pridham-Gallacher (eds.), 2000, 220-223; Strazzari 2007, 186).

Besides, in the case of Yugoslavia, the high degree of decentralization that was manifested after the unifying figure of Tito left the picture in 1980, led the once mighty Yugoslav federation to become a confederation of weak states unable to promote economic reforms essential for the transition to capitalism (Strazzari, 2007, 187). As it was the case in the first transitional period in Central European countries, the states' ineffectiveness at sustaining legality throughout the initial phase of privatization and price liberalization resulted in the false public

perception of capitalism as unrestrained individualism. The unsound mentality under which economic transition proceeded together with the feeling of impunity that was cultivated by the inadequate and in some cases non-existent democratic controls, allowed the steadfast emergence of criminal groups with strong connections in the state apparatus (Giatzidis, 2007, 332-333).

However, despite the impediments posed to the rationalization of governance by the emergence of extremist leaders in the decade following the end of the Cold War, it was the disintegration of Yugoslavia through the conflicts of 1992-1995 that constituted the most important turning point for the creation of the idiosyncratic relations between underground economy and the state. In retrospect, it was these relations that led to the proliferation of organized crime in its contemporary form. Generalized turbulence, unavoidably caused by war, led to the abolition of institutions and the Rule of Law and created an ideal setting for the emergence of criminal networks while formatting a crime-tolerating or even crime-friendly culture which resulted in the perpetuation and intensification of criminal activity in the region.

On the other hand, criminal groups from Western Balkan countries had diachronically been involved in illegal activities that were taking place through the Balkan route. For centuries, traffickers and smugglers from Serbia, Bosnia, Albania and FYROM had been employed in the transit of people and substances from Turkey into European heartland. The experience that these groups had acquired throughout the years together with the new set of opportunities provided by the unsettled status of the region and the lack of efficient law enforcement throughout the period of the Yugoslav wars constituted the Western Balkans an exceptionally fertile ground for the proliferation of organized crime (Strazzari, 2007, 188-189).

Moreover, the international sanctions that were imposed on Yugoslavia by the United Nations in 1992 solidified the already strong ties between criminal groups and the state. In Serbia, Croatia, Bosnia and FYROM cooperation between networks of professional smugglers of goods and the official governments became the mainstream for provision of necessities, such as petroleum, weapons or food to the public. The chronic dependency on war profiteers and smugglers rendered them major contributors for the countries' nationalist interests and formatted the network of connections between security services and organized crime which was never disturbed for another decade.

Additionally, even after the war was over and the democratic institutions were restored (at least in paper), people formerly involved in smuggling, had neither other sources of income nor other qualifications for asserting legitimate employment. On the contrary, after years of making illegal business they had acquired a good degree of experience, while their connections in state apparatus guaranteed comparatively easy profit and impunity (Fatic, 2004, 316; Giatzidis, 2007, 333-340). In that context, the determinant difference was that the methods and connections used by organized networks were to be utilized for providing exclusively illegal products. Besides, the continuously increasing demand of Western Europeans constituted trafficking a highly profitable line of business which was largely facilitated by the governments' reluctance for reform.

Moreover, the notorious scandal of pyramid schemes which was revealed in 1997 in Albania had more than a little to do with the further intensification of criminal activities in the region. The loss of Albanian people's savings due to improper banking activities led to extensive riots that caused the abolition of the Albanian state structures. The catalysis of institutions and the Rule of Law in the country resulted in the looting of strategic assets by the citizens which consequently led to the proliferation of huge numbers of small arms all around the Western Balkans

through the classic routes of trafficking and with the assistance of corrupt officials (Crampton, 2002, 306-107; Glenny, 2001, 654-655). After the events in Albania, organized criminal groups, which never lacked the capacity or the resources for promoting violence, vertically increased their dynamics of coercion and acquired the character of a major security threat.

Finally, with regards to the proliferation of organized crime in the Western Balkans, the importance of the unsettled status of Kosovo cannot be overstressed. The location of the province exactly in the middle of the imaginary line connecting Central Asia with Central Europe (usually referred to as the “Balkan route”) together with its mountainous ground formation has diachronically provided an excellent transition route for illegal products. Furthermore, the existence of a parallel underground government in the province since 1991 provided the ideal framework for further development of organized crime groups and intensification of their activities. Indeed, in the years of the underground government, up to 1999, when the United Nations took over the administration of the province, organized criminal activity was considered not only unavoidable but ultimately essential for the province’s survival (Giatzidis, 2007, 336). In the years following the war, the situation in Kosovo, as far as organized crime is concerned, has not drastically changed; UNMIK (United Nations Mission In Kosovo) yield limited results, primarily due to the endemic unemployment, the unstable political setting throughout the region as well as the proportions and experience of criminal networks which resulted in the perpetuation of widespread illegality. (Veremis, 2002, 69-70; Stefanova, 2005).

Overall, the war torn societies of former Yugoslav republics, experienced an unconventional, traumatic first period in the process of their triple transition (from socialism to democracy, from demand economy to capitalism and from federation to statehood). Under the burdens of war and the international

sanctions, weak states with poor governance and destructed production assets fostered a culture of individualism and corruption as well a feeling of impunity that led to the intensification of organized crime phenomena throughout the 1990's and up to the present day. Criminal groups became involved in the provision of necessities to the public and thus legitimated their existence while individuals found their way away from indigence through their employment in criminal enterprises that provided opportunities for high profits.

As it was manifested in the present chapter, organized crime is not an intrinsic phenomenon that is limited to certain regions or countries. Its emergence is largely dependent on sets of circumstances which constitute crime profitable and sustainable. As it had been realized by international institutions during the past decade, or so, the cost of inaction, when it comes to the combat against organized crime, by far exceeds the costs of action. Numerous policies have been developed throughout the years for the containment of organized crime phenomena and its implications. However, their effectiveness when it comes to dealing with the origins of organized crime, at least the ones identified by the present writer, has been continuously contested. Thus, in the next chapter we will undertake an effort to provide a description of European policies as well as a presentation of selected scholarly approaches on the effectiveness and the future of European cooperation for fighting organized crime.

II. THE EVOLUTION OF EU COOPERATION ON FIGHTING TRANSNATIONAL ORGANIZED CRIME

In the modern era, different forms of criminal activity demand different confrontation by the legitimate authorities. Criminal groups' structures and functions evolve parallel to society through a constant effort to grasp the benefits of systemic inefficiencies. Accordingly, authorities dealing with the fight against

criminality more often than not follow criminal trends and structure their prosecution and penal systems according to the proportions of the problems (Athanasopoulou (ed) 2005, 119). As Jurgen Storberk, director of EUROPOL notes: “From state to state crimes have been defined differently, criminals have been treated differently, courts have been structured differently and the different agencies for law enforcement have its developed their idiosyncratic procedures often complicated by differing powers and mandates” (Storberg, 2003, 287).

Nevertheless, it is certainly not a coincidence that all European countries have started perceiving transnational organized crime as a threat in the late 1980’s and 1990’s (Kleemans (b), 2003, 5). As Edward Kleemans characteristically puts it: “every country has its own triggering events and its own national history, yet several broader European developments might account for coordinated waves of concern and response across countries”(Kleemans (b), 2003, 5-6). Overall it can be maintained that in the context of the open market and of globalized economies, the emerging, highly developed international criminal networks demanded a respectively international consistent action by decentralized authorities.

A. EU Policies and Instruments for Combating Transnational Organized Crime

Starting from the Maastricht Treaty, signed in 1992, EU Member States manifested their willingness for deepening cooperation. Through the establishment of the second and third intergovernmental pillars, parallel to the already existing supranational community one, dealing with Common Foreign and Security Policies and Justice and Home Affairs respectively, the EU has been trying to re-contextualize Member States’ relations in the framework of high politics. In that respect, security has acquired special weight and has constituted the point of reference of the European Union structures. Consequently, transnational organized crime, dealt with as a security threat, became a focal point in the new EU policy making.

The emergence of European instruments dealing with criminal matters has to be understood in this particular context, as an answer to the rapid internationalization of security issues. The first step in that direction was made in 1992 with the agreement on the establishment of EUROPOL; that is of an instrument which would coordinate the efforts of individual member states in fighting crime throughout EU. The mandate of EUROPOL was initiated on 1st October 1998 after the European leaders had articulated their project for the creation of an area of freedom, security and justice throughout Europe in the Treaty of Amsterdam. A year latter, in Finland, the European leaders agreed on the establishment of an instrument labelled Eurojust parallel to EUROPOL, which aimed at assisting the latter by regulating the efforts of prosecution authorities and police forces (Pinder, 2001, 102-108).

EUROPOL and Eurojust constitute the main European instruments for coordinating a large range of activities for law enforcement and prosecution in EU territory. Much of Europol's activities are based on Organized Crime Threat Assessment which is conducted in order to support its operations and derive from the elaboration on individual data on domestic organized crime provided by the Member States. The goal of OCTA according to its director Max Peter Ratzel is "to support decision makers in the best possible way [...] to provide a well-targeted qualitative assessment of the threat from Organized Crime [...] to close the gap between strategic findings and operational activities" (Europol 2007, 5-7). OCTA as well as Europol in general are based on cooperation with numerous international institutions through operational and strategic agreements, as well as with third countries (Tables I, II) given that their workload and mandates, in the recent years, following international criminal trends, have exceeded European borders.

TABLE I

Operational Agreements

States	Organizations
Bulgaria	Eurojust
Canada	Interpol
Croatia	
Iceland	
Norway	
Romania	
Switzerland	
USA	

TABLE II

Strategic Agreements

States	Organizations
Colombia	European Commission
Russian Federation	European Central Bank
Turkey	European Anti-Fraud Office (OLAF)
	United Nations Office on Drugs and Crime
	World Customs Organization
	European Monitoring Centre for Drug Addiction

EU Member States have also been participating in numerous initiatives in the context of the United Nations as well as of the Council of Europe with regards to combating but more importantly preventing organized crime. However, despite their undeniable importance in a symbolic level, initiatives in the context of the

United Nations or the Council of Europe, lack binding character while participants in their instruments are unauthorized to agree upon a mutually acceptable plan which is ultimately essential for effective action against such a persistent international problem as organized crime.

Reversely, decision taken in the context of the EU regarding organized crime, have consistently had more binding character. Member States, recognizing the international character of organized crime, have repeatedly manifested their willingness for cooperating on combating the phenomenon. Trafficking of Human Beings has been defined as a central element of European action against organized crime. As early as 1997, the Ministerial Declaration on fighting trafficking of human beings conducted in Hague provided for the appointment of national rapporteurs from Member States in an effort to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation. One year later, the Brussels Declaration, after EU initiative, brought together Member States, candidate countries, international organizations and NGO's in an ever more generalized effort for counter trafficking. In the context of the Declaration, the European Union provided funding in countries of origin transit and destination while initiating the mandate of 20 experts for recommending a concrete plan of action (Berman-Friesendorf, 2008, 195-199).

In addition, following the European Conference on Preventing and Combating Trafficking in Human Beings held in September 2002, the Member States in a manifestation of unique cooperativeness, signed the Framework Decision on Combating Trafficking in Human Beings. The innovation of the Framework Decision lay in its binding character and its strict wording according to which: "Member States are obliged to criminalize human trafficking and define appropriate penalties" (Berman-Friesendorf, 2008, 195-199).

Besides, numerous official instruments and NGO's have contributed to the effort for realization of the institutional framework laid by the European Union regarding different forms of organized crime. The STOP Programme initiated in 2000 and followed by STOP II from 2003 onwards, aimed at coordinating EU action for combating trafficking in human beings and sexual exploitation of children. In the area of immigration, measures such as visa requirement, expulsion, and a programme labelled ODYSSEUS, funded by the European Union, are pertinent to the phenomenon, as they are designed to prevent illegal migration facilitated by traffickers (Obokata, 2003, 919-921). Overall, although as many scholars have argued, the actual performance of the instruments which have been utilized for the realization of these decisions usually leaves much to be desired, through these initiatives the European Union has manifested a higher level of commitment in the fight against organized crime.

B. EU Action for Fighting Organized Crime in the Western Balkans

European cooperation for fighting organized crime is not restricted to EU borders. As it was the case in the pre-accession period of the Central and Eastern European States, the European Union has been consistently supporting the South Eastern European countries' fight against organized crime since the late 1990's. Partly due to the potentiality of future Western Balkans' accession in EU structures and partly in an effort to contain organized crime networks which affects Member States economies, the Union has been heavily investing in the region since the late 1990's in the area. Investment should not be understood strictly in terms of funds and personnel but, arguably more importantly, as political investment aiming at an effective interference in the Western Balkans and a successful completion of the pre-accession period that can potentially improve the Union's public image and promote it as a powerful international actor that can ensure peace and stability.

Organized crime is understood and dealt with as an endemic phenomenon which can hardly be separated from security issues, corruption or the potentiality of a relapse into violence. As it was the case with the “Cooperation Agreements” with Central and Eastern European countries before their admission in EU, Stabilization and Association Agreements, are currently active between the EU and the Western Balkan countries, aiming at a vertical involvement in and support of the countries’ internal structures which would promote and enhance countries’ prospect of meeting the *acquis communautaire*. The fight against organized crime constitutes one of the most important parameters of European Union’s police missions’ mandate. Through these missions, that is taking place in Bosnia, Macedonia and Kosovo, the European Union aims at fostering and directing domestic efforts towards police and judiciary reconstruction (Emerson-Gross (eds.), 2007, 3). Moreover, CARDS (Community Assistance for Reconstruction Development and Stabilization) program includes funds that either directly or indirectly aim at containing the phenomenon of organized crime through supporting police reform and restructuring or through modernization of other domestic institutions such as the judiciary.

EU's unwavering conviction for indulging candidate countries’ efforts for limiting criminal activity is also signified by its manifold initiatives for promoting regional cooperation which is considered a major prerequisite for the containment of transnational organized crime and its implications (Delevic, 2007, 17-21).

Following bilateral commitments made by the European Union and the candidate and potential candidate states through the Stability Pact (SP), Western Balkan countries participate in a number of initiatives that aim at promoting and enhancing cross border cooperation. Under the command of Special Coordinator for the implementation of the SP as well as the Regional Cooperation Council, the countries participate in programs like CEFTA (Central European Free Trade Arrangement), SEECP (South East European Cooperation Process) SECI (South

East Cooperation Initiative) whose primal target is indulging and galvanizing regional cooperation.

Furthermore, after European initiatives and support, numerous agreements have been signed with candidate countries focusing on organized crime per se. The European Union through its annual reports consistently refers to the importance of potential members' cooperation with and active participation in EUROPOL and Eurojust as a main prerequisite for living up to EU standards regarding Justice and Home Affairs. Similarly, the Stability Pact Initiative against Organized Crime, operating since October 2002, aims at coordination and information exchange among Eastern and South Eastern European Member States. Additionally, the South East European Initiative Regional Center for Combating Trans-Border crime that has been operating in Bucharest since 2006 together with the South East European Prosecutor Advisory Group have been playing an increasingly important role at improving Western Balkans performance on prosecution and law enforcement through regional cooperation and exchange of information and know-how (Delevic, 2007, 17-21). All in all, these numerous initiatives imprint the extreme importance that the European Union puts on the fight against organized crime. It can hardly be considered irrelevant that regional cooperation and cooperation on Justice and Home Affairs are both characterized as extremely important issues regarding Western Balkan countries' membership potentiality (EU Commission (a, b, c, d) 2005-2007).

C. Scholarly Approaches on EU Action for Fighting Transnational Organized crime

Different and in many cases controversial opinions have been expressed by scholars on the effectiveness of European cooperation on criminal matters as well as on its future. Tom Obokata for instance, in his article on the EU Council Framework Decision on Fighting Trafficking of Human Beings, claims that sooner

or later, European countries will have to formulate a common line if the phenomenon of organized crime is ever to be contained. As he characteristically claims: “The success of overall EU actions against the phenomenon depends on the willingness and the determination of the EU and the Member States to adopt a more flexible and broad approach which offers not only legal, but also political, economic, and social solutions”(Obokata 2003). Although Obokata realizes the endemic character of organized crime that run counter to a steady and long lasting cooperation on criminal affairs, seeing things from a federalist point of view, he claims that the pressures rising from globalization are causing insecurity to Europeans and are promoting the need for more cooperation.

However such a point of view has hardly been embraced by other scholars. The pessimistic approach on the contemporary status of European cooperation provided by K.Verfaille and T.V.Beken in their scenario based approach on the potential developments in the future decade on fighting organized crime is characteristic: “The European reports on organized crime are inadequate to aid strategic planning due to an information deficit [...] the information gathering process on which European analyses are based is disparate , lacks transparency, is without engagement of Member States, and often comes about under political influence”(Verfaille-Beken 2007, 439). Such an approach stresses out the catastrophic repercussions that current shortcomings of European cooperation could have for the future of the Union. Embracing a realist theoretical point of view, Verfaille and Beken foresee that the ongoing criminal activity together with the inability of EU to promote a common strategy aggravates Europeans’ feeling of frustration and leads Member States to more individualistic policies which will seriously impede or even contain the process of European integration”(Verfaille-Beken 2007).

Jungen Storberg, director of Europol, on the other hand seems to have more faith in the future of European cooperation. In his article on the challenges arising for EUROPOL in the eve of 2004 enlargement he realizes that: "Within existing Member States, criminal justice systems have developed over centuries and are based on national, historical and culture centred approaches to law enforcement. They are homogenous systems which, while broadly dealing with the same issues, have developed their own safeguards, checks and balances. This can lead to difficulties when seeking to align procedures across national boundaries"(Storberg 2003, 287). However, sharing views with neo-functionalist theoreticians, he claims that together with the increased challenges, a new level of willingness and commitment has aroused which will incrementally end up at effective and fruitful cooperation (Storberg 2003).

Another group of scholars have not focused on the quality and future of European cooperation as much as on the targets and the mentality of policy makers' in the fight against criminal activity. Jacqueline Bergman and Cornelius Friesendorf, for instance, in their survey on EU policies for combating human trafficking claim that although EU efforts have lately been much more intense and have been expressed through numerous instruments, the mentality of EU policy makers when it comes to fighting crime has caused an impediment for effective cooperation. EU policies have targeted prosecution of crime and have overseen prevention which can be more important and can potentially lead to long term solutions. Overall, they claim that Member States have usually appeared a tendency to neglect decisions that do not involve protection against immediate security threats thus embracing a superficial approach to criminal affairs while demonstrating a lack of commitment for tackling the root causes of criminality (Berman-Friesendorf 2008).

Besides, Suzan Woodward in her article on the potential assistance that could be provided by the epistemic community in the fight against organized crime in South East Europe maintains that international cooperation on criminal affairs usually tends to neglect socio-economic aspects of the problem and concentrate solely on security threats posed by criminal groups. Among other things, she stresses the importance of political and economic transition as a major prerequisite for the containment of the phenomenon. Perceptions of organized crime as an integral part of society by both the elites and the public, according to Woodward, cause a major impediment in the transition process and therefore to the potentiality of effective confrontation (Woodward 2005).

However insightful or not these approaches may be, there are certain realities on European cooperation on criminal affairs that cannot be overseen. Security diachronically constituted an area which was jealously guarded by nation-states as a hard core sovereignty issue. However, the fact that European States agreed or were forced to formulate common policies on criminal affairs, manifests the unifying power that security related issues exert on the process of European Integration. During the past decade it has become clear that the rapid internationalization of security threats has hardly left room for effective individual responses. Nevertheless, it is also true that only small steps have been taken, and yet in a timid fashion, with regards to integrating European policies on fighting organized crime and its implications. Obviously, such a procedure, running counter to everlasting stereotypes will be neither easy or one with a guaranteed outcome.

Thus it would be fair to say that currently the potentiality of any safe conclusions on the future of European cooperation on criminal affairs is rather limited. Policy choices such as the unprecedented recent sanctions on Bulgaria (EU withdrew all subsidies to the country in July) due to the countries limited success on fighting

organized crime manifests an ever greater commitment for fighting crime. Nevertheless, stubbornly disregarding international efforts, the phenomenon of organized crime, as it will be manifested in the following chapter, currently rather expands than shrinks.

III. CONTEMPORARY TRENDS OF ORGANIZED CRIME

As we have mentioned before, organized criminal groups and networks have developed to be highly sophisticated enterprises with extrovert character. The shadow economies are constantly expanding due to the continuous rise in the demand of illegal products as well as the enhanced capability of groups and networks to provide it. The role of the Western Balkans has been increasingly important as one of the largest crime production areas in Europe. Criminal groups from Kosovo, Northern Macedonia, Serbia and Bosnia, taking advantage of the unstable political settings as well as the widespread corruption and the culture of political intermingling in illegal affairs, have managed not only to survive for long periods of time but also expand and develop their enterprises.

On the other hand, Western European societies and economies are equally threatened by organized crime groups and networks which perform numerous illegal activities ranging from money forgery to technology related crimes and from document forgery and identity fraud to the exploitation of the financial sector (Europol 2007, 18). However, the purpose of the present analysis is not examining the whole range of illegal activities that take place throughout the continent but focusing on criminal activities that come about as a result of the interaction between the Western Balkans' and the EU countries' criminal groups. Thus, the present chapter will be focalizing on three of the most widespread criminal activities that are expanding due to increased connections and interactions between networks in the Western Balkans and the EU countries:

trafficking of drugs, trafficking of human beings and smuggling of persons.

A. Trafficking of Drugs and Illegal Substances

International drug control system is based on UN Convention Against Illicit Drugs and Psychotropic Substances (1988). According to the Convention, the abuse of hundreds of psychoactive substances is rendered illegal with the exception of use for medical or scientific purposes. Nevertheless, despite this common worldwide contextualization, the extensive abuse of narcotics is considered an extraordinary international problem. According to Europe Organized Crime Situation Report (henceforth EOCSR) 2005: “It is believed that currently 200 million people worldwide (or 5% of the global population) use drugs, of which 80% cannabis, 17% ATS (Amphetamines), 7% cocaine, 5% heroin and 3% other opiates” (UNODC 2005).

In the context of what is usually referred to as "first world", Europe seems to be facing the most serious problems with regards to drugs abuse and trafficking. As European Council's 2005 situation report characteristically notes: “considering purchasing power and numbers of drug users – not only in western but now also in central and eastern Europe –Europe is probably the most profitable market globally” (CoE, 2005). Official statistics just come to reaffirm this argument. With a rate of 0,5 % among its populations, Europe is the region with the highest percentage of heroin users globally while, with regard to cocaine, Spain (2.7%) and the United Kingdom (2.1%) appear to have the highest prevalence rates worldwide after the United States of America (3%). Furthermore, average cannabis use throughout Europe is not less than 5,6 %, while in certain countries such as Spain and the Czech Republic reaches 11%. Finally, amphetamine use in Europe is also widespread. According to official statistics deriving from EOCSR 2004-5, 1,2% of Europe's populations are amphetamine and 0,6% are ecstasy users. In these categories, the U.K., Denmark and the Czech Republic show the highest records globally in methamphetamine and ecstasy abuse with average reaching up

to 2% of the respective populations (UNODC 2005).

These extraordinary numbers imprint an extremely increased demand for narcotics throughout Europe. Unavoidably, the increased demand promotes increased supply dynamics. Obviously, satisfying a huge market like Europe is not the kind of a task that could be taken up by individuals. Organized crime groups and networks using constantly evolving practices are cooperating in the fields of production and trafficking of illicit substances all over the continent.

It appears that criminal groups and networks dealing with drug trafficking constitute the most serious threat for EU countries' economies and societies. According to the statistics on prosecutions in 2004 throughout the European Union, provided by EOSCR, drug trafficking had been the most common activity performed by organized crime groups. Out of 18 countries of EU 25 for which EOSCR provides information, groups involved in drug trafficking were the most commonly prosecuted in 10, while in the remaining 8 they constituted not less than the third most prosecuted organized criminal activity (CoE 2005).

Characteristically, it is notwithstanding that 32% of 670 prosecuted organized crime groups in Germany were involved in drug trafficking while in the Netherlands 221 cases of drug related organized groups were investigated in 2004 (168 for hard drugs and 53 for soft drugs). In France, 35 local and international drug trafficking networks were prosecuted in 2004 while in the Czech Republic 2290 drug related offences were investigated between 2003 and 2004. Finally, in Spain, the country responsible for more than 70% of the global chassis trade, 253 organized groups counting more than 5.900 members were prosecuted in 2004 (UNODC 2005).

The role of South Eastern Europe in the creation of this overwhelming

predicament regarding drug trafficking, has diachronically been of extreme importance. Through the (in)famous “Balkan route” drugs have been traded for centuries. Poppy cultivators from Afghanistan have been trafficking heroin through Central Asia to European whole sale distributors from Turkey, Bulgaria, Albania or Slovenia. Similarly, chassis producers from Turkey and Albania have been using the same route for the promotion of their products (Giatzidis 2007, 329-330). Nevertheless, the pathways of narcotics have been somewhat altered as time went by and as the unsettled situation in the Western Balkans was providing more and more potentials for safer business to drug traffickers. Drawing from the work of Marco Milivojevic:

Prior to the disintegration of Yugoslavia, the main transit route for the criminal transfer of goods and people passed through Turkey, Bulgaria, Serbia and Slovenia, and into Austria, Germany and the rest of the Western Europe. The Yugoslav wars provided better opportunities as they took advantage of the law enforcement vacuum in the FRY and began to pass goods primarily through Serbia, Kosovo, Albania or Montenegro, and via the Adriatic, to Italy and Western Europe

(Milivojevic

1995)

Milivojevic analysis, despite being written in 1995, is nowadays more accurate than ever. In the recent years, not only the proportions of the problem have not been narrowed down but, on the contrary, the problem of narcotics trade through the Western Balkan routes has been gradually aggravated, on the one hand, due to the increasing demand deriving from emerging markets of the Russian Federation (CoE 2005) and, on the other, due to the unsettled political status of Kosovo, the unresolved situation in Bosnia and the chronic tensions between Albanians and Slavs in FYROM.

According to the UNODC's statistics and data, Albanian groups and networks (twenty or more) cooperate through the "Silk route" with groups from Turkey, Kosovo, FYROM, Montenegro, Bosnia, Italy and Greece, the latter two constituting soft zones through which drugs are transferred into Europe. Serbia and Kosovo in particular, constitute strategically key points of the Balkan route where more than 19 organized crime groups operate (UNODC 2005). According to EOSCR, heroin is trafficked primarily from Kosovo to Serbia partly for the satisfaction of local demand and partly for trafficking into Western Europe. Highly priced drugs such as amphetamines, on the other hand, are smuggled in the opposite direction coming from the Netherlands via Hungary and Croatia to Serbia (and Kosovo) from where they are trafficked to Bulgaria and Turkey, sometimes in exchange for heroin (CoE 2005).

Drug trafficking has acquired a character of a hydra throughout Europe. Either through Morocco and Spain or through the exploitation of the turbulence in the countries of the Balkan route, drugs seem to be trafficked fairly easily in the whole continent. The rates of prosecutions and arrests regarding drug related offences are inconveniently low in comparison to the statistics of users throughout Europe. Provided that the latter figures cannot imprint the full size of demand due to people's reluctance to admit their illegal habits, it appears that drug control system throughout Europe lags far behind from effective containment. Overall, it would be fair to say that a vicious cycle has been created where the prosecution authorities are embarrassingly stuck in the middle between an increasing demand for drugs and the evolving techniques of traffickers for producing and trading them safely.

B. Trafficking of Human Beings

According to the principles of the Palermo Protocol which 28 European countries co-signed in 2005⁴, the Council of Europe's Convention on Action against

Trafficking in Human Beings has defined THB as following:

“THB shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”;

(CoE 2005)

The vast majority of trafficking of human beings is currently held by organized crime groups and networks given that the expanding market can no longer be handled by individuals or families as it was the case in the past. In that context, the estimations of the actual proportions of international THB have varied. For instance, the US department of state has cited the number of persons trafficked annually across international borders at 600.000 to 800.000 per year, alleging that 80 per cent are female, up to 50 per cent minors and most forced into the sex trade. Accordingly, research from the International Labour Organization suggests

the number of persons engaged in forced labour as a result of THB is not lower than 2,4 millions (Berman-Friesendorf 2008, 191-192). Finally, the European Police Office (Europol) has estimated that approximately 500,000 people enter Member States of the EU each year, half of them being assisted by traffickers such as organized criminal groups (Obokata 2003, 917-918).

Organized crime groups and networks grasp the benefits from market opportunities provided by the increasing demand for sexual services and underpaid labour combined with the vulnerability and indigence of women and children from developing and underdeveloped countries. As the US department of state claims that, “groups involved in THB are reportedly yielding almost USD32 billion in profits a year” while according to the Council of Europe’s Convention on Action Against Trafficking of Human Beings: “sexual exploitation of women and children alone creates almost USD10 billion in profits a year” (Berman-Friesendorf 2008, 191-192). Overall, it appears that, in terms of market economy trafficking of human beings constitutes a relatively low risk enterprise both due to its overwhelming profitability and to the limited capacities of prosecution authorities.

Similarly to drug trafficking, Western Europeans are the major contributors to THB networks. The dramatically escalating demand, especially in the field of trafficking for sexual exploitation is imprinted in the numbers of victims of sexual exploitation. Indicatively, in Germany the number of victims increased from 811 (in 2002) to 1,235 (in 2003). Similarly in the Netherlands where 18 organized groups dealing with THB were prosecuted in 2004, the number of victims registered increased from 257 (in 2003) to 405 (in 2004) (CoE 2005).

Eastern and South Eastern European countries had continuously been the main origins of THB in Europe since the disintegration of the Soviet Union in 1989 and of Yugoslavia in 1992. The former Yugoslav republics, despite being countries of

transit or of destination of trafficked persons in the past, they have recently developed to be countries of origin as well. Characteristically, according to “Trafficking in Persons Report”, Bosnia and Herzegovina remains a “tier 2” country (countries where problems of trafficking subsist despite recognised efforts by the authorities) (European Commission 2005 (a), 64-65). Despite the common acknowledgement that Bosnia constitutes a key region for trafficking in Europe, not more than 12 cases of THB (out of 46 that were prosecuted) resulted in convictions in 2004 while 14 groups involved in THB were prosecuted the previous year (European Commission 2005, 64-65 (a); CoE 2005, 34-35).

Serbia, on the other hand, constitutes another key point both for transition and for domestic exploitation of trafficked people. Ten organized groups of Serbian origins, counting more than 100 members, are allegedly involved in THB and are cooperating with international networks (CoE 2005, 34-35). However, the prosecution records seem to be disproportional to the intense trafficking activity. According to Serbia’s most recent Commission Progress Report: “there have been 190 trafficking victims identified from 2002 to end of 2005, another 22 to date in 2006. Twenty criminal charges have been filed in the past year and two sentences passed for the criminal groups” (European Commission (b) 2006, 38-39).

Additionally, Kosovo remains a region of origin, transit and destination for THB. Despite the fact that 103 cases of trafficking in human beings – 82 of which related to organised crime – were recorded and 86 suspected traffickers arrested in 2003/4, it is highly debateable if any progress in fighting THB has been achieved by Kosovo prosecution services (European Commission 2007 (c), 38-39). Finally, FYROM constitutes another important transit and destination country for THB on the Balkan route to Western Europe. 19 groups involved in THB were prosecuted in 2004 despite the fact that the country has failed to comply with the minimum European standards regarding prosecution of THB (CoE 2004).

These statistics only partially imprint the proportions of the problem of THB in Europe given that its actual size cannot be realistically measured. As it is also the case with trafficking of drugs, the prosecuted criminal groups constitute only a small minority in comparison to the whole enterprise of THB in Europe. However, each cloud has a silver lining. Individual countries' prosecution services as well as international organizations, only recently seem to have weighed the proportions of the problem of THB as well as the socioeconomic threats that derive from it. Consequently, policies against THB have only recently started evolving thus providing much room for improvement.

Numerous media and NGO reports have recently started openly condemning the brutal treatment of trafficked persons as: "instances of extreme physical and sexual violence, imposition of debts, threats against families, and removal of earnings and passports" (Berman-Friesendorf 2008, 193-194). Hardly is it irrelevant that growing number of European films such as Giuseppe Tornatore's masterpiece "The Unknown" or the Italian-Macedonian co- production "Balkan-kan", are dealing with the phenomenon of human trafficking. This increased social sensitization constitutes a step in the right direction for fighting trafficking of human beings. However, it is rather obvious that much more need to be done both from individual governments and international organizations for containing both the supply potentials and, arguably more importantly, the demand for trafficked persons.

C. Smuggling of Persons

Smuggling of persons has been usually confused with trafficking of human beings. Despite many common features between those activities, there are important differences which have been underlined and clarified through official documents and international definitional agreements. According to The Protocol to the

United Nations Convention on Transnational Organised Crime⁵ smuggling of persons is defined as:

“... (t)he procurement, in order to obtain directly or indirectly, a financial or other material benefit, of the illegal entry of a person in to a State Party of which the person is not a national or permanent resident.”

(U.N. 2004)

Smuggling of persons differs from THB in two main points: first the former is necessarily transnational while the latter is not and second, at least in theory; smuggling is conducted with the consent of the smuggled party while trafficking is based on coercion.

According to international organization for migration, it is believed that currently 20 to 40 millions people are illegal immigrants throughout the globe. Out of them, some 300.000 to 450.000 are annually smuggled into developed European countries in search for a better future (CoE 2005, 37). The declination of these statistics imprints the difficulty of authorities to weigh, let alone contain, the phenomenon.

Illegal immigrants in order to be smuggled into Europe have to pay large sums of money which according to EOSCR are determined: “by the nationality and wealth of the migrant, the risks involved in the journey, the degree of professionalism of the service providers, the attractiveness of the country of destination” (CoE 2005, 37). Smuggling of persons largely depends on loosely connected local networks instead of large centralized ones. This results in the creation of flexible organizations able to adapt in different conditions and which are much more difficult to contain. According to Ahmet Icdygu: “On the route from Afghanistan

to Istanbul or from Iraq to Athens, there is a large network consisting of hundreds of people in smaller networks who are independent and yet connected to each other” (Icduygu 2005, 84-85).

Western European countries constitute either transit or destination countries on the routes of illegal immigration. Spain, Italy and Greece are the most important transit countries in the EU given that they constitute the entering points for two out of three smuggling routes. According to Interpol, immigrants from Asian countries and Turkey are smuggled through the “classical” Balkan route through Italy and Greece into Western Europe while immigrants from sub-Saharan Africa are smuggled via northern Africa and the Strait of Gibraltar to Spain and Italy. The third route of entrance for illegal immigrants involves Eastern and Central European countries. Smugglers lead emigrants from Asian countries through the Central Asian Republics to Russia and from there via Ukraine, Slovakia and the Czech Republic to Western Europe (CoE 2005, 38).

In addition, other developed EU countries are also highly involved in the networks. In the Netherlands for instance, 24 networks were involved in such activities in 2004. With regard to the smuggling of persons, the Netherlands functions mainly as a transit country for illegal migrants from Asia to the United Kingdom. Moreover many structured networks operate in France, a destination country for illegal immigrants. Characteristically, more than 1800 suspects for involvement in smuggling of immigrants were prosecuted in 2004 while more than 12.000 people were prosecuted for carrying falsified documents, an activity usually performed by smugglers (CoE 2005).

On the other hand, South Eastern Europe is heavily involved in human smuggling business as well. Out of the some 200.000 people who are smuggled through the notorious “Balkan Route” from Turkey into European heartland a large majority is

led through the Western Balkan region. In this context, Serbia, Bosnia, Kosovo and Croatia hold the most important role in the smuggling imbroglio. Together with Albanian criminal groups, networks that originate in the Former Yugoslav Republics facilitate the illegal transfer of immigrants into Central and Western Europe.

As it is the case with trafficking of drugs and human beings, smuggling of persons constitutes a highly internationalized issue strongly related with organized crime networks. However, what differentiates it is the fact that Western Europeans are not directly involved either from the supply or from the demand side. Smugglers offer their services after smuggled persons' request and do not act as intermediaries that satisfy destination countries' demand for illicit goods. Nevertheless, human smuggling has ongoing effects in Western European countries societies. It aggravates unemployment while contributing to the increase of criminality and the disruption of fiscal policies through immigrants' participation in shadow economies. It constitutes another problem whose manifold consequences and implications despite being realized and weighed, cannot be effectively contained. By and large, it provides yet another manifestation of the authorities' ineffectiveness in coping with criminal groups' and networks' constantly increasing proficiency.

As it was manifested in the present chapter, organized crime enterprise is currently steadfastly expanding through interconnected groups all around the continent. The escalating criminal activity in the Western Balkan region together with the ongoing internationalization of security, economic and social threats deriving from the phenomenon, charges transnational organized crime with extraordinary significance regarding the character of European cooperation in the future. However, as it was analyzed earlier much of the problems of the Union with organized crime from the supply side originate in this region despite the

strict visa regimes currently active in the Western Balkans.

The potentiality of abolishment of these strict regimes in case of an enlargement generates insecurity among European citizens who, rather reasonably, consider an aggravation of the already existing problems with organized crime unavoidable. EU citizens' scepticism that was expressed in 2004 with the metaphor of the Polish plumber as an example for the unwanted inflow of immigrants from new Member States imprinted public insecurities that the enlargement would negatively affect their living standards. These insecurities might have more than a little to do with the rejections of the Constitutional Treaty by the French and the Dutch people in 2004 as a manifestation of peoples' reluctance to jeopardize their living conditions. If we replace the Polish plumber with another stereotype such as the Albanian or Serbian Mafioso we will be brought to the conclusion that organized crime can seriously affect the future of European integration. It would be rather surprising if the EU public was to react even more dynamically in the case of a potential enlargement South Eastwards given that organized crime constitutes a security issue except from an economic and social one. However, any discussion for Western Balkans accession in the EU seems rather immature given that organized crime, let alone other socio-political and economic factors, is currently blocking any prospect for short term enlargement.

IV. ORGANIZED CRIME AND EU ACCESSION CRITERIA

After the unprecedented enlargement of the European Union in 2004 with the accession of 8 Central Eastern States plus Cyprus and Malta, closely followed by the first enlargement South Eastwards, with the accession of Bulgaria and Romania in 2007, the project of European reunification currently seems somewhat stagnant. Turkey, a case of its own, together with FYROM and Croatia have been recognized as candidate countries while since the Feira Summit of 2000 all Western Balkan countries have been rendered potential candidate Members (EU

Council (a) 2000). Nevertheless, under the current status of hardened EU accession criteria, it seems that a potentiality of Western Balkans enlargement is as unlikely as ever.

The escalating organized criminal activity in the Western Balkans as well as its manifold implications in the countries societies and economies constitutes one of the highest hurdles that candidate and potential candidates will have to overpass in the race towards EU accession. Thus, in the present chapter we will undertake an analysis of the impediments that organized crime is causing to Western Balkans countries for compliance with the European political and economic criteria. We will underline organized crime's implications in both political and economic spheres drawing examples from four areas: Serbia, FYROM, Bosnia and Kosovo.

A. POLITICAL CONDITIONALITY AND ORGANIZED CRIME

As it was analyzed in chapter II, the lack of solid institutionalism and respect for the Rule of Law in Western Balkans countries is not a contemporary phenomenon. One of the main reasons for this chronic inability of former Yugoslav republics to establish stable and well functioning democracies has been the existence of widespread organized criminal activity which evolves and expands through corruption in the public sector (Kratsev 2002, 46-49; Bruno-Querim 2006, 551-553). However, if the potentiality of future membership in the Euro Atlantic alliances is to stay on the table, such phenomena will have to be effectively contained. According to EU's political criteria: "stability of institutions guaranteeing democracy, the Rule of Law, human rights and respect for and protection of minorities" (Council of EU (b) 1993) is sine qua non for EU inclusion.

The implications of organized crime in the Western Balkans are mainly detected in the countries' dysfunctional institutional framework as well as the incomplete

appliance of the Rule of Law. Without taking into account the periods of war, organized crime groups and networks have repeatedly managed to shake political order in the region by taking advantage of the intrinsic character of corruption in the post communist setting. In the contemporary context, despite the fact that democratic constitutions have been active and legitimate governments have been elected, criminal activities facilitated by illicit services of corrupt officials have not been effectively countered.

Corruption can be seen both as a facilitating factor and as an outcome of organized crime activity. On the one hand, it constitutes the main stepping stone for the perpetuation of criminal activity while, on the other, the emergence of the culture of corruption can be regarded as an outcome of the generalized climate of impunity, the continuous intensification of criminal activities and the increased profit potentials it involves for public servants (Giatzidis 2007, 329-330).

Obviously, the mismanagement of the public sector undermines the principle of equality, while minimizing the social capital and rendering illegal practices largely acceptable⁶.

Organized crime, as it has been analyzed earlier, benefits from the ineffective appliance of democratic institutional order in many ways. Criminal groups are provided with opportunities and potentials not only for bypassing but also for manipulating institutions in order to maximize their profits. Areas where intense socio-political turbulence and unlawfulness existed have diachronically been the ones where organized crime thrived (Athanasopoulou 2005, 2). However, the capacities of criminal organizations to galvanize generalized unrest either through war or riots have been a recent phenomenon at least in Europe, which has been exclusively observed in the Western Balkan region.

I. FYROM and the 2001 Conflict

Probably the most characteristic manifestation of the potential threat for democratic order and even peace and security, posed by organized crime in Europe was the civil war in FYROM in 2001. Since the recognition of the country by the UN in 1991, international and domestic players had managed to effectively minimize the turbulence in a country that despite the existence ethnic grievances was characterized as a good example of a peaceful multiethnic community (Petroska 2004, 2-3). Nevertheless, the so-called mini-war in Macedonia came to abruptly interrupt the country's transition towards peace, democracy and market economy. On the other hand, it constituted a bitter demonstration of the extensive capabilities of criminal groups to take advantage of unsettled settings and galvanize ethnic strife.

The war was primarily conducted by a newly established group with close relations to the KLA (Kosovo Liberation Army) called NLA (National Liberation Army). As it was the case with the former, the latter was at least partially financed by members of Albanian diaspora who were involved in criminal activities.

According to Alex J. Belamy:

There is little doubt that networks exist between the

KLA, NLA, and Albanian rebels in southern Serbia (UCPMB31) or that they engage in trafficking and attempt

to influence politics in Kosovo and Macedonia.

(Belamy 2002)

Overall, the war in FYROM in 2001, although not exclusively an outcome of organized criminals' desire for minimization of control mechanisms, emphatically highlighted the impediments that contemporary criminal networks can cause to a country's democratization and securitization process.

II. Organized Crime in Serbia: The Case of Djindjic's Assassination

Furthermore, in Serbia, the assassination of Prime Minister Djindjic in Belgrade in 2003, allegedly by the Zemun gang (Fatic 2004, 316-317), constituted a vociferous manifestation that the Rule of Law will always be unsafe have there not been a serious effort for containment organized criminal activity. As soon as Djindjic felt that he enjoyed enough public support and that the time was ripe to move against his erstwhile cronies and set up a Special Crimes Court to handle prosecutions of organized crime cases in 2003, he was assassinated (Fatic 2004). Clearly, the goal of the perpetrators was to violently stop the reform procedure which was under way by the prime minister and cause socio-political unrest that would lead to the emergence of a regime less determined for restoring the state to health (Fatic 2004). Despite the fact that Djindjic's assassination brought about the largest anti-organized crime and anti corruption campaign in the Balkans' history which led to 8.000 arrests; the reemergence of Vojislav Kostunica, of an extremely controversial politician with opportunistic tendencies, to the highest level of statesmanship, largely satisfied criminal groups' will.

III. Organized Crime in Bosnia: A constant Threat for a Fragile Stability

With regards to Bosnia and Herzegovina, the implications of organized crime on the country's potentiality for meeting political conditionality have duly been overshadowed by the chronic instability of the federation's institutions as well as the communities' inability to coexist harmonically. However, as it was analyzed previously, BiH is currently dealing with extensive criminal activity especially in the field of trafficking of human beings. On the other hand, corruption, related but not limited to, facilitating organized crime also constitutes a constant threat for the principles of equality and isonomy as well as for the stability of the country's institutions.

International forces have also highlighted the importance of the containment of organized crime for the restoration of democratic order in the BiH. The European

Union mission EUFOR that replaced NATO-led SFOR in 2004 has consistently been addressing the implications of organized crime. According to EU Commission Report 2005:

An aspect in which it differs from SFOR is that it has an explicit mandate to provide support in the fight against organized crime, the aim being to strengthen security and help Bosnia and Herzegovina increase its self-governing and self-policing capacity.

(EU Commission 2005 (a),

64-65)

Many scholars and journalists have overbid regarding the importance of fighting organized crime and corruption for the stabilization country's democratic order. Ian Black, for instance, in a recent article, has noted: "the European Union is also working to ensure that organized crime and corruption - seen as a far bigger risk than the prospect of renewed fighting between Serbs, Croats and Muslims - do not spill over to the wider region" (Black 2004). Either a bigger risk or not, it seems rather likely that while both domestic and international players in the region are able to control the potentiality of inter ethnic strife, they can hardly constrain manifold underground activities.

IV. Kosovo: Problems of Intrinsic Illegality

With regards to Kosovo's efforts for democratic transition and consolidation, the province's future currently seems rather shadowy. Numerous burdens will have to be over passed before meeting political conditionality. The increased dynamics and strategic assets of organized crime networks in the area as well as the connections with official authorities render a containment of organized crime extremely difficult. The appliance of the Rule of Law together with the fight

against organized crime constitute top priorities in the list of United Nations standards that have to be implemented before Kosovo acquires the status of an independent state (International Crisis Group (ICG) 2008).

Arguably the most characteristic example of the fragility of constitutional order in the province was the riots that broke out in 2004 in the form of mob attacks against the Serbian community and UNMIK constituted the most recent example of the fragility of democratic and constitutional order in Kosovo. The sudden eruption of violence by 50,000 Albanian rioters left 20 dead and more than 800 injured; 32 Serb churches and monasteries desecrated; and some 4,500 Serbs, Roma, and other members of minorities expelled from their homes (ICG 2008). The attacks were largely attributed to groups of professional fighters, former members of the KLA financed by Albanian drug lords, whose networks were easily mobilized once the riots broke out in Mitrovica (Pond 2005, 30). Obviously, these events highlighted the fact that the official dissolution of Kosovo Liberation Army did not mean an actual minimization of the paramilitaries' strategic assets. Eventually, the riots of 2004 constituted yet another hard proof that despite the end of the warfare and the international presence in the province, democratic order is as unsafe as ever primarily due to the unconstrained activity of organized criminal groups.

Furthermore, the Kosovo Protection Corps and the Kosovo Police Services, the main domestic instruments for the preservation of law and order in the province were mainly manned by former KLA fighters (Johnson 2004, 56). These bodies have transformed into cores of corruption with manifold connections with organized crime (Giatzidis 2007, 334-335). It is notwithstanding that a department dealing organized crime was created as late as 2005 and only after strong pressures by the international community (Giatzidis 2007; ICG 2008). Hardly is it irrelevant that a European mission of 1800 strong security forces was deployed in the

province with the mandate to assist domestic efforts for promoting and preserving Constitutional order (ICG 2008).

Since 2003 when the European Union articulated its intention for eventual accession of the Western Balkan countries into European structures, there have been intense efforts in national, regional and international level for promoting Western Balkan transition towards peace, stability and democracy. According to international reports, the countries' performance at applying European standards has also dramatically improved. Nevertheless, as recent developments throughout the region have manifested the establishment of democratic order and stability can never be certain before organized networks with increased capacity for indulging or even provoking turbulence are contained.

ECONOMIC CONDITIONALITY AND ORGANIZED CRIME

Economic transition of Western Balkans throughout the past twenty years has suffered many setbacks that have impeded the countries' economic progress. The potentiality of a future accession in European structures has continuously been undermined by the chronic inability of former Yugoslav republics to improve their economic performance. According to the Copenhagen criteria, candidate countries in order to become eligible members should be able to guarantee: "The existence of a functioning market economy, and the capacity to cope with competitive pressures and market forces within the Union" (European Commission (b) 1993). One of the main reasons for the countries delay at meeting these conditions are the proportions of shadow economies, closely related to organized crime, which continuously block the countries' way towards meeting European Union's economic prerequisites.

However, in cases of intrinsic illegality, such as those in the Western Balkans, the implications for the political or economic sphere cannot be easily separated.

Interactions between them create an unhealthy situation which affects society in a vertical manner. The outcome of increased criminal activity on a country's economic transition largely derives from shortcomings in the appliance of democratic order. Principles such as equality, isonomy, the Rule of Law, normally taken for granted in a functioning democracy, are considered essential for the existence of a well-adjusted open economy (Stubos 2004).

The countries' macroeconomic stability is severely affected by widespread criminal networks and their connections in the states' apparatus. Western Balkan countries growth rates are massively undermined by tax evasion that derives from extensive black and grey economies. Furthermore, high unemployment rates also undercut the countries' efforts for meeting the Union's economic criteria. Unemployment in the Western Balkans ranges from 27% in Serbia to more than 40% in Kosovo (European Commission (c) 2007). An important cause of these high rates is the fact that many registered as unemployed are actually employed in shadow economies. Thus, while a negative picture is promoted abroad, the states are also deprived from the potentiality of a fiscal rationalization due to increased obsolete expenses. On the other hand, inaccurate unemployment rates constitute yet another blow to the countries growth rate as almost one third of the work force in the Western Balkans is involved in shadow economy and, sequentially, does not pay taxes (Stubos 2004).

On the other hand, both the quality and quantity of Foreign Direct Investment are generally connected to the predictability and stability of the economy in which FDI inflows (Bruno-Querim 2006, 551-552). The Western Balkans, except from their notorious past of socio-political unrest, can also hardly guarantee institutional functionality given the widespread phenomena of corruption. Thus, although the Western Balkans would theoretically constitute an attractive market for investors, given the comparatively low cost of labor; due to phenomena of

corruption are deprived from a potentially important contributing factor to the countries growth (Bruno-Querim 2006).

Moreover, Western Balkan countries are currently unable to establish a predictable and fair financial institutional framework. The lack of sound financial control mechanisms as well as of a well trained judiciary result in the perpetuation of illegal activities ranging from value added tax fraud to public procurement embezzlement and from privatization and investment fraud to fraud against the European Union's financial interests (CoE 2004 (b), 89). The official statistics regarding the "so-called" economic organized crime are characteristic of the size of the problem for Western Balkans economy and, therefore for their potentials for meeting EU economic conditionality. According to European Union Situation Report on Organized Crime 2005:

"Bosnia and Herzegovina reportedly losses of hundreds of millions of Euros annually to "organized economic crime": in 2004 , 907 cases were prosecuted, leading to the conviction of 212 perpetrators. In Kosovo, almost 5000 cases of economic crime were recorded but only 3 cases were clearly linked to organized criminals in the conventional sense". At the same time in Serbia: "the material damage of economic crime in 2003 was estimated at €300 to 500 million".

(EU 2005)

Overall, organized crime activity in the Western Balkans has strong implication in the economic sphere as well. However, as it was mentioned earlier, in the contemporary context, democratic institutional stability and the appliance of the Rule of Law are considered prerequisites for the establishment of a functional market economy. Western Balkan governments will have to complete their long awaited double institutional transition before any discussion on future accession can be sustained.

Nevertheless, intensive official efforts for concluding the transition process and for minimizing the liabilities and threats deriving from organized crime is a necessary but not a sufficient precondition for meeting EU political and economic criteria. If the countries in question are ever to be eligible for membership they will also have to eliminate public perceptions and mentalities that facilitate organized crime. Officials' corruption, for instance, a generally tolerated phenomenon, is essential for the survival of organized crime enterprises (Giatzidis 2007). Given that such mentalities have been cultivated for decades and are largely responsible for the perpetuation of widespread organized crime phenomena, it can be maintained that their elimination is equally significant in the process of meeting European standards as confronting the repercussions of criminal activity. It will definitely be a long and difficult procedure without a predetermined outcome which demands high level of commitment and decisiveness by both governments and individuals.

V. ORGANIZED CRIME AND EUROPEAN INTEGRATION

i. Potentials and Threats Deriving From European Policies for Fighting Transnational Organized Crime

A. Organized Crime as a Motivation for European Integration

As it was manifested earlier, transnational organized crime is constantly expanding through relations and interconnections between groups and networks from all

around Europe. Criminal organizations constitute highly profitable enterprises with increased strategic assets. Their coercion capacity as well as their manifold implications on European economies and societies has rendered them a common security threat for EU Member States.

Throughout the evolution of European Union's structures, security related issues had constituted triggering forces for European Integration. The greatest innovation of the institutional restructuring that took place through the Maastricht Treaty was that it moved the Member States' cooperation away from low politics and brought them closer to high politics. The clearer sign of this alteration had been the increased weight put on cooperation on security related issues through the second pillar and third pillars. Similarly, the articulation of the vision of creation of an area of "Freedom, Security and Justice" throughout the continent, as it was made in Amsterdam Treaty, again put emphasis on common security threats as a point of reference for European cooperation. Hardly can it be considered irrelevant that both efforts for deepening European cooperation through the rejected Constitutional and Lisbon Treaties were suggesting a further integration and intensification of EU policies falling under the second and third pillars. Overall, it can be maintained not only that security related issues have diachronically constituted a focal point in the process of deepening European cooperation but also that any further Integration in the future will be galvanized by such issues.

B. Public Image Issues

a. Potentials Deriving from Common European Policies for Organized Crime

The unfortunate policies of the Union in the Balkans during the wars in the 1990's have charged EU policies with what many scholars have described as "neo-colonial" guilt. On the other hand, its repeated reluctance or even inability to formulate a distinctive unanimous foreign policy, the most dramatic example again

being the Yugoslav Wars, has minimized popular trust in the effectiveness of the Union. . A successful interference in the region that will successfully confront the impeding factors for accession, such as organized crime, will potentially deflect hydras of the past while being rather reviving for EU's public image.

In addition, it is rather obvious that a potential enlargement South Eastwards would constitute a great leap towards the securitization of a turbulent area in the backyard of Europe. Full membership would provide the legitimization that the Union needs for interfering in the area. Under this widened mandate and through an effective application of the principle of conditionality, the European could potentially restore its image as an effective player with international prestige.

b. Threats Deriving from Common European Policies for Organized Crime

On the other hand, under the present regime of hardened accession criteria, the risks involved for European Union's interference in the region are quite high. The possibility of Western Balkans meeting the EU accession criteria in the short term currently seems extremely low. With regards to organized crime, despite the increased political will on behalf of Western Balkans leadership, changing everlasting mentalities is a long lasting procedure as well as one with an uncertain outcome. However, if a short time horizon accession potentiality is not on the table, the commitment on behalf of Western Balkans leadership cannot be taken for granted.

Moreover, a potential enlargement South Eastwards will bring about a great deal of responsibilities for the Union as well as a grave threat for its public image. As the case of Bulgaria has indicated, it is rather likely that the increased commitment that is manifested before the accession in the European Union for combating criminality will not persist after the target of membership has been accomplished. In that case, the European Union, no longer being protected by the

shield of strict visa regimes, will have to deal with even more intense transnational criminal activity. Thus, despite increasing the degree of controllability in the region its interference will also increase EU responsibility and accountability both before the international community and before its subjects for any threats or implications deriving from the intensification of organized crime activity.

ii. Organized Crime and Western Balkans' Accession Potentiality

A. The potentiality of EU Accession as an Impetus for Effective Confrontation of Organized Crime

Leaders' and governments' potentials for successfully asserting the implementation of EU accession criteria has become a central questions of elections held throughout the Western Balkan region. Since the Feira Summit in 2000 (Council of EU, 2000), when the countries of the region were rendered potential candidate Members, the project of EU inclusion has become a point of reference for large parts of Western Balkans electorate. Consequently leaders and governments who are believed to be position to better defend countries' potentiality for meeting accession criteria have emerged throughout the region. Although, as it was manifested before, pro-European governments with strong commitment for implementing accession criteria have, so far, yield limited results at addressing issues related to organized crime due to the intrinsic character of the phenomenon in the region; their emergence constitutes a step in the right direction in the long and difficult process of confronting the manifold implications of the phenomenon, given that without an effective policy against organized criminality the project of European inclusion cannot be fulfilled.

B. Threats Deriving from Ineffective Confrontation of Organized Crime

On the other hand, it is also true that a potential ineffectiveness in dealing with organized crime by Western Balkans' governments will definitely block their way towards the EU. Most current leaders of Western Balkans countries have been elected upon their commitment for successful assertion of EU membership in the

European Union. However, under the hardened EU accession criteria and the deep roots of organized crime in the Western Balkans it seems that a short term effective and long lasting confrontation is currently unlikely. In that context it is rather possible not only that the initial enthusiasm will not persist but also that the general feeling of frustration following the delay of accession could also lead to the emergence of leaders and governments with different agendas and affiliations which could potentially detach the countries from their European vision, minimize their motivation and therefore, spoil the momentum for fighting organized crime.

CONCLUSIONS

As it was manifested earlier, controversial opinions have been expressed regarding best practices on the combat against organized crime. However, it is a common ground for most scholars that, in the end of the day, organized crime in the context of the EU is primarily faced as a security threat. Numerous instruments have been established for addressing the phenomenon both inside and outside the European Union established in the context of a revived spirit of cooperativeness.

Nonetheless, many scholars have argued that European cooperation has consistently disregarded crime prevention which is considered an equally important parameter for a successful confrontation of the phenomenon. European decisions with regards to crime prevention have consistently been lacking binding character, thus manifesting Member States reluctance or inability to be employed in closer cooperation with regards to containing the full range of socioeconomic implications of organized crime.

On the other hand, organized crime constitutes a constantly expanding phenomenon that cannot be dealt with regionally. In that context, manifold interconnections between criminal groups from the Western Balkans and the EU

countries are ultimately responsible for the vast proportions of the phenomenon. Thus, the responsibility for the proliferation of the phenomenon lays on the crime producing regions such as the Western Balkans just as much as on the EU Member States' escalating demand.

In that respect, the EU is consistently investing in South Eastern Europe in order to contain the phenomenon which except from affecting negatively the formers' membership potentiality and their relations with the Union is also posing constant threats for regional stability as well as for EU economies and societies.

Furthermore, through this investment in the region, the European Union strives to turn a new leaf regarding public perceptions of its effectiveness as an international actor which was severely wounded by its policies in the region throughout the 1990's. Indeed, the potential gains from a successful implementation of Western Balkans pre-accession phase will restore confidence in EU's credibility as a global power that can promote stability and justice.

However, the EU cannot legitimize its presence indefinitely if no actual progress takes place with regards to Western Balkans' accession potentials. Nevertheless, given the deep roots and the intrinsic character of organized crime in the Western Balkans, the scenario of a fast implementation of EU criteria currently seems rather unlikely. Fighting organized crime can only be effectively contained through a general institutional reconstruction and also an alteration of deep seated mentalities. These processes, except from funds will also take time while not guaranteeing a specific outcome. In that respect, EU Member States seem to have put its money on the wrong bet given that the risk in political investment made in the region seem to be highly incompatible to the potentials for actual gain.

NOTES

¹ These kinds of conflicts are usually referred to as "asymmetric" after the term that was introduced by the philosopher and former general of the Prussian army Kalwsevic in the late 19th century.

² Here, the historic phrase from Mario Puzzo's novel "The Godfather": "I'll make him an offer he can't refuse", seem to depict perfectly the essence of Cressey's theory.

³ Ronald Burt utilized the concepts of social networks and structural holes in numerous fields and contexts. A synopsis of his work regarding the concept of structural holes per se as well as its application in the case of criminal organizations can be found for example in Melvin Smith's: *Social capital and intentional change: Exploring the role of social networks individual change efforts*, Journal of Management Development, Vol. 25 No. 7, pp. 718-731, 2006

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. www.un.org

⁵ Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. By July 2004, the Smuggling Protocol had been ratified by 21 European countries. www.un.org

⁶ According to the research program called "Integrating the Balkans in the EU" funded by EC and conducted by ELIAMEP Foundation (Athens), SAR (Bucharest) and CLS (Sofia) between 2002 and 2006, 41% of Serbian people and 57% of Macedonia people believe that only good laws should be respected while 26% of Serbian people and 53% of Macedonians believed that laws should not be barriers.

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