

FORUM ON NEW SECURITY ISSUES:
"SHARED INTERESTS & VALUES BETWEEN SOUTHEASTERN EUROPE &
THE TRANSATLANTIC COMMUNITY" (FONSI)

Workshop I: Enhancing Cooperation against Transborder Crime in SEE: What are the Priorities?

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SUMMARY OF MAJOR DISCUSSION POINTS AND POLICY RECOMMENDATIONS
MADE AT THE WORKSHOP

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Major Points/Conclusions

- In order to successfully fight organised crime we need to fully understand its origins and analyse them in detail. The rise of organised crime in SEE is directly related to the collapse of the established economic, political and social order during the Communist period and the clash between the old and new economic, political and social reality. It is also directly related to the ethnic conflicts, the imposed by the international community embargos and the presence of foreign troops in SEE. Poverty and unemployment but also major differences in economic and social status within the same society further encourage criminal activities.
- In the fight against organised crime it is important to understand that there may be grey zones between illegitimate and 'legitimate' crime. The term 'legitimate' crime is used in reference to crime which is situational or even inevitable. In other words, in an environment often characterised by absence of rules and regulations which can facilitate the security and growth of business we can talk about 'legitimate' crime (of course with caution), in cases when without breaking the law individual entrepreneurship could be stifled. Also the definition of what constitutes a criminal activity differs according to cultural differences. Our capacity to understand organised crime in SEE needs to be based on a cultural understanding of the culture of the societies in this region. When it comes to grey criminal activities zones securisation is not enough to contain crime. Furthermore, sometimes 'legitimate' criminal activities can be sometimes inevitable?, if not necessary as they may act as a bridge to the transition to the new economic reality in the countries of SEE. In

conclusion, business needs to be facilitated as much as possible so that it will not resort to criminal activities.

- In order to successfully fight organised crime we need to know more details about how the criminal networks operate. However, it is hard to find such information and it is dangerous to undertake field in this area. Even when information is available it is very hard to find evidence that can be accepted in court. In this context one should be careful with the data that is available as often it is leaked to the media by members of the intelligence services which are themselves partially involved in criminal activities.
- It is important to determine what knowledge is currently most essential in the fight against organised crime and whether it is available or not. If it is not available resources and energy need to be allocated to this end.
- It is due to links between political, financial and criminal interests in the countries of SEE that the fight against organised crime is so difficult. The fact that police enforcement agents as well as judges are heavily politicised and therefore are in the service of politicians and not of the state greatly undermines efforts to stamp out crime. It is essential for the international community to think of ways to break this nexus down.
- When it comes to policing in the countries of SEE there is no effective system of providing a quick and effective response to citizens who have fallen victims of criminal activities or to those who wish to report criminal activities.
- It is accepted that the fight against organised crime to a large extent depends on institutional and legal reforms. In order to achieve such reforms in SEE two things are primarily required: a. the ruling elites (who are at times entangled in criminal activities themselves), need to have an incentive to promote reform; b. those social forces which are in favour of combating organised crime need to be mobilised. Therefore, the international community needs to present the regional elites with incentives and the society with realistic means which will facilitate social mobilisation in the battle against crime.
- It is an often repeated observation that weak states in SEE are one of the causes for the expansion of crime in the region. It is worth considering whether this is entirely true. States in the Balkans are strong in terms of expenditure, they run complex centralised systems, maintain controls over borders and assume many functions which should not be in state hands. All that activity takes place in a heavily bureaucratised environment. This state of affairs gives state officials power which in its turn more often than not breeds corruption and fosters close links between crime and the state. To break down this nexus the answer may be found perhaps in the question 'what can the state do less'. In other words the controlling role of the state should be diminished and the state should derive its power from enforcing the law. Criminal networks are essentially economic enterprises based on the supply and demand rules of the market, but operating outside the law. Therefore the best means to combat them may not be with more state controls but through the development of strong market forces which operate within the law.

- The history of crime shows that it reaches a point when it wishes for its activities to become legitimate. Therefore we need to think how criminals can be enticed to make the break into legitimacy.
- There has to be a better understanding of the needs on the ground of law enforcement officers particularly when it comes to their need for protection.
- Since there are close links between criminal networks in western Europe, and SEE it is important for western Europe to examine what it can be done to this end to weaken/destroy these links.
- The international community often indirectly supports crime through its links and support for corrupt governments in SEE as long as they are more compatible with certain special interests.
- There is not enough co-operation/coordination and information sharing against transborder organised crime at a regional level in SEE. More specifically in the law enforcement community individuals know one another well and work well together; the problem starts when we move to a more senior level and particularly when the judiciary takes over.
- International institutional co-operation against organised crime works well in theory but not in practice. Essentially there is no effective sharing of information. On the other hand, as it is well known, there is a lot of overlapping with the result that resources are stretched thin. We need to bridge to gap between theory and practice when it comes to the question of international institutions' co-operation.
- There is lack of real proposals from international organisations, the EU and governments in SEE as to what needs to be done on the ground. There are statements but what is needed is coordinated action and budgets to support them.
- Recently there has been an effort to build a consensus regarding priorities and strategies in dealing with organised crime among international institutions. Nonetheless, as the political will rests with national governments this act demands a lot of diplomacy and it has been proven not to be easy.
- It is only a matter of time before crime will move to a more sophisticated phase assisted by cutting edge information technology. However, there is still no real thinking or co-operation of policy in view of such a threat.
- Organised crime has global networks and global impact. In this context it is worth keeping in mind that there are links between crime and international terrorism.
- The delay in determining the legal status of Kosovo only helps to boost organised crime there.

Policy Recommendations:

- The right balance between prevention and law enforcement should be found in order to succeed in the battle against organised crime.
- It is important to de-criminalise activities which fall into the realm of 'legitimate' crime resulting from inadequate or outdated laws and regulations.
- It is important to inform and educate the public in SEE as to what constitutes crime and its medium and long term negative consequences. In this effort we have to win the battle for capturing the hearts and minds of youth. To this end the international community needs to commit financial resources which among other things should provide serious job opportunities to the young.
- Normally there are no arrests of the big crime bosses but of the middle and lower level actors. There has to be intensive publicity about known crime leaders as it helps to sensitise the public as well as it increases pressure on the elites to act.
- In the context of policing there is an urgent need to establish in the states of SEE an anti-crime help-line to facilitate citizens and foreign visitors to report criminal activities and to assist them when they fall victims of crime.
- As a step in the direction of breaking links between political, financial and criminal interests the reform of party-financing in SEE states is essential. Party financing needs to be regulated and parties have to account for their financial resources.
- There has to be coordinated activity against organised crime both at a regional and international level.
- Strong attention should be given and preemptive action should be taken both at a national and at a transnational level against the imminent threat of marriage between criminal activities and high-tech.
- It is generally accepted that "following the money" is a sure way of cracking down criminal networks. The introduction of internationally accepted procedures which would allow swift and effective co-operation between countries to this effect is therefore essential. Crime money which has been confiscated should be used to finance anti-crime activities.
- Governments should be held accountable for failing to effectively deal with crime. To this effect the answer may be the establishment of an International Court for crimes against international society which will have the power to indict politicians or other citizens who show no real interest in fighting against crime.

- The EU should develop and implement a long term policy of integration of the western Balkans into Europe particularly in the area of justice/public order and immigration.
- As a means of achieving the reduction of organised crime the EU and the countries of SEE could develop mutually fruitful co-operation through the establishment of a regime of short-term work-permits in countries of the EU for SEE citizens. This regime should have to be closely monitored to avoid the abuses of SEE temporary workers by their EU employers or the immigration of 'unsuitable' elements to the EU. To this effect it is important to improve the quality of SEE passports so that they cannot be easily falsified as it is currently the case. Particular emphasis has to be given to increasing the accessibility of the EU labour market for women from SEE, as that perhaps would obviously have the most direct impact on reducing organised crime since after drugs trafficking, human trafficking is the second most profitable illegal activity. In the same direction EU governments could allow SEE citizens to establish self-employed businesses, in sectors which suffer a serious shortage of EU skills.
- When it comes to the area of border policing many EU states are porous. There is a need for a better trained, and stronger EU police force which should also be involved in policing the inter-Balkan states borders. In this context the EU could perhaps follow examples from the US experience in policing its Latin American border.
- As a step in the direction of enhancing regional transborder co-operation against organised crime, regular senior level meetings for discussion of methods, co-ordination of action and exchange of information at a regional level need to be introduced with also the participation of EU officials.
- It is imperative that legal structures across the countries in SEE and western Europe need to be standardised.
- It is imperative that a system of thorough training and control of all foreign forces based in SEE be put in place so as to ensure that their personnel does not get involved in criminal activities.