NON-TRADITIONAL SECURITY
THREATS TO THE EU:
A CASE STUDY OF ORGANISED CRIME

Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the Degree of

MASTER OF PHILOSOPHY

ANTARA MITRA

Date: 21 July 2008

CERTIFICATE

This is to certify that the dissertation entitled **'Non-traditional Security Threats to the EU: A Case Study of Organised Crime'** submitted by me in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** is my own work and has not been previously submitted for the award of any other degree of this or any other university.

Antara Mitra

We recommend that this dissertation be placed before the examiners for evaluation.

Prof. R. K. Jain
(Chairperson)

Prof. Ummu Salma Bava
(Supervisor)

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I alone bear the responsibility of any error, methodological or conceptual, in this dissertation.

Antara Mitra

Dedicated to my loving parents
And
The love of life

List of Acronyms/Abbreviations

AP Action Plan

APL Anti-personnel Landmine

BSEC Black Sea Economic Cooperation

Central Asia Central Asia

CBC Cross-Border Cooperation

CBM Confidence Building Measure

CDM Clean Development Mechanism

CFSP Common Foreign and Security Policy

CIS Commonwealth of Independent States

CSCE Conference on Security and Cooperation in Europe (in Helsinki)

CSP Country Strategy Paper

DCI Development Cooperation Instrument

EBRD European Bank for Reconstruction and Development

EC European Community

ECHO EC Directorate General for Humanitarian aid

EECCA Eastern Europe, Caucasus, and Central Asia

EIB European investment Bank

ENP European Neighbourhood Policy

ENPI European Neighbourhood and Partnership
instrument

ESDP European Security and Defense Policy

ESS European Security Strategy

EU European Union

EUWI European Union Water Initiative

DIPECHO Disaster preparedness (ECHO)

GDP Gross Domestic Product

GUAM Georgia, Ukraine, Azerbaijan and Moldova

HT Hizb- at - Tahrir

ILO International Labour Organisation

IMO International Maritime Organisation

IMU Islamic Movement of Uzbekistan

IRP Islamic Revival Party

IOM International Organization of Migration

IP Indicative Programme

IPA Instrument for Pre-Accession

JHA Justice ad Home Affairs

LRRD Linking Relief to Rehabilitation and Development

MEDA Financial instrument of the European Union for the

implementation of the Euro-Mediterranean Partnership

NGO Non-Governmental Organisation

NIP national Indicative Programme

NIS Newly Independent States

NPPs Neighbourhood and Partnership Programmes

(Successor to Neighbourhood Programmes)

NSI Nuclear Safety Instrument

NSS National Security Strategy

OSCE Organization of Security and Cooperation in Europe

PCA Partnership and Cooperation Agreement

REC Regional Environment Centre

RSP Regional Strategy Paper

SALW Small Arms and Light Weapons

SBM Security Building Measures

SI Stability Instrument

SMEs Small and Medium Enterprises

TACIS Technical Assistance to the Commonwealth of

Independent States (The forerunner of ENPI)

TEN-T Trans-European Transport Networks

TRA Trade-Related Assistance

TRACECA Transport Corridor Europe Caucasus Asia

UNDP United Nations Development Programme

UNECE United Nations Economic Commission for Europe

WB World Bank

WCO World Customs Organisation

WMDs Weapons of Mass Destruction

WTO World Trade Organisation

WBSR Wider Black Sea Region

Preface

The end of the Cold War and eventual collapse of a monolithic, identifiable, military or traditional threat to the West in the form of the former Soviet Union has given way to emergence of a plethora of newer global security threats which are radically different in their nature, scope, operational extent, and the degree of lethality. These non-traditional security threats not only generate the urgency to modify and extend the existential security concepts but also newer policy formulations and responses entirely different from the traditional calibrated military response. Indeed the new political architecture of the EU, resting on the principles of multilateralism and subsidiarity, has largely contributed to what has been characterised as the radical transformation of Europe from a region of *conflict formation*. But, as this research shows, the security architecture of the EU does not approximate that of a 'fortress Europe' impervious to the new, non-traditional security challenges. This research attempts to explicate and analyse one of these non-traditional security threats to the EU – *organised crime, especially trafficking* in, from and through the Wider Black Sea Region – its dynamics of evolution and threat dimensions.

Organised crime posits a serious security threat to the EU, the entire issue being now closely related to the broader issue of transnational terrorist activities, especially after 9/ll catastrophe. Indeed organised crime is not recent in European history, as the activities of such criminal groups like Mafia organisations, are not particularly recent. However, the newer dynamics of organised crime reveal certain striking characteristic features. Like most other enterprises, organised criminal enterprises also have been centrally revolving around the motive of *profit:* it can perhaps be termed, following Clausewitzian principle, as pursuit of profit and business activities by clandestine, criminal means. However, structurally, the traditional criminal organisations have undergone significant changes in the 21st century. The traditional bigger hierarchical criminal organisations being vertically controlled by the *boss* or *under-boss* and operated by the *comrades* mostly at a restricted geographical extent, have given way to smaller cell-like nodes and networks which are more diffused and transnational in structures. They have cross-border networks

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functionally operated by various criminals of various nationalities and ethnicities at various places. It would perhaps not be an understatement to say that the geographical and operational realm of the underworld has virtually expanded globally. And traditional police and law enforcement agencies, which are endowed with the informations of the earlier criminal organisations, are now finding it cumbersome to detect these trans-nationally diffused criminal networks.

The entire operational gamut of organised crime is extensive, ranging from money laundering and subsidy frauds to internet hacking of sensitive informations and passwords (the so-called cyber crime). Since it is difficult to cover such an extensive remit, this dissertation focuses on the phenomenon of *transnational trafficking in human beings, organs, narcotics and small arms and light weapons to the EU from and through the Wider Black Sea Region: the Western Balkans and the post-Soviet Central Asia.* The case study of trafficking from Wider Black Sea Region to the EU is particularly interesting in view of the peculiar phenomenon of what can be termed as *internalisation of external space* by the EU: the rapid eastward enlargement of the EU has accommodated a substantial geo-political space of the Wider Black Sea Region hitherto outside the EU boundaries. And concomitantly, what was previously an essentially external threat – trafficking from the Wider Black Sea Region to the EU – has now become an internal as well as external threat: much of the criminal and trafficking networks operating outside the EU are now operating from within. Moreover, this case of trafficking also reveals how the 'hard' and 'soft' dimensions of security regularly interact with each other constituting a *security continuum.* This has necessitated a considerable modification of the EU's security agenda focusing more attention on cross-pillar issues like immigration, border control, police cooperation, asylum and implementation of Schengen Agreement: a multi-pronged policy response with integration and co-ordination of hard and soft security tools.

Apart from this, the degree of urgency that needs to be ascribed to the phenomenon of organised crime in general and that of trafficking in particular, is the increasing crime-

terror interaction in the post-9/11 era. This is not to discount the fact that operational and ideological differences between the terrorists and the criminals have altogether evaporated suddenly. Indeed as regards to the eventual *objectives* and *targets,* both the non-state actors diverge significantly. While the criminal groups are primarily motivated by the concerns for profit and target the *organs or nodes of force* like police, law-enforcement and intelligence agencies or rival criminal groups, the terrorists and insurgents are primarily motivated by political objectives and target the state itself and the civilians as the proxies of the central government in their bargaining for power.

However, the recent trends in organised crime in post-9/11 era reveal the fact that the terrorist motive of *vindication* is now being inextricably associated with the criminal motive of *profit,* with both the groups converging on their methods of deployment of privatised violence. Thus organised crime is now being closely associated with cross-border terrorist activities: the illegal arms and money transfer does not only continue for profit, but also for aiding the logistical operation of the terrorist groups. While the nation states have pragmatically resorted to the principle of collective action and multilateralism in the domain of international security, the non-state actors are also tying up extensive collaborative links with one another. This growing crime-terror nexus proves to be of immense strategic significance to each other which makes them increasingly impervious to the security and law enforcement agencies. This is especially so in view of the traditional approach of the policy makers to deal with terrorism and organised crime as two separate phenomenon – first to be a security problem, the latter to be countered by police and law enforcement agencies.

Thus, any study on organised crime as a security threat should consider this factor of close interaction between *profit* and *vindication* and the crime-terror nexus being an *integrative security threat.* But the recent trends in policy-making still suggest a bifurcation between these two threats with no integrated or concerted policy response: while US is now obsessed with the threat of global terrorism, the EU is increasingly emphasizing the growing salience of organised crime. Seldom do they realise the need to view these two in an integrated fashion.

Structure of the research

The entire dissertation is divided into six chapters including introduction and conclusion. After the brief outline of the security matrix of the EU in the post-post Cold War era, and the rationale of the research in the opening introductory chapter, the second chapter looks at the evolution of the concept of security since the antiquity. It critically outlines and appraises different theories explaining the issue of security at different historical junctures and different political and socio-economic circumstantial contexts. A critical evaluation of paradigm shift from traditional to non-traditional security is presented, as well as the shifts in security priorities in Europe after the Cold War. This chapter also delves into the recent developments in the 'European security discourse', which is now being increasingly established as an autonomous discipline, reflecting dissociation from traditional, Americanised emphasis on geopolitical parlance.

The third chapter analyses and appraises organised crime as a non-traditional security threat to the global security order, straddling the divide between 'hard' and 'soft' security threats. It reappraises the definitional problems in criminological studies regarding organised crime and trafficking and briefly outlines the historical phases of evolution of organised crime in the world. The chapter then delves into the most salient security issues in the modern world which are inter-related to the issue of organised crime – crime-migration nexus, crime-armed conflict continuum and crime-terror nexus. It also evaluates organised crime as a human security threat.

The fifth chapter critically appraises the coordinated policy response of the EU to the threat. It argues that the diffused nature of organised crime makes the integration and coordination of hard and soft policy tools, that of coercion and co-option an imperative. The final chapter sums up the findings of the research and makes some policy recommendations.

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List of Acronyms/Abbreviations

Chapter 1

*Introduction: Assessing Non-Traditional Security Threats to the
EU in the New Era*

The word after Cold War is a paradox in that it returns Europe to the centre of attention[1].

- Stephen J. Cimbala

There lies much legitimacy in the above statement of Cimbala. Europe has indeed ceased to be the theatre of military operations and the geographical locus of the traditional global balance of power and shifting alignment system[2]. But the complex dynamics of regional integration in Europe and the triumph of a distinctive Euro-approach in the field of security studies have together ushered in a paradigm shift in the notion and conceptualisation of security[3]. Indeed the destabilisations and regional developments in the developing countries and Third World since 1970s had exposed the shortcomings of the traditional realist paradigm and its conceptual myopia to explain the emerging new security reality. But it was Europe and her political and academic developments which once again commanded the attention of the world, bringing back the continent once again to global forefront, both academically and politically. However, this preeminence of Europe in the new era is irrevocably different from that of the Cold War reality: inter-state dependence and multilateralism replace the Cold War reality of inter-state armed rivalry and unilateralism, regional integration replaces balance-of-power politics, indivisibility and convergence of security concerns and a virtually expanded security zone replace unilateral quest for security, 'soft' security concerns replace hard, military security threats, and finally, a 'De-Americanised' security perception replaces the erstwhile 'Americanised' security perception.

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[1] Cimbala, Stephen J. (1993), 'Security in Europe After the Cold War'; *European Security*, 2: 2, pp.165

[2] Indeed a balance of power in the heartland of Europe can be maintained without serous disruption, even when the balance of power in Asia or Middle East or Africa is being in turbulent conditions. Likewise, if the balance of power in Europe is being disturbed, it would not suggest an inevitable and concomitant disruption of global balance of power. However, disruptions in security order in the outside world do indeed seriously impact on that of Europe in manifold aspects, if not wrecking the citadel of European balance of power. Similarly, serious political, economic and security destabilisations in Europe also interact directly with global security and economic order, which suggests the eventual indivisibility of security in the new world order. In a way, it can thus be said that security and stability in Europe act as the *necessary* if not *sufficient* condition for the global security order, and vice versa.

[3] The paradigm shift away from traditional, realist notion of hard security has been corroborated by the momentous regional integration and gradual dissolution of borders within the EU. Realism gradually began to be replaced by neo-functionalism that is essentially European in origin to explain the altered security perceptions of the states and hence, altered policy preferences.

The development of a Euro-approach in security studies[4], emergence of a distinctively Europeanised perception of security in the policy formulation, and a concomitant shift in regional security priorities have amounted to a steady debunking of American version of security in Europe[5]. The newer security concerns of Europe not only revolve around the regional concerns within the EU and its periphery and immediate neighbourhood, but are also no longer extrapolated to the global arena as being ramifications of a global power contest unlike during the Cold War[6]. With no immediate concern for sustaining the transatlantic bloc cohesion, these newer security threats, many of which are arising from

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[4] The European interpretation of the notion of security, veering away from heavily Americanised articulation of deterrence and containment, has been construed by some scholars as being symptomatic of an academic revolution. Representative of the emergence of an 'Eurodiscipline' in the concerned fields of study, one definitive work gives concrete expression to a distinct articulation by the Europeans of security concerns according to their own regional specificities, distinct historical experiences, and distinct regional security complex: Friedrich, Jörg (2004), *European Approaches to International Relations Theory: A House with many Mansions*, London and New York: Routledge.

[5] But the US and Europe differ over the means that should be deployed to combat what is now agreed to be common ideological, military and security threat. As for instance, Saddam's regime was identified as a rogue dictatorship by both US and Europe. But Europe did not identify Saddam with the entire global phenomenon of terrorism and a real security threat to global order. Rather, he was denigrated by Europe on moral and ethical grounds. The European reaction to the terrorist attacks in Madrid (March11[th],2004) and London (July7th, 2005) has thus been significantly different from American response to the terrorist assault on September11th. It is also apparent in other issues: the way in which US officials made a connection between states and terrorism whereas Europe refused to unite around this perception; the way in which the American officials believe that the situation prior to 9/ 11 in the Middle East is the cause of international terrorism and therefore have embarked on a radical policy review that endorses forcible regime change throughout the region, whereas Europeans are more reluctant to endorse such radical review process.

[6] The bipolar constellation and the imperative of sustenance of military defense – the cornerstone of the transatlantic security community of NATO – had temporarily subsumed the autonomous status of and the elementary trends in development of manifold threats, and thrust them onto the procrustean bed of the Cold War conflict. European regional security issues thus were mostly subsumed within and extrapolated to the global strategic conflict, and with minor exceptions like the Greek-Turkish conflicts, the regional conflicts in Europe were more or less suppressed by the overriding concern to maintain the bloc cohesion. Moreover, since the gradual crystallization of the European security architecture began under American tutelage, it was obvious that American security priorities and objectives [which were predominantly military veering around striking a realist offense-defense balance] predominated over those of distinctive European regional security issues. As Europe was the geographical theatre of operation of bipolar contention [America being geographically distant], any kind of regional destabilization in Europe – be it military or non-military in nature – was perceived to be reckoning the regional micro-manifestation of the much wider global bipolar macro-contest.

within Europe, are no longer downplayed as regional ramifications of global bipolar rivalry. They are now accorded their region-specificities, autonomous dynamics and trends: breakdown of Yugoslavia, ethnic cleansing in Kosovo, separatist movements like in Basque and Catalonia, domestic terrorism like the ETA movement in Spain, and the rather obscure terrorist anti-EU factions based in Bologna aiming at bombardment of the EU headquarters etc. Also, the institutional setting of strategic thinking has undergone profound changes[7]. As Europe has entered a fundamental new stage of integration, no longer steered by American guardianship, the autonomous decision-making and responses to a complex downward spiral of security issues underscore an increasing penchant for a global reach and assumption of global responsibility. As Solana remarks, '...European Union is ... a global actor; it *is and* should be ready to share in the responsibility for global security'[8]. This global outlook thus necessarily widens the security perception, and security priorities[9]. All these have been tantamount to a momentous *deconstruction of European security* order when the security communities, implementing such security order, are no longer superimposed from outside [like the NATO, created by the US due to Cold War necessities], but are being created concertedly from within. The European Security Strategy of 2003 heralds the eventual de-Americanisation of European security perception.

However, this de-Americanisation of the EU security should not be interpreted as a counter-vision of American security perception or concerns. The EU has illustrated remarkable convergence and solidarity with the American security agenda against global terrorism and weapons of mass destruction. But this de-Americanisation essentially implies a steady divergence of the EU with the US *means of ensuring security*- calibrated

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[7] Unlike in the Cold War era, Europe has ceased to become a mere geographical regional expression embodied by a loose confederation of states having a common market only basking under benign American security assurance.

[8] Solana, Javier (2003), *A Secure Europe in a better World;* European Council Briefing Paper, 20/6/2003, pp.2, emphasis added.

[9] This reconceptualisation of security and strategic policy making has been driven not only by a keen absorption of global responsibility, and the role of a global security actor, with adroit mixture of hard and soft power credibility, but also by the reality of globalization. Globalisation has buttressed and fortified not only economic interdependence between states, but also subsequent political and hence security interdependence. Thus, it has rendered a high degree of mobility and transnationality not only to commodities, finance and people, but also to the security threats and destabilising agents.

military response favouring pre-emptive actions: a divergence over *means* rather than *ends* or *values* of security.

New Threats to the EU in the new Era: Changing regional security matrix of the EU in the post-post Cold War era

A re-examination of European security matrix in the new post-enlargement era reveals the fact that systemic problems[10] and security dilemma[11] have largely ceased to be veritable sources of conflict and destabilization within the political space of the EU. This is largely due to the evaporation of the prospects of the resurgence of inter-state armed rivalry in Europe due to integration. Thus, the EU has betrayed considerable degree of abstinence from expenditure on defence and conventional arms (considering the fact that maintenance of conventional arms and long-standing military forces derives from the likelihood of outbreak of inter-state warfare), innovating newer security and confidence building measures and mechanisms to sustain security in a rapidly integrating European space. This is driven by the realisation that decline of traditional 'hard' security threat[12]

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[10] The theory of systemic problems of 'hegemonic war' in International Relations, offered by Robert Gilpin posits that the national interests of the major powers are protected and furthered within a stable international system. But the same interests are either threatened or not protected in an instable international system. This derives from the core realist theory of balance-of-power. In such an instable international system, systemic problems concern the shifts in economics and politics of the regional matrix which often alters the existent prioritised positions of the leading states in the regional hierarchy which might eventually adversely affect their interests which were formerly protected in a stable world order. This might provoke the leading states to wage armed warfare to restore their regional status and hegemony. For a detailed examination of the theory of systemic problems and hegemonic war, see Gilpin, Robert (1981), *War and Change in World Politics,* New York: CUP.

[11] Security dilemma revolves round the rational or irrational fears provoked by improvements and strengthening of security and defensive mechanisms of a state among other states. Indeed, the anarchic notion of the world is the chief ideational citadel of this notion of security dilemma. Even the nuclear revolution and armed race also derive from this security dilemma. If this is the case, then strengthening of and advancements in security and defensive posture of one state would be inversely related to that of another state. Hence, according to the structural realists, cooperation among the states would be difficult because the states are asymmetric in their defensive capabilities and security order.

[12] Traditional 'hard' security has been defined by the security analysts as the military defence of the states from the prospective external military aggression from other states that might undermine territorial sovereignty of a state. Realists view this military aggression as inevitable in the long run because every state seeks to pursue its own security at the cost of the others in terms of gaining unrestrained access to scarce resources and expanding one's own zone of influence. Thus, 'hard' security revolves round the concerns of balance-of-power and military strategy and tactics.

has given way to emergence of a plethora of 'soft' security[13] threats that are more complex with extensive backward and forward linkages, composite and integrated in nature rather than monolithic, and hence, less identifiable. Hence, they are least likely to be successfully countered through calibrated military response. *Organised crime, the case study of this dissertation, is one of such non-traditional security threat to the EU: the transnational criminal networks are diffused and opaque rapidly tying up with the terrorists and insurgents, and hence less identifiable, which assault on the socio-economic and political fabric of the state rather than its external 'hard' frontiers.*

The international security reality now reveals that the traditional 'billiard ball' model[14] of international order of states is becoming increasingly redundant. The current diffused, interdependent international security environment approximates the *process of osmosis* when the insecurities and destabilization of one region has spill-over and multiplier effects on the security of other regions in the vicinity, with the latter imbibing the centrifugal forces from the former. In terms of 'soft' security threats, the 'hard' national borders are thus becoming increasingly porous. The European security reality in the post Cold War, and especially in the post 9/11 era is a complex reality with these diffused 'soft' threat that cut across the geographical borders and renders the distinction between 'core' and periphery, in terms of security zone, futile. With the inclusive proclivity and predilection for enlargement, this becomes increasingly relevant for the security concerns of the EU when different, varied security threats and centrifugal forces of destabilization in the periphery and neighbourhood become gradually imbibed and accommodated within the EU security environment and matrix. Thus, security, both global and

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[13] Non-traditional 'soft' security concerns mark a point of departure from the traditional security concerns. The soft security revolves around the non-military aspects of security underpinning the principle that the survival of the citizens of a state, or their quality of life, or the general economic and political stability of a state might still be exposed to existential threats and vulnerabilities, even if the state is militarily well-defended against any external aggression. Thus, issues like poverty, environmental degradation, sustainable development, organised crime, corruption, terrorism, ethnic conflict, illegal and unmitigated immigration, proliferation of arms etc fall under the purview of 'soft' security. It is to be noted that most of these soft security threats, though not all, originate from within the state rather than from outside indicating a state failure or weakness.

[14] The 'billiard ball' model of the international order presupposes the states as being essentially demarcated from the others, with autonomous, rather than convergent politico-strategic goals and concerns ensuing from different politico-security national circumstantial contexts.

European, has become increasingly *indivisible* and *convergent* when little legitimate structural bifurcation can be drawn between intra-EU and extra-EU, internal and external security concerns[15]. Thus, the concerns affecting the periphery of the EU can structurally, in the long run, assault on the core of the EU as well[16]. The Kosovo crisis[17] is a bold illustration of *indivisibility* of security in Europe which was initially fallaciously assumed by the EU and the NATO alike to be a sub-regional security disturbance the centrifugal

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[15] Indeed this convergence has begat more complex problems than was actually anticipated. The two 'security logics' – internal and external – have often been contradictory in the realm of policy analysis and policy formulations with divergence and collision. Hence, policy outcome and formulation has not always been easy and harmonious. The combination and coordination of civic police forces and diplomatic components have not always been an easy task.

[16] Thus, the imbroglio and de-securitisation in the Balkans and Middle-East have obvious, long-term bearing on the EU security balance. Hence, expansion of security zone becomes inextricably linked with the neighbourhood policy for buttressing the security architecture in the periphery and vicinity. As has been enshrined in the rationale of the EU neighbourhood policy, state failure – both in terms of sustaining stability by circumventing and containing internal destabilization [in the form of ethno-communal wars, separatist movements and civil wars], as well as failure to achieve sustainable development and equitable redistribution of national resources, thereby accentuating structural socio-economic crises and poverty – is the most significant structural causation of regional de-securitization. And state failure is both a cause and consequence of fissures in process of democratization, breakdown of rule of law, and respect for fundamental human rights and dignity. Thus, democratization, liberal economic reforms, sustainable development, rule of law, respect for individual life and dignity have come to constitute the composite policy – the so-called 'liberal peace' theorem – that the EU strives to implement in its periphery to ensure security balance in the conflict-prone zones, with recurrent and intermittent ethnic and political pandemonium.

[17] The Kosovo crisis and the Serbo-Croat conflict serve to explicate that violent hyper-nationalism is often a politically induced process, as the Serbo-Croat animosity is not historical, but rather recent in origins. The Serbs had always dominated political, military and police apparatus of both pre-Second World War and post-Second World War Yugoslavia, which was almost tantamount to Serbian imperialism. Even in Tito's federal state of Yugoslavia, the equal rights and proportional representation were never achieved. But despite this politically and economically the Yugoslavia state performed relatively better than other communist state, thanks to Tito's deviation away from Muscovite ideology to create a reformed socialism fraught with some liberal elements. However, post-Tito Yugoslavia witnessed the same economic stagnation which was a curse to communist system in general. In the 1980s, there was also a political vacuum due to absence of able leadership and different partisanal groups espoused radically different solutions for relief from the reigning politico-economic deadlock, which could hardly ever converge, but created chaos and factional disputes in political spectrum resulting political polarization. When Milosevic came to power in Serbia, the mutually antagonistic solutions or strategies formulted by political economic elites had already drained the state's resilience. The 1987 hyper-inflation and decline of dinar called for immediate economic and market reform which Milosevic blocked, only to induce wide-spread anti-Serbian sentiments. At this time, Milosevic usurped the opportunity to play the cheap and dangerous cards of manipulative nationalism. For more details see, Bebler, Anton (1995), 'Yugoslavia's variety of Communist Federalisms and Her Demise'; *Journal of Communist and Post Communist Studies*, 26(1). See also Cohen , Lenard (1993), *Broken Bonds: The Disintegration of Yugoslavia*, Boulder, CO: Westview

forces of which would be confined within the zone of its genesis[18]. If we are to analyse the structural long-term consequences, it becomes apparent that the Balkan ignominy had more far-reaching consequences on the core of the EU : the gigantic deluge of immigration from Balkans and Eastern Europe to the EU represented not only a peculiar phenomenon which was termed as *demographic aggression* on the core EU states, but also exerted immense, unwanted pressure on their domestic socio-economic-political matrix, generating strain on economic resources, socio-cultural heterogeneity, xenophobia[19] and *crisis of welfarism*[20]. This myriad of domestic socio-economic-political problems and a veritable refugee crisis even evoked, for time being, the vociferous

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[18] There is little scope for the disapprobation of the fact that the immense magnitude and lethality that the atrocious ethnic cleansing in Kosovo assumed could have been circumvented by a timely intervention on behalf of either NATO or EU. The strategic void and deficit in response could be ascribed to the failure of the appraisal of the fact that destabilization in the periphery of the EU is likely to bear detrimental consequences for the security of the core as well.

[19] Considered by some sociologists as a form of 'social disease', xenophobia has been an integral part of self-identification of the West: it is by drawing a primordial bifurcation between 'we' and 'they' that the West has created its negative self-identification. The xenophobic outbursts in Europe have occurred usually against a backdrop of foreign immigration, when the visibility of heterogeneous composition of demography in Europe has been vociferously and violently detested. Socio-political discrimination of third country nationals in Europe have threatened, on many occasions, to denigrate the democratic, post-national self-image of the EU. In the post-9/11 era, this xenophobia in Europe has merged with Islamophobia. The political manifestation of this has been the election of as many as 25 Members of European Parliament [MEP] with direct institutional affiliation with ten rightist, xenophobic, neo-Nazi parties across seven member countries. The growing electoral success, both at regional or national, and supra-national level, of the xenophobic parties, like British National Party [BNP], Front National of France, Alleanza Nazionale of Italy, Vlaams Blok of Belgium etc and their changing rhetoric testify the deep-seated xenophobic sentiments. The Eurobarometer pole every year testifies a steady ascending trend among the European population of fear and hatred towards foreign immigrants.

[20] The entire debate on 'crisis of welfarism' revolves on the exceedingly exclusionary stance being adopted by the Western European states vis-à-vis the immigrants, refugees and asylum seekers on the logic of limited state capacity of endowing them with welfare benefits. This new logic determines essential group differentiality and discrimination between the 'deserving' and 'non-deserving' recipients of welfarism based on the claims in favour of the limited capacity of the states to redistribute its finite resources. Underlying this is the unmistakable Malthusian logic that supply of economic resources are always disproportionate to the needs and demands of the population because the former multiplies and grows merely arithmetically while the latter in an accelerating geometric fashion. This is reinforced in age of what Habermas calls the economic contraction of the welfare states due to decline in national productivity. In a post-industrial era, this contraction has resulted in, as he further points out, an irreconcilable conflict between the taxation and welfare politics of the modern state: while taxation is still collective and general, the latter has become highly selective and group differential. This potentially serious conflict is concealed and 'kept latent' through increasing opportunity for work and higher income. This shift to consumerism, individualism and enterprise, following the ideological footsteps of the New Right in Europe that welfarism and the consequent 'dependency culture' that it creates, attempts to reduce the otherwise potentially active citizens to the passive 'welfare parasites'.

debate regarding the urgency of creating a 'fortress EU' acting as a bulwark against infiltration of external problems into the EU core.

Thus, though the prospects of a major inter-state war, hyper-nationalist aggrandizement and a return to the closed nation-states based on primordial ethnic nationalism[21] within the EU's space are largely diminished, the salience of some of the same variables in the periphery and the neighbourhood of the EU have complex multiplier effects on the EU security.

Hence, weak governance and state failure, democratic deficit and structural economic crises in the Wider Black Sea Region and the Greater Middle East escalating low-intensity regional conflicts bear direct relevance for EU security. Because such adverse conditions in the former are instrumental in proliferation of criminal networks and organisations, fuelling terrorism, fostering crime-terror nexus, seizure of state power by terrorist, anti-western, anti-democratic radical groups which might evince their proclivity to acquire weapons of mass destruction for purpose of retaliation and wreaking vengeance in their civilizational battle against the 'west'. This is becoming increasingly relevant because the recent trend in terrorist attacks in the West reveals that Europe has become the theatre of operations of these casualties, and base of logistical operations,

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[21] Against the backdrop of destructive, violent ethnic warfare, tearing apart the socio-political-economic rubric [like the ethnic wars in Kosovo, Macedonia and Bosnia-Herzegovina] it is necessary to distinguish between ethnic nationalism and civic nationalism. The difference between these two variants of nationalism also essentially denotes the difference between two kinds of political identity: political identity as a construct of ethnic community, and political identity based on the territorial state. This underscores the fact that there are several cross-cutting constituent agents or the 'proximate reinforcers' of identity formation: state and its political membership, ethnic communities and their membership, religion and religious institutions like church, family, class etc. Civic nationalism is a rather abstract identity constructed in terms of common membership of the state. Defined in terms of liberal theory of state, the membership community of state is being constituted by its laws and institutions. Thus, 'nation' is a sum-total of not only shared historical experience and ethno-cultural ethos, but also these political institutions and civic procedures. Civic nationalism acknowledges these civic variants of national identity when the identity based on the membership of the state do not necessarily collide with the identity formed on basis of other primordial socio-cultural variants. This abstract form of civic nationalism is the theoretical backbone of the paradigm of multiculturalism.

On the other hand, ethnic nationalism defines the nation in terms of socio-cultural and not territorial or political borders. Such borders are drawn from and sustained by the 'myths' of common, shared historical memories, ancestry, language and culture. Thus, ethnic nationalism denotes construction of identity on the basis of these mythical supposition and socio-cultural variants. As Anthony Smith posits, these assumptions of common ethnicity and shared history are not objective reality, but 'myths' and subjective, constructed beliefs in common ethnicity, the commonality of which cannot be corroborated by biological variants of blood and genes. See Smith, Antony (1993), 'The Ethnic Sources of Nationalism', *Survival*, 35(1) for a detailed discussion by the author on this.

though the actual, immediate target might be America. The London and Madrid bombings reinforce this. The opinion expressed by Stephen Hadley, now the Security Advisor of President Bush, caused much concern that the potential adversaries of US might target US bases, citizens and troops stationed in Europe to put pressure on America. Again, the EU is also a primary target of the transnational criminal networks in the Wider Black Sea Region and the Middle East. *Thus, the 'soft' security issues are increasingly revealing their 'hard' dimensions.* Hence, it is neither deployment of 'hard' power nor pursuit of 'soft' diplomacy alone, but rather a balanced coordination of hard and soft power credibility that accounts for an efficacious policy response to these new non-traditional threats. An amelioration of the transatlantic divergence on security and strategies also is the urgency of the time. Figure 1 below illustrates that not only the concerns of the policy makers, but the public awareness in the EU about the existential security threats also hinge predominantly on these newer, non-traditional threats, rather than the traditional 'hard' military threat in form of inter-state conflicts.

What do European Union citizens fear ?

Source: Eurobarometre. Sondage no. 58.1. Oct.-Nov. 2002
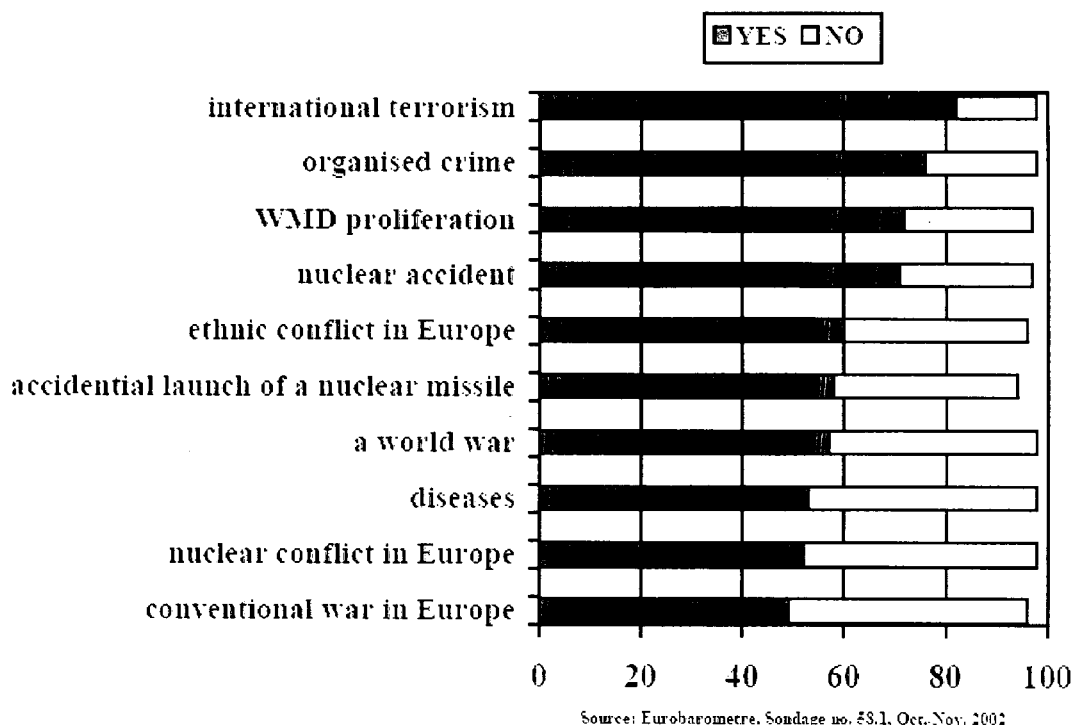
Figure 1: Public concerns about the existing threats to the EU in the new era. Source: Eurobarometer No. 58.1.

The debate on the definition of organised crime has not yet come to an end. Different scholars and policy makers across the nations have offered multiple, and sometimes even competing notions of crime and criminal groups, depending on the national criminal contexts and the particular forms and organisations they are assuming in different regional and national contexts: some have been comparing organised crime with commercial and business corporations, some have been defining it in terms of kinship relations and networks, while others have been specifying the monopolistic nature of organised crime with its perpetual patron-client relationship. The most traditional working definition of organised crime has been provided by Howard Abadinsky:

A non-ideological enterprise that involves a number of persons in close social interaction, organized on a hierarchical basis for the purpose of securing profit and power by engaging in illegal, and legal, activities which yield high profits while offering relatively low risks[22]

However, such a definition is now redundant in the Post Cold War era in view of the emergence of criminal networks that are transnational in their extent and scope of operations. Considering these operational changes, the definition provided by Jay Albanese of organised crime as *a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand. Its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials[23]* more apt. To this should be added that the operation of venture takes place under a code of secrecy, might, or might not have ideological commitment[24], and might have 'exclusive membership'. This should not mean that recruits would be ethno-racially homogenous, but that they are recruited through a process of rigorous screening,

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[22] Abadinsky, Howard (1981), *Organized Crime,* Boston: Allyn and Bacon Inc., pp. 1-2.

[23] Jay Albanese, 'North American Organized Crime'; *Global Crime;* Vol.6; No.1; 2004;pp. 10

[24] As for instance, the Al Qaeda is devoutly committed to a profoundly anti-Western [which, according to some scholars, tantamount to anti-civilizational, because of the entrenched, chauvinist belief that seeds of civilization sprouted, for the first time, in the West], obscurantist set of vindictive ideology. Indeed it has been debated as to whether the Al Qaeda can be designated as an organized criminal group. Considering the recent trend in fusion and convergence of organized crime and terrorism, and the

testing and schooling to test their ability to operate the specific activities. And the organised criminal groups, as defined by the United Nations Convention against Organised Crime, '*shall mean a structural group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offenses, established in accord with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit*'[25]. Even considering these re-modifications of the definitions of organised crime, there is still a marked absence of a precise conceptual definition of organised crime in its newest avatar operationally and sometimes even motivationally converging on terrorism.

The organised crime is not a monolithic remit, covering the entire range of activities from money laundering, kidnapping, abduction for money to cyber hacking of sensitive passwords and data and trafficking. *This particular dissertation singles out the case of trafficking in human beings and organs, narcotics and small arms and light weapons.*

Traditional conceptual and definitional approaches to human trafficking primarily suffer from two fallacies. A gender-biased, rather than a gender-sensitive discourse on trafficking reduces the composite phenomenon of human trafficking into trafficking only in women for sexual exploitation. This simplified version not only downplays the fact that human trafficking, in general, is a unisexual phenomenon, with both male and female migrants, but also disregards the reality that many of the female victims of trafficking do not always necessarily enter the sex industry only, but also low-paid sectors of economy like agriculture, textile, handicraft, food industry, and also domestic services. Thus, trafficking is a criminalised version of illegal economic immigration or for human organs.

Secondly, smuggling, illegal immigration, human trafficking or trade and commodification of human beings are all mostly used as interchangeable terms allowing

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[25] United Nations (2000), *The United Nations Conventions against Transnational Organized Crime*, Article 2, available at: http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf (accessed on 21/9/2007).

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for little conceptual distinction[26]. The need for precise definitional distinction between different forms of trafficking was first recognized by the United Nations Conventions against Transnational Organized Crime or the Palermo Convention of 2000. According to it, *smuggling of human beings* refers to the assistance or act of facilitating the clandestine entry of an individual into the territory of a state whose citizen he/she is not, through illegal means, in lieu of payment or other forms of 'material benefit'. On the other hand *trafficking in human beings* implies, as the Palermo Convention of the UN defines:

*Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or 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 purposes of sexual exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution or others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of the victim of trafficking in persons to the intended exploitation...shall be irrelevant where any of the means **of coercion and force have been used**[27].*

This comprehensive definition provided by the Palermo Convention allows for the consideration of variations in methods and means of trafficking and modes of transportation of the victims to the destination. It also includes both trafficking for sexual and non-sexual exploitation. Thus, what stands forth is that *the degree of deceit, coercion, gross violation of human rights and forceful exploitation of labour, both sexual*

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[26] Derks has discerned at least six different perspectives in the existent literature on human trafficking : trafficking for sex trade, trafficking as migration, trafficking as economic migration or labour movement, trafficking as a criminal act (involving illegal infiltration of the terrorists and insurgents), trafficking of children for cheap and forced labour, prostitution and organs. These different forms o trafficking, though different from one another, are not mutually exclusive. These different perspectives and approaches also determine the differences in the preventive strategies and control by the states across national borders and also by the international organisations. As for instance, while trafficking for prostitution and organs, or trafficking of terrorists for logistical activities require negative control through repressive acts of punishment, the illegal labour migration necessitates not coercive strategies but preventive border control and empowerment of state in its demographic governance. For further details, see Annuska Derks (2000), *Combating Trafficking in South Asia; A Review of Policy and Programme Responses;* Working Paper; Geneva : Organization Internationale pour les Migrations; available on http://www.iom.int. For different strategies adopted by different states in face of illegal migration and trafficking, see Marjan Wijers and Lin Lap-Chew (1997), *Trafficking in Women: Forced Labour and Slavery-Like Practices in Marriage, Domestic Labour and Prostitution;* Utrecht: Foundation Against Trafficking.

[27] United Nations (2000), *The United Nations Conventions against Transnational Organized Crime,* Article 6.

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and non-sexual labour, constitutes the qualitative difference between trafficking and smuggling in human beings: while these exploitative features are more routinised in trafficking, the same is less regular as, operational tools, in the smuggling process. In smuggling, the people who are smuggled have at least the preliminary awareness of their fate and their destinations. But in case of victims of trafficking, as will be shown in the subsequent chapters, there is almost a complete lack of awareness about their fate, the exploitation and coercion to which they would be exposed and also about their destinations as most of them are being recruited through deceit and fake promises of job offer or marriage.

Organised Crime as a non-traditional security threat to the EU in the post enlargement era

The border expansion of the EU and new global security environment in the aftermath of 9/11 catastrophe have together confirmed the security continuum between different threats of different profile: money laundering, financial network of terrorism, different forms of organised crime, trafficking, WMD proliferation, cyber terrorism and electronic jihad[28] all blend together to constitute a functional and structural nexus. Globalisation and advancements in technology have prompted the criminal groups to highly modify and adapt their functional networks that are becoming more difficult to detect. Especially, in view of the growing crime-terror nexus in the aftermath of the 9/11 catastrophe, and the utilisation of political corruption in the state machineries by the criminal groups, it is becoming rather increasingly difficult to isolate or prioritise one particular threat in this

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[28] Cyber-terrorism is being defined by Gabriel Weimann as 'the use of computer network tools to harm or shut down critical national infrastructures [such as energy, transportation, governmental operations]. The premise of cyber-terrorism is that as nations and critical infra-structure became more dependent on computer networks for their operation, new vulnerabilities are created – "a massive electronic Achilles' heel"'. See Weimann, Gabriel (2005), 'Cyber-terrorism: The Sum of All Fears?', *Studies in Conflict and Terrorism;* 28:1, pp.130. The cyber-space is also being annexed by the terrorists for launching psychological and ideological campaigns. The online debates amongst different terrorist organizations as to the future course of actions against the West in the civilizational battle, mass mobilization with provocative anti-West discussions and deliberations, and sometimes, reformulations of some of the Islamic ideologies to approve or condemn various terrorist acts reaffirm that electronic jihad is not a product of scholastic fancy or a phantom. For a detailed discourse on the use of internet by the terrorists for such purposes, see Gabriel Weimann, Gabriel (2007), 'Virtual Disputes: The Use of Internet for Terrorist Debates', *Studies in Conflict and Terrorism;* 29: 1, 623-639.

threat continuum from the rest. In the aftermath of 9/11 catastrophe, it was evinced that Europe is being widely used as the ground for logistical operations of the terrorists, their fund raising and recruitment being carried out in close cooperation with the criminal groups. Especially in view of the international financial crackdown on Al Qaeda's resources and recent measures in Europe of freezing many terrorist financial and banking accounts and also several anonymous accounts and assets [in the apprehension that they might actually belong to some terrorist organizations, or might be utilized for terrorist activities] have adversely affected the organisation's ability to adequately fund terrorist operations worldwide. This has necessitated a pragmatic alliance between or convergence of terrorism with organized crime for several purposes. Terrorists are increasingly establishing alliances with the organised criminal groups for the generating financial resources necessary for their continued logistical operations, transfer of their funds, human forces arms and informations across the borders. As for instance, while the lucrative narco-trafficking can yield immense financial resources for criminal and logistical activities of the terrorists, the victims of human trafficking are also being made the carriers of arms required for the logistical operations of the terrorists in Europe. Similarly, the terrorists cooperate with the European criminal syndicates and other criminal organisations to enter the EU through illegal means. There are confirmed signs of terrorists, with institutional affiliation either to Al Qaeda or the Hezbollah, infiltrating the EU through some illegal entry points in Western Balkan with the assistance of some well-entrenched criminal groups in the region.

Apart from tying up with the terrorists, the transnational criminal groups also target the EU as the primary destination for trafficking in human beings, narcotics and small arms and light weapons. The close association between the transnational organised criminal groups and trafficking in human beings is age-old and owes to a multitude of reasons. As Bruckert and Parent point out, there exists a strong linkage because, '...people of different nationalities are part of the same groups of illegal immigrants; that trips over long distances require a well-oiled organization; that traveling in a group requires good organization; that substantial amounts of money are involved in such undertakings; that victims of trafficking of other nationalities being exploited in that transit country for a

while are re- itineraries change quickly as necessary'[29]. The considerable investment that trafficking requires[30], cross-national connectivity among different actors at different stages of the trafficking activities[31], the high degree of coercion and legal circumvention, and manipulation of the politico-legal disciplinary restrictions require coherent organizational structure within which the actors operate.

Post-enlargement EU is both an operational and logistical base and target of the organised criminal groups and their activities. This can be illustrated in sharpest relief by considering criminal and trafficking activities in the Wider Black Sea Region as a security threat to the EU. Much of the Wider Black Sea Region has become an integral part of the EU after the 2004 and 2007 enlargement amounting to a peculiar phenomenon of *internalisation of external space*. Thus, many of the criminal networks formerly operating their trafficking activities from outside the EU have moved inside due to enlargement. These internalised criminal networks establish extensive collaborative linkages with their counterparts in the remaining of the Wider Black Sea Region outside the EU, as well as with those traditionally active in the Western Europe to constitute a transnational criminal network controlled by criminal elements of different nationalities

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[29] Bruckert, Christine and Colette Parent (2003), *Trafficking in Human Beings and Organized Crime : A Literature Review,* Working Paper, Royal Canadian Mounted Police; available on www.rcmp.grc.gc.ca (accessed on 26/8/2007), pp. 17.

[30] Trafficking incurs huge expenses due to transportation, forging of legal documents and bribery to border security guards and immigration officials, and sustenance of the livelihood of the victims of trafficking till they enter into the black market of shadow economy in the host countries. Such huge sum of money is only possible for a well-disciplined organisation, and not any single or group of entrepreneurial individuals, to invest and properly channel the same into different sub-phases of the trafficking operation. Generally, the organised criminal groups invest the profit they incur through narco-trafficking in trafficking of human beings. And hence, it is being increasingly the general norm that the criminal groups commodiously combine human trafficking with trafficking in drugs.

[31] It is always useful to remember that trafficking is not a mono-phased but multiple-phased activity and though the criminal organizations are major player, they are not the only actors in trafficking. Trafficking involves several stages : mobilisation, recruitment, transportation and finally, the integration of the victims into the black market in the host countries. And the criminal groups cannot completely but partially control the process. As for instance, the criminal groups can recruit the victims either through their local recruiters and fake employment agencies through the allurement and inducement of false promises of job abroad, or through force and abduction. Otherwise, the family members, acquaintances, or fiancés can also control the recruitment process in lieu of money from the criminal groups. As far as transportation is concerned, again the criminal groups need to rely on a myriad of auxiliary actors like the travel agencies for procurement of visa, the border control officials, the truck drivers or ship captains etc. On reaching the destination again intermediaries like the local employers or brothel keepers, the people operating sex industry etc play significant roles in integrating the victims into the shadow market of the host countries.

across Europe. It is thus extremely difficult to dismantle and neutralise the entire network at once because of its transnational and pan-European network. This implies that elimination of certain elements at one spot of the network would be countered by other elements at other spots.

Thus, while formerly the EU was the primary destination and endpoints of the traffickers from the Wider Black Sea Region, it is now increasingly becoming the destination, transit as well as the origin of trafficking networks all at the same time. Thus, trafficking from the Wider Black Sea Region is now gradually becoming intra-EU with the EU as both the supplier and consumer of trafficked commodities (like drugs, arms etc) or human beings. Therefore, the threats which were located externally in the pre-2004 era have now moved inside giving expression to convergence of external and internal threats in the EU.

And since these criminal, clandestine activities take place not through *negotiation* and *legal abidance* in deference to principle of rue of law and legalistic sovereignty, but through *evasion* and *circumvention*, principle of absolute state sovereignty and unparalleled authority within its borders is profoundly impaired. Moreover, since territorial sovereignty and demographic governance essentially imply the monopolisation by the state of the discretion to regulate entry of people and commodities within its territory, and since these trafficking activities imply illegal transgression of these border rules and regulations, the threat that it poses can perhaps be termed as one of a *silent, non-military aggression* from outside. Thus, while traditional military aggression threatens the territorial sovereignty of the states, organised crime in the form of trafficking threatens the legalistic sovereignty and demographic governance of the states. Taken together, both represent veritable assault on the principle of sovereignty through different means.

Thus, the threat of organised crime has undergone significant qualitative changes in the recent years. Unlike previously, when organised crime was more or less identifiable with the big regional hierarchical organisations monopolising the criminal underworld, it is now more diffused due to its transnational nature and growing convergence with terrorism. This research attempts to explicate how organised crime, especially trafficking

activities, illustrates the regular interaction between 'hard' and 'soft' threats to constitute an integrative, composite security threat.

Situating Organised Crime in the regional context of the Wider Black Sea Region

The Wider Black Sea Region, especially the Balkans, the North and South Caucasus and the post-Soviet space in Central Asia, is an optimum breeding ground of 'shadow structures' of criminal networks specialising in trafficking. The general political destabilisation due to weak and pathological states witnesses different degrees of merger between state, crime, terror, business and state structures, especially security services. Thus, the weak statehood of Russia, Ukraine, Moldova, Armenia, Azerbaijan and Georgia owes to the partial, but extensive nexus between the above mentioned spheres. On the other hand, in the unrecognised and autonomous entities of the former Soviet Union – the Pridnestrovian Moldovan Republic, the Republic of Abkhazia, the Republic of South Osetia, and the Nagorno-Karabakh Republic – the merger is complete and source of governmental functioning which makes them pathological states. However, as James Sherr observes,

'...these pathologies are not simply a local problem. They feed on the state and civic weaknesses of their neighbours, as much as a parasite feeds on an unhealthy host. The containment of and eventual eradication of these entities depends on strengthening of state and society in neighboring states. If this does not happen, the pathologies will spread...*It is time that the European Union does this well* '[32]

Moreover, the ethnic strife and frozen conflicts and political pandemonium in the Balkans also contribute to proliferation of criminal networks in entente with the local insurgents.

The weak and pathological statehood coupled with economic stagnation, ethnic strife, high unemployment and a comparatively young demography together augment the vulnerability of people from these regions to the traffickers. However, the structural nexus between these general 'push' factors and 'pull' factors of demand from the EU

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[32] Sherr, James (2004), 'Strengthening "Soft" Security: What is to be done?', *European Security*, 13: 3, pp.162, emphasis added.

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catalysing trafficking is complex rather than linear. Poverty and political instability do not automatically lead to trafficking and create necessary but not sufficient conditions for the latter. These 'push' factors augment the willingness and desperation to emigrate among certain sections of population, especially young women and men, and hence increases the susceptibility of these people to the traffickers rather than directly accounting for trafficking. And trafficking appears only when the criminals exploit and manipulate this eagerness to emigrate through false job offers or other pretences.

Here again, though the macro-level analysis is poverty and unemployment driving the poor to migrate who become easy prey to the traffickers, a micro-analysis at individual level reveals that 'migrants are rarely among the poorest'[33]. Here *relative deprivation* and *perceived poverty* instigates the potential migrants and their families to calculate the costs and benefits of the anticipated migration and weigh them vis-à-vis their current situation. As Ghinarau says, '...at the root of irregular migration and trafficking [lie]...lack of confidence in the perspectives for personal achievement provided by an environment that is characterized by too much instability [and]...the conviction that, in such an environment, the gap between the current personal status of the respondents and a living standard that they consider as "decent" will only deepen'[34]. Many of the victims of trafficking actually pay 'set fees' to the smugglers and traffickers or transportation costs, passport and visa costs, which the abject poor often cannot afford.

The criminal trafficking networks that originate and transit through this region open up into the EU markets making the latter the dumping grounds for human victims of trafficking, narcotics and arms. Given the 2007 enlargement and the candidacy prospects of many countries in the future – especially Croatia in the short run and Ukraine, Albania and others in the long run – this region is of direct relevance to the EU security. Moreover, gradual absorption of a substantial part of this region into the EU also increases the vulnerability of the EU to the transnational trafficking networks diffused throughout this entire region, much of which now functions from within the EU itself. These internalised criminal networks and syndicates strengthen their transnational

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[33] Liemt, Gijsbert Van (2004), *Human Trafficking in Europe: An Economic Perspective,* Working Paper; Geneva: International Labour Organization
[34] Ibid, pp. 4

networks with their counterparts operating in the rest of the region outside the EU and farther East by exploiting the loopholes of the EU law and border management. Thus, this region, as far as the proliferation of criminal and trafficking networks are concerned, threaten to be the virtual Achilles heel of the EU in the long run, if they are not countered radically.

Chapter 2

Defining the 'Un-definable': Shifting Trends in Conceptualising and Theorising the notion of Security

The notion of security is as old as human civilization, being the most fundamental existential concern of mankind: survival and wellbeing[1]. Hobbes, thus, treated security as an 'absolute value'[2], in absence of which:

"... there is no place for Industry, because the fruit thereof is uncertain, and consequently no Culture of the Earth, no Navigation, nor use of the commodities...no Knowledge of the face of the Earth, no account of Time, no Arts, no Letters, no Society, and which is worst of all, continuall feare, and danger of violent death"[3].

Thus, the evolution of human civilization itself is geared towards ensuring greater security and well-being of mankind. Hence, it is the single-most important concept around which the entire gamut of developmental and welfarist thought, as well as the state system itself has crystallized. Beginning with Plato's *Ideal State,* Aristotle's *Statesman,* Thucydides' *History of Peloponnesian War,* Kautilya's *Arthaśāstra,* Machiavelli's *Prince* and *Discourse* to Hobbes, Locke, Rousseau and Marx – all political treatises revolved around the fundamental concern of security in the form of protection of individuals and communities as the fundamental ends of the states. Thus, the concept remained state-centric for centuries.

However, this traditional state-centricism does not imply that national or state security is antipathetic and contradictory to the individual security of its citizens. Rather, security of

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[1] However, security as a political discourse and an autonomous discipline is a relatively young field that began to take definite shape only in the post-Second World War era, though the concept has been implicit and central in history of political thought since antiquity. It was only in 1976 when the first issue of the internationally renowned journal *International Security* came out that the bourgeoning field of study was described as a 'disciplined discourse that distinguishes a profession' in its editorial. This was the first recognition of the field by the international academic and epistemic communities as an autonomous research discipline.

[2] For Hobbes, security is an absolute value not only because it is the prime survival concern of the mankind, but also because in lieu of it, the state is entitled and legitimate to demand anything and any service from the citizens in defence of the state sovereignty. This position of Hobbes is generally being held as extreme, because not everyone treats security as an absolute value when weighed against other values like liberty, independence etc. As for instance, citizens of United States regard liberty, and not security, as the absolute value. However, even if we do not regard security as an absolute value, it still continues to be the prime concern of our survival because without security liberty, equality, progress, and most essentially, our very survival would be at stake.

[3] Hobbes, Thomas (1660), *The Leviathan,* Part 1, Chapter XIII, (reprinted in 1998), Oxford: Oxford University Press, pp. 226.

states and security of individuals have been regarded by the traditional political theorists, including the realists, not only as mutually reinforcing but being the two sides of the same coin: equivalence has been drawn by the traditional theorists between state security at national and territorial level and human security at individual and citizen's level. Though both the traditional and human security theories have unanimously converged on the ultimate goal of continued survival being the existential concern of the concept of security, there has been fundamental divergence and difference as to the means of ensuring this security.

This chapter critically examines the shifts and trends in defining the notion of security. It posits that the shift from traditional state-centric notion to the individual-centric notion of security is not so much about the *ends* of security, but rather the *means* of ensuring it and the prioritisation of the *referent of security:* survival continues to be the chief security concern in both traditional and human security schools, but the means of ensuring this existential concern differ due to shifting emphasis on the security referent and alteration of the *security hierarchy.*

I

Development of a Concept: Trends in articulation of Security till the Second World War

Though the concept of security has always occupied prime importance in all socio-political treatises since antiquity (though not in much explicit form) there has been little systematic attempt, until at a much later date, to define it in clear and specific terms. The most general working definition of security which the analysts take as a starting point is that provided by Arnold Wolfer who defines security as the *absence of threats* to a set of *acquired values* and existent status quo[4]. From this definition, three immediate central concerns can be readily identified around which the entire discourse of security revolves:

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[4] Wolfers, Arnold (1962), *Discord and Collaboration: Essays on International Poliics,* Baltimore: John Hopkins University Press.

whose and *what* values are these, and *through what means* can these values be securitised, and protected from threats. Clubbing these three questions together, we get the conceptual citadel of the security discourse: that is, the *referent of security* – the primary focal object of security, the object in reference to which relative security and insecurity develops and the policies ensuring the removal of threat is formulated.

The nation state and state system in modern world have developed centrally around the concept of security. Since the end of feudalism and emergence of nation-states, the task of maintenance of security and order has been vested in the latter. Hence, the state has been recognised in the western political thought as the *sole provider and deliverer of security*. Creation of any legitimate parallel security actor in the state and society has no yet taken shape because that is expected to yield to different, and perhaps competing notions and policies ensuring security. Implicitly this derives from the *social contract* theory of Western political thought: the most fundamental public good that a state delivers (and is ought to deliver) to its citizens is security, in its most comprehensive sense, which borders on different aspects of life. The rationale of creation of state and public governance by a central authority is also being traced back to the security concerns of the citizens: in Western political thought, from Plato to Locke and Rousseau, it has been appraised that rationale for the creation of state has been to protect the life and property of the people and maintain law and order to ensure such protection and security. Locke's treatises described the transition from 'state of nature' to 'state of law' being underpinned by the concerns for peaceful survival of individuals and their property, which, according to him, was ensured by the state. Thus, the concept of state and the survival concerns of security were identified as same. The ensuing assumption was that if the state and its political values and ideals of territoriality and sovereignty are protected, it would automatically be translated in the downward spiral of maintenance of law and order and general well-being of the citizens within the state borders. And, hence, the traditional notion of security has recognized *state* as the *sole referent* of security: though the state was placed at the top of the *security hierarchy*, the successful physical survival of the state is expected to generate the downward spiral of security diffusion and distribution among the citizens. And, hence, territorial sovereignty of the state has been

traditionally referred to as primary *security value*, which, it was traditionally thought, would be automatically translated into human security of the citizens of the state.

The history of pre-modern and modern ages is a history of inter-state and inter-community conflict; peace has rather been intermittent and brief in human history. Most of these inter-state conflicts in the pre- and early-modern era were waged around the issue of territorial settlement of the nation states at a time when the nation-building process was still on its way and most of the nation states were in their formative stage still discovering their legitimate territorial limits and physical horizons. And as the self-sufficient, inward-looking, clan-based communities embarked on the political ventures of territorial expansion clearly demarcating their own territorial borders from other, often competing and rival claims to such territorial limits provoked armed inter-state rivalry. Thus, the fundamental security concern of the nascent state and statehood at its formative stage was its continued survival in face of contending claims to its territoriality from other states. Thus, inter-state warfare and armed military aggression were the chief *security threats* to the states in their primitive and early stages of development. And since the states, not individuals, are the chief recognised actors in the international order, the former were considered to be the chief targets of these external aggressions. Thus, from the Roman notion of *securitas* to Thucydides' treatise on warfare to Machiavelli, different versions of ensuring security converged on the external aggression on state as chief security threats and calibrated military response as optimum means of security in a supposedly anarchic world. Thucydides, perceived and acknowledged as the intellectual father of the realists, thus endorsed the defence build-up of the states because of the anarchic nature of politics as 'Of the gods we know and of men we believe, that it is a necessary law of their nature that they rule wherever they can'[5]. The interests and morality of a state are also not necessarily in congruence with those of the others. This clash of interests and proclivity to expand the zone of influence heighten the prospects of inter-state warfare when the states seek to defend their interests by armed forces at the expense of others: security of one would imply insecurity of the other. Security dilemma

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[5] Thucydides, quoted in Ebenstein, William (1966), *Hans Morgenthau: Politics among Nations,* London: Oxford University Press, pp. 36.

among states would thus be perpetual. The Peloponnesian War in 5th century B.C. was, according to Thucydides, precipitated by the security dilemma when the building of citadels and walls around Athens aggravated sceptic Spartan concerns that Athens would now strike a blow against Sparta as the former was now secure enough from the vindictive consequences of the latter[6]. The notion of *certitudo* in the Middle Ages also ascribed prime importance to the hard power credibility of the states as means of security. It was Machiavelli who first identified the continuum between the internal and external security. However, the source of the internal security threat, according to Machiavelli, was not existential threats to the survival of the individual citizens, but rather political conspiracy and machinations from within directed against the authority of the 'Prince' – the supreme personification of the sovereign state. In this phase, 'security' became associated with the genesis of the authoritarian 'super state' - Hobbes' *Leviathan* thus describes the authoritarian state being committed to the prevention of civil war and disruption of security both from outside and inside. Good governance – be it political, social or economic – was identified with the security and well-being of the citizens. In the domain of economics also, the classical growth-centric models were criticised by the welfare economists propagating the integration of economic and social welfare tools for the individual citizens into the state mechanism. This was derived from the realisation that sustenance of the stability of the state and welfare of the citizens are mutually reinforcing giving credence to the interaction between human security and state security.

Thus, the introduction of social security and welfare measures by Britain, USA, Germany and some other states in the second half of the 19th century was not tantamount to directly addressing the concerns of human security. Rather, in view of the onslaught of Marxism and trade unionism as potentially disrupting forces from within the states that could undermine the existent state authority, these measures were bargaining strategies to sustain the state legitimacy and internal sovereignty.

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[6] Thucydides, *History of Peloponnesian War* ,(translated by Rex Warner) (1972), new York: Penguin Classics

Economic development and military security after the First World War also did not concern the quintessential existential concerns of human beings despite the serious post-war dislocations in economy and demography, ensuing poverty and resource scarcity. Instead balance of power, military defence build up and alliance formations were still regarded the chief means of ensuring conventional dimensions of military and state security from the external aggressions. This armed race eventually culminated in the Second World War and the horrendous human catastrophe of human history in Hiroshima and Nagasaki. The UN was born into such a world emerging out of the shadows unprecedented human casualty and devastation, when mutual peace, collective security and cooperative security and confidence building measures were perceived to be the fundamental assurance against unilateral and hyper-nationalist aggression that precipitated the Second World War. At the same time, following from the destructive consequences of the war on human lives, rudimentary concerns about human security were also articulated. The UN Charter itself states: 'We people of the UN determined to save succeeding generations from the scourge of war which twice in our life time has brought untold sorrow to mankind...'[7].

However, here also the UN did not disentangle the political or military and non-military dimensions of security as the 'scourge of war' was the only threat that it addressed. Hence, protection of state sovereignty from the inter-state warfare – the core principle of the Treaty of Westphalia in 1648 – rather than ensuring communitarian or individual security occupied the central agenda of policy making. The emergence of the Cold War and bipolar power politics further postponed the disentanglement of state and human security. Hence, the rational model of optimum maximisation of power in terms of military credibility was identified as the functional pattern of quest for security by the states. And it was this realist model which dominated the security paradigm in the Cold War era.

[7] United Nations, *Charter of the United Nations,* available at: http://www.un.org/aboutun/charter/ (accessed on 15/1/2008).

II

Realism, the Cold War and America's rise to unilateral Supremacy: Foundation of the
School of Traditional, 'Hard' Security

The construction of the security discourse using the Cold War as a landmark underscores an inescapable reality: in the international world order, the entire concept of security is being constructed and hijacked, for decades, by American strategic considerations against the global backdrop of Cold War geopolitical reality[8]. Once awakened from the isolationist strategic slumber, America's first international engagement and experience was shaped by the military threat that Soviet Union posed, leading to a *Weltanschaung* only through a narrow militarized prism[9]. As Richard Ullman sums up the rudimentary trends in American realist security discourse succinctly:

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[8] This traditional, realist, militarized notion of security has been more of a calculative ideological weaponization of America's geopolitical interests in a bi-polar world, rather than strictly an academic venture. Gabriel Kolko's works bring out the fact in sharpest illustration as to how America's need for source of raw materials to sustain its national culture of high-consumerism resulted in a highly diffusive, expanded region of interests and subsequent multiplication, amplification and expansion of various prospective threats to these interests which constituted the bedrock of the concept of *national or homeland security*. The defence of this interest was incumbent on her ideological justification of her pre-emptive interventionism through a demonisation of the Soviet Union. In domestic political spectrum, the tug-of-war ended in favour of the Atlanticists/Internationalists over the isolationists and eventual considerable realignments and adjustments were made in US foreign policy calculations with a new balance between US economic capital and military might, out of which emerged the *national security* state defines as a veritable, strong militarization of politics and policy formulation defended in the name of *homeland or national security*. For further details, see Kolko, Gabriel (1969), *The Roots of American Foreign Policy: An Analysis of Power and Purpose,* Boston: Harper and Row. Also see, Kolko, Gabriel (1980), *The Limits of Power: The World and United States Foreign Policy 1945-1954,* New York: Harper and Row.

[9] Thus, the incentive for the development of security studies as a distinct discipline came from the 'twin revolution in American foreign policy and military technology caused by the emergence of the Cold War and the development of atomic weapons'. Initially thus, the discourse of international security took its shape out of distinct geopolitical concerns, military credibility, and fed on the gross East-West divide of gross Cold War bipolarity. Accompanied with this was the gradually increasing civilian and scholastic awareness of and preoccupation with the magnified security threats confronting the US. For more details, see Nye, Joseph S. Jr. and Lynn-Jones, Sean (1998) 'International Security Studies: A Report of a Conference on the State of the Field'; *International Security,* 12: 4, pp.8

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"Since the onset of the Cold War, in the late 1940s, every administration in Washington has defined American national security in excessively narrow and excessively military terms. Politicians have found it easier to focus the attention of an inattentive public on military dangers, real or imagined, than on non-military ones; political leaders have found it easier to build a consensus on military solutions to foreign policy problems than to get agreement on the use ...of the United States can bring to bear beyond its frontiers"[10].

The 'security intellectuals' of the RAND Corporation and the analysts and policy-makers of Pentagon thus portrayed two predominantly military and interconnected security discourses : geopolitics and realism.

Geopolitics: Defending a 'Spatial' account of security

Geopolitics[11] intertwined with national border security entails a 'spatial protection' of the territory from perceived external threats. As Simon Dalby puts it, security in geopolitical terms is 'a negative process of spatial exclusion of threats'[12]. Or, if we can rephrase Dalby, geopolitics is the positive process of spatial expansion of power through use of calibrated military force. Thus, security is being framed in *spatial* terms where the entire world is a political space geographically divided into territorially demarcated states, amongst which some are important 'dominos' or 'security complexes' owing to their geo-strategic location that allows them unrestrained access to minerals and raw materials in what is being called MacKinderian *heartland.*

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[10] Ullman, Richard (1983), 'Redefining Security'; *International Security,* 8:.1; pp.129. This resulted in explanation of all the threats and events in terms of the Cold War discourse. The McCarthyte notion of nation's security and a heightened role of military and police surveillance eventually resulted in creation of Central Intelligence Agency and National Security Council, the functional and operational dynamics and tasks of which gave credence to a militarist understanding of security. This fed upon the sudden and increased articulation of game theory and deterrence theory that not only tended to overtly militarize the security concerns and situate them out of their broader historical context, but also flippantly disregarded economic, social, developmental, ethno-cultural and psychological components of security for a while. Terms and concepts of *counterforce, strategic force vulnerability, arms race stability, first and second strike capabilities, competitive risk-taking, escalation, damage limitation, flexible response, limited nuclear war* etc. became the common parlances dominating the discourse.

[11] National or homeland security suggests that geopolitics has been instrumental and central to the discourse of national security. Geopolitics as a term is spatial in its connotation that refers not only to the physical or geopolitical arrangement of the continents or countries in correlation to global power, as well as the relation between power and physical territory.

[12] Dalby, Simon (1990), 'American Security Discourse: the persistence of Geopolitics'; *Political Geography Quarterly,* 9:.2; pp176.

W.W. Rostow echoed classical geopolitics concerns of MacKinder and Spykman about the Eurasian heartland:

"...the simple geographic fact that the combined resources of Eurasia, including its military potential, have been and remain superior to those of the United States – Eurasia being here defined to include Asia, the Middle-East, and Africa as well as Europe. The United States must be viewed essentially as a continental island off the greater land mass of Eurasia...since the combined resources of Eurasia could pose a serious threat of military defeat to the United States, it is the American interest that no single power or group of powers hostile or potentially hostile to the United states dominate that area or a sufficient portion of it to threaten the United States and any coalition the United States can build and sustain"[13].

It was precisely this concern for ensuring the dominance over the Eurasian *heartland* which determined the bipolar power contest between the USA and the former USSR. Though geographically Soviet Union was placed at an advantageous edge over the US, the immense economic and military resources of the former, and her pragmatic alliance formation soon determined her primacy. Thus, Western Europe as permanent security, economic and military ally became the *possession goal[14]* of the US in the Cold War era, and the transatlantic security community in the form o the NATO institutionalised this alliance formation.

Realist Approach to Security

The emergence of realism has often been described as the eventual eclipse of geopolitics by realist paradigm[15]. The realist paradigm anchors their security perception in a Hobbesian anarchic global order where states, as chief political and security actors, are pitted against each other as 'conflict groups', and international institutions have little power to stem this conflict. These states, at individual micro-level, are sovereign and

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[13] Rostow, W.W.(1960), *The United States in the World Arena: A Study in the Recent History*, New York: Harper and Row, pp.543-44

[14] Possession goal may be defined as those narrowly defined goals which directly impinge on the national self interests and induced by self-protective rather than a universal messianic zeal.

[15] The direct, explicit allusion to geopolitics could not be abound for a long time because conceptually geopolitics has been associated with theories of Haushofer and Nazism.

rational political actors with 'fixed and uniformly conflictual' goals and preferences[16] of gaining unrestrained access to scarce resources: control over material resources, according to the realists, is a prime security concern, because access to scarce resources is essential to survival, and survival is in turn the essence of security. This primacy of material resources as means of survival and access to them as prime state motive explains the dismissal of ideas, domestic institutions and perceptions, psychology, ethno-cultural variants and socio-economic preferences of the nation states by the structural realists like Morgenthau and Waltz – a position inherited from Machiavelli and Weber. Thus, the 'autonomy of political' in realist parlance refers to the material capability of the states as the only objective and universal 'reality' that shapes the behavioural pattern of the states in international politics, irrespective and independent of their beliefs, ideals and preferences. That is why the label 'realism'[17].

It follows then, that security itself is a scarce product in the anarchic global order of states replete with perpetual aggression and conflict as manifestations of intense competition over ensuring it[18]. The states as rational actors seek to *maximize* their power[19] vis-à-vis

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[16] Despite their general agreement on the assumption of fixed preferences, realists display far less agreement as to what should be the fixed, uniform preferences of the states – while Morgenthau defined power as the fixed preference which can be translated into eventual penchant for expansion, Waltz emphasizes that survival – in turn physical security of the states is what constitutes the fixed preference – though at the same time he maintains that in defense of this fundamental motive of survival, the state action might vary anywhere from minimal survival to global domination and hegemony.

[17] Legro, Jeffrey W. and Andrew Moravcsik (1999), 'Is Anybody Still a Realist', *International Security*, 24:2; 5-55.

[18] Lynn-Jones, S. & Miller S. (1995). Preface. In M. Brown, S. Lynn-Jones & S. Miller (ed.), *The perils of anarchy* (pp. ix-xxi). Cambridge, MA & London: The MIT Press.

[19] There exist great disagreements on exact definition and implication of power. Power is not only constraining, but also enabling: as mush it is constraints on individual actions, it also renders an action possible. In its former sense, it is sometimes being inter-changeably used with the term 'force'. Borrowing from Steven Luke's terminology, the realist conception of power constitutes 'the first face of power' in essentially coercive and military in nature. It is constraining in the sense that it acts as constraints on potential aggression and threats from outside. In this sense, it is often used in the sense of influence, which, traditional realists argue, can be attained by territorial expansion and unrestrained access to scarce materials. It is enabling as it enables the states to defend their territorial sovereignty. While some realists hold that acquisition of power is an innate human nature drive, others hold that it is a survival strategy. . In classical realist understanding, power is the best tool in ensuring security and the prime concern of the rational states is to maximize power. And this acquisition of power to establish oneself more powerful when pitted against others. On the other hand, neo-realists and neo-liberals do not build their proposition on

the other states to achieve their own security at the cost of the others. As John Mearsheimer says, "the aim is to acquire more military power at the expense of potential rivals. The ideal outcome would be to end up as the hegemon in the system. Survival would then be almost guaranteed"[20]. Moreover, as Jeffrey Taliaferro further says, 'states under anarchy face the ever present threat that other states will use force to harm or conquer them. This compels states to improve their relative power positions through arms buildups, unilateral diplomacy, mercantile (or even autarkic) foreign economic policies, and opportunistic expansion'[21]. Global anarchy, according to the offensive realists[22], thus produces and enhances structural constraints on the states when security is destabilized by the interstate bargain over scarce resources which can be overcome by power maximisation through self-aggrandisement and territorial expansion. Thus, the means of ensuring security is essentially coercive or military.

The defensive variant of realism, on the other hand, represented by the balance-of-power theory of Kenneth Waltz and balance of threat theory by Stephen Walt, quintessentially argue that the states ensure security not through aggressive maximisation of power, but through defensive *maximisation of security* by balancing its position in the international order. As Waltz, when explaining the motivations of the states to balance or bandwagon (viz. to join the side of a systemic aggressor and challenger) says:

'If states wished to maximize power, they would join the stronger side, and we would see not balances forming but a world hegemony forged. This does not happen because

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the assumption that acquisition of power is an innate human nature drive, but rather an imperative or survival strategy in an anarchic world. The structural logic is that international system of states is essentially anarchic where only power can ensure security. Hence, acquisition of power is a necessity, not an innate drive of human nature.

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[20] Mearsheimer, J. (1994-95), 'The false promise of international institutions'; *International Security, 19* (3) (Winter), pp. 12.

[21] Taliaferro, Jeffrey W. (2000-01), ' Security seeking under anarchy: Defensive realism revisited'; *International Security, 25* (3) (Winter), 128-161. pp. 129

[22] Thus, according to the offensive realists, the offensive military strategies adopted and pursued by 'rational states' is actually a defense mechanism or pre-emptive measure to thwart off security threats. Hence, peace-building measures and policies to avoid war are futile. For a detailed application of offensive realism see Mearsheimer, John (1994), *Back to the Future : Instability in Europe after Cold War;* also Mearsheimer (1994), 'The False Promise of International Institution'; *International Security,* 19(3).

balancing, not bandwagoning, is the behavior induced by the system. The first concern of states is not to maximize power but to maintain their position in the system.... states, if they are free to choose, flock to the weaker side; for it is the stronger side that threatens them. On the weaker side, they are more appreciated and safer. *Therefore, the means of ensuring security is* to balance power rather than maximize it'[23].

Whatever divergence may exist among the realists as to the means of ensuring security, it unanimously identified military threat of external aggression to the state to be the prime security threat and proclaimed military credibility of the state as to be the index of power ensuring security. 'Soft' issue like economy was also subjugated to and integrated into the 'hard' security framework: economic development was desired and emphasized not because of the socio-economic welfarism and ensuring human security for the individual citizens, but because a higher GDP would ensure for the sustained ability of the states to spend substantially on defense to thwart off 'hard' security threats. Thus, the Truman Doctrine, the Marshall Plan and the NATO – though all focused on divergent aspects of security – were all integrated parts of one meta-policy of ensuring military security, i.e., the *policy of containment* against the global *domino-effect* threat. The National Security Act of 1947 thus advanced the policy of coordination between military and intelligence as the potent security strategy to sustain the fundamental values of territorial integrity and sovereignty of USA. A further advancement in this military security discourse and policy was the classified National Security Council Report 68 (NSC 68) in 1950, which endorsed unprecedented defense and military build-up of the USA (almost quadrupling the defense cost)[24]. Unlike the policy of *containment* which sanctioned a multi-pronged

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[23] Waltz, Kenneth (1979), *Theory of international politics*; Boston: McGraw Hill; pp.126-127 (emphasis added). For further details on defensive realism, also see Walt, S.M. (1985); 'Alliance formation and the balance of world power', *International Security*, 9(2).

[24] The Soviet detonation of atomic bomb, the Korean War and triumph of the Communists over the Nationalists in China had furnished the backdrop for a revision of US strategic policies and military programmes for ensuring Homeland and National Security. The NSC 68 made a comparative analysis of the political, economic and military capabilities of the USA and Soviet Union and was signed as a 'blueprint' of American defense and security policy for the net 20 years by President Truman on September 30, 1950. Critics of the NSC 68, including George Kennan and Willard Thorp, however, castigated the document arguing that by endorsing massive rearmament, it escalated the Cold War unnecessarily. Thorp attacked the NSC 68 contention that the discrepancy between the USA and the Soviet Union was decreasing steadily. Instead he argued that in all aspects – in economy, politics, military development, stockpiling of the nuclear weapons – America was well ahead of Soviet Union. He even seriously doubted the contention that Soviet Union was allocating 30% of its GDP to building up of military and nuclear

and multi-faceted policy response to the military threat of the Soviet Union, NCS 68 asserted in favour of 'a policy of calculated and gradual coercion' to enable military reaction over diplomatic: deployment of offensive forces operations to destroy the war-making capabilities of the Soviet Union and thus, ensure security, protection of the allied areas in the world (especially Western Europe and the Western Hemisphere) and generating aid to develop the war-making capabilities of these allies.

Thus, American security zone was virtually expanded to include the allied security zones worldwide and their important military bases leading to an immense expansion of the geographical circumference and intensification of the bipolar military rivalry: the *New Look* in *containment policy* and Dulles' doctrine of *massive retaliation* now moved the pitch of military contest forward in favour of a nuclear contest[25]. Thus, the region-specific security concerns of the allies, especially Europe, were not considered autonomously and were subsumed within the American military security concerns for the purpose of bloc cohesion. NATO and its formation was not originally meant to address specific European security issues autonomous and irrespective of the bipolar politics, and

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weapons. For more on the NSC 68, see May, Ernest R. (1993), *American Cold War Strategy: Interpreting NSC 68;* Boston: Bedford/St. Martin's, and Hogan, Michael J. (1998), *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945-1954,* Cambridge: Cambridge University Press.

[25] The regional conflicts all over the world were henceforth denied their autonomous specificities and were pushed into the procrustean bed of the Cold War to fit into the model of bipolar military contests: the regional conflicts were regarded as the regional manifestations and proxy wars of the global bipolar war. Thus, the American 'containment' theory was expanded into Latin America, Asia and Africa to counter the military nationalist movements aimed at the decolonisation, which were often spearheaded and financed by the Communists. Thus, America had established a series of anti-Soviet alliances with Japan, Thailand, Philippines, Australia, and New Zealand in the early 1950s gaining important military bases there. An exchange of offensive rhetoric between Khrushchev and Eisenhower had already precipitated an escalated phase of the Cold War since early 1960s. On the nuclear weapons front, the US and the USSR pursued nuclear rearmament and developed long-range weapons with which they could strike the territory of the other. In August 1957, the Soviets successfully launched the world's first intercontinental ballistic missile (ICBM) and, in October, launched the first earth satellite, Sputnik, which provoked further intensification o the nuclear contest between the two enemies. Greater reliance on the nuclear weapons had brought the world to the brink of a nuclear contest, as illustrated by the Cuban missile crisis of 1962. However, the crisis had also adequately proved the deterrence leverage of the nuclear values : neither superpower was ready to use nuclear weapons for fear of the other's retaliation, and thus of mutually assured destruction. Thus, due to the heightened fears of a nuclear crisis, the aftermath of the crisis led to the first efforts at nuclear disarmament and improving relations, though the Cold War's first arms control agreement, the Antarctic Treaty, had come into force in 1961.

as US was the leading figure providing military and security tutelage, it was obvious that US policy calculations, preferences and agenda-setting were dominant over those of Europe. Hence, during the aftermath of the Second World War, a distinct European security discourse, and even a distinct European security zone were virtually non-existent.

That in post-war bipolar era, prime raison d'etre of US engagement in global politics was maximisation of power and influence is beyond skepticism. But in doing so US had some institutionalist motives, or rather, this institutionalist stance optimised her power gain, and enhanced her security in international arena. Thus, paradoxically enough, instead of realist-endorsed unilateral approach to security, a collective, institutionalised approach to security was first initiated by the US herself as enshrined by the formation of the transatlantic security community of the NATO[26]. Finally, in its patronisation and instrumental role in European unification, America clearly turned the core realist assumption upside-down: since today's ally can be a security threat tomorrow, no alliance should be formed which strengthens and benefits one's allies immensely[27].

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[26] Starting from Roosevelt to Dulles, American Presidents have always veered away from the realist text-book model of collective security. Instead, they have adopted a multilateral and institutionalist approach to security issues. The rudimentary notion of regional security matrix comprising of 'four policemen' was readily replaced by the Roosevelt administration by a collective notion of security which would be institutionalized to concert and coordinate multilateral commitments of the members, which was further advanced by Eisenhower administration n 1956 with the patronization of what is being called 'the more modest UN collective security mechanism' – peacekeeping. The creation of NATO took precedence over anti-institutionalism and unilateral quest for security as endorsed by the structural realism. Instead of unilateral US hegemony pronouncing security assurances, or a confederation of some states having bilateral security alliances with US, a 'dumbbell' model of alliance anchoring institutionalized transatlantic linkage was tantamount to collective security commitments under a common security canopy or blanket. Article 5 of the NATO openly deflated the realist 'particularized' model over a 'legalistic-moralistic' form: US security commitments, as realists opined in Europe, should be particularistic and specific in focus, temporally limited, and 'contingent on discrete exigencies'. For details, see Ruggie, John Gerard (1995), 'The False Premise of Realism', *International Security*, 20(1): pp.63; and, Osgood, Robert Endicott (1962), *NATO: The Entangling Alliance*, Chicago: University of Chicago Press; pp220.

[27] The structural realists underscore that the state as rational actors have the the predisposed knowledge that one's current allies may be one's adversaries in the future and that current allies may provide future support. This generates many of the constraints that maintain the international system because self-protection dictates that states do not want their allies excessively aggrandized or their adversaries excessively diminished. For more, see Jervis, Robert (1998), 'Realism in the Study of World Politics'; *International Organization*, 52 (4): pp.971

Indeed presence of Soviet threat induced this measure. Rather than choosing to form ad hoc bilateral security alliances amongst European states, along structural realist lines of defence, America actively inaugurated the unprecedented regional integration in Europe that transformed the traditional European response not only to politics and economics, but also most importantly, security issues.

Hence, both policy deviations away from the realist model as well as intellectual proliferation of numerous reappraisals and re-modification of several core reaist formulations as endeavour to accommodate changes and flexibilities in international environment have begun to be discerned since a long time. At a more recent time, the trends within the increasingly redundant paradigm of realism have been expansion of explanatory variables from only objective power to those like domestic political dynamics, socio-economic-cultural and ideational variables, as well as to adapt itself to these obvious changes[28]. However, this advancement cannot be exaggerated as to reckon an immense scope of 'progressive power'[29] that realism is impregnated with[30]. Despite

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[28] A concise survey of such trend of redefinitions of core realist assumptions within the paradigm can be begun with Snyder, Jack (1991), *Myths of Empire: Domestic Politics and International Ambition*, Ithaca, N.Y: Cornell University Press and Zakaria, Fareed (1998); *From Wealth to Power: The Unusual Origins of America's World Role,* Princeton, NJ: Princeton University Press.

[29] Walt, Stephen M. (1997), 'The Progressive Power of Realism'; *The American Political Science Review*, 91 (4): pp.931-935

[30] This survival strategy has even been denigrated by loyal defenders of traditional realism as 'degenerative' trends in realism. These theoretical redefinitions and realignments account for what Legro and Moravcsik term as *minimal realism*: an academic attempt of 'recasting realism in forms that are theoretically less determinate, less coherent and less distinctive to realism'. See Legro, Jeffrey W. and Andrew Moravcsik (1999), 'Is Anybody Still a Realist'; *International Security*, 24(2):5-55. On the other hand, John Vasquez bases his critique of realism on the theoretical foundations of Imre Lakatos in which the philosopher builds up the propositions that any intellectual discipline or research programme is composed of three components : first, the basic theoretical propositions, the veracity of which is being accepted by all the members of the research community is what constitutes the 'hard core' of that research discipline; second, a 'negative heuristic' that acts as a bulwark against prospective criticisms against the hard core; third, a 'positive heuristic' which sets out the research agenda and identifies the research questions to be answered. Based on these three basic assumptions, Lakatos characterizes a research programme or discipline 'progressive' if new theoretical modifications over the original premises lead to 'excess empirical content' [i.e., to the new predictions which have been empirically confirmed], when compared to the earlier theory. By contrast, a research programme is said to be 'degenerating' if each new theory is merely an ad hoc or semantic adjustment that explains an anomaly but does not anticipate some 'novel fact'. Taking up the Lakatostian model as the starting point, Vasquez interprets 'clear signs of degeneration in the 'narrow' discipline that realism is. He argues that some theoretical refinements and advancements over some of the 'hard core' realist propositions are merely the ad hoc adjustments to postpone the empirical failure of the paradigm. Added to this are some recent disagreements in the paradigm which are magnified in post-Cold War era. For details of Vasquez's arguments see Lakatos, Imre

this lately awakening of theoretical slumber, realism falls short in its appraisal of security, its referent and means of ensuring it.

III

Towards reconsideration of Security: De-Americanisation of the discourse?

While America was vociferously reasserting aggressive militarism and *mutual assured destruction* (MAD)[31] as the normative strategies ensuring security, the gradual development of an alternative approach to security away from traditional structural realism was discerned first in Western Europe. The American espousal of hyper-militarism was deflated by European[32] espousal of integration, the American realist assertion of territoriality and sovereignty as normative values of security was contradicted by European neo-functional assertion of 'pulled sovereignty' and collective multilateralism in politics, economy and security. Thus, when America was trying to define and reinforce her security zone in terms of her and her allies' borders, Europe was trying to transcend beyond the politics of borders: the borders within Europe were gradually attempted to be pushed outside. The European move towards integration, the ideational genesis of which goes back to the formation of European Coal and Steel Community (ECSC) in 1952, blatantly debunked the central premise of structural realism: that scarce resources and sustained access to these resources make the states conflictually pitted against each other because international politics is a saga of perpetual

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(1970), 'Falsification and the Methodology of Scientific Research Programmes' in Imre Lakatos and Alan Musgrave [ed] *Criticism and the Growth of Knowledge,* Cambridge: Cambridge University Press. Also see Walt, Stephen (1997), 'The Progressive Power of Realism', *The American Political Science Review;* 91(4): pp.932.

[31] The strategic doctrine of Mutual Assured Destruction or MAD postulated that intentional nuclear attack was inhibited by the certain ensuing mutual self-destruction. Even if a nuclear first strike destroyed many of the opponent's weapons, sufficient nuclear missiles would survive to render a devastating counter-strike against the attacker.
[32] The terms 'Europe' and 'European' are here used to denote that related to Western Europe in the Cold War era. Though in the post Cold War, and essentially, in the post 9/11 era, it is anachronistic to adhere to the bipolar geopolitical division of Europe in view of steady eastward expansion of the EU, in the security paradigm during the Cold War, the term 'Europe' was interchangeably used with that of Western Europe.

inter-state conflict over these resources. Instead, the European Economic Community (EEC), and later, its successor EU, underscored the peaceful and collective sharing of the scarce resources through a multilateral institutional framework at a time when the ability of the nation states to ensure security has considerably declined. Thus, neo-functionalism and inter-governmentalism were outpacing realism in explaining consolidation through integration.

The central premise of the theory of both neo-functionalism and inter-governmentalism is, unlike realism, the assumption of decline in capability and importance of the nation-states as actors achieving their interests on unilateral basis: the policies formulated according to national interests, by the executive power and interest groups within the states can be best achieved through regional integration of the states. Translated in terms of security, this implies that in an increasingly complex world, security can be best achieved not through aggressive unilateral pursuit of militarism to reinforce national sovereignty, but through multilateral integration[33]: 'pulled sovereignty' and delegation of substantial authority by the states to the supranational institutions, in accordance with the principle of subsidiarity[34]. Thus, as the Treaty of Rome proclaimed, 'The objectives of

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[33] The neo-functionalists argue that this process of integration will be driven by three mechanisms. First, the integration between states in one economic sector will quickly create strong incentives for integration in further sectors through *positive spillover effects* in order to fully capture the benefits of integration in the original sector. Secondly, as the process of integration gathers pace, interest groups and associations within the pluralistic societies of the individual nation states will transfer their *domestic allegiance* away from national institutions towards the supranational European institutions. They will do this because they will, in theory, come to realise that these newly formed institutions are a better conduit through which to pursue their material interests than the pre-existing national institutions. Finally, as integration hastens, the supranational institutions set up to oversee that integration process will themselves take the lead in sponsoring and driving further integration, through a process of *technocratic automaticity*, as they become more powerful and more autonomous of the member states. For further details of neo-functionalism, see Rosamond, Ben (2000), *Theories of European Integration,*

[34] Subsidarity, in principle, implies that the delegation of substantial sovereign authority in domestic matters by the states to the supranational institutions is intentional on the part of the states. This is because, the states realise that their capability to achieve their national interests on unilateral basis has considerably eroded. Formally, the principle of subsidiarity applies to those areas where the Community does not have

the Union shall be achieved... in accordance with... the principle of subsidiarity'[35],

which the Article 5 of the Treaty establishing the European Community explains:

'The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community'[36].

This reconciliation between neo-functionalist supra-nationalism and inter-governmentalist primacy of state actors and interests, in the form of the EU's commitment to principle of subsidiarity, gave salience, for the first time, to intra-state domestic politics. Political concerns were thus being eventually expanded beyond the traditional domain of 'high politics' to move 'inwards' to include the domain of 'low politics' also: since supranational organisations are being constituted by the nation-states and national interests, developments and security within the states are recognised to be the ultimate goals of the supranational institutes to gain credence. The principles of the European integration were thus committed to ensuring favourable conditions *within* the state borders as normative values of security and development. Moreover, the integration and ensuing inter-governmental cooperation and interdependence laid down the prospects for eventual disappearance of realist inter-state conflict as security threat.

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exclusive competence, the principle delineating those areas where the Community should and should not act. In practice, the concept is frequently used in a more informal manner in discussions as to which competences should be given to the Community, and which retained for the Member States alone. The action of the Union must be necessary because actions of individuals or member-state governments alone will not achieve the objectives of the action (the sufficiency criterion); or such action by the Union would bring added value over and above what could be achieved by individual or member-state government action alone (the benefit criterion). Decisions should be taken as closely as possible to the citizen (the close to the citizen criterion). Finally, the action of the Union should secure greater freedoms for the individual (the autonomy criterion).

[35] European Union, Consolidated Versions of the Treaty on European Union and of the Treaty establishing the European Community.
[36] European Union, Consolidated Versions of the Treaty on European Union and of the Treaty establishing the European Community.

The Treaty of Rome and the foundation of the European Community in 1957 manifested the rudimentary trends in the shift away from the state-centric security doctrine that included concerns other than military and defense capabilities. As the Article 2 of the Treaty on European Union in 1957 proclaimed, among the principles and objectives to which the Union committed itself were:

'to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty, to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence...'[37].

This clearly foreshadowed the *comprehensive security* concerns to be articulated in the post Cold War era. Moreover, most importantly, *concerns of people*, rather than that of the states, were more emphasized by the integration process. As the Article 1 of the Treaty on European Union in 1957 proclaimed: 'This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe'[38]. The integration was thus neither only about the *states* in Europe, nor about the citizens of member states, but about the *people* of the continent: it was among the earliest codified recognition of individual human being, rather than *sovereign states*, as the lowest common denominator and referent of security concerns.

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[37] European Union, Consolidated Versions of the Treaty on European Union and of the Treaty establishing the European Community.
[38] European Union, Consolidated Versions of the Treaty on European Union and of the Treaty establishing the European Community; available at

In international arena also, a parallel development of an alternative, independent approach towards security was crystallising in Europe. Beginning with Willy Brandt's *Ostpolitik,* Europe was not only signaling her move forward to transcend beyond the bipolar border divisions of Europe, but also denigrating the realist aggression and balance of power politics by upholding doctrine of *security through rapprochement* and *politics of positive engagement.* Thus, while détente provided USA an opportunistic exit from the predicament in which she was locked at the moment[39], it provided Europe the optimum time to put to test its alternative security approach through de-escalation, mutual assistance, integration and active engagement with the 'East'. Not only were nuclear weapons eventually withdrawn from Europe, Gorbachev's doctrine of 'Common European House', as a commonwealth of sovereign and economically interdependent nations, foreshadowed the historic opportunity that Europe would soon seize to broaden its integration. As Gorbachev declared in Czechoslovakia in 1987,

'We assign an overriding significance to the European course of our foreign policy.... We are resolutely against the division of the continent into military blocs facing each other, against the accumulation of military arsenals in Europe, against everything that is the source of the threat of war. In the spirit of the new thinking we introduced the idea of the "all-European house"... [which] signifies, above all, the acknowledgment of a certain integral whole, although the states in question belong to different social systems and are members of opposing military-political blocs standing against each other. This term includes both current problems and real possibilities for their solution'[40].

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[39] While concerns about a possible Sino-American alliance and unsustainable expenses of a possible bipolar nuclear contest had dictated Soviet Union to seek for relaxation in Cold War tensions, America was also frenzied for such momentary de-escalation. The American economy was in financial trouble as the Vietnam War drained government finances at the same time as Johnson (and to a lesser extent, Richard Nixon) sought to expand the government welfare state. The Cuban missile crisis showed how dangerous the relations between the USSR and the USA were becoming. Kennedy and Khruchshev wished to reduce the risk of a nuclear war, as they were aware that the nuclear arsenals on each side granted mutually assured destruction. Several anti-nuclear movements supported détente to curb the superpowers' abilities, and served primarily to limit the nuclear ambitions of third parties that could endanger both superpowers : Nuclear Non Proliferation Treaty, SALT I, Anti-Ballistic Missile Treaty.

[40] Gorbachev, quoted in Svec, Milan (1988), "The Prague Spring: 20 Years Later." *Foreign Affairs;* Summer

Moreover, by appropriating Charles de Gaulle's "Europe, from the Atlantic to the Urals" geographical definition, Gorbachev was attempting to keep the Soviet Union presence prescribed in the West European agenda of collective security, cooperation through multilateralism and mutual goodwill. It also foreshadowed the widening of the frontiers of the then EC.

The philosophy of the "Common European Home" concept rules out the probability of an armed clash and the very possibility of the use of force or threat of force in form of alliance against alliance, inside the alliances, wherever. This philosophy suggests that a doctrine of restraint should take the place of the doctrine of deterrence. This is not just a play on words but 'the logic of European development prompted by life itself[41].

When Europe was thus steadily moving towards integration, America's renewed hyper-militarism of the 'Second Cold War'[42] rhetoric since the end of the 1970s in the form of unprecedented military buildup measures, the Strategic Defense Initiative (SDI) and violation of ratified Anti-Ballistic Treaties and Nuclear Non-Proliferation Treaty had re-escalated the arms race and brought the world to the brinks of a nuclear war[43]. The SDI had virtually expanded American security zone beyond gravity to include space also: the

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[41] Address given by Mikhail Gorbachev to the Council of Europe in Strasburg on July 6, 1989; available on http://en.wikipedia.org/wiki/Common_European_home (accessed on 12/5/2008).

[42] The term *second Cold War* has been used by some historians to refer to the period of intensive reawakening of Cold War tensions and conflicts in the early 1980s. Tensions greatly increased between the major powers with both sides becoming more militaristic. SDI could have potentially allowed an attacker to survive the lighter counter-strike, thus encouraging a first strike by the side having SDI. Another destabilizing scenario was countries being tempted to strike first before SDI was deployed, thereby avoiding a disadvantaged nuclear posture. Starting with Reagan's notorious Evil Empire speech on March 8, 1983, in Florida, the last phase of the Cold War was ushered in bringing the nuclear standoff with the Soviet Union to its most critical point before the collapse of the Soviet Union later that decade.

[43] This was symptomatic of the beginning of what has been popularly termed as 'the Second Cold War'. With the Soviet invasion of Afghanistan, end of détente and Regan administration in the USA American military buildup measures surpassed all previous efforts in the same direction. Tensions continued intensifying in the early 1980s when Reagan revived the B-1 bomber program that was canceled by the Carter administration, produced MX "Peacekeeper" missiles installed US cruise missiles in Europe, and announced his experimental Strategic Defense Initiative, dubbed "Star Wars" by the media, a defense program to shoot down missiles in mid-flight.

primary foundations of Astropolitics were laid down[44]. This growing threat of global nuclear crisis had boldly underscored the prospects of compounded insecurity even when militarily well-defended. Western Europe's staunch criticism of America's decision to deploy Pershing II and cruise missiles in Europe, especially West Germany, was tantamount to a stern refusal to let European territory be used anymore as theatre of operations for bipolar rivalry. This was a significant early indication of the transatlantic value divergence on security and its means, and emergence of a distinct European security perspective: upholding of *Friedenspolitik* (politics of peace) over *Machtpolitik* (power politics).

IV

Voices from 'outside': international developments

Apart from Europe, a blatant disregard for the military and aggressive *realpolitik* of bipolarity originated in the decolonized Third World and developing countries. The

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[44] The *Strategic Defense Initiative* (SDI) or the *Star Wars* was a proposal by President Reagan in 1983 to use ground and space-based systems to protect the United States from attack by strategic nuclear ballistic missiles. The initiative focused on strategic defense rather than the prior strategic offense doctrine of mutual assured destruction (MAD). Though it was never fully developed or deployed, the research and technologies of SDI paved the way for some anti-ballistic missile systems of today. SDI was not the first U.S. defensive system against nuclear ballistic missiles. In the 1960s, The Sentinel Program was designed and developed to provide a limited defensive capability, but was never deployed. But SDI is unique from the earlier U.S. and Soviet missile defense efforts. It envisioned using space-oriented basing of defensive systems as opposed to solely ground-launched interceptors. It also initially had the ambitious goal of providing a near total defense against a massive sophisticated ICBM attack, as opposed to previous systems, which were limited in defensive capacity and geographic coverage. Among the ground-based programmes were the Extended Range Interceptor (ERINT) program (developing hit-to-kill technology and demonstrating the guidance accuracy of a small, agile, radar-homing vehicle), Homing Overlay Experiment (HOE) programme (the strategy of hit-to-kill the nose of the incoming missile before it was launched, providing a stronger signal for the infrared sensors) which was later elaborated into Exoatmospheric Reentry-vehicle Interception System (ERIS) program, Directed-energy weapon (DEW) programme and X-ray and chemical laser experiments. While the space-based programmes of the SDI included Space-Based Interceptor (SBI) (interceptors to be housed in orbital modules), Brilliant Pebbles (a non-nuclear system of satellite-based, watermelon-sized mini-missiles designed to use a high-velocity kinetic warhead), Boost Surveillance and Tracking System (designed to assist detection of missile launches, especially during the boost phase), Space Surveillance and Tracking System (designed for tracking ballistic missiles during their mid-course phase) and countermeasures.

growing appeal of the Non-Aligned Movement, founded in April, 1955 enshrined the growing propensity for politics of disengagement in militaristic bipolar rivalry in the region[45]. Principles of multilateralism, mutual non-interference and non-aggression, peaceful coexistence and a shared politico-economic space in international order had already foreshadowed the imminent crystallization of a new world order to gradually relegate the principles of national sovereignty and territorial integrity to desuetude. In the wake of decolonization, the Third World countries experienced unprecedented politico-economic dislocations within the states that turned the realist model of inter-state resource conflicts upside down.

The post-Second World War era witnessed a rapid increase in the number of domestic conflicts, violence, civil strife. In most of these instances the centrifugal forces and security threats originated, unlike the realist hypothesis, from within the states disrupting the socio-economic-political and security equilibrium within the states. More important,

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[45] The purpose of the organization as stated in the *Havana Declaration of 1979* is to ensure "the national independence, sovereignty, territorial integrity and security of non-aligned countries" in their "struggle against imperialism, colonialism, neo-colonialism, racism, Zionism, and all forms of foreign aggression, occupation, domination, interference or hegemony as well as against great power and bloc politics. The term "Non-Alignment" itself was coined by Indian Prime Minister Nehru during his speech in 1954 in Colombo, Sri Lanka. In this speech, Nehru described the five pillars to be used as a guide for Sino-Indian relations, which were first put forth by Chinese Premier Zhou Enlai. Called Panchsheel (five restraints), these principles would later serve as the basis of the Non-Aligned Movement. The five principles were: Mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in domestic affairs, equality and mutual benefit, and peaceful coexistence. A significant milestone in the development of the Non-aligned movement was the 1955 Bandung Conference, a conference of Asian and African states hosted by Indonesian president Sukarno. The attending nations declared their desire not to become involved in the Cold War and adopted a "declaration on promotion of world peace and cooperation", which included Nehru's five principles. Six years after Bandung, an initiative of Yugoslav president Tito led to the first official Non-Aligned Movement Summit, which was held in September 1961 in Belgrade. The founding fathers of the Non-aligned movement, apart from Nehru of India, Sukarno of Indonesia and Tito of Yugoslavia, were Gamal Abdul Nasser of Egypt and Kwame Nkrumah of Ghana. Their actions were known as The Initiative of Five. For more on NAM, see Grant, Cedric (1995), "Equity in Third World Relations: a third world perspective", International Affairs, 71:3; 567-587. of the organization and the divergence of agendas and allegiances present the ongoing potential for fragmentation.

in this intra-state conflict scenario, the states often have been silent partners and auxiliary variables catalyzing the security destabilisation. Illustrations of such regional destabilizations are abounding during Cold War – the Greek civil war, Spanish civil war, regional destabilisation in Latin America, and Africa. Rather than being regional ramifications of the global bipolar rivalry, most of these intra-state strives were outgrowths of the process of decolonization and breaks and fissures in the state-building process in the newly liberated, developing and under-developed countries where the states often miserably failed in the deliverance of developmental imperatives. Realist and traditional understanding of security could contribute and account little to explain the causal back-ward linkage and structural trends of these new security threats which brought forth the growing relevance of variables like relative deprivation, negative globalization, resource management as veritable conflict causation in both intra- and inter-state conflicts.

In the context of this new global reality of escalated threats to human existence, the insufficiency of the United Nations Charter in addressing the human rights of survival was universally acknowledged. Thus, the *Universal Declaration of Human Rights* in December, 1948, was a further advancement over the previous United Nations Charter in the arena of human security related issues. Though it did not explicitly define and elaborate the issues of human security and formulate policy implementations to ensure the existential concerns of mankind, by recognizing the fundamental dignity and inviolable right of individual to 'life, liberty and security' marked a watershed in universal acceptance of certain of certain rights related to essential human security issues[46].

The growing efforts of the international community in establishing and institutionalising certain universal norms and regulations in the move towards disarmament and nuclear non-proliferation also increasingly hinged on the existential concerns of human beings rather than the states. The referent of the NPT of 1968, Anti Ballistic Missile Treaty of 1972 etc marked a gradual deviation away from traditional state sovereignty and

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[46] United Nations, *Universal Declaration of Human Rights;* December, 1948; available at: http://www.un.org/Overview/rights.html (accessed on 23/6/2008).

territorial integrity to conceive human security connotations: it was the dire apprehensions of mass destruction and unprecedented human casualties over which concerns were articulated due to the propensity to deploy force and aggression to ensure national security, escalated by the Cuban missile crisis, the Vietnam War and the 'Second Cold War'. Thus, the urgency of a new understanding and re-conceptualisation of security, beyond the parochial remit of militarised version of security, began to be realised strongly, since the mid 1960s.

V

From State-centricism to Homo-centricism: Security from 'below'

The devastating consequences of the Vietnam War and the 1970 oil crisis (that brought the West almost to the brink of crises and decadence) had confirmed in the 1980s that successful survival – the essence of the notion of security – transcended well beyond the narrow remit of defense credibility. The essentiality of and the structural linkage between the fundamental issues of economy, development and environment was universally appraised. The growing awareness about the non-traditional, 'soft' security concerns like steady environmental degradation (which would adversely affect the survival concerns of developed, under-developed and developing countries alike), the ensuing resource scarcity and crises in sustainable development began to occupy centrality in security paradigm. Realism and the school of traditional, 'hard' security, which also accorded primacy and centrality to the resources (through the central assumption that security is ensured by greater access to these resources) had been myopic enough to overlook the exhaustive limits of the assimilative capabilities of the nature: recycling of natural resources is much slower than the process of its consumption and exploitation.

Moreover, the accelerating pace of the subaltern movements, trade unionism and labour politics during the 1960s had toppled the domain of 'high politics' of elites, concerning traditional national security and balance-of-power in international order, with the 'low politics' or 'politics from below'. This had brought forth the voices of dissent within the

states and salience of resource deprivation, crisis in domestic law and order, problems of democracy and pluralism, and structural scarcity of a substantial majority of the citizens being induced by the states themselves. The deterministic assumption in the role of state being the essential provider of security and ensuring survival of the citizens was now radically altered. Globalization itself also has been an ambiguous force affecting the human security amounting to the new phenomenon of 'fragmentation' which gives credence to the 'exclusive globalization' over 'inclusive globalization'[47]. The collapse of major economies like Soviet Union, South America etc in the late1980s-early 1990s let loose a wave of centrifugal tendencies within the states and serious destabilizing trends due to ensuing currency or price fluctuation, low income and general structural decrepitude of these economies. They in turn generated political instability, erosion of state legitimacy and crisis of democracy in general[48]. Finally, the end of the Cold War virtually removed the realist notion of an identified military threats in the form of a belligerent state. Number of failed states increased. Such dislocations, and failure of states caused by economic dislocation, poverty, deep societal divides, ethnic or communal conflicts were in turn compound threats to the continued and successful survival of individuals, and not only to the states. The higher incidences of human

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[47] It can be argued that globalization is a twin process where some stats and some population benefits from the 'thick globalization' and the consequent prosperity and stable income distribution it results in, while abject misery of the rest is being compounded by 'thin globalization'. The chief beneficiaries of 'thick globalization' are the core economic states of the world where high GDP, Human Development Index ensures not only political stability but also sustained survival security of the citizens. On the contrary, failed states and Third World countries are direct victims of 'thin globalization' from which benefits the politically powerful minority at the expense of majority creating a '20/80 society' or 'non-integrating gap', characterized by poverty, high corruption, income disparities, and hence hunger, malnutrition and high human mortality which often slide into violent civil strives spearheaded by the substantially deprived population. They are the so-called exporters of insecurity and the functional core states often imbibe destabilizing factors from them. Stats like Brazil, Greece, Mexico, Pakistan, and in recent years, Afghanistan fall between this functional core and non-integrating gap. In such states, often anti-globalist movements by the deprived, marginalized sections of the society. The security environment of the core functional countries often depends on the efficiency of international communities to deal with the sources of instability in these states and stem the process of spill-over of such threats.

[48] If a democracy is not being accompanied by sustained economic growth and well-being of its citizens, then it is not eco-friendly, environmental conservation policies, but economic sustenance of the majority of voting population which becomes the immediate policy priority of the state. Vote bank politics being essential to functioning of a democratic regime presupposes popular faith in the legitimacy o the government, and this faith in legitimacy instrumental to the sustenance of a democracy is generated, among other factors, by economic development and a general well being of the population.

casualties in the post-Cold War era can be related to failure of the states to provide the citizens security ensuring physical survival within the territorial precincts[49].

In this security environment of diffused security threats, security as a term became more problematic to be properly conceptualised as earlier. The notion has become more complex, obscure and problematic than its earlier incarnation in form of traditional militarism. While external, military aggression are identifiable security threats with immediate discernible structural consequences, the new security threats cut across national borders, are less definable, less identifiable and often without *apparent* immediate disrupting consequences, but with immense future disruption potentialities. In this altered security environment, thus, the security threats essentially concern 'the mismatch between security threats and response mechanisms'[50]. A normative re-conceptualisation of security allowed for an *inclusive* definition of security responding positively to the vast array of diverse security problems. Thus, security as a concept is becoming fluid enough changing across borders and in different national circumstantial contexts.

This late awakening to the appalling truth, and futility of the calibrated military response provoked a theoretical flow and gradual paradigmic shift representing a speedy and hurried re-conceptualisation of security. This new trend and discourse in security paradigm represented a gradual *de-Americanisation* and *internationalisation* of the discipline: a shift away from the monopoly of the realist perspective of the RAND Corporation scholars and Pentagon analysts towards incorporating research and voices of scholars from not only Europe, but from all over the world.

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[49] The break-up of the multi-ethnic states like Yugoslavia and Soviet Union and the ensuing horrendous extent of hideous violence and catastrophe that it wreaked also gave credence to the new concept of societal security -- when certain social sectors of the state generate centrifugal tendencies, erode infra-community solidarity, tearing the social fabric apart and destabilizing the state, precipitating civil strife and violence.

[50] Alkire, Sabina (2003); *A Conceptual Framework for Human Security;* CRISE Working Paper 2; pp.3

The emergence of the Copenhagen School[51] in the Security Studies represented the institutionalization of a distinct European approach to security. Led primarily by Barry Buzan and Ole Waever, this school revolutionized and broadened the notion of security by defining and broadening the process of securitization[52]: unlike indiscriminately restricting all the security issues within the narrow remit of traditional narrow remit of military security, the Copenhagen approach addressed the problem of security by exploring its very constituent essence and logic, by differentiating security and the process of securitisation[53] from that which is only political. Threats may emerge in various dimensions in various domains, both military and non-military. But none of these threats can be counted as security threats unless they satisfy the essential security criterion: since the essence of security is the concern for survival, a security threat should thus be qualified to be an existential threat to the survival concerns of the referent objects. Thus, a *securitised issue* is essentially different from a *political issue*. As Barry Buzan succinctly summarised this:

'Threats...have to be staged as existential threats to a referent object by a securitizing actor who thereby generates endorsement for emergency measures beyond rules that would otherwise bind. In other words, issues become securitized when leaders (whether political, societal, or intellectual) begin to talk about them – and to gain the ear of the public and the state – in terms of existential threats against some valued referent object. The securitizing formula is that such threats require exceptional measures and/or emergency action to deal with them. Securitization classically legitimates the use of force, but more broadly it raises the issue above normal politics and into the realm of

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[51] The term 'Copenhagen School' was formally coined by Bill McSweeney to refer to a group of scholars in international relations, specifically in the field of international security, writing and conducting their analysis since 1988 under the institutional auspices of Copenhagen Peace Research Institute. For more, see McSweeney, Bill (1996), 'Identity and Security: Buzan and the Copenhagen School', *Review of International Studies*, 22(1): 81-93.

[52] For the elaborate discussions on the fundamental premises of the Copenhagen School, see Buzan, Barry (1991, 1983), *People, States and Fear*, Hemel Hempstead: Wheatsheaf. Also see Waever, Ole (1995), 'Securitization-Desecuritization', in Ronnie Lipschutz (ed) *On Security*, New York: Columbia University Press, pp.46-86.

[53] Buzan also terms this process of securitization as 'speech-act'. This does not entail that merely by the act of uttering or talking about the word 'security; and applying the word verbally to an issue it will be securitized. Rather, it implies the widespread political and public talk about an issue becoming an existential threat and respective emergency measures associated with that issue which designates a sense of urgency to it.

'panic politics' where departures from the rules of normal politics justify secrecy, additional executive powers, and activities that would otherwise be illegal. Securitisation can thus be seen as a more extreme version of politicisation. It is the inter-subjective establishment of an existential threat with a saliency sufficient to have substantial political effects'[54].

Following this principle, thus securitisation can be applied to a vast array of issues beyond military sector. And simultaneously it also implies that the referent object of the security threats will not be universally constant across various sectors, thereby necessitating the inclusion of different referents of security. Thus, while in military and political sectors the security referent is state, its territorial sovereignty and political ideology, in economic sector it is not necessarily state, but individuals, markets, farms, certain sectors of economy; in environmental sector the security referent varies from individual species to habitat, climate, and biosphere; in societal domain it is the collective communities like religion, ethnicity, social groups etc. Therefore, the Copenhagen security discourse introduced a critical approach to security and was the precursor to the discourses on human and integrated security.

'Whose' Security: the Paradigm of Human Security

The Copenhagen school laid the critical analytical basis for a serious venture tantamount to an increasing shift of emphasis away from state-centric to people- or *homo-centric* notion of security making individual rather than states the referent of security. The *inversion* of this security priority or hierarchy [from the state at the top and individual at the bottom to individual at the top] is the late recognition of the reality that in the global environment of diffused security threats and increased vulnerability, security of the physical borders of the states from external military aggression does not necessarily entail the security of the citizens of the state.

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[54] Buzan, Barry (1997), 'Rethinking Security after the Cold War', *Cooperation and Conflict*, 32(1), pp. 11-12.

The concept of human security should not be conceptualised as being antipathetic to the traditional notion of security, but is essentially an outgrowth and expansion of the notion of security. Though traditional security has given state and its physical borders the primacy in the discourse of security, at the bottom line it is the human being the individual citizen who is the chief concern. The new paradigm if human security brings out this preponderance and primacy of physical survival of individual human being more explicit. How safe and free are we as individuals? That is the central question behind the idea of human security. Perhaps the most important forerunners of the idea of human security were the reports of a series of multinational independent commissions composed of prominent leaders, intellectuals and academicians. Beginning in the 1970s, the Club of Rome group produced a series of volumes on the 'world problematique' which were premised on the idea that there is 'a complex of problems troubling men of all nations: poverty...degradation of the environment; loss of faith in institutions; uncontrolled urban spread; insecurity of employment; alienation of youth; rejection of traditional values; and inflation and other monetary and economic disruptions'[55]. The Report also noted that 'Every person in the world faces a series of pressures and problems that require his attention and action. These problems affect him at many different levels. He may spend much of his time trying to find tomorrow's food...He may worry about a world war... or a war next week with a rival clan in his neighbourhood'[56]. The interlinkages between these macro, planetary variables suggest that there were limits to economic growth globally and therefore that a cataclysmic future might confront human security. However 'a state of global equilibrium could be designed so that the basic material needs of each person... are satisfied, and each person has an equal opportunity to realize his individual human potential'[57]. In short, the group proposed that there was a complex global system influencing the individual's life chances and that there were alternative ways of conceptualizing global development and ultimately, global security so as to sustain and improve those life chances. Such a reconsideration of the notion of security made the concept of 'sustainable development' coined by the Union for the Conservation of Nature

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[55] Meadows, Donella H, Dennis L. Meadow, Jorgen Randers and William W. Behrens III (1972), *The Limits to Growth*, New York: Universe Books, pp.10.
[56] Ibid; pp.17
[57] Ibid; pp.23-24

and Natural Resources [IUCN], highly salient in the 1980s, defined as: "Development that meets the needs of the present without compromising the ability of the future generations to meet their needs".[58]

The second such commission in the 1980s, the Independent Commission on Disarmament and Security Issues, authored the famous 'common security' report which also drew attention to alternative ways of thinking about peace and security. While it focused on military issues and the staples of national security, it acknowledged that in the developing and underdeveloped countries, security was in addition, threatened by poverty ad deprivation, by economic inequality. The Report also noted that 'Common security requires that people live in dignity and peace, that they have enough to eat and are able to find work and live in a world without poverty and destitution'[59].

With the end of the Cold War, calls for new thinking and re-conceptualisations in security grew rapidly. While earlier commission reports were the precursors to human security thinking it was only in the early 1990s, that an explicitly human security perspective was articulated with some rigour internationally. The first contribution was that of Mahbub ul Haq, and the United Nations Development Programme [UNDP] in 1994. The human development efforts explicitly put at the centre of its formulation the notion that development thoughts and policies must take as their focus the welfare of individual rather than simply the macro-economics. Haq answers the question of 'security for whom' quite simply. Human security is not about states and nations, but about individuals and people. In fashioning this new concept, what values will we seek to protect? Haq is not explicit on this issue, but clearly individual safety and well being were recognised as the prime security values as is evident from his writing: 'the world is entering a new era of human security in which the entire concept of security will change and change dramatically. In this new conception security will be equated with the security of individuals, not just security of their nations... We need to fashion a new concept of human security that is reflected in the lives of our people, not in the weapons

[58] WCED Report; 'Our Common Future'; Oxford; OUP; 1987; pp43.
[59] Report of the Independent Commission on Disarmament and Security Issues, cited in Bajpai, Kanti [2000], *Human Security: Concept and Measurement;* Kroc Institute Occasional Paper 19, pp.7.

of our country'[60]. As far as *means* to ensure security are concerned, Haq's prescriptive analysis marked a radical normative shift away from the traditional military means to a developmental agenda that encompasses a vast array of 'soft' issues: a human developmental agenda with emphasis on sustainable development, equitable distribution of resources, democratic peace and pluralistic political participation; a new partnership between the North and the South based on 'justice, not charity' that ensures 'equitable access to global market opportunities'; a new framework of *global governance* with the people-and-development-centric reforms of the international institutions of IMF, UNO, WTO.

This *homo-centric* notion of security was universally recognised and enshrined in the Human Development Report by the UNDP in 1994. As the UNDP Human Development Report stated:

"The concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust ...Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives"[61].

The Report contained an elaborate separate section addressing the human security issues entitled *Redefining Security: The Human Dimension.* For the first time even in the history of security studies, this report gave a precise definition of security: *freedom from fear and freedom from want* giving equal weightage to people and territories[62]. As the Report elaborated:

'Human security is a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode in violence, a dissident who was not silenced. Human security is not a concern with weapons – it is a concern with human life and dignity...It is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities– and whether they live in conflict or in peace'[63].

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[60]Bajpai, Kanti (2000), Ibid.

[61] United Nations Development Programme (1994); *Human Development Report;* New York: Oxford University Press; pp. 22

[62] UNDP, *Redefining Security,*1994. available at:
http://hdr.undp.org/reports/global/1994/en/pdf/hdr_1994_ch2.pdf

[63] UNDP, Redefining Security,1994,page.229.

This critique is precise and powerful, but the report's subsequent proposal for a new concept of security – human security – is imprecise:

"Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities"[64].

The scope of this definition is too vast: virtually any kind of unexpected or irregular discomfort could conceivably constitute a threat to one's human security. Perhaps anticipating this criticism, the authors of the report identify seven specific elements or values that comprise human security: *economic security* (an individual's enjoyment of a basic income, either through gainful employment or from social safety net, and thereby 'freedom from want'), *food security* (an individual's access to food via his or her assets, employment or income), *health security* (an individual's freedom from various disease and debilitating illness and his or her access to health care), *environmental security* (the integrity of land, air, and water, which make human habitation possible, and ensuring security of the individuals against devastating dislocations of natural disasters, famine etc), *personal security* (an individual's safety from crime and violence, especially women and children who are more vulnerable), *community security* (cultural dignity and to inter-community peace within which an individual lives and grows), and *political security* (protection against human rights violations).

Clubbing all these together, we have an extremely comprehensive understanding of security, which gives credence to all existential threats to the physical survival of the individual citizens. This is being defined as *comprehensive security,* or, as Norman Myers defines, *ultimate security:*

"…security applies most at the level of the individual citizen. It amounts to human well-being: not only protection from harm and injury, but access to water, food, shelter, health, employment, and other basic requisites that are the due of every person on Earth. It is the

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[64] Ibid; pp. 22

collectivity of these citizen needs – overall safety and quality of life – that should figured prominently in the nation's view of security"[65].

After the publication of Human Development Report and subsequent reconceptualisation of security, the governments of Canada, Norway and Japan were the forerunners in institutionalising the 'soft' issues of human security concerns in their respective foreign and defense policies. Especially, Canada's *Middle Power Approach* was a remarkable development in the coordination between 'hard' and 'soft' security issues[66].

Following that, the UN high level panel report on *Threats, Challenges and Changes* in 2004 and the UN Secretary General's report entitled *In Larger Freedom* in 2005 together marked a significant advancement in offering an *integrated concept of security*. As security has been redefined to encompass people's security, it has been universally appraised that traditional military security threats and the non-traditional human security threats are not mutually exclusive, but rather *interrelated* and *complementary*. Exploring the structural linkage between development and security, these reports laid the foundational basis the *security-development nexus* that identified six existential threats to human survival, all being inter-related structurally: *poverty, environmental degradation, interstate conflict, internal conflict or civil war or genocide, weapons of mass destruction*

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[65] Norman Myers (1993), *Ultimate Security: The Environmental Basis of Political Stability*, New York: W.W. Norton and Co., pp.31

[66] In 1999 Canada organized a middle power conference with Norway and reiterated human security as a people centric new concept based on new tools and measuring rods. According to this approach human security includes security against economic deprivation an acceptable quality of life and a guarantee of fundamental human rights. This view accepted UN notion of freedom from fear and want and added equal opportunities also with this. Thus according to them the core value of human security conception though is freedom from pervasive threats to people's right, their safety and their lives. The Canadian perspective of human security also presents a number of threats which affect human security like internal conflict and state failure, transnational crime, nuclear proliferation, religious and ethnic discord, state repression, migration, use of land mines child abuse economic under development, unequal international trade etc. Regarding the measures to deal with the serious concerns Canada focused on peace building peace keeping, equal trade, and economic development. To move this agenda forward, Canada would have to rely increasingly on "soft" power – "the art of disseminating information in such a way that desirable outcomes are achieved through persuasion rather than coercion." Canada and various other middle powers were ideally suited to network, build coalitions, and bring others round to understand the importance of human security. Governments, NGOs, academics, Businesses and ordinary citizens were all potential partners in this endeavour. For further details on the 'middle power approach' propagating a coordination between military and developmental issues, see Kanti Bajpai, (2000), *Human Security: Concept and Measurement.*

and *transnational organized crime*. And the conclusion reached was that 'development makes ever one more secure'[67].

Towards an integrated concept of security: Security-Development Nexus

The exponential growth in number of intra-state violence and conflict due to developmental problems like fissures in sustainable development, improper resource management and resource distribution by the states etc. has underpinned the discourse on security-development nexus[68]. Every conflict – be it inter-state or intra-state – is a prolonged process with backward and forward linkages[69]. And developmental issues, especially sustainable development, structural scarcity[70], resource depletion[71] etc act as

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[67] Richard Jolly and Deepayan Basu, The Human Security Framework and National Human Development Reports, UNDP,May 2006. available at:
hdr.undp.org/docs/nhdr/thematic_reviews/Human_Security_Guidance_Note.Pdf (accessed on 12/3/2008).

[68] Since the 1970s, environmental and resource issues figured prominently on the international agenda of peace-keeping illustrating the fact that environmental degradation in developing countries and the ensuing relative deprivation, negative impact of globalisation, failed resource management of the state to alleviate these structural crises can be veritable security threats to human security, as also conflict causation – the fight and struggle over natural renewable resources like water, land, forest, fish-stocks etc can be conflict causation in both inter- and intra-state conflicts. Environmental degradation, and resultant resource depletion and scarcity accentuating poverty, might in the long-run act as a necessary, if not sufficient condition for precipitating armed inter-state conflict ensuing from the struggle and stiff competition over scarce resources.

[69] In conflict and peace studies, a conflict has been recognised to have five distinct phases: causation, mobilization, initiation, escalation, and finally de-escalation or resolution.
[70] *Structural scarcity* in developmental economics entails a highly inequitable distribution of resources among the population in under-developed as well as developing countries which might catalyse ethnic tension, and civil conflict, when the substantially deprived majority of the population might rise in arms questioning the legitimacy of the state when the state conspicuously fails to fulfill its distribution and developmental tasks. In under-developed countries, human security is not democratised : it is not a common security ensuring equal security of all of the citizens regardless of their economic class, thus potentially strengthening class antagonism. The poverty-stricken class is most likely than the affluent and middle-class to be vulnerable to human security threats: the poor survive on minimal resources inadequate to ensure their livelihood security, live in highly unhygienic overcrowded slums with little access to fresh water supply, and also sometime are forced to settle in lands and areas vulnerable to land degradation and soil erosion, in absence of usable, habitable land due to state failure in alleviating developmental crises, inefficient market and resource management.

[71] Malthus' postulation that resource depletion takes place at a much faster pace overtaking the natural process of resource renewal still holds ground. It is precisely because, a mathematical model illustrates that demographic growth, and hence the rate of exploitation of natural resources progresses in a geometrical fashion, while recycling and production of natural resources follows an arithmetical fashion. While

important explanatory variables in conflict causation. This can be exemplified by the way inter-state conflict and intra-state conflictual violence can be precipitated by such developmental issues like competition over scarce resources and inequitable resource management and resource governance respectively[72].

The discourse on *integrative security* and *security-development nexus* has not only significantly modified the existent notion of security, but also ushered in a radical re-modification of the disciplines developmental economics and developmental studies enthusing a degree of multi-disciplinarity in them. Thus, developmental studies now included issues which were traditionally absent from developmental economics, like governance, reconciliation, conflict-prevention, social justice, resource management and socio-economic security of the individuals. This is because, developmental studies and developmental economics are inextricably associated with resources, and hence resource management by the states.

This security-development nexus model has been most successfully adopted by the conflict prevention strategies by international agencies in the post Cold War era which combine developmental reforms with security sector reforms (SSR) including policing, law and human rights elements. As for instance, the European Union's approaches towards Kenya and Ivory Coast and the post-conflict interventions in Cambodia and El Salvador. 'In many conflict situations, the security sector is a potent symbol of wider

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technology has immensely contributed to accelerating the pace of recycling of renewable natural resources like food, non-renewable natural resources like minerals, water and oil are being steadily depleted due to intense non-sustainable exploitation patterns and environmental degradation. This resource depletion might further induce structural economic crisis, or simultaneously co-exist with already prevalent economic inequality to compound deprivation and poverty of the majority of the population

[72] The resurgence of Maoism in Nepal brings out the causal linkage between distribution injustice, resource scarcity and domestic conflict into sharp relief. The shelved development plans, a conspicuous failure of land reforms, and a highly inequitable pattern of distribution of resources have together resulted in the mal-appropriation of national resources by the entrenched minority. This has strengthened the existing feudal structure of the social order especially in the Rapti Zone in the Middlewestern hilly region directly linked with the plight of the rural population. The Maoist 'People's War' anti-regime movement that began in 1996, aimed at establishment of an alternative socio-political order in Nepal, to deliver resource equality and social justice has destabilised the entire state and continues to affect the political order strongly even after the drafting of the Constitution. The conflict in Sudan and the violent civil strife that set Darfur ablaze also can be traced back causally to the deep-seated developmental crisis and structural deprivation and inequality that denigrated human security of the majority of the population that eventually chose to rise in arms and deploy violence as the potential means of deliverance from their misery.

conflict. An unaccountable and un-impugned security sector impinges directly upon development: it disenfranchises communities, contributes to poverty, distorts economies, creates instability and stunts political development'[73]. Consequently, reform to security sector institutions is a critical element of conflict prevention and peace-building strategies. It provides the opportunities to make a clean break from repressive traditions and provides a safe and secure environment to give political institutions and the economic space and opportunity to grow. Likewise, the development agencies have increasingly engaged in programming activities, which fall traditionally under the purview of the security sector, ranging from the reform of the military and police to disarmament, demobilization and reintegration [DDR] programmes. This is an explicit recognition of the need to coordinate civil and military power, coordination and coercion in face of complex security threat scenario.

VI

A 'Revolution in Security Affairs'?: blurring the defining lines between 'hard' and 'soft', traditional and non-traditional security concerns?

The 9/11 events have further illustrated sharply this increasing need for an interface between the civilian and military tools of security, coordination between preventive and punitive measures. Terrorism has finally obfuscated the defining line between hard and soft security threats. This blurring of divides between military and civilian, hard and soft power and security concerns has been termed by Julian Lindley-French as a 'revolution in security affairs'. The extent of lethality that these newer security threats might wreak, their targets, functional and operational modes, non-transparency of the agents of security destabilization and their operational network, have thus changed the traditional notion of the *enemy and target*. These newer threats of terrorism, organised crime and weapons of mass destruction have qualitatively changed the nature and pattern of violence and

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[73]Kapilla, M and K.Wermester (2002) 'Development and Conflict : New Approaches in the UK', in F.O.Hampson and D.M.Malone ed. (2002) *From Reaction to Conflict Prevention, Opportunities for the UN System*, London: Lynne Rienner Publisher

conflict. These new threats of terrorism, organized crime and weapons of mass destruction are indeed qualitatively new and *non-traditional* in their functional mode, actors involved, targets, ideologues and operational network and extent. And they are manipulating the category of violence changing the modes of its deployment and targets of this violence. Unlike the traditional threats, these are diffused, non-military and non-transparent, and hence hazardous to be identified. The actors involved and the chief targets are also not states, but non-state actors wreaking massive victimization of civilians and non-combatants rather than military aggression and assault of physical territories of the states. Thus, the hard means of violence are inflicting soft threats due to the targeting of the civilians and their existential concerns of socio-economic aspects of life. The ideologies providing an ideational justification of their actions also do not necessarily hinge on military prerogatives and doctrines, but are rather obscure and nebulous like those of 'clash of civilizations', jihad against the infidels and malign western socio-cultural citadel, ethno-racial differences instigating protuberances of dispute etc. There are unmistakable ideological apocalyptical vestiges of regressive, obscurantist anti-cosmopolitanism and anti-western sentiments. Thus, politico-military variables have been significantly replaced by cultural and social variants. And hence, the targets and chief focus of these non-traditional threats have also swung from physical frontier to the civilian population of the states at a time when human security and imperative of demographic governance is gaining greater significance. Cyber crime[74] and the much-coveted *electronic jihad* for instance, have totally revolutionized the operational mode and extent of the security threats, facetiously replacing the notion of physical borders with the notion of *digital* or *virtual frontier.*

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[74] The territory of cyber crime in the age of a 'hyper evolution' expands beyond the criminal acts of hacking, viruses, pornography or online fraud and network intrusion to the more sophisticated and complex forms of criminality like electronic jihad and using internet to plot the plans of various terrorist activities and pass the informations to the wide-spread criminal and terrorist networks via world wide web. It is being known now that the plan of destruction of twin towers on 9/11 was plotted and coordinated on internet and internet was usurped as the cost-and-time-effective medium to circulate informations among Mohammad Atta and his accomplices and other members of Al Qaeda through a novel form of digital networking [which has taken place of social networking]. The reduced transmission time in case of information and data circulation, and negligible communication costs to network among the individual terrorists or terrorist organizations and other criminal partners and organizations across the world promise further

Transnational organised crime, along with terrorism, is the most salient non-traditional security threat to the international security order that straddles the boundaries between 'hard' and 'soft' security concerns in complex ways. While eroding the politico-legal basis of the state amounting a political hemorrhaging of absolute sovereignty of the state *within* its borders, organised crime, especially trafficking, also is an assault on human security directly impinging on their socio-economic concerns of life. By establishing parallel territorial authority structures often at the periphery, however informal and official, the organised criminal groups and networks compete with the state's monopoly of territorial power within the borders. Thus, in Sicily in Italy, Ferghana Valley in post-Soviet Central Asia, Tajikistan, Uzbekistan, Russia, Georgia, Turkmenistan, and Ukraine, the established criminal groups are political partners of the states in retaining the latter's authority in the far-flung peripheral regions. Consequently, the deep infiltration of the criminal elements into the state machineries due to this partnership, corrupts the political and ethical fabric of the state from deep within. Apart from the political-legalistic aspects, the criminal activities of trafficking pose a serious challenge to human security of the victims, dignity and their fundamental human right to freedom to choose their way of life. Simultaneously, criminal activities also precipitate low-intensity regional armed conflicts. By establishing extensive functional collaboration with the insurgents and radical terrorists in narcotics-trafficking and arms transfer, the criminal groups strengthen the positions of the terrorists vis-à-vis the state by providing them necessary arms and modern weapons, and financial resources through business collaboration. Moreover, the criminal groups specialising in trafficking of arms and narcotics are themselves increasingly resorting to deployment of violence to facilitate their transactions vis-à-vis other rivals, and sometimes against the state also when it seeks to eliminate criminal elements from within.

This new environment of dissolution of barrier between 'hard' and 'sot' security concerns also witnesses a concomitant transatlantic divergence on security strategy. The events of 9/11 led to a redefinition of US military posture. The US government responded to the terrorist attacks by embarking on new wars and new conflicts. In fact, the shock of the 9/11 had, according to many, engaged America into a third world war – an ideological as well as military war between two mutually opposing and antipathetic enemies. The AL-

Qaeda has already presented itself as a global focal point for a political movement seeking to influence and feed upon many regional conflicts involving Muslim population. For US, thus the international terrorism represents a threat that is comparable to that of Fascism and Communism. It is this perception which explains the measures taken abroad and at home since 9/11. Europe on the other hand, is not on a war in the sense that America is in. Europe's perception of terrorism also thus differs from United States. As for instance, Saddam's regime was identified as a rogue dictatorship by both US and Europe. But Europe did not identify Saddam with the entire global phenomenon of terrorism and a real security threat to global order. Rather, he was denigrated by Europe on moral and ethical grounds. The European reaction to the terrorist attacks in Madrid (March11th,2004) and London (July7th;2005) has thus been significantly different from American response to the terrorist assault on September11th. It is also apparent in other issues: the way in which US officials make a connection between states and terrorism whereas the EU refuses to unite around this perception; the way in which the American officials believe that the situation prior to 9/ 11 in the Middle East is the cause of international terrorism and therefore have embarked on a radical policy review that endorses forcible regime change throughout the region, whereas Europeans are more reluctant to endorse such radical review process.

Transatlantic Divergence over Security: Martians vs. Venusians in the new global order?

The Europe-US divergence in the post-Cold War era involves these newer security concerns and means and strategies of their containment. The Iraq War has sharpened this divergence manifold. Especially, the transatlantic allies never diverged so sharply over the issues of morality and utility of coercive, hard power, in form of calibrated pre-emptive military response to these newer treats. This in turn, significantly impacts on their strategic priorities, agenda-setting and security perception. Robert Kagan has analysed this gap of priorities and divergence of foreign policy cultures and values in terms of the gap in real, hard military capabilities and deployments of coercive forces. Since US is far too superior in military capabilities, it not only differs significantly from EU in security priorities and also views its own international role perception as a global

policeman as being totally legitimate. But as EU cannot avail itself of equal military might, it cannot, unlike the US, resort to force options and is hence pragmatically following a *soft,* non-military, non-coercive approach to their entire security agenda, pragmatically realising the serious loopholes in her military capability. 'Europe's relative weakness', as Kagan comments, 'has produced an aversion to force as a tool of international relations'[75]. Hence, following this law, the perpetual policy fragmentation and heterogeneity of voice of the EU paradoxically perpetuates US's role as the assertive, dominant global actor.

However, this rejection of *Machtpolitik* in favour of *Friedenspolitik* is informed not merely by pragmatic realisation of 'power gap' but also the historical experiences of the catastrophe wreaked by the hard power that had wrecked socio-economic-political rubric of Europe twice in history. The politics of cooperation and multilateralism have driven home the historical lesson that security and order cannot always be ensured by imposition of hegemonic will or deployment of coercive force.

In the increasingly complex international political scenario, when the concept of superpower has undergone considerable modifications, Civilian Power model has replaced the realist superpower model as the only viable model to resolve disputes and ensure the sustenance of economic prosperity and democratic stability in a pacific, 'civilianised' manner through multilateralism against the general background of failure of nation states to achieve these tasks on unilateral basis. This does not imply renunciation of national interests or self-abnegation, but profound pragmatism that echoes Richard Cobden's argument that any unwanted intervention in other states' affairs and aggression cause financial strain and are prelude to imperialism and expensive wars.

However, it would be wrong to presuppose that Europe assumed a Civilian Power role perception only because of her utilitarianism and material interests without any ideological commitments to the principles of multilateral cooperation. As a true Civilian Power, she has a didactic mission and is deeply committed to the universal principles of free development of individuality and defense of sustained democracy and human rights against unilateral aggression.

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[75] Kagan , Robert (2002): *The US-Europe Divide;* The Washington Post; May 26

However, the means to this end differ substantially from Weberien sense of power as essentially a form of coercion and 'hard' power. The post-modernist intervention especially that of Foucault, has illustrated the fact that exercise of power cannot be identified merely with coercion and deployment of 'hard' military power. The unique way in which a Civilian Power, like Europe, strikes a balance between the notions of 'civilian' and 'power' approximates Nye's model of 'soft power', which is regarded as the power over the outcomes which is at its most effective if applied non-coercively. This is exercised by means of influencing, shaping and sometimes even altering the role perceptions and international behaviour of others, thereby limiting the scope and needs for exercise of coercive power. To put it in Nye's words:

"It is just as important to set the agenda and structure world politics as to get others to change to change in particular case. If a state can make its power seem legitimate in the eyes of others ... if its culture and ideology are attractive, others will more willingly follow"[76].

National Security Strategy (NSS) vs. European Security Strategy (ESS): 'Hard America' vs. 'Soft Europe'?

The National Security Strategy (NSS) of the Bush administration issued in September, 2002 and the European Security Strategy (ESS) adopted by the European Council in December, 2003 boldly define the 'fundamental positions of their issuing bodies in a post-9/11 world'[77]. While the NSS was written primarily to conclude the debate over the US global hyper-puissance, justifying 'war on terror; the ESS was initiating a new debate on its more ambitious, affirmative and autonomous role in the world to fortify the EU's security identity[78].

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[76] Nye, Joseph (1990), *Soft Power;* Foreign Policy; Vol.80, pp.166

[77] Berenskotter, Felix Sebastian (2005), 'Mapping the Mind Gap: A Comparison of US and European Security Strategies', *Security Dialogue,* 36(1), pp.72.

[78] ESS embodies not only the first significant move to adoption of a common security strategy strengthening the defence and security dimension of the integration process. But at the same time, it is a bold manifestation of openly articulated autonomy in global affairs rather than to continue to bask in US tutelage and is hailed by many as a prospective counterweight to the NSS.

The ontological citadel of the NSS has been the normative values of human rights, liberty, rule of law and an open democratic world order, which are being described by it as 'non-negotiable demands of human dignity'[79]. These normative values are articulated and securitised in a rather forceful and authoritarian manner in the NSS that entwines the securitisation of these values and the global war on terrorism, 'rogue states'[80], transnational crime and weapons of mass destruction. While this structural linkage between different security concerns as the NSS endorses, is extremely relevant in the post-post Cold War era, the means of security sanctioned by the NSS fails to take an integrated approach: calibrated military response. Moreover, since the normative values and security concerns are universal (and not regionally confined), the NSS commissions Washington with the task of deliverance of the world from the threats to these values and concerns and thus, necessarily ensures a global leadership role: 'Our responsibility to history is clear: to...rid the world of evil'. As Berenskotter says, '...the NSS unfolds what has been described as an "imperial logic", a strategy of global reach and offensive in character. This bold agenda is motivated not by altruism but by a desire to secure the primacy of the USA and its values. A goal embedded in the logic of post-Cold War triumphalism...With the events of 11 September 2001 having merely served as a magnifying glass, the NSS declares it the USA's aim to protect and further distribute the fruits of Cold War victory and, thus, to advance the course of history that has made the USA the most powerful player in the international system...a history that rewards liberalism.'[81].

As during the Cold War, all security concerns were articulated in terms of their inextricable linkage with the great power armed rivalry, during the post-9/11 era, the variable of threat of terrorism has replaced the earlier variable of threat of Communism.

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[79] Considering the fact that democratic justice has been the founding cornerstone of the US Constitution since the Declaration of Independence, it can be stated that originally democratic rights and values are essentially American values, given that Europe at that time advanced and advocated imperialism, not democracy.

[80] Bush proclaimed that in security strategy no distinction would be drawn between the phenomenon of global terrorism and the states and regimes which patronise and harbour terrorism and the terrorists. Used often interchangeably with the term 'tyrants' and 'rogue regimes' the NSS lays down certain benchmarks and criteria for identifying them and as to what constitutes undesired and unacceptable behaviour: (i) brutalisation of own people, (ii) lack of regard for international law, (iii) determination to acquire or actual acquisition of WMDs for offensive purposes, (iv) sponsoring global terrorism and (v) rejection of basic human values and, hatred of the West and the United States and 'everything for which it stands'.

[81] Berenskotter, Felix Sebastian (2005), Ibid, pp. 75-76.

Hence, the immediate security threats to the global security environment have been identified as terrorism, 'rogue states' and WMD and all other security concerns and threats – regional conflicts, intra-state armed civil war, poverty and developmental crisis – have been relativised vis-à-vis terrorism. Hence, their threat is of *secondary* and *relative* nature contingent on their ability to escalate and catalyse the 'terrorism-tyrants-WMD' triad[82]. As US National Security Advisor Condoleezza Rice said, 'terror grows in the absence of progress and development . . . where new aspirations are forbidden. Terror lives when freedom dies'[83].

'In the end, economic development and the diffusion of regional tensions become subsumed under cooperation in the war on terror, the primary strategic concern of the NSS'[84] and hence, the NSS marks that 'the only path to peace and security is the path of action'[85]. And this 'path to peace and security', according to the NSS, is ensured by the 'hard', military means, for which it is essential to 'reaffirm the essential role of American military strength' and 'build and maintain our defences beyond challenge'. Since traditional deterrence is believed to have declined in its leverage, pre-emptive military action is essential 'as a matter of common sense and self-defense' and hence, global militaristic intervention of the US has been hailed as 'one of the most profound symbols of the U.S. commitments to allies and friends'[86].

On the other hand, this messianic zeal of global defence of democratic values and human rights is markedly absent in the European Security Strategy (ESS)[87]. It sees the term

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[82] White House, 2003. *National Strategy for Combating Terrorism*. Washington, DC: White House

[83] Rice, Condoleezza (2003), 'Remarks at the International Institute for Strategic Studies', London, 26 June, 2003.

[84] Berenskotter, Felix Sebastian (2005), Ibid, pp. 82.

[85] White House (2002), The National Security Strategy of the United States of America. Washington, DC: White House

[86] White House (2002), Ibid.

[87] Hence, the European concern of responsibility to maintain security is not as well-defined and explicit as that of America. However, aware of the interdependent security reality of the present global order, the EU does conclusively assume a degree of its commitments towards sustaining the security order. But this is not cast in the essentially universal and messianic tone as that of the US. The chief concern of the EU is the sustenance of a stable and secured European order that has been achieved through integration. And therefore, the global defence of universal values of democracy and freedom do not figure preponderantly in the ESS.

'freedom' conclusively, if not exclusively, through the prism of the developmental paradigm – freedom from poverty, hunger, resource scarcity and resource deprivation, structural socio-economic inequality. Instead of viewing the end of the Cold War as the decisive historical threshold in security concerns, it hails the end of inter-state armed rivalry as a more significant landmark. Thus, for the EU, *freedom from want* is more or equally important from the *freedom from fear*. Since reinforcing the success story of integration and maintenance of a stable European order is the prime security concern of the EU, the immediate security zone of the EU concerns the core and periphery of the geographical space of Europe, and not the entire world. Post-Soviet sphere in Central Asia or the Greater Middle East Region figure in the security perception of the EU because destabilisation in these regions directly affect the stability and security of the EU, and hence, 'it is in the European interest that countries on our borders are well governed'[88], not because of any missionary and philanthropic zeal of delivering these regions from the threats for their own sake. 'Thus, it seems that the EU's proclaimed "responsibility for global security" is taken on by default rather than by calling, as the Union struggles to meet the expectations raised in Maastricht and to cope with an increasingly complex and interdependent world'[89].

However, the affirmative tone of the ESS in assumption of its responsibility in sustaining global security and stability and the EU role as a global actor is unmistakable. But this role, unlike that of America, is less direct and not enforced through direct action and military force but pertaining to a Civilian Power model when the EU solicits the worldwide promotion of the normative EU values of 'stability through cooperation', respect for international law and organisations as proactive deliverers of security, pulled sovereignty of the nation states through strengthening of supranational and international organisations, and efficient human governance and resource management by the states. Thus, by extrapolating the principles of European experience of integration to the international arena through the means of 'soft' diplomacy, the long-term strategic and

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[88] European Council (2003), *A Secure Europe in a Better World: European Security Strategy*. Brussels: European Council; available at http://europa-eu-un.org/articles/en/article_3087_en.htm. (accessed on 12/3/2008).
[89] Berenskotter, Felix Sebastian (2005), Ibid, pp. 77.

security horizon of the EU automatically expands beyond the immediate regional boundaries.

Moreover, the very first sentence of the ESS 'Europe has never been...so secure' not only underscores that unlike the USA, the EU's sense of security has relatively *increased* in the post-Cold War era, but also that the immediate priority and securitised zone is the region of the Europe itself. However, the strategy progresses to further explicate that this security is merely security from the threat of inter-state violence and the emergence of newer security threats in an interdependent world order offsets the security from inter-state armed rivalry. The ESS identifies five most significant primary security threats in the post-9/11 era – WMD proliferation, terrorism, failed states, organised crime and regional conflict. However, though the ESS, like the NSS, recognises the close inter-linkage between these different threats, it treats these threats in their *absolute* and not *relative terms*. Thus, WMD or organised crime or regional conflict is regarded as threats in their own rights, which are inter-related to each other, and not through their relative bearing on the terrorism: failed states, regardless of whether betraying signs of 'rogue-ness' or 'tyrants' – are marked by absence of state infrastructures and proliferation of opportunistic political and economic structures which promote terrorism, organised crime, propensity to acquire WMD by the non-state actors escalating likelihood of civilian and human tragedies. Moreover, the ESS explicitly recognises the growing internal nature of these threats – that these threats are emerging from within the European space rather than only being imported from outside. This *inclusive* approach vis-à-vis the security threats clearly contradicts the *externalisation* approach of the NSS.

Therefore, as far as *means* to ensure security against these threats are concerned, the ESS identifies three inter-connected strategies that constitute an integrated security agenda: addressing these threats directly, promoting a stable and secured neighbourhood around the EU, and ensuring global security order through 'effective multilateralism' – 'our security and prosperity depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based

international order should be our objective'[90]. The structural overlapping between the EU security concerns and security in the peripheral regions has been recognised, and hence 'the first line of defence will often be abroad'. And in this, *preventive action* replaces the NSS means of *pre-emptive action*. A remarkable approach to *means of security* is enshrined in the ESS in its explicit recognisance of the military tools apart from the legal and civilian assets in conflict prevention, crisis management and post-conflict reconstruction: 'Regional conflicts need political solutions but *military credibility and tools* and effective policing are *essential in crisis management and post-conflict reconstruction'*[91] because, 'military instruments may be needed to restore order' and to 'put failed states back on their feet'[92]. Clearly, the reference is the military intervention in Kosovo and the EU conflict resolution in Congo. The ESS has been remarkable in its explicit recognition of this coordination between military and civilian tools of security.

Conspectus

The post-9/11 world is steadily entering into an amorphous security environment when prioritisation or hierarchisation of security is likely to yield little upshot. Nor can any monolithic policy response – be exclusively 'hard' or 'soft' – be efficacious. But the strategic dilemma of the West reflects this policy error of *compartmentalised responses* that overlooks the threat continuum both between traditional and non-traditional security threats as well as between different 'soft' security threats. In this interdependent security environment, the antithetical US vision and European counter-vision of security revolves not so much around the *end* but rather the *means*: while the identification of the newer security threats and the goal of a capitalist, open democratic world order are collective ventures, the agenda-setting as to how to achieve this end and adequately deal with the newer threats involves little convergence and collectivity. Hence the notion of 'hard America' and 'soft Europe' delineates the deployment of coercive power by US and non-

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[90] European Council (2003), Ibid, pp.9.
[91] European Council (2003), Ibid, pp.7, emphasis added.
[92] Ibid, pp.6.

coercive power by EU as not widely different in ends, but in means only[93]. And this divergence owes to different historical experiences and *Weltanschauung* the EU and the US, and generalising them at global level.

Thus, following Robert Cooper's categorisation[94], the EU as a *post-modern* entity, generalises her strategic culture and experience while responding to the 'soft' threats like organised crime, terrorism, illegal immigration and ethnic disputes. This results in an overtly compartmentalised 'soft' response, despite the recognition of military tools of security as important by the ESS. On the other hand, the overtly 'hard' power response of the US has also failed to counter the targeted threats. This clearly indicates a *gap in response* both in case of the EU and the US. Thus, neither the NSS nor the ESS, taken alone, yields to a better understanding of and adequate response to the new non-traditional security threats. The non-traditional threats of organised crime, terrorism, WMD etc are global, rather than regional, in outreach that reveal close interaction between 'hard' and 'soft' dimensions of security for which both the 'hard' and 'soft' power credibility should be coordinated and combined. The current global threat situation and the *indivisibility* and *convergence* of international security requires both of these allies to work in concert , under the auspices of international organisations, through a holistic synchronisation of hard and soft power credibilities. The following chapters of this dissertation explain how the threat continuum between transnational trafficking and organised crime, terrorism, and regional conflict constitute a threat continuum blurring the defining lines between hard and soft security concerns.

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[93] Aldis, Anne and Graene Herd (2004); 'Managing Soft Security Threats : Current Progress and the Future Prospects'; *European Security*, 13: 1-2, 169-186.

[94] Robert Cooper categorises different states into three broad groups, according to their historical experiences and strategic culture: pre-modern, modern and post-modern. Under the category of the pre-modern states fall those still struggling to properly delimit their national territorial borders. While the modern states are preoccupied with the protection of their already-defined national territorial limits. The post-modern states on the other hand, show an increasing proclivity towards transcending the territorial politics and converge on universal multilateralism and supra-national collectivism. The EU, thus, according to Cooper, is a post-modern state while America figures in between the modern system of sovereign states and post-modern community of states. For details on this three-fold categorisation of the states, see Cooper, Robert (2003), *The Breaking of Nations: Order and Chaos in the Twenty-First Century*, London: Atlantic Books.

Chapter 3

'Phantom' or Menace? : Conceptualising Organised Crime as a Security Threat

Historically, organised crime is not a menace of recent origins, but has evinced its resilience as a parallel security concern for decades since the late-19th century. Not only has it survived the onslaught of globalisation and technological boom, but paradoxically it has reaped its benefits from globalisation in expanding and evolving its operational networks. Hence, capitalising on technological innovations that only expand and facilitate their clandestine operations, the new transnational organized criminal groups have succeeded in sustained exploration of newer markets and grounds of operation, while transforming themselves from traditional hierarchical structures into looser networks of cooperation. As Galeotti comments: 'To an extent, the legitimate world is victim of its own success: globalization of the legal economy has also globalized the underworld, prosperity fuels the demand for many illicit services, and improved policing ironically forces criminals to become more organized to survive'[1].

Not only the consumer demand for leisure products [due to increasing ability of increasing number of people to afford leisure], has increased over the years[2] the revolution in communications has rendered the mobility of informations and 'global transparency' which enables one society to acquire all informations about the others.

As Phil Williams observes,

'Indeed, the growing ease of travel and the expansion in international communications has led to a convergence of consumer tastes in many different countries. Although 'truly universal products are few and

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[1] Galeotti, Mark (2004), 'Introduction: Global Crime Today', *Global Crime,* 6:1; pp.1.

[2] Globalization has created an amenable environment for voluminous growth of both licit and illicit business with laissez fairism conductive to the development of an integrated, barrier-free global market. Increased mobility of people, commodities, services, informations and money, thanks to the technological development, inter-state cooperation and interdependence, globalization of business and financial networks, and birth of 'global village', birth of 'information society' – in which the participation of both state and non-state actors has increased. The post-industrialization casino-capitalist, culture has fortified the mass-consumerist socio-economic matrix. The relative economic stability, not being torn apart by intermittent mass catastrophe like world wars, absence of inflation, mobility of people maximizing their choices of migrating to economically better regions – all have contributed to increase in disposable income.

far between', we have seen the development of a global market place in which consumers 'have access to information about goods and services from around the world'. Entrepreneurs have recognized the opportunities this presents for global marketing and the successful corporations are those which have acknowledged the emergence of global markets and have tried to exploit them'[3].

This chapter aims not only at explicating these newer trends and patterns of evolution of organised crime in the new era, but also analysing how it can be conceptualized as a security threat at different levels – individual citizens, states, and the international order. This necessitates a concise historical account of its emergence. But before the history of organised crime is probed into, a brief appraisal of the new security environment of the EU is essential so as to contextualise the issue at stake within the new security threat perception of the EU.

I

Explaining Organised Crime

Theoretical Considerations

The discipline of criminology has, allegedly, still not matured into a truly international or 'globalized discipline' in the sense that it has been more or less intellectually monopolized by western academicians. While in developing and Third World countries, it has been characterized by 'academic lethargy' and relative inertia. The explanation forwarded by Biko Agozino of this variance of intellectual dynamism vis-à-vis the discipline is that criminology '...is a social science that served colonialism more directly than many other social sciences and yet the critique that Anthropology, Sociology and Political Science have been subjected to in this respect is yet to be extended to criminology'[4].

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[3]Williams, Phil (1994), 'Transnational Criminal Organization and International Security'; *Survival*, 36:1; pp.101

[4]Agozino, Biko (2004),'Imperialism, Crime and Criminology: Towards the decolonization of Criminology', *Crime, Law and Social Change*, 41:1, pp.343-44. Not only the western academic monopolization of the discipline, but the models of crime, crime control and crime prevention being devised in the discipline also generalize the western reality without accommodating the region-specific

An analysis of intellectual genealogy of the discipline of criminology and criminal justice reveals that *control* and *subversion* of the dominated by the dominant has been the central concern. The Roman-Germanic law, which still dominates the judicial system in general and criminal justice in particular in Europe, is the founding bedrock of modern criminology. Against the backdrop of Enlightenment, it was devised as a legitimate, routinized, official strategy of social control[5]. And at the core of this social control and criminal justice lay the elemental bifurcation between 'we' and the 'other', when these 'others' were being defined and identified by their 'deviant', 'pathological' behavioral pattern that not only seemed to differ from the majority, but also in one way or other seemed to adversely affect the public order. This central principle of subversion of ruled and the 'others' also occupies the central position in the development of modern criminology in the colonial era when control, dominance and subversion were extended to the colonized 'other' through forceful imposition of the western notion of criminal justice on them[6].

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differences across the world, which gives currency to the pervasiveness of intellectual neo-colonialism. And surprisingly, neither Edward Said's celebrated *Orientalism,* nor Gayatri Spivak's post-modernist critique have not been extended to include the discipline of criminology within its fold.

[5] While social control, subversion and punishment were exercised during the pre-Enlightenment era also, the compilation of Roman law was a process of secularization of the means and rationale of social control. In the pre-Enlightenment era, justice and law were centralized and concentrated in the hands of the religious authorities and institutions and also legitimized by them. The deployment of criminal justice for social control by the kings required the legitimization and moral approval of the religious authorities. And, in this theocratic system, thus, the king could not deploy these legal tools totally autonomous of the Church and hence, an alliance of convenience was forged between the papacy or church and the ruler. The theological justification and sanctioning by the church, of the king's divine right to rule the society was in lieu of the latter's patronization and commissioning of a significant role in polity and governance to the former. Thus, as any intransigence and recalcitrance to follow the king's will was regarded by the church as being tantamount to revolt against God's will, and hence is symptomatic of moral and ethical decadence, deployment of strict measures of social control was readily advocated by the church to contain the deleterious influence of the moral, religious degeneration on the society in general. Hence, punishment and subversion, in absence of codified law and criminal justice, often took demoniac forms to justifying themselves as the process of exorcism from the evil influence under which the 'offenders' have fallen. Many were made scapegoats in this process of social control, especially the ethno-racial and religious minority – persecution of the Jews, pagans and the phallocentric brutality against pagan women in name of witch-hunting were all manifestation of 'others'.

[6] Criminology's tacit approval of and accord with colonialism finds expression in the startling reticence that it sustains in never evoking concerned debates on the colonial injustice of genocide and savage repression of the colonized by the colonizers. This much-coveted 'conspiracy of silence' questions the very objectivity of criminology which is essential for any discipline to claim the status of a scientific discipline.

Emile Durkheim's much coveted proposition that crime is a customary, regular experience of any society characterized by social changes and socio-cultural-economic heterogeneity has influenced a distinct sociological approach to the study of crime and delinquency. However, lamentably the discipline of criminology is still deeply saturated with the proclivity to characterize crime as disposition of pathology and deviance, underscoring the psychological and physiological understanding of crime than a sociological insight[7]. Combining these two approaches, crime can be defined as '...transgressions against the public order, rather than against the moral or private orders. It will be seen that mere intent is not punishable as it is believed to be under the general theory of Christian morality, and even though there be an act or an omission to act, as well as the criminal intent, it is still not a crime unless it offends the general public rather than a private person'[8].

Criminal groups are not isolated monadic entities, but are interconnected through various linkages. These inter-linkages amongst various organised criminal groups themselves across national borders and their activities have evoked vociferous academic scramble as to how to typify and theorize them in accordance with the existing sociological

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Positivist criminology even usurped eugenics and perverted social Darwinism to justify the brutality and morbidly savage oppression of the Africans on grounds that their biological structure causes their 'inherent pathological inclination towards delinquency', and hence, should never be granted the right to self-determination.

[7] Durkheim goes so far as to claim that if an advancing society witnesses a regression in criminality it underscores the fact that crime, which is normal, is withering away this very normality of its nature, and is an indication of deviance. Crime is an essential factor of all normal societies, because, since it embodies the behavioural manifestation and act of offending certain public, entrenched collective values and sentiments, it is preposterous to assume that in any society, at any given time, individuals would not differ from the set of collective norms and values. However, when this divergence is expressed through such behavioural acts that threaten the social and public health, it becomes criminality. As for instance, theft of robbery and simple disrespect for the life and robbery of others in the society impair the same collective value – respect for others and altruism. However, this collective sentiment and value is less severely impaired by simple disrespect for others as by robbery. Hence, the latter, and not the former is a crime. Hence, the fact that crime and delinquency are integral parts of normal sociology should not be understood as an apology for crime, or to posit that psychologically and physiologically there is no distinction between the ordinary individual and the criminal. For more details, see Durkheim, Emile(1963),'The Normal and the Pathological' in Wolfgang, Savitz and Johnston ed., *The Sociology of Crime and Delinquency*, New York, London: John Wiley and Sons.

[8] William Marshall and William Clark, 'The Legal Definition of Crime and Criminals' in Wolfgang, Savitz and Johnston ed. *Ibid;* pp.14

paradigms[9]. The social network theory has provided the most satisfactory analytical typology for the differential criminal associations, cooperation and activities[10]. It provides valuable analytical insights in typifying criminal associations and activities by underscoring the truism that social activities and association between different groups and people are fare more complex, diffused and fluid than to be explained through static formal categories of institutions or organizations – religion, ethnicity, politics, race etc[11]. As Wasserman and Faust define the social networks as 'the relational structure of a group or larger social system consisting of the pattern of relationships among the collection of actors'[12], and this 'emphasizes the fact that each individual has ties to other individuals, each of whom in turn is tied to a few, some, or many others and so on'[13]. Mcillwain further posits:

'A social network assumes the importance of relationships among the interacting units. When using a social network perspective, relationships are defined by linkages among units. Actors and their actions are not viewed as autonomous units, rather as interdependent. The linkages, or relational ties, between actors serve as channels for the transfer, or flow, of material and /or non0material resources. The network's structural environment provides opportunities for, and constraints on, individual action. Finally, a

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[9] Traditionally, three dominant approaches have tended to explain the organized criminal associations and their activities: first, the organizational or institutional approach that became a viable paradigm in the late 1960s which explains the organized crime as an organization based on a set of formal rules and regulations; second, the patron-client approach that overrules the stringent, mechanical, formal functioning of the organized criminal groups and adopts an economic approach that underscores a business-like exchange relationships to explain organized criminal activities; thirdly, the 'enterprise' approach. However, none of these models, taken singularly, serves to offer a satisfactory analytical framework.

[10] The central assumption of the social network theory is that the common unifying thread in different criminal associations should be the lowest common denominator of organized crime, i.e., the actors of organized crime and their relationships. In organized crime these actors and the relationships amongst them are especially human beings and the differential associations they form for execution of myriad activities ranging from the production of illegal goods to transportation, regulation of them, financial transactions, extortion of illegal services etc.

[11] All socio-political-economic and cultural activities are based and organized around various forms of human relations, and human beings are the actors and the lowest common denominators in all these activities. These associations and relations are developed along the model of a social network, which according to Mcillwain is the 'essential element in achieving an actor's goals'. See Mcillwain, Jeffrey Scott (1999),'Organized Crime: A Social Network Approach', Crime, Law and Social Change, 32: pp.304

[12] Narrowing down the analysis to the lowest common denominator of all activities and associations – the actors, the social network approach defines actor as 'discrete individual, cooperate or collective social unit, which can be 'people in a group, departments within a corporation, public service agencies within a city, or nation-states in the world system'. See Wasserman, Stanley and Katherine Faust (1994), Social Network Analysis: Methods and Applications; New York: Cambridge University Press.

[13] Wasserman and Faust; Ibid; pp.12-20

network perspective conceptualizes social, political and economic structure as lasting patterns of relational ties between actors'[14].

These relational ties[15] and associations can be of different types and nature, and the minimum unit of analysis of these ties is the dyadic ties while the larger subsets of actors and the ties between them is explained by the larger unit of triad. These dyads and triads constitute the subsets of actors which are not inherently close and mutually exclusive, but rather interactive and mutually interdependent in complex and often intangible ways. And these social networks are unifying thread that bind the actors and the groups and subsets of actors and integrate them into *social system of organized crime,* which, according to the criminologist Alan Block,

'...refers to the notion that organized crime is a phenomenon recognizable by reciprocal services performed by professional criminals, politicians and clients. Organized crime is thus understood to lie in the relationships binding members of the underworld to upperworld institutions and individuals...Organized crime is not a modern, urban or lower-class phenomenon; it is a historical one whose changes mirror changes in civil society, the political economy. That is why, naturally, organized crime is increasingly taken to represent series of relationships among professional criminals, upperworld clients and politicians'[16].

Historical evolution of Organised Crime

As discussed in previous section of this chapter, traditionally criminology has been an intellectual domain, monopolized by the western academicians for decades. However, organized crime as a phenomenon has been a global phenomenon, with different forms and organizational and functional patterns in different regions of the world. However, the predominantly westernized approach in this discipline precludes a complete historical narrative of the phenomenon that accommodates the historical evolution of organized crime in different parts of the world, and not just that in western societies. The most

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[14] Mcillwain, Ibid, pp.305

[15] Relationships or relational ties imply 'the collection of ties of a specific kind among members of a group' and this group 'consists of a finite set of actors who, for conceptual, theoretical or empirical reasons are treated as a finite set of individuals on which network measurements are made'. See Mcwillwain; Ibid; pp.306

[16] Block, Alan A (1994), *East Side – West Side: Organized Crime in New York City, 1930-1950,* New Brunswick, NJ,pp.10

traditionally and extensively recounted historical narrative on the evolution of organized crime is that represented by the work of Adler, Mueller and Laufer :

'Organized crime had its origin in the great wave of immigrants from Southern Italy [especially from Sicily] to the United States between 1875 and 1920' and that they 'were so successful in their domination of organized crime that, especially after Second World War, organized crime became virtually synonymous with the Sicilian Mafia'. Between 1950s and 1980s organized criminal activity and network almost beyond the reach of government', creeping steadily into the sphere of legitimate, licit business like automobile industry, liquor industry and construction, investment and security industry etc., thereby straddling the division between licit and illicit business activities while establishing virtual monopoly over trafficking of human beings, narcotics, arms smuggling etc[17].

The Italian mafia[18] being the largest identifiable organized criminal group...these mafia groups incorporated the traditional Southern Italian criminal factions and gangs acting along the age-old culture of 'man of honour'. As Paolo Pezzino defines it, 'The Mafia is a kind of organized crime being active not only in several illegal fields, but also tending to exercise sovereignty functions – normally belonging to public authorities – over a specific territory...' and it is also to be understood as a dominant sub-culture, a fixed mindset hinging on the notion of 'man of honour' which is also a state of subjective consciousness about individual worth of one and also an entrenched conviction that 'individual force is the sole arbiter of every conflict'.

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[17] Adler, Freda, Gerhard O.W. Mueller, William S. Laufer(2001) *Criminology;* Boston: McGraw- Hill, pp. 384-92

[18] The etymology 'mafia', according to some, is derived from the Arabic adjective *mahyas* that means 'aggressive boasting or bragging' and bravado. When applied to a 19th century Sicilian, the word *mafiusu* came to imply bold, flamboyant, enterprising and aggressive individual. As the Sicilian ethnographer Giuseppe Pitré observes, the word became associated with criminal groups through a play in 1863 *I mafiusi din a Vicaria* [The Beautiful People of Vicaria] which was about a group of criminals imprisoned in the Palermo prison. And officially the term was taken up by the Italian government to denote delinquent groups, and amongst the first significant mentions of the term in its delinquent connotation was one by Leopold Franchetti, an Italian deputy in around 1876 describing that '...the term mafia found a class of violent criminals ready and waiting for a name to define them'. For further details, see Gambetta (1994), *The Sicilian Mafia,* Cambridge: Harvard University Press, pp.137

The Sicilian *Cosa Nostra* and the Calabrian *'N drangheta* were the most [ill-] reputed mafia organizations with certain characteristic features typical of an organization – quasi-bureaucratic or quasi-governmental structures and bodies which regulate and determine the code of conduct and operation.

However, business ventures and maximization of profits through clandestine, illegal means have never been the sole function of the mafia groups. Rather these are multi-operational, multidimensional with multiple goals and activities. The 'will to power' translated into a veritable, almost political domination over the territory of operation: not only did these criminal groups dominate the members' lives and options but also exert influence on, and even dominate other social communities in their territories through quasi-governmental bodies and unwritten rules and laws, exercising patrolling surveillance over general population, redressing local disputes, ensuring protection of life and property against theft and robbery[19]. This sovereignty of these deviant groups especially in Southern Italy and Calabria was even shared and accepted by the Italian state ensuring a symbiotic relationship and a division of power between states and mafia groups.

Such a historical version[20] downplays and minimizes the actual extent and dimension of the problem that organized crime poses: an incomplete representation of organized crime that discounts and overlooks the governmental and corporate crime, public and private sphere corruption in the 'upperworld'[21]. Moreover, historically it is fallacious to assume

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[19] In return, their extortionist activities included state-like taxing of the commercial activities, transactions and productions in their region.

[20] Such a version of history of organized crime is replete with stereotypical, especially mediatic and Hollywood representation of foreign criminals and mafias as 'bad guys' being a menace to the governmental 'good guys'.

[21] If organized crime can be defined as *profit-maximization* and *profit exchange* through clandestine, illegal means, often resorting to corruption of public officials, the defining line between 'upperworld' and underworld becomes fuzzy. Sutherland's concept of 'white-collar crime' challenges the traditional clinical and criminological definition of crime and criminal, licit and illicit economy. 'White-collar crime' gives credence to the reality that official and clandestine economy sometimes converge and overlap, on basis of the principles of *profit exchange, reciprocal entrepreneurship promotion* and *mutual provision of services*, so as to form 'short-or-long-term partnerships established between actors inhabiting the official economy and individuals involved in criminal enterprises. Criminal organizations and legal financial sectors are thus bound by symbiotic services – while the latter serve the former through money-laundering, subsidiary frauds etc., the former serves the latter through disposing illegal commodities. So strong is this insidious alliance between corporate crime and organized crime and the convergence of illicit licit sectors of economy that it becomes cumbersome to determine who is the service provider to whom, who induces

that organized crime made its first discernible appearance only at the turn of the 20th century with the serially intermittent gigantic waves of Italian immigration. Although the world of organized crime was dominated by the Sicilian mafia, it was never really monopolized by them. The American and Irish or British syndicate crime had preceded the Italian syndicate crime. Moreover, regularized subsidy and other frauds and collective violence routinized especially by the Afro-Americans in the late 19th century can be perceived as the precursor to modern organized crime. In bigger metros of North America, even before the turn of 20th century a proliferation of cocaine, drug and prostitution enterprises[22] can be identified and evinced which were mostly run by the British emigrants [as for instance prostitution enterprises of Roger Plant in Chicago in the 1850s], to which connivance and assistance of the native police was of no inconsiderable magnitude. Joseph Albini's well-documented research serves to undermine and debunk the false assumptions underlying the Organized Crime Control Act of 1970 in US, that existence and operation of a national cartel of organized crime cannot be evidenced in US prior to the arrival of the Sicilian mafia groups[23]. These false assumptions, especially presuming organized crime to be synonymous with Italian Mafia and Cosa Nostra overlook 'the reality of American syndicate crime – the reality that it belongs to America'[24]. As for instance, despite the much-hyped FBI surveillance on native criminal activities, the 1970s witnessed a steady development of native, especially Philadelphia-based Afro-American gangsters terming themselves 'Black Mafia and operating on the

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demands and who corrupts whom. For further details, see Ruggiero, Vincenzo (1997), 'Criminals as service providers: Cross-national dirty economies', *Crime, Law and Social Change,* 28: pp.27

[22] The Geo-strategic location of North America – the United States, Canada and Mexico – has ensured its status as a criminal-haven and a breeding ground for criminality. The extensive physical land border across north and south and the vast coastlines ensure unhindered access to Pacific and Atlantic Oceans. Dual land and water out- and inlets ensure prospects of immense commercial activities – both licit and illicit. Especially, the extensive land and water borders of Mexico make it a 'launching point' of the smugglers, traffickers and criminals and stockpiling of their diversified products. Added to this is the high-consumerist, casino-capitalist culture commensurate with a relatively high standard of living which ensures perpetual and sustained public demand as well as affordability for illicit luxury products.

[23] Albini, Joseph (1971), *The American Mafia: Genesis of a Legend,* New York: Appleton-Century-Crofts
[24] Ibid; pp. 328

broad crime scale ranging from extortion, kidnapping to smuggling at one end, to contract killings at the other end of the crime scale[25].

However, it is true that late 19th century immigration waves did impart a new dynamism and momentum to organized crime, not because they imported organized crime for the first time, but due to conglomeration of numerous factors conducive to the growth of organized delinquency – xenophobia and racism, absence of alternative modes of livelihood for many immigrants, and eventual seizing of deviant opportunities ushering what has been termed as 'progressive era of organized crime'. The increasing relevance of the discourse of 'welfare parasitism' fuelled both political and public construction of stereotypes, hyped and exaggerated portrayal of intense criminality of the immigrants which hinged heavily on the variable of ethnicity and race, rather than actual, objective criminality record or criminal code of conduct – a phenomenon called 'ethnicity trap'[26]. These vicious stereotypes were further buttressed by some sporadic, intermittent coincidences of deviant criminal activities and tensions in which the foreign immigrants were involved[27]. The prohibition of alchohol by the US government around this time

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[25] A most significant charge against them was fraud and abuse of governmental funds during Johnson and Nixon. . the rural development plans and those aimed at improvement and homogenization of living standards of the people living in outskirts in form of initiatives like 'War was on Poverty' was dubiously extorted by the Black Mafia group through a peculiar method – establishment of several groups of their own community the public names of which were often Council for Youth and Urban Development, Community of Urban Development etc. which, with duplicity, started receiving enormous governmental funds in name of channelizing the same towards promotion of poverty eradication while in reality beneath the delusive public façade, they conducted extortionist activities. For details see Griffin, Sean Patrick, *Philadelphia's Black Mafia,* Leicester: Kluwer Academic Publishers.

[26] Ethnicity has often been cited in criminological studies, and by the politicians, as being the pathological behavioural determinant of the criminals. Ethnic differences have also been construed to be the explanatory variable in differentialities in criminal behaviour across the nations, and across different cultural, and ethno-racial groups. Much of the study in American organized crime is replete with stereotype exaggeration and misperception of underworld being dominated by specific ethnic groups like the Sicilian mafia, N'drangheta, Japanese Yakuza, Chinese Triads and Tongs, Jamaican Posses, Red Mafia, Hispanic criminal groups etc. This 'ethnic manipulation' in criminology provides a handy, simplistic framework for the police to generalize the underworld being inhabited by homogenous ethno-racial groups. It also gives expression to the much-coveted 'alien conspiracy' theory, while the fact of 'conspiracy' has been more or less submerged and taken over by the conviction that criminal groups are foreign in origin. The political mobilization of this ethnic difference explains the electoral success of many extreme, rightist political parties across Europe. For a critical analysis of this ethnic manipulation theory, see Bovenkerk, Frank, Dina Siegel, and Damian Zaitch (2003), 'Organized crime and ethnic reputation manipulation', *Crime, Law and Social Change,* 39:23-38.

[27] As for instance, the shooting down of the New Orleans police chief in 1890 by some Italian immigrants.

paradoxically acted as a catalyst for intensification and proliferation of deviant groups which organized themselves more routinizedly harping on the massive public demand for illegal alchohol, absence of rigorous law enforcement and resultant stiff competition amongst themselves for markets. Illegal immigration gradually fused with opium and narco-trafficking when illegal immigrants became carriers of drugs – the 'drug mules'- as they crossed the borders. These criminal enterprises were regularly assisted by corrupt governmental officials and police forces by tacit means. The Chinese immigrants and their documented criminality should be situated against the backdrop of a general hostile, xenophobic environment induced by racing law enforcement, particularly targeting the Chinese activities. These laws had paradoxical consequences of intensifying smuggling and trafficking activities by the Chinese immigrants. As Woodwiss observes,

'...while many Chinese-Americans worked hard to remove racist laws and regulations for profit and power. Small but powerful segments of this historically victimized community used violence and corruption against the interest of their own people, aiding xenophobic politicians and journalists in their efforts to perpetuate a seedy criminal stereotype, and thus justify even harsher anti-Chinese policies'[28].

Beginning with the much hyped hyperbole made out of the public televised hearing of the Senator Estes Kefauver in 1950 that organized crime in US is becoming 'nationally organized', to arrest of criminal gangster Joseph Valachi in 1963 who elicited an 'insider' account of 'the existence of a national conspiracy of organized crime groups'[29]. This was already preceded by the arrest in 1957 in New York of a huge group of Italian-American criminals who assembled for a meeting after the accidental death of Albert Anastasia [though there was no such evidence accumulated to prove they were part of any mafia organization], which fuelled population and political concerns of 'meeting of the mob' and continued existence of mafia grouping. Such incidents in short succession led to a serious governmental venture into rigorous law enforcement and a determined real commitment to open up inquest and prosecution of organized criminals leading 'mob

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[28] Woodwiss, Michael (2004), 'The World of Organized Crime'; Global Crime, 6: 2; pp. 235
[29] Albanese, Jay (2004), Ibid, pp.12. There has been a great deal of controversy as to whether these criminal groups or native or Italian mafia groups or an alliance between both. Some scholars like Valachi termed this massive group as Cosa Nostra, while some believed that the group had changed its original name from 'mafia' to 'Cosa Nostra'.

trials' of 1980s and 1990s when major criminal leaders, rather than lower, grass-root level people of Italian-American were arrested and prosecuted. This witnessed a gradual decline of domination of the world of organized crime by the Italian-American mafia and mafia-like groupings.

Newer Trends in Organised Crime

The eventual decline of the mafia group has been readily compensated by the emergence of less rigidly hierarchical, loose networks of organized criminal groups[30]. The transformation of these criminal groups underscores the dynamic nature of the organized crime, continuously evolving in response to both exogenous and endogenous variants: macro and micro socio-political and economic changes, competition amongst themselves for power and resources due to steady saturation of markets with diversified products which make peaceful and harmonious expansion not always feasible[31]. These new criminal groups now transform from relatively homogenous and quasi-bureaucratic, regional organizational structures to highly heterogeneous, multi-ethnic, diffused, loose transnational networks of cooperative groups. While formerly, in the traditional mafia organizations which followed a more or less 'top-down' control and hierarchisation of

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[30] The decline of traditional criminal groups, in fact, only facilitated the growth of these new consternations of criminal networks.

[31] These exogenous variables in response to which the criminal groups evolve, have been termed as *drivers* by Mark Galeotti. Globalization, the first of such *drivers*, and it fundamental principle of laissez fairism have been conductive to the development of an integrated, barrier-free global market. This has created an amenable environment for voluminous growth of both licit and illicit business in which participation of both state and non-state actors has increased. Technological innovation, the second *driver*, goes hand in hand with that of globalization to create an 'information society' and 'global village' to the benefit of both state and non-state actors. Technological boom exerts a Janus-faced influence on organized crime: it not only poses a threat to, but also makes further evolution of the underworld an imperative. Not only is the electronic monitoring of state police and intelligence a challenge to criminal activities, but technology also allows increased and easy mobility, transfer of information and also innovation of newer and wider range of illegal products and their diversification. As for instance, the appropriation of cyber space by the criminals is tantamount to a new, lethal weapon in the hands of the criminal group and engages them in an uneven, and even invisible war against the lawful authority of the state and international actors, difficult to monitor. Also, the growth of new laws relating to technology also begets newer crimes in the domain of organized crime, as for instance, the transnational trade in toxic and radiological waste and in the CFOs – the so-called green-house gases. For further details, see Galeotti, Mark (2004), 'Introduction: Global Crime Today', *Global Crime*, 6:1, 1-7

functional roles of the members, the cooperation amongst themselves can be ascribed, at least nominally to the abstract category of *trust*[32], the recent shift in the institutional character of the criminal groups suggests that the horizontal cooperation amongst the criminals and their associates does not necessarily derive from trust. The high degree of anonymity that characterizes these deviant ventures in the new era presupposes that trust is not always a category, nor required: members, recruiters and the recruited mostly do not even personally meet or interact, nor possess personal knowledge, nor even know each other. Since possession of personal acquaintance is an imperative for formation of trust [and mistrust also], it is not subjective trust, but objective, rational business considerations of profit maximization through horizontal cooperation that serves as the

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[32] As Klaus von Lampe and Per Ole Johansen posit, 'In the spectrum from rationality to irrationality, trust takes up a space sometimes between purely rational calculation of probabilities and irrational blind faith'. Hence, at one end of the spectrum, we find proponents of rational choice theory like James S. Coleman, who assumes that the rational actor would place trust on another person only if the potential gain outweighs the potential loss. At the other end of the spectrum seems to exist a broad consensus on the fact that trust involves some elements of irrationality, emotions and socio-cultural values. Trust, thus, implies high degree of uncertainty because the trusting person can never acquire complete rational knowledge about the behavioural pattern of the trusted person in all probable situations and circumstances. Due to this subjectivity, trust is thus, not objective, fixed or constant. Therefore, without some auxiliary variables, the assumption that criminal groups operate on basis of trust, is too generalized and theoretically undifferentiated. Indeed instances of distrust and betrayal are more often in the criminal world, rather than those of trust. Rather, trust takes shape in varying situations, forming different 'bases of trust'. Lampe and Johansen identify four of such different situations and 'bases of trust'. First is *individualized trust:* when trust is based on individual basis which can be rationally induced [when records of the trusted person's previous acts, behaviour and commitment to criminal venture are being taken into consideration to predict future act on rational basis], or irrational [based on emotional attachment and affection that might develop out of long association and interaction]. Secondly, *trust based on reputation,* implies that the truster's trust for trustee is constructed on the basis of publicly constructed image of the latter. This kind of trust is developed on the basis of information flow through much-coveted 'grapevine system' in the under-world, or through civil society, especially media and court. Thirdly, *trust based on generalizations,* pertains to the norm when the behavioural norms, and code of conduct of some particular socio-cultural or ethnic groups, or some criminal subcultures or fraternal associations are generalized across space and time, and the members of such groups are judged according to such universal generalizations, who are expected to conform to generalized code of conduct of the respective groups. As for instance, members of Sicilian Cosa Nostra are being expected to be ideologically committed to the associations goals and conforming to its code of conduct. Finally, *abstract trust,* is the a-personal trust invested in sustained organizations and systems. In public sphere, this is governmental economic and political system. Though such public sphere does not exist in criminal underworld, trust here is not merely based on personal basis. Criminals operating in a particular region evolve a particular system of operation comprising of a set code of conduct, transactions etc. This, over a period of time, starts taking shape of a quasi-governmental structure, to which all criminals and groups operating in that region should conform. For further details, see Lampe, Klaus von and Per Ole Johansen (2004), 'Organized Crime and Trust: On the Conceptualization and Empirical Relevance of Trust in the context of Criminal Networks', *Global Crime,* 6:2, 159-184.

functional alternative to criminal enterprises[33]. Thus, while *secrecy* and *silence* continue to be the essential code of conduct of the transnational criminal ventures, *fraternization* ceases to be so. As Letizia Paoli, while explaining the functional codes of the traditional Italian mafia organizations, describes this *fraternization* as the common, idealistic bond of an almost ritualistic brotherhood among the criminals and members of criminal groups, which confirms and strengthens the 'status contract' or organizational affiliation. As she remarks, 'Only thanks to the trust and solidarity created by fraternization contracts does it become possible to achieve specific goals and thus satisfy the instrumental needs of the single members'[34].

This institutional makeover of the criminal groups and vast expansion of the geographical area of their operation and networks have made them more multi-ethnic, heterogeneous and inclusive in nature rather than mono-ethnic, homogenous and exclusive leading to what has been called the 'diffusion of the *ethno-racial* identity of organized crime'. While previously, a criminal group, like the Japanese Yakuza, the Chinese triads or the rudimentary forms of the Sicilian mafia[35], could be based on a particular ethnicity with recruitment of members being confined within that particular ethno-racial group, the recent trend is a shift towards incorporation of members irrespective of their ethnic background, but according to their skills and ability to act in accordance with the dominant sub-culture of the criminal networks. In European context, the enlargement has fostered the development of transnational networks of crime when many traditional criminal groups, with their traditional local bases in Eastern Europe and Asia are expanding their geographical sphere of operation by forging ties with traditional clan-based criminal groups in Western Europe. Thus, the Albanian, Chechen and Russian mafia, as well as formerly clan-based Polish and Estonian crime groups are now tying up

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[33] In such cases, not only can one trust another, one will also have little inclination to co-offend others because of absence o personal grudge due to absence of personal acquaintance, which is necessary both for formation of trust and mistrust.

[34] Paoli, Letizia (2004), 'Italian Organized Crime: Mafia Associations and Criminal Enterprises', *Global Crime*, 6:1, pp.21

[35] Initially, the principle of recruitment for the Sicilian mafia groups was strictly based on their being Sicilian by birth or descendants of mafia families. At later date, when many of these criminals immigrated to America at the turn of 20th century, the native American criminals gradually became integrally associated with the functional organizations of the Italian-American mafia. But even then the Italian-American mafia groups never assumed truly multi-ethnic character, with majority of members being of Italian and American descent. For details see Letizia Paoli, *Ibid*, 2004.

with the Italian and Dutch mafia to form a sophisticated, ethnically-heterogeneous transnational network of crime. Thus, Ukrainians might use their Turkish counterparts to aid trafficking in illegal Ukrainian immigrants across the Polish borders controlled by Polish criminals and being transported to Germany or the Netherlands with the help of respective local criminal criminals – all being integral parts and members of the same criminal network. As the National Criminal Intelligence Service (NCIS) of UK apprehends:

'If a greater degree of collaboration occurs between criminals of different ethnicities, it could have significant consequences. It will make criminals more effective by introducing hem to new criminal networks, giving them access to commodities and expertise, which they would not otherwise possess. Moreover, it will supply them with more options if their usual markets or suppliers are disrupted by law enforcement action'[36].

The monetary and financial transactions of the criminal groups have also undergone massive changes. Mobility of population is readily accompanied by mobility of money and internationalization of trading and monetary transactions with immense increase in the volume of import and export trade[37]. This economic mobility commensurate with demographic mobility aids the illicit business transactions due to diminution of strict tariff barriers and protectionist economy. Moreover, concealment of this entire transactions and ventures becomes also feasible because due to unprecedented movement of commodities and people, it becomes virtually impossible for both national and international law enforcements and intelligence to monitor them. Most revolutionary is the globalization of financial networks and business transactions and also the use of money. As Laurence Krause says, 'Money is the most fungible of all. It can be transmitted instantaneously and at low cost...It can change its identity easily and can be traced only with great effort it at all. These characteristics work to the disadvantages of

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[36] National Criminal Intelligence Service (NCIS), *NCIS UK Threat Assessment on Serious and Organized Crime, 2000*, NCIS, pp.46; available at http://ww.ncis.co.uk (accessed on 12/3/2008).
[37] This steady acclivity which the figure of global trade follows is illustrious: while global imports in 1970 amounted to $331 billion in 1970, it rose to $2 trillion in 1980, and reached a staggeringly high figure of $3.5 trillion in 1990. For more details, see Phil Williams (1994), Ibid.

governments in their efforts to tax, regulate, and control economic activity'[38]. This enables the transfer of profits from illegal business ventures with greater ease and speed. This is ensured by a new innovation in the underworld unwritten banking system called *hawala*. Under this system, the payment sum, in any currency, is being deposited to a criminal, in the corresponding country who acts as the broker. But on the same day the exact sum can be withdrawn as payments from another broker in another country in respective currency. Hence, heroin smugglers from Pakistan, trafficking the narcotics to Thailand, can receive the payment in Thai currency in Thailand. And this financial exchange is not documented by any written proof, and the entire transaction is based on the economic logic of business and peaceful co-habitation in business. This becomes further assisted by the appropriation of cyber-space by the criminals both as an operational tool to impart a high degree of anonymity and invisibility to their transactions and illegal activities, and also to use cyber-space as the new launching ground for their activities. States cannot adequately regulate and monitor these global financial networks which operate and are abide by the logic of internationalism. Hence, the threat of organized crime becomes preponderant because of the veritable gap between capability of the nation states to contain the transnational organized crime and the capability of organized crime to survive and proliferate continuously making the national borders porous. The following table serves to illustrate the shifts in the traditional criminal activities and their corresponding modern equivalents and avatars:[39]

Original Activity	Modern Version
Local number gambling	Internet gambling [at international websites]
Heroin, cocaine trafficking	Synthetic drugs [e.g. metamphetamine and Ecstasy – less vulnerable to interruption of supply
Street prostitution	Internet-based prostitution and trafficking n human beings

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[38] Laurence Krause, quoted in Phil Williams (1994), *Ibid;* pp.100

[39] Source – Jay Albanese, 2004; *Ibid;* pp.16

Extortion of local business for 'protection'	Extortion of larger businesses, corporations, and kidnapping of executives
Loansharking [usury]	Money laundering in cash, precious stones, commodities
Fencing stolen property	Theft of intellectual property, forgery of CDs, software, DVDs.

II
Organised Crime as a Security Threat

A historical analysis of organized crime reveals the truism that what was initially a domestic law-and-order issue, has given way to cross-border, operational network. This approximates transnational criminal corporations which transcend the impediments of territorial and demographic governance of nation-states. This increasing fluidity imparts a great degree of anonymity and opacity to the entire operational network which makes it all the more difficult to discern, identify and hence, to formulate counter-mechanism to contain this hydra-headed security threat. It is becoming increasingly difficult and tricky for the intelligence to gather adequate informations about the newer transnational networks of organized crime which are not only discovering newer operational grounds, but also newer patterns of operation hitherto unknown to the traditional criminal organizations. Hence, the oft-recounted proposition that that the profit accrued from organized crime is redirected, to some extent, to national economy with some multiplier effects – by opening up some sub-sectors of employment which cannot be filled up internally by domestic labour and hence, provides for a 'safety net against recession'- sounds apologetic, representative of voice from the grey zone between licit and illicit economy.

Organised crime, in its various forms, poses direct threat to security at three different levels – individual, nation state and international order of states.

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Human security ensures security against existential security threats to survival of individual citizens and absence of violence that upsets the desirable socio-economic-political equilibrium conductive to peaceful survival and an amenable, desirable environment where individual choices of life can be fully exercised. Considering this, narco-trafficking trifles with the fundamental principles of human security on several fronts. The rapacious drug addiction, sustained and whetted chiefly by the criminal activities like narco-trafficking, is an assault on the individual health security – 'individual bodily safety and freedom'[40]. In a way, through simple economic logic, it can be stated that the demand for this dangerous drug is kept alive and sustained by the continued supply of the same, through clandestine channels by illegal means. and this drug consumption is not only deleterious to the individual life safety of the concerned citizens, but also adds burden to health security and welfare of the state.

Moreover, the nexus between drug-trafficking and violence has been identified Phil Williams,

'There are three kinds of violence usually associated with the drug industry: violence by criminal organizations to protect their 'turfs' and profits; crimes against people and property by drug users who need to pay for illicit drugs; and violence perpetrated by individuals under the influence of mind-altering substances. It has been estimated, for example, that the average heroin user commits two hundred crimes a year to feed his habit'[41].

Indeed, it would be preposterous to attribute all the activities involving violence in the state to drug-trafficking, but the connection between violence and drug is discernible. The activities of narco-gangs, inclination of the addicted people to commit more crime and violence than the non-addicts and also emergence of 'grey zones' or 'no-go-zones' for ordinary individuals in cities with high degree of narco-culture only testifies this. Clinical psychology evinces that deeper the pervasiveness of narco-culture, lower and more elusive is the degree o human security.

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[40] Bajpai(2000), *Ibid*, pp.42
[41] Phil Williams (2004), *Ibid*, pp.104

Narcotics and armed conflict

The structural linkage between narcotics trafficking by the criminal groups and armed conflict underscores the changed dimensions of warfare in the post Cold War era: armed conflict is now mostly regional in dimension and intra-state in origin often being the index of the asymmetric clash between the non-state actors and the state authority. And, the growing propensity of the non-state actors, like the organised criminals, in deploying the tools of armed violence to assert their presence in the political spectrum vis-à-vis the state and facilitate their business transactions often provoke regional armed conflict of civil war magnitude. It is, thus, not a mere coincidence that coca and opium cultivation is being concentrated in the most conflict-ridden zones of the world – Afghanistan, Columbia, Peru, Burma and, most recently, some of the Central Asian countries like Tajikistan and Kyrgyzstan.

The nexus between narcotics and armed conflict is complex. The two independent variables interact with each other in multiple ways only in presence of some dependent variables like general weak governance, emergence of opportunistic structures due to 'war economies', the presence of the counter-governmental insurgent groups in the political spectrum. In presence of these variables, it can be said that armed conflict and narcotics business are mutually reinforcing in complex manners. Though narcotics cultivation exerts limited leverage on the capabilities and motivations of a specific party to initiate the conflict, it has structural correlations with the duration, intensity and escalation of the conflict. By establishing elaborate cooperative and functional links with the terrorist and insurgent groups, the criminal groups specializing in narcotics trafficking undermine domestic stability of the state and strengthen the anti-state entente of the vicious non-state actors. In the opium producing countries like Afghanistan and Kyrgyzstan, as will be discussed in details in the following section of this chapter, the business collaboration between the criminals and insurgents has a vested interest in sustaining the ongoing conflict in these regions. Because, sustained intra-state armed conflict provide for the amenable politico-economic environment conductive to the

proliferation and growth of the activities of both the groups to the detriment of the states. Figure 1 illustrates how in different parts of the world the narco-trafficking, in presence of other variables, have contributed to the sustained armed conflict.

As for instance, regular deployment of violence and armed forces by the narco-mafias to thwart off all governmental opposition and legal and political impediments by killing government officials, policemen, magistrates and trade unionists throughout 1980s in Italy had seriously destabilized the political fabric of the state. Moreover, in Columbia, the operational networks of the Medelian cartels have been resilient and entrenched enough to perpetuate their successful survival through both elusion and coercion: their multi-dimensional illegitimate ventures deploy dubious strategies to evade state surveillance and law enforcement; at the same time their ready deployment of violent armed forces in occasional confrontation with state police forces often amount to regional skirmishes of civil war magnitude. In the confrontation between Columbian state and Medelian cartels, though the mafia leader Pablo Escobar was eventually killed, the domestic political equilibrium of the state was severely wrecked and democratic legitimacy of the state profoundly assaulted when the academicians and journalists critical of the activities of the criminal groups were brutally slaughtered by them. As R.J. Kelley states, '...each crime network attempts to build a coercive monopoly and to implement that system of control through at least two other criminal activities – corruption of public and private officials and violent terrorism in order to enforce its discipline'[42].

This undermines the legitimacy of the law enforcement agents of the states and often seriously circumvents the states' monopoly and control over deployment of organized force and coercion for emergencies[43]. Continued violent confrontation between the narco-

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[42] Kelley, R.J. (1986), 'Criminal Underworld: Looking Down on Society from Below' in R.J.Kelley [ed],*Organized Crime: A Global Perspective,* Totowa, NJ: Rowman and Littlefield.

[43] Political legitimacy of the state is also put at stake by the involvement of the corrupted state officials in the criminal enterprise. In Italy and Russia, state has been a silent and willing partner in organized crime where state judiciary has retained mere semblance of authority on paper. The penetration of the Sicilian mafia into the Italian state agencies in the 1960s and 1970s owes much to its formidably strong and illicit nexus with Christian Democratic Party. And, hence, here routinized corruption has been a formidable strategy, along with coercion and elusion, to sustain the rival authority structure.

guerillas and the state, and the sustained illicit economic activities by the former which infiltrates the state bureaucracy through bribery and corruption testify the state failure to contain and avert the proliferation of organized crime. Indeed such protuberance of violence led to more intensified deployment of police and legal forces by the respective states, both to retain the semblance of legitimacy in public mind and to avert destabilizing, centrifugal trends from within to wreak havoc on normal government functioning, such armed conflicts underscore the susceptibility of even most advance, industrialized and democratic states to organized crime. Indeed such protuberance of violence led to more intensified deployment of police and legal forces by the respective states, both to retain the semblance of legitimacy in public mind and to avert destabilizing, centrifugal trends from within to wreak havoc on normal government functioning, such armed conflicts underscore the susceptibility of even most advance, industrialized and democratic states to organized crime.

This structural linkage between narco-trafficking and violence can be more clearly understood by analyzing the emerging nexus between organised crime and terrorist insurgency at a global scale. Not only does this nexus explicate the complex ways in which criminal activities sustain regional conflict and violence, but also how this illustrates the regular interaction between 'hard' and 'soft' threats in the post 9/11 era.

Crime-terror Interaction: Nexus or Alliance or Continuum?

The challenge that the international security order confronts in the 21st century is the asymmetrical conflict between the sovereignty-free transnational non-state actors and the sovereignty-bound, national state actors. The amorphous, unidentifiable nature of the non-state actors, their fundamental freedom from the sovereignty-bound politico-legalistic restrictions and liabilities, and the cross-border geographical mobility indeed give them an edge over the states. The most recent trend in this asymmetrical conflict is

the increasing collaborative and functional confluence amongst the non-state actors which optimizes and supplements their specific operational capabilities in mutually symbiotic manners. Such a nexus between the transnational organized crime groups and insurgent guerillas and terrorist organizations poses a comprehensible, integrated threat to the international security: the insidious crime-terror collusion threatens to compound and augment the existing threats of terrorism and organized crime taken singularly. Counter-measures and law enforcement containing this nexus have been futile because traditionally organized crime and terrorism have been treated as separate [and ideologically, even mutually exclusive] phenomena. Accordingly, multi-pronged, integrative policy measures to combat this compound threat are scant. This veritable *gap* between the destructive operational capabilities of the crime-terror nexus to accentuate and prolong many of the existent pressing threats on one hand, and the ability of the international order of states to contain this nexus on the other[44], has the potential to seriously challenge the global security equilibrium in the long run .

While empirical reality corroborates the real existence and continued evolution of an insidious crime-terror nexus[45] across national borders, the functional, organizational, and most importantly, the ideological difficulties of a sustained, collaborative partnership between the criminals and terrorists are considerable in magnitude. These difficulties hinge, primarily though not exclusively, on the fundamental differences in ideology and long-term goals of the terrorists and criminals[46]. Any organizational fusion might entail

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[44] Henceforth, this gap between the abilities between the state and non-state actors would be referred to as the 'gap hypothesis'. It would perhaps not be simplistic to refer to the growing menace of the non-state actors in terms of this 'gap hypothesis', because etiologically the onslaught of the plethora of non-state actors traces back to the erosion, in the new century, of the state ability to reassert its fundamental sovereign rights against the non-traditional security threats by identifying, containing and formulating adequate policy responses against them.

[45] There exists a great deal of debate as to what exactly the term 'nexus' means. The term 'nexus' is here used to imply some degree of interaction and collaboration between the two groups, and is used in its generalized term.

[46] Terrorism is overwhelmingly political in motivations, though religion and obscurantist socio-cultural primordialism are often cited as their legitimizing tools: it seeks to destabilize the political status quo and usurp the political sovereignty from the legitimate state authority, often by violent means to assert their political and territorial demands. This violence is thus not indiscriminate, underplayed or under-publicized violence. On the other hand, organized crime is primarily economic in motive: profit maximization through clandestine means and circumvention. They do not necessarily aim at immediate subversion of the political status quo, especially if that has remained conductive to their business operations: they deploy violence

undesirable compromises on ideological and business grounds which might in turn erode the organizational authenticity and legitimacy[47]. As Bruce Hoffman says,

"the terrorist is fundamentally an altruist: he believes he is serving a 'good' cause designed to achieve greater good for a wider constituency...the criminal, by comparison, serves no cause at all, just his own personal aggrandizement and material satiation"[48].

Taking the individual terrorist or criminal as the lowest common denominator of the analysis, at the individual level mutual distrust and un-familiarity with the background and behavioural pattern of each other might preclude the forging of a long-term crime-terror alliance. Moreover, organizationally, both the terrorist and criminal organizations being high-risk ventures, they would be naturally averse to such additional burden of risks in case of collaborative agreements lest the potential mutual benefit of collaboration would outweigh all such potential risk[49]. Thus, the transnational criminal organizations are reluctant to develop permanent collaborative nexus or strategic alliance with their terrorist counterparts if that is deemed to be deleterious in terms of invoking governmental pressures and crackdown measures. Likewise, the terrorists are also cautious while entering into a strategic partnership with their criminal counterparts in the sense that long-term association or convergence with the criminal syndicates might not only erode their popular legitimacy by creating the condescending public and political image of being traffickers or greedy profit maximizers, but would also denigrate the essential legitimacy of their wider agenda in the name of the self-negation of the jihadi martyrs for the greater cause: embroilment in the criminal business ventures and profit threatens to stigmatize and delegitimize this messianic and apocalyptic façade of radical Islamic terrorism.

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only when their activities and interests are being directly challenged by the political and legal authorities. And even in such cases, the deployment of violence is not laced with any political rhetoric, with the target being a particular anti-constituency rather than a national or international audience.

[47] Thus, the Russian mafia is reluctant to converge politically with any terrorist organization. Likewise, the Zapatista National Liberation Army [EZLN] of Mexico, though involved in arms and drugs trade, have not yet forged any permanent organizational collaboration or convergence with any criminal syndicate that would outlast the episodic functional collaborations.

[48] Hoffman, Bruce (1998), *Inside Terrorism,* New York: Columbia University Press, pp.43.
[49] Schmid, A. (1996); 'The Links between transnational organised crime and terrorist crimes', *Transnational Organised Crime,* 2:1; 40-82

However, the newer exigencies created in the complex post-Cold War reality, and most immediately, post-9/11 era and the sweeping transformations of the international security order have created optimum preconditions for functional collaboration between the two groups when the potential mutual advantage of the cooperative interaction seems to outweigh the potential risk and ideological differences. Technological hyper-revolution and collaborative interdependence among the states in international order have ensured a considerable degree of success in identifying many of the international criminal and terrorist groups and networks through cooperative information gathering an intelligence sharing. In face of such adversities, sustenance of the organizational reality is becoming increasingly tricky for the criminals and terrorists alike. Invention of newer operational grounds or markets is not a pragmatic response as peaceful expansion is not always feasible. Moreover, such invention capacity is soon likely to be exhausted when all the potential grounds for logistical operations or newer markets for clandestine business ventures would be saturated.

In face of such growing adversities, successful functional activities imply a cooption and coordination of multiple, cross-organizational skills that would compound and mutuate the traditional criminal or terrorist skills. Thus, for successful operations, it is now not merely suffice for a criminal syndicate to efficiently control its business networks through even more rigorous and careful management and recruitment. Deployment of specific tools of violence and terror is becoming an increasingly relevant policy imperative for reassertion of their positions vis-à-vis other rival organizations, and sometimes the state itself[50]. Thus, the criminals now also need to earn and master the terroristic skills of deployment of *selective* and *calibrated violence* [as opposed to the traditional criminal method of deployment of *indiscriminate, non-calibrated violence*], like bomb-making and bomb-planting and other attacks targeting greater number of

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[50] As anti-crime law enforcement and surveillance measures are intensifying across the national borders in conjunction with the international laws, the state is often becoming the primary adversary of the criminal organizations. The crackdown on their clandestine criminal ventures has provoked the criminal syndicates to deploy terror and violence against the state and the guardians of law and order. Thus, in the 1990s, following the governmental repressive measures, the Sicilian mafia increasingly resorted to violence and murder of public officials, judiciaries and police forces. Apart from this specific political constituency, violence against the general civilians is also becoming a device of the criminal groups in their vindication and reassertion of their preponderant positions against the state. As for instance, the Bombay blasts wreaked by the Dawood group killed several civilians.

victims and large audience, and not merely a specific constituency. Similarly, for the terrorists, successful logistical operations, attacks and deployment of violence and terror across the world are becoming steadily difficult without the necessary financial resources[51]. And involvement in organized criminal activities is the most commodious strategy for the terrorists to generate such funds. adroit combination of identities so as that the resultant multiple identities would paradoxically make the identity of the perpetrators increasingly difficult to detect. As Tamara Makarenko remarks, 'Increasingly since the end of the Cold War and the subsequent decline of state sponsorship for terrorism, organized criminal activities have become a major revenue source for terrorist groups worldwide'[52]. Moreover, in the aftermath of the 9/11 catastrophe, the collective crackdown measures on the financial and material support to the terrorist groups across the borders have intensified. Globalization and technological advancements leading to heightened mobility and communications across the borders have led to a virtual expansion of the geographical circumference of the operations and networks for the criminal groups, and created potential markets for the criminal groups even in distant conflict-prone and war-ravaged zones. The breakdown of law and order in these regions has made the insurgent war lords and terrorist groups the controllers of the alternative, opportunistic politic-economic structures with immense prospects for rise of criminality. The crime groups operating in these regions also thus require to work in confluence with the terrorists and other violent non-state actors further advancing the prospects for criminal financing of the terrorist activities. As Thomas Sanderson comments:

'Economic hardship in many of these nations leads to corruption and trafficking of illicit goods, and there is little incentive to fight organized crime. Terrorist groups who otherwise might rely on charitable contributions or even "legitimate" businesses have

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[51] That financial resources are imperative for carrying out the terrorist logistical operations can be brought out into starkest relief by the fact that the catastrophic plan of crumbling down the World Trade Centre in 1993 [the kingpin of which was Ramzi Yasuf] could not be implemented then owing to the absence of considerable financial resources necessary or carrying out of this operation. See Dishman, Chris (2001), 'Terrorism, Crime and Transformation' ,Studies in Conflict and Terrorism, 24

[52] Makarenko, Tamara (2004), 'The Crime-Terror Continuum: Tracing the Interplay between Transnational Organized Crime and Terrorism', Global Crime, 6:1; pp. 130

little or no access to either in a failed state, leaving trafficking and other forms of crime as the obvious and easier alternatives. An organic criminal capability becomes paramount and the sole method by which to sustain the organization'[53].

Moreover, the decentralization of different criminal and terrorist organisations due to the toughening of international intelligence and law enforcement systems has necessitated these organisations to break down into smaller constituent units and cells[54]. These smaller cells and organisational nodes, their immediate blueprint of actions and short-term goals and directions become increasingly concentrated in the hands of the lower and middle-level criminals or terrorists, and not those of the centralized command cadre who would command the operatives of the centralized organisations. Against the backdrop of resolved global entente of 'war on terrorism' and crackdown on crime, it is increasingly difficult for these criminal or terrorist top-level, *core cadre* [who are responsible for the macro-leadership and macro-management of the organization's activities] to evade international surveillance and sustain the secrecy and opacity of their organizations and operatives. The extensive communication links between the top centralized cadre of the criminal and terrorist organisations have also been steadily disrupted, which further impede the flow and circulation of informations and directives amongst themselves in inter- as well as intra-organisational contexts. This, in turn, further obstructs the information and communication channels within the organizations in general. These middle and lower-level terrorists and criminals are the operational managers of the respective organizations, and hence, it is the execution of the plans and orders that they receive from the central cadre that they are directly involved in. Moreover, as the central cadre of criminal and terrorist organisations mostly passes on the directives of some planned course of action, and not the means or methodology of execution, these middle

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[53] Sanderson, Thomas M. (2004), 'Transnational Terror and Organized Crime: Blurring the Lines'; *SAIS Review*, 24:1; pp. 51

[54] This decentralization can be brought out into starkest relief by considering the organizational transformation of Al Qaeda in the aftermath of 9/11 catastrophe. According to official estimation, 70% of the centralized leadership of the organization's *core* central staff [which supervised and planned the coordination and execution of different organizational activities, including the attacks, and which constituted what can be termed as the main body of policy advisors of Bin Laden] had dissipated, killed or arrested.

and lower-level cadres are endowed with a considerable degree of freedom, in their functional capacity, to pursue multiple ways of execution of the tasks[55]. Thus, unlike the top-level command cadres, these lower level cadres are not only free from the brunt of focused international surveillance, but also many organizational constraints, directives, and most importantly, the ideological commitment. And their end goal is not only execution of the plans and orders in whatever convenient and possible ways, but also personal gains. As Chris Dishman observes, 'Lower to mid-level cell leaders are not concerned with incompatible goals...and without oversight will pursue personal and organizational agendas'[56]. And it is these lower-and middle-level terrorists and criminals who are instrumental in building up the nexus with each other. The long-term ideological and methodological incongruities are set aside for short-term, more immediate exigencies and operational goals.
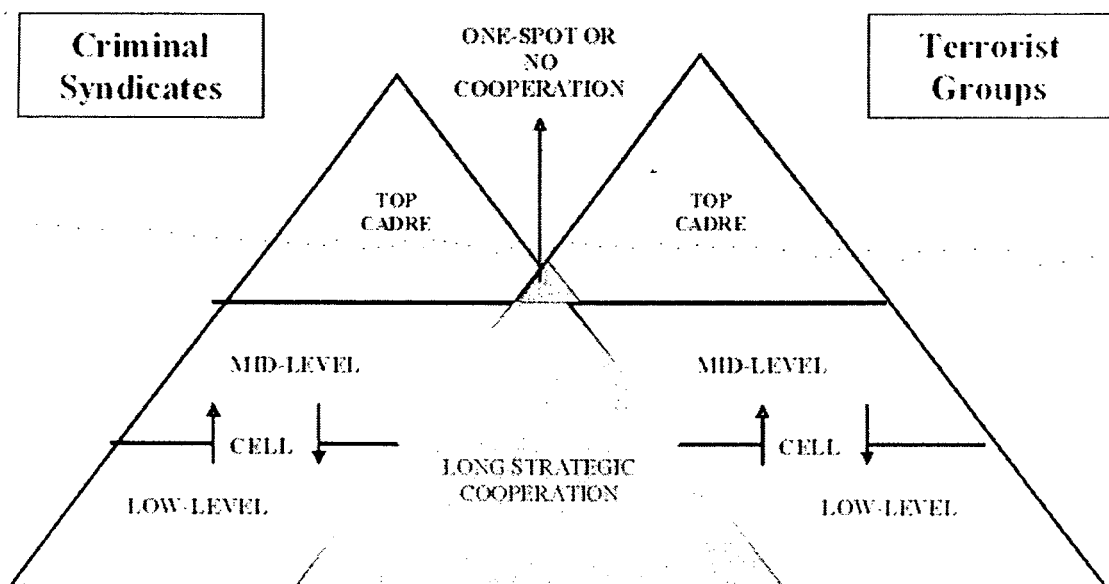
Figure 1: Chris Dishman illustrates, through this graphic figure, as to how the lower and middle-level criminals and terrorists overcome the problem of incompatible ideological goals and form

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[55] This has allegedly accounted for the lack of proper direction in carrying out of logistical operations and attacks by the Al Qaeda. The incoherent and indiscriminate nature of many attacks and violence perpetrated by the Al Qaeda illustrates that the leaders have little command and operational control over the execution of the attacks and logistical operations. The Al Qaeda's attack on the Muhaya residential complex in Riyadh in Saudi Arabia brings this into bold illustration. This attack militated against the Al Qaeda ideology by killing several Muslims during the holy Ramadan. Apart from the religious-ideological considerations, the attack was a political blunder as it created a frenzied atmosphere and exigencies of invoking the counter-terrorism police and legal capacities of the Saudi state.

[56] Dishman, Chris (2004) 'The Leaderless Nexus: When Crime and Terror Converge'; *Studies in Conflict and Terrorism*, 28; pp.244-245.

While international security cooperation and intelligence sharing has greatly succeeded in identifying the chief criminal and terrorist and criminal organizations, and crackdown measures on both have accordingly intensified, the survival strategy of both the criminals and the terrorists has been a combination of multiple functions and hence, a diffusion of multiple operational identities to create a hybrid organizational and operational identity. This hybridism of motives and identity makes a particular concerned organization 'criminal by day and terrorist by night', and hence ascribes a high degree of anonymity and opacity to the criminals and terrorists alike, who often become difficult to identify and dissociate from one another. These functional collaborative agreements among the non-state actors have thus proved to be their survival strategy against the backdrop of new security reality when the erstwhile defining line between political and criminal motivations and deployment of violence is becoming increasingly straddled, much to the advantage of both the criminals and the terrorists. Thus evolve newer operational patterns of collaborative nexus between the criminals and terrorists, overcoming their initial ideological and functional differences, which become elusive to both state and international surveillance. The terrorist motive of *vindication* now not only combines with the traditional criminal motive of *profit*, but the latter makes the attainment of the former feasible in a complex global reality. Many of the suspected participants in the Madrid bombings initially puzzled and escaped the investigators by concealing their real terrorist affiliations through their active involvement in drug traffickers, and were hence initially mistaken for smugglers and criminals. This sinister combination of criminal and terrorist elements and capacities not only concealed and shrouded the real identity of the perpetrators, but also generated funds for the successful operation of the bombing plan. Thus, the AL Qaeda cells and nods are actively involved in the trafficking of narcotics in Afghanistan and in illegal transactions of diamonds stolen from the local rebels in Africa, laundering money and other resources for the Talibans while at the same time continuing

with their intense political campaign and logistical operations in the regions[57]. And in both the regions, it becomes extremely tricky to disentangle the criminal and political capabilities of the Al Qaeda, for which reason the organization's operational success has been considerably high in the concerned regions. The Hezbollah had also laundered no less than $100 million in the tri-border area in South America[58] through extortion, and smuggling of methamphetamines and the Hezbollah cells active in this region have reportedly sent this money to their organization in the Middle East as resources financing their logistical operations[59]. The Argentinean inquests also reveal, at a much later date, that the Hezbollah cells collaborating with the Mexican criminal syndicates in this region in smuggling have been responsible for the bombings of the Buenos Aires. Initially this

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[57] The Al Qaeda cells are variously involved in the narco-business in Afghanistan at various stages: some tax the heroin traffickers and poppy producers, some even purchase poppy seeds directly from the poppy producers, while some other are instrumental long the various routes in Central Asia and the Balkans through which drug is being smuggled into European markets. The Al Qaeda has also reportedly garnered a whopping profit of $20 million in diamond smuggling, by purchasing the illegal diamonds from Liberia and the Revolutionary United Front rebels. For more details, see Ehrenfield, Rachel (2003), *Funding Evil – How Terrorism is Financed and How to Stop It;* Chicago: Bonus Books, pp.33-71.

[58] The tri-border area [TBA] between Argentina, Brazil and Paraguay is not only a smuggling haven, but also allegedly an epicenter of international crime-terror nexus since 9/11 with terrorist groups like the Hamas, Hezbollah and Revolutionary Armed Forces of Columbia [FARC] cooperating extensively and closely with the traditional criminal syndicates. The turbulent crime-terror nexus in this region should be situated against the general atmosphere of very high degree of delinquency which had transformed the entire region into 'smuggling sinkhole' long before the emergence of the crime-terror nexus. Decrepit law and order, limited state capacity for preventive enforcement measures and erosion of state authority have been conductive to a proliferation of criminal groups and syndicates engaging in clandestine ventures of narco- and human trafficking. This tri-border area thus testifies the general hypothesis that weak governance is directly concomitant to proliferation of organized crime. The construction of Friendship Bridge in the region in 1965 had provided the three neighbouring countries easy access to each others' territories and markets and greatly facilitated communication through land accounting for heightened mobility of people across the bridge. However, the weak border control and security checks had made ths situation conductive to trafficking and illegal immigration. Although there is little credible information and data to suggest of an imminent terrorist attack in this region in particular, and Latin America in general, the Hezbollah and the Hamas fundraisers and recruiters are reportedly active in this region. Many Islamic communities in this region, without direct terrorist affiliation, donate generously to the terrorist organizations, notably the Hezbollah on grounds of 'humanitarian sympathy'. The Hamas and Hezbollah nodes in the region have collaborative business and operational ventures with the criminal syndicates. This region is most likely the financial hub of these terrorist organizations, rather than the operational ground for terrorist activities, with the profit accrued from the narco-business and trafficking being channelized to the Middle East. For further details on the crime-terror nexus in the TBA, refer to Costa, Thomas G. and Gaston H. Schulmeister (2007), 'The Puzzle of the Iguazu Tri-Border Area: Many Questions and Few Answers Regarding Organized Crime and Terrorism Links', *Global Crime*, 8:1; 26-39. See also Hudson, R. (2003), *Terrorist and Organized Crime Groups in the Tri-border Area [TBA] of South America;* Report prepared by the Federal Research Division, Washington: Library of Congress. Available at: http://www.loc.gov/rr/frd/pdf-files/TerrOrgCrime_TBA.pdf

[59] Ehrenfield, Ibid, pp.147-49

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close, and apparently inextricable associations with the criminal cartels had concealed the real identity of the Hezbollah perpetrators.

Many of the insurgents and guerilla groups participate in the narcotics trade at its different stages, in varying degrees to fund their war efforts[60]. They are often termed as *narco-guerillas* in academic parlance[61]. The Basque Homeland and Freedom Movement [ETA], FARC, Liberation Tigers of Tamil Eelam [LTTE], Hezbollah, and Kurdistan Workers' Party are only handful examples of such narco-guerillas. The Burmese guerilla groups, especially the United Wa State Army, is however more extensively involved in drug trafficking than their other counterparts elsewhere in the world. They are instrumental in trafficking drug from the Golden Triangle [the border between Thailand, Laos and Myanmar] to the Golden Crescent and farther. Apart from pulling necessary financial resources, and concealment of the identity, the criminal involvement, especially drug trafficking, also serves the terrorist motive of *vindication* against the West. The narcotics consumption harms the civilizational enemy of the Islamic terrorists – the West, in intricate ways, where narcotics consumption is the highest. Thus, narco-trafficking, though ideologically un-Islamic, becomes an essential agenda and part of jihad, and justified in the defense of Islam. As a Hezbollh fatwa reads – 'We are making these drugs for Satan America and the Jews. If we cannot kill them with guns, so we will kill them with drugs'[62].

Thus, though ideologically the long-term end motives of *profit* and *vindication,* of the criminals and terrorists respectively, do not fundamentally converge, they have become *mutual enablers* in a mutually sustaining, synergistic nexus. And the formation of this crime-terror nexus is thus essentially a rational policy response aimed at optimization of the prospects of attaining their respective end goals. This evolving nexus thus does not necessarily entail ideological or business compromises on the part of the terrorists or the

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[60] While some of them are actively involved in trafficking, assisting the criminal cartels in illegal border crossings, some might finance the cultivators and collect taxes from them, like the Al Qaeda in Afghanistan. It has, however, been claimed by many academicians that these narco-guerillas are involved only in what is called the 'upstream' phase of narco-smuggling, i.e. the primary stages involving the cultivation etc. See Chris Dishman, 2005, for more details.

[61] Chris Dishman (2005), Ibid.
[62] Dishman, Ibid, pp.248

criminals respectively. Rather, it represents synergistic and symbiotic association and even division of labour, if not collective pursuit of common end goals: the operations and activities of one facilitate and ease that of the other. Thus, this imperative of combination of various skills and also various operational identities to create mutuating forms of crime and terrorism have dictated the nexus either in form of different degrees of cooperation, or convergence, or building up of 'in-house' capabilities by these groups.

However, the literature surveying the potential difficulties of long-term crime-terror collaboration is marred with hyper-determinism of the underlying general assumption that any interaction and functional collaboration between the criminals and terrorists would follow the linear pattern of strategic, long-term alliance. Following the evolving patterns of crime-terror interaction, the term *nexus* should neither be understood either only as sustained strategic partnership or the integer or merger between the two groups to integrate them into a hybrid organizational unit. Rather, the term *crime-terror nexus* implies a wide spectrum of interaction between the two groups, constituted by different typologies and degrees of operational interactions, associations and collaboration of differing duration. At one end of this spectrum of interaction figure the temporary, episodic 'one-spot' functional agreements, sliding up to strategic alliance or partnership over a sustained period to convergence or transformation at the other extreme end of the spectrum.

While there exists a relatively high degree of academic consensus on the emergence of this formidable nexus that posits a compound, composite threat of various components, there is little convergence of opinion as to the forms that this nexus takes up. Chris Dishman strongly argues against the prospects of sustained organizational cooperation and strategic partnership between the criminals and terrorists, and argues in favour of either episodic, 'one spot' collaborative agreements, or building up of 'in-house' criminal or terrorist capabilities within the terrorist and criminal organizations themselves that sometimes approximates almost a *transformation* of the primary functional identity of the

concerned organization[63]. On the other hand, Tamara Makarenko makes an analytical categorization of the different forms this evolving nexus between organized crime and terrorism is taking up – *alliance, operational motivations and convergence* – rather than clubbing all these different typologies under the general blanket category of 'transformation', or 'one spot' agreements[64].
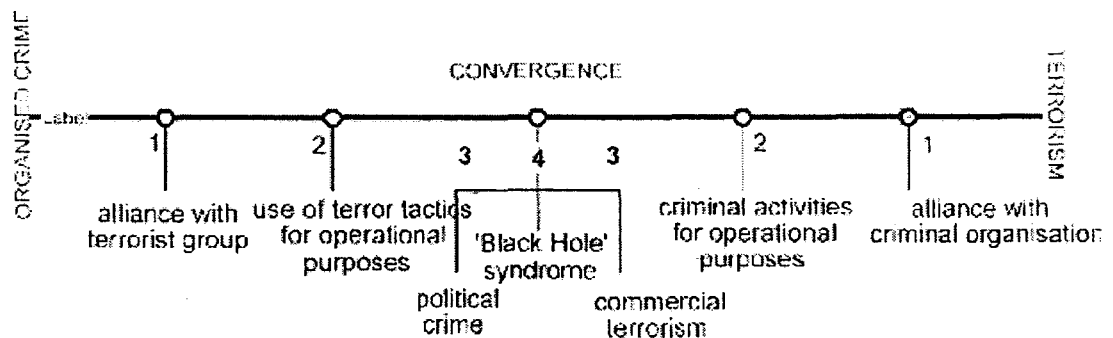
Figure 2: Crime-Terror Continuum model provided by Tamara Makarenko. Source: 'The Crime-Terror Continuum: Tracing the Interplay between Transnational Organized Crime and Terrorism'; *Global Crime;* Vol.6; No.1; 2004; pp. 131

Combining the two approaches, we find there exist a crime-terror continuum and a wide spectrum along which the nexus figures differently at different points. At one extreme end of this spectrum figures the floating 'one spot' crime-terror agreements, while at the other end figures the typology of convergence. Between these two extreme ends figure various other typologies of crime-terror nexus which constitute the continuum between the two ends.

i)One-spot Agreements

Contrary to Makarenko's hypothesis, strategic alliance does not constitute 'the first level of relationship that exists between organized crime and terrorism'[65]. These are the episodic, temporary collaborative arrangements when the criminals and terrorists would cooperate on certain transactions, due to operational necessities, for a short period of time

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[63] Dishman ascribes the fundamental ideological and motivational divergence between the criminals and terrorists to the difficulties to form a sustained strategic partnership between the two groups.
[64] Tamara Makarenko; *Ibid;* 2004
[65] Tamara Makarenko; *Ibid;* pp. 131

in lieu of mutual services or set fees. As for instance, in 1993, Mafia don Pablo Escober collaborated with the terrorists of National Liberation Army [ELN] and their guerilla forces for planting bombs in cars, allegedly in exchange of high fees[66].

ii) Alliance[67]

Under the first typology, i.e. alliance system, Louise Shelley understands, '...cooperation with terrorists may have significant benefits for organized criminals by destabilizing the political structure, undermining law enforcement and limiting the possibilities for international cooperation'[68]. For the criminals, this destabilization allows for an amenable environment for elusive mechanisms they deploy in absence of law and order. Conversely the terrorists also might develop alliances of conveniences with the organized crime groups to ease their access to trafficking routes, money laundering etc[69]. Thus, the rebels of the Islamic Movement in Uzbekistan have established extensive networks of cooperation and coordination with the criminal syndicates and drug mafia of Afghanistan and Central Asia. They command the narco-trafficking routes between Afghanistan, the Caucasus and Russian Federation which open into various destinations in Western Europe. The Al Qaeda has entrenched strategic partnership and business alliance with the criminal groups of Bosnia the collective cooperation of whom ensure the smuggling of Afghan heroine into the EU through Balkan routes. The Pakistan-based criminal organization, D-Company of Dawood Ibrahim, has such alliances of convenience with the terrorist groups of Al Qaeda and Lashkar e-Tayyaba.

iii) Building up of 'in-house' operational capabilities due to operational motivations
Many criminal or terrorist groups have revealed their increasing propensity in the 1990s to 'mutuate their own structure and organization to take on a non-traditional, financial, or

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[66] Dishman, Chris (2005), Ibid.

[67] Alliance between the terrorists and the criminals has been defined as the 'first level of relationship' between the two groups in the continuum and economically are like business set-ups and linkages which symbiotically sustain each other.

[68] Dishman, Ibid; pp. 131

[69] Moreover, for the terrorists, the instability acts not only as a functional tool to erode the base of popular legitimacy of the state and denigrates it, but also acts as a diversionary tactics for the government which deviates its attention and resources away to destabilization than to contain terrorism or open up inquests into delinquency.

political role, rather than cooperate with groups who are already effective in those activities'[70]. Thus, use of terror by criminals and participation in and adoption of criminal activities by the terrorists has been an operational tool to enhance their operational success[71]. Dishman observes, the deployment of 'selective and calibrated violence' by the criminal groups is a functional means to adopt a rigorous and more assertive position vis-à-vis their competitors, and hence lacks any distinctively ideological or political rhetoric [unlike the typical terrorist groups], and has 'anti-constituency' implications[72]. However, despite use of political violence, profit-maximization retains the foremost priority of the criminal groups.

Similarly, political objectives of the terrorist remain the paramount objectives of the terrorists despite their 'in-house' building up of criminal and business capabilities [most commonly, trafficking in drugs and human beings], and the money derived from criminal activities is mostly channelized into attainment of their political objectives[73]. Such terrorist groups like Basque Homeland and Freedom Movement [ETA], Kurdish Workers Party [PKK], the Hezbollah are actively engaged in narco-trafficking[74]. Although the terrorist groups have commonly been associated with trafficking in illicit narcotics, they

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[70] Ibid; pp.133. By building up these 'in-house capabilities' the groups strive to avert the shortcomings which are inherent in the alliance formation – divergences over strategies, priorities, mutual distrust etc.

[71] It would be wrong to presuppose that this maneuvering of terror as operational tool or operational conditions takes place only in the failed states. As for instance, in the 1990s, when Italian state has registered its steady success in containing the mafia activities, the mafia organizations increasingly resorted to terror tactics like bombings. These were desperate survival attempts through inducing a panic-stricken frenzied atmosphere, and instability when the erstwhile 'strategy of cohabitation with the legal power' of the Italian state was being increasingly replaced by one of outright 'confrontation'. The Brazilian criminal groups have also succeeded in seizing upon the tool of terror to assert their political demands vis-à-vis the state, when governmental anti-crime missions made much headway. As against the state crackdown on domestic drug and human trafficking reached new heights in April, 2002, the Brazilian criminal syndicates launched a 'campaign of political violence' to induce intimidation.

[72] Ibid. As for instance, in the 1990s, when the Italian state had registered its steady success in containing the mafia activities, the mafia organizations resorted to terror tactics like bombings of political buildings and at tourist attractions as desperate survival attempts at a time when the erstwhile, long-established 'strategy of cohabitation with the legal power' of the Italian state was being steadily replaced by one of outright confrontation and conflict.

[73] Though deployment of terrorist means by the criminal groups has been a relatively long established and regularized practice, the terrorist involvement in organized criminal activities has been a comparatively recent phenomenon.

[74] The PKK has seized the benefit of its geographical location being co-terminus with the Balkan Route – which is the chief trafficking route for narcotics from Asia to Europe – to actively engage in the narco-business with he local mafia and syndicates operating along this route and in Istanbul. It has also been alleged that the Hizbollah is also developing cooperative networks with the PKK to command the narcotics storages and laboratories in the Bekka Valley.

have also engaged in a wide variety of other crimes such as fraud, counterfeiting, human trafficking etc. According to Rohan Gunaratna's findings, the massive credit card fraud has been Al Qaeda's chief financial operation in Europe, the network being dominated mostly by the Algerians, the profit accrued reaching a staggeringly high figure of US$ 1 million per month[75]. Prosecution of this entire business network of Al Qaeda has become increasingly tricky for the European intelligence because of this dubious accommodation of criminal capabilities which impart a degree of vague-ness to the identity of the entire operational network.

iv) Convergence or Transformation

The 'final point' or the climactic point in the crime-terror continuum is the 'convergence thesis', which according to Tamara Makarenko, 'refers explicitly to the idea that criminal and terrorist organizations could converge into a single entity that initially displays characteristics of both groups simultaneously; but has the potential to transform itself into an entity situated at the opposite end of the continuum from which it began'[76], if we place organized crime and terrorism at opposite sides and draw a line of continuum connecting the two phenomenon. So complete and comprehensive are often these changes that the elementary and erstwhile defining characteristics that had hitherto made a group one with criminal affiliation or one with terrorist affiliation, would be fussy and blurred.

Russina and Albanian criminal organizations increasingly reveal their convergence with or transformation into terrorist organization aimed at serious destabilization by wrecking the state infrastructure with the realization that, to quote Metz, 'in order to mobilize sufficient power to resist the state, they must move their organization beyond pure criminalism with its limited appeal to most citizens and add elements of political unrest'[77]. Especially, the Albanian mafia has revealed radical Pan-Albanian ideological commitment and activities suggesting 'deeply intertwined' political and criminal activities which make it a hybrid group. From 1993 onwards, they have channelized their activities into purchasing arms for the Kosovo Liberation Army.

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[75] Gunaratna, Rohan (2002), *Inside al-Qaeda: Global Networks of Terror;* New York: Hurts and Company.
[76] Makarenko, Tamara (2004), *Ibid;* pp.135
[77] Metz, quoted in Makarenko (2004), *Ibid;* pp. 136

Similarly, many erstwhile terrorist organizations have converged with criminal groups so that their political rhetoric comes to serve eventually as a mere rhetorical fig leaf to conceal their criminal engagements, while use of terror continues as an operational tool. For example, the Islamic Movement of Uzbekistan and the Revolutionary Armed Forces of Columbia [FARC] have recently revealed criminal inclination and activities like drug trade, extortion of money and kidnapping.

V) Black-hole syndrome

Fallen under this category is those states where the crime-terror merger is complete and the states survive on this merger. Often termed as pathological states, Afghanistan, Kyrgyzstan and the autonomous Georgian territories of Abkhazia and South Ossetia are clear examples of the black-hole states.

Thus, combining the different forms of association and nexus between organized crime and terrorism, we can discern a novel pattern of combination of motivational factors that increasingly characterize organized crime and terrorism interchangeably: the combination of economic and political-ideological motivational factors; the combination of 'profit-seeking' with 'justice-seeking'. And often, so complete and inextricable is this structural combination that it becomes difficult to disentangle the both. Thus, in this new post 9/11 era, keeping in view the crime-terror nexus, it can be stated that the motive of political and ideologically obscurantist notion of *vindication* is a new one being inextricably associated with the erstwhile motive of *profit.* And this growing crime-terror nexus represents a composite security threat to the international order, compounding and aggravating the threat already being posed by the organised crime taken singularly. The next chapter, through specific case studies, illustrates how the threat posed by the organised crime often intermingles with the threat posed by terrorism and insurgent violence to pose an integrated security threat. This peculiar nature of this threat necessitates a proper co-ordination between military and non-military tools for a successful policy response.

Chapter 4

A peril from within or an assault from outside? Organised Crime and Trafficking in the Wider Black Sea Region as a security threat to the EU

While in the Mediterranean countries and the broader Middle East political extremism and terrorism are the main problems, the countries in the post-Soviet space are often a safe-haven for organized crime[1].

'Europe is the largest destination in the world as far as both the trafficking of drugs and humans are concerned. Meanwhile, the Wider Black Sea Region is either a source area – for example, for human trafficking – or the key transit route from producer areas, such as Afghanistan as far as heroin is concerned'[2]. Geopolitically, the Wider Black Sea Region is a comparatively recent security construct that covers the extensive zone that stretches from the Balkans and Central and Eastern Europe into the North and South Caucasus over the post-Soviet sphere in the Central Asia. The structural commonality of the Soviet legacy has bound together these several states, many of which are now members of the EU, into the shared geopolitical space of Wider Black Sea Region. Since the 1990s, trafficking to Western Europe has become a profound security concern, with the media being flooded with reports on thousands of victims of trafficking from the CES and CIS countries. The geo-strategic location of the entire region makes it a significant transit point through which numerous land routes from Afghanistan, Central Asia, and the Middle East open into Western Europe. A series of historically unprecedented events put

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[1] Peters, Ingo and Jan Bittner (2003), *EU-US Risk Policy in the European Neighborhood: The Cases of Moldova and Georgia;* Working Paper, Freie Universität Berlin: Centre for Transatlantic Foreign and Security Policy Studies; pp.2

[2] Cornell, Svante, Anna Jonsson, Niklas Nilson and Per Häggström (2004), *The Wider Black Sea Region: An Emerging Hub in European Security,* Silk Road Paper, Washington and Uppsala: Central Asia-Caucasus Institute and Silk Road Studies Programme, pp. 22

the wider Black Sea region onto the West's radar. The successful integration of Central and Eastern European countries, stretching from the Baltic to the Black Sea into Euro-Atlantic institutions marked the end of the grand historical project of the 1990s.Moreover, the terrorist attacks of 9/11 and 3/11 underscored new dangers emanating from beyond the continent, in particular from the greater Middle East. As opposed to being viewed as distant points on the periphery of Europe, the wider Black Sea region is now seen as a crucial part of the Euro-Atlantic community's southern flank buttressing against a potentially unstable greater Middle East.

The case of organised crime as a serious non-traditional security threat to the EU illustrates the dissolution of barriers between core and periphery: as the international order no longer resembles a 'billiard ball' model, but like that of an interlinked, interconnected chain, organised crime acts as a linking cement, or linking agent between the 'zones of turbulence' and 'zones of peace'[3]. Thus the perceived 'zone of peace' of the EU and its markets attract organised criminals from the 'zones of turbulence' in the Wider Black Sea Region where the political and economic transitions provide for conditions conductive to the proliferation of organised criminal activities. Thus, the EU becomes the operational ground providing the markets for the illegal goods traded by different criminal groups. This illustrates the new security reality that, while providing for the sustained demand for illegal goods, the developed countries often become not only tacitly implicated in the entire web of clandestine criminal business activities, but also absorb agents and forces of destabilization from outside.

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[3] Indeed it is debatable as to what extent, in present security scenario, any regional zone can be readily designated as 'zone of peace' because presence of destabilizing agents is discernible in almost all societies, whether economically and politically stable or instable, albeit, of course in different forms and manifestations. Hence stability, security and peace have become *relative* terms with no absolute implications: any region, zone or state in the international order today is only being *relatively* stable or secure, and not *completely* or *absolutely* secure. In this study, the term 'zone of peace' is used interchangeably with the term *relatively* stable region or peace.

Old Europe vs. New Europe: Re-conceptualising the Dichotomy in terms of Security

A conceptual dismantling of the age-old dichotomous notion of 'Old-New Europe' reveals that rather than being narrowly an obscurantist ariosophist dream[4], the notion can be reconceptualised with obvious security and geopolitical dimensions. In recent time, the provocative speech of Donald Rusmfeld during the Iraq war has made it politically customary to determine the strategic identity of the EU, within the entire framework of transatlantic relations, in terms of this 'Old/New Europe dichotomy.

However, reducing this notion into merely a strategic indicator of shifting trends in transatlantic alliance or a political barometer to expose and gauge the dissent and faction within the EU space is nevertheless a deliberate disregard of its conceptual flexibility and restrict the areas of its applicability. When the core 'Old Europe' of originally 6 members virtually expanded into a family of 27 members, what follows is the birth of a new geopolitical avatar of 'New Europe'. When applied to the issues concerning EU security, this 'Old/New Europe' dichotomy singularly stands out: the striking contrast between the pre-enlargement security architecture within the 'Old' EU of 15 members with that in the post-enlargement 'New' EU of 27 members. The 'New' EU, in security terms, is markedly free from the extensive buffer zone that had separated the 'Old Europe' from the Soviet zone in the Cold War era and the 'Old EU' from the conflict-ridden post Soviet sphere in the Central Asia and the Balkans in the post Cold War era. There is little scope for skepticism that bipolarity had paradoxically stabilized European political and security landscape, with the 'iron curtain' acting as the geopolitical barricade that

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[4] The term 'Ariosophy' implies a set of cultural doctrines regarding the 'occult wisdom' about the Aryans. The term was first coined by Lanz von Liebenfels in 1915, which later came to be known also as 'Armanism', 'Theozoology' and 'Ario-Christianity'. The ideological genesis of National Socialism in Germany is being traced to the late-19th-early 20th century extreme rightist cultural movement of the Ariosophists pioneered by Guido Von List, and Liebenfels. Drawing upon the rhetoric of 'culture of despair', the Ariosophists spoke of creation of an ethno-racially Aryanized 'New Europe', which would be devoid of all mendacity. 'New Europe', according to this ariosophist dream, which was then subsequently politicized under Hitler, would be the cradle of a better breed of humanity – ethnically purer and eugenically more productive. For a nuanced discussion on the Ariosophists and the origin of the 'Old/New Europe' dichotomy see Goodrik-Clarke, Nichols (1985), *The Occult Roots of Nazism: Secret Aryan Cults and their Influence on Nazi Ideology,* London: I.B. Tauris and Co. Ltd.

cordoned off the extensive 'Non-Integrating Gap' of Eurasia from the 'Functioning Core' of the Western Europe. This buffer zone was thus, multi-functional with 'hard' as well as 'soft' dimensions: it acted as a geo-political shield against the probable 'hard' military aggression from the Moscow, as well as sustained the safe distance between the 'Old EU' and the instable regions in Eurasia. Moreover, elaborating on its 'soft' dimension, this buffer zone gradually developed into a protective shield to the 'Old EU' by reducing the magnitude of the prospective flow of immigrants, refugees and asylum-seekers from the Third World and Eurasia: in face of incessant inflow of refugees and displaced people in the wake of ethnic conflict in the Eastern Europe, the asylum laws of the Western European countries were significantly modified referring to this buffer zone. Thus, declaring this buffer zone as 'safe third countries', the 'Old EU' eventually staved off inflow of refugees and economic immigrants: it was declared, modifying the Vienna Declaration, that if the potential refugees and asylum seekers from the Third World happened to cross any of these 'safe third countries', their entry to the EU would be denied.

The disappearance of the buffer zone has two immediate security implications for the EU. Firstly, with the steady dissolution of the erstwhile buffer zone follows the simultaneous disappearance of the geopolitical *shock absorber* that acted as a bulwark defending the 'Old EU' 'Fortress'. In the pre-enlargement era, the outer walls of the 'Old EU' 'Fortress' were less permeable due to exclusionary border surveillance in congruence with the strict standards of the Schengen accord. Moreover, most significantly, the 9/11 catastrophe has re-emphasized the salience of physical borders in Europe. This was not same as the reinvention of extended cultural frontier by the US in its civilizational war. Rather, in Europe, the discovery of the reality that much of the terrorist logistical operations and mobilizing recruitment are being carried out on European soil and that different entry points of the 'Old Europe' are being increasingly used by the terrorists as the transit to the US have called for negative and exclusionary border management, especially at its periphery.

Second, the disappearance of these buffer zones entails a gradual diffusion of this vast zone into the EU space. This unique phenomenon has been the chief characteristic of the 'New EU': the steady internalization of external space. This is concomitant with the process of on-going 'softening' of the national borders within the EU: 'The idea behind softening borders in the Schengen zone is that internal frontiers become soft, while external ones are hard, effectively creating a larger zone of free movement, but one with sharper edges that are harder to penetrate from the outside. Once inside the Schengen area, people can move without frontier checks, so entry to the area is strictly controlled'[5].

When we situate this 'New EU' in the context of transnational organised crime, the consequence is peculiar. As far as the operational dynamics of organized crime and trafficking is concerned, the 'Old EU' has been traditionally the primary destination and target of the transnational trafficking networks originating and transiting through the post-Soviet sphere in Eastern Europe and Central Asia. However, the accession of 12 new member states from this region has altered the operational dynamics of trafficking due to *internalization and diffusion* of many trafficking networks from this region into the EU. Thus, many criminal and trafficking networks and groups, especially the ones traditionally originating and concentrated in the Czech Republic, Bulgaria, Romania, Poland, Hungary, Estonia, Slovenia and Lithuania are operating internally from within the EU without many of the previous hindrances[6]. Thus, the 'New EU', unlike the 'Old EU' is not simply a primary destination, but is a geopolitical matrix of origin, transit, and primary and secondary destinations for several trafficking networks. The novelty of the 'New EU', therefore, is that the factors of supply and demand are often situated and generated within the same geopolitical space: the supplier is often becoming the consumer. Thus, while the Central and Eastern European members of the 'New EU' continue to be chief suppliers of many smuggled commodities to the Western European

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[5] Grabbe, Heather (2000), 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs*, 76:1, pp. 505.

[6] Though these countries have now undertaken and undergone considerable anti-corruption and anti-crime policies, the criminal groups have not yet been totally eradicated, and some even suggest that due to these anti-crime policies, organised crime in these countries have become even more underground and more dangerous. Moreover, even if these policies eventually succeed, it is difficult to dismantle all the transnational criminal networks because their activities are not based in a single country or region but all over the world, with different groups from different social strata.

markets, and transits for many trafficking networks from the Balkans, Central Asia and the Middle East, they are also increasingly becoming the primary and secondary destinations of these trafficking networks from outside. Amsterdam and Milan, which were formerly most significant primary destinations of the trafficking groups and dumping grounds for the smuggled goods from the Czech Republic, Poland, Romania and Estonia, are increasingly becoming transits through which such commodities are trafficked farther West into Germany, France, UK and Denmark.

Thus, the 'New EU' is now a victim of an unintended but inevitable phenomenon of *internalization of external threat*. The inward movement of the hitherto external criminal syndicates and networks are symptomatic of the straddling of the erstwhile defining line between and convergence of internal and external security issues[7]. Moreover, this *security continuum*[8] between internal and external threats has ascribed a great degree of invisibility and 'apparent legality' to the criminal operations which were hitherto conducted from outside. As in the 'Old EU', the traditional primary destinations in Western Europe were less accessible through direct entry points by the external criminal groups and networks from the Wider Black Sea Region[9], trafficking was carried along geographical routes that are longer than usual. For instance, the Albanian or the Chechen or the notorious Russian mafia trafficking in human beings, narcotics and arms with its

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[7] Indeed the structural linkage between the two has been recognized as early as Machiavelli who suggested this inter-linkage but different methods of policy making or both. But the debate revolving around Europol and resultant coordination and cooperation in the Justice and Home Affairs in the former EEC in the late 1980s revolved around the notion of an all-encompassing *comprehensive security* under which different, heterogeneous components and typologies of security threat have been clubbed together and interlinked as being components of a general, composite security threat – organized crime, trafficking, terrorism, ethnic violence, proliferation of WMDs etc.

[8] This notion of security continuum has been severely attacked by scholars like Didier Bigo on grounds of securitizing almost all sorts of diverse problems and linking very different typologies, activities and qualitative profiles of different threats emanating from and exacerbated by different sources. For more, see Bigo, Didier (1994), *The European-international security field: stakes and rivalries in a newly developing area of police intervention* in Malcom Anderson and Monica den Boer [ed] *Policing Across National Boundaries,* London: Pinter.

[9] In the pre-enlargement era, the outer walls of the 'Fortress Europe' were less permeable due to exclusionary border surveillance in congruence with the strict standards of the Schengen accord. Moreover, most significantly, the 9/11 catastrophe had re-emphasized the salience of physical borders in Europe. This was not same as the reinvention of extended cultural frontier by the US in its civilizational war. Rather, in Europe, the discovery of the reality that much of the terrorist logistical operations and mobilizing recruitment are being carried out on European soil and that different entry points of the 'Old Europe' are being increasingly used by the terrorists as the transit to the US have called for negative and exclusionary border management, especially at its periphery.

operational nodes all over Central Asia and Russia, found it particularly cumbersome to enter the destination points of Amsterdam or Vienna or Milan or Berlin directly from the Balkans through Hungary or the Czech Republic. Instead, they had to make a detour and transit through Albania and Turkey into Greece and Italy over the Adriatic and Aegean islands, and then farther westwards. The time duration of these ventures, operational costs and the risks associated with such prolonged journeys made trafficking comparatively less cost-effective.

However, after the enlargement, substantial part of the entire Wider Black Sea Region has shifted within the EU with its own legacy of established criminal networks. Thus, much of the entire process of transnational trafficking from the Wider Black Sea Region has now become intra-EU, and hence, less conspicuous and less identifiable. After the enlargement, many of the former non-EU countries have now become the 'legal' source of trafficked commodities.

II

Assessing the Economic Dynamics of Trafficking: Factors of Demand and Supply

Like all transnational business ventures organized crime, especially transnational trafficking, is also primarily economically motivated, with its dynamics being determined by the logic of demand and supply, and rationale of 'push' and 'pull' factors. Hence, if trafficking from the post Soviet Wider Black Sea region poses a security threat of considerable leverage to the EU, its simultaneous connotation is that there also exists a sustainable demand-driven market within the EU itself for the products being trafficked: the criminal networks targeting the EU as the chief consumer and primary destination for the commodities being trafficked would not have survived in the absence of veritable demand for the concerned products. Moreover, their clandestine operative ventures would be incomplete and impossible without the functional and collaborative accord of the criminal groups active within the EU itself. Thus, taken together, the demand-driven criminal network within the EU, and the supply-driven criminal networks of trafficking operating from outside the EU conjoin symbiotically so as to constitute a complete

transnational network of crime. However, it is only when we also consider the demand along with the supply factor, the symbiotic relationship between the consumer and the producer that the missing link in the entire operational network of trafficking can be identified. Therefore, both the host countries and countries of origin are equally pivotal actors in sustaining the phenomenon of trafficking.

Thus, it is also the sustained demand for narcotics, arms, cheap labour and women in the Western European sex industries in addition to the general 'push' factors in the countries of origin – globalization, poverty, unemployment, political instability etc.[10] – that together act as the driving force ensuring the continued supply.

However, it is simplistic to assume that demand for a particular commodity or service is being met with by *supply in the form of trafficking only*. As for example, it is naive to presuppose that demand for cheap labour in the sweatshops, garments and carpet factories, and different hidden sectors of economy in the Western Europe directly translates into the intake of only victims of trafficking into these industries: lot of illegal and irregular migrants, alongside the victims of trafficking together constitute the supply side. Hence, no direct correlation can be evinced between the 'nature of a person's journey into vulnerability and bondage' and the demand for his/her labour or services[11].

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[10] Though indeed globalization along with laissez fair and rationale of privatization has debilitated state control and protection over national economy exposing it to global competition, market fluctuation and general uncertainties. Greater control of national economy by the international arrangements like the WTO, IMF or the World Bank and increasing privatization of many crucial sections of national economy lead to steady dislocation and marginalization of the socio-economically peripheral population, especially in the rural region. The global production system has undergone a restructuring when capital moves from developed regions to the regions where cost of production is significantly low due to several structural factors: demographic abundance, unemployment and hence, cheap labour with huge wage differentials. The consumption patterns between the periphery and the post-industrial 'core' also differ substantially and globalization only widens this gulf. Apart from the accentuated prospects of high unemployment, neo-liberalism and privatization is also introducing a new, less secure work culture: full-time jobs are often increasingly replaced by the contract-based and part-time jobs. Added to the high unemployment and increased job insecurities is the political dislocation due to terrorism, civil war, ethnic violence which further aggravate the human security threats.

[11] Anderson, Bridget and Julia O'Connell Davidson (2003), *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, IOM Research Report No.15, Geneva: IOM

Rather, the structural linkage between demand and trafficking is more complex and indirect.

In the semi and un-skilled sectors of economy like textiles, food-processing, carpet-making, handicrafts etc, it is the cheap labour which is essential. In these sectors of economy, the specific *identity* or the linguistic or ethnic attributes of the forced or free workers whose labour produced these commodities matter little to the consumers buying these products. But in the sex-industry, not only the ethno-linguistic and social profiles of the workers, but their physical attributes, gender, age, demeanour are of primary importance to the clients who buy their services. Thus, in Western Europe, a particularly high demand for 'exotic' women of young age from the Eastern Europe and Central Asia is being discerned. This demand can be met by trafficking only, because the restricted magnitude of legal migration of Eastern European women to Western Europe is insufficient to meet the immense demand. However, how can the linkage between trafficking and demand for cheap labour in many hidden sectors of economy be established if the ethno-linguistic profiles of the workers do not matter? Why do most of the victims of trafficking for non-sexual exploitation get absorbed in these cheap sectors of economy when other sources of supply, like illegal immigrants, can be employed too?

The answer lies in the socio-economic predicament of the victims of trafficking. As profit maximisation is the sole motive in the cheap sectors of economy and as cheap, docile labour who can be exploited in multiple ways provide for a cost-effective mechanism, the victims of trafficking are the most important sources of supply to meet the demand for labour in these sectors. The illegal status of the victims of trafficking, their inability to resort to wage-bargaining and trade unionism, and, unlike the illegal immigrants, extremely limited prospects of their repatriation due to their near servitude and debt bondage to the traffickers make them the important sources of docile labour who can be readily exposed to severe exploitations like working over-time in lieu of extremely little, or sometimes no remuneration at all.

However, the interaction between the factors of demand and supply, push and pull is rather complex and multidimensional which does not always follow a linear course. So complex is the interaction between the factors of demand and supply that often it is observed that the supply precedes, invokes and catalyses the demand. This *enforced*

supply which is often an index of entrepreneurship of the criminal groups to test the responses, demands and prospects for a favourable environment for their clandestine business ventures, and then accordingly, trafficking takes place, or its volume decreases or increases. As for instance, in Greece, the development of sex industry in the late 1980s and 1990s was sluggish when the entertainment industry was mainly served by the Polish and Philippino prostitutes, most of whom were trafficked. The 'discovery' of amenable and responsive environment enabled the booming of sex industries in Greece when large number of women and children started to be trafficked from the Eastern and Central European countries. The demand for women from the East grew remarkably at this time (such an upward curve in demand was not noticed earlier), and the sex industry uniformly expanded beyond the traditional sex capital of Athens[12]. Thus trafficking affects sex industry, supply affects demand in multidimensional ways: both feed into each other in a cyclic fashion.

Similarly, the trafficking of arms and weapons from the Wider Black Sea Region to the EU also owes much to the great demand for armaments amongst the Western European terrorist organisations (like the IRA or the ETA), and criminal groups. However, the sustained supply of illegal arms and the resultant widespread availability of arms, especially the modified guns, in the EU nurture a *culture of violence* when the youngsters, drug addicts, street fighters and petty criminals also increasingly resort to use of arms in trivial instances. And this rise in instances in armed violence propels many civilians to possess arms for individual security reasons, and contributes to further demand for illegal arms. Thus, in a cyclical fashion, the supply of illegal arms further generates greater demands in the same. Hence, just like increased demand in the EU for illegal arms owes to sustained supply from the Wider Black Sea Region, the proliferation of criminal ventures in the latter also equally owes to the sustained demand in the EU. Hence, demand for illegal arms and the proliferation of criminal ventures in the illegal diversion of arms to the EU are mutually reinforcing and interact with each other in such

[12] Lazos, G (2001), 'Trafficking and Forced Prostitution in Greece', in CVME, *Confrontation of the Trafficking in Women from Balkan States, Russia and Ukraine in the countries of the EU;* Ionnia (Greece): Research and Support Centre for Victims of Maltreatment and Social Exclusion.

a symbiotic fashion that sometimes it is difficult to extricate the demand factor from that of supply.

III

Situating Crime and Trafficking in the Post-Soviet Wider Black Sea Region: An 'Emerging Hub' in EU Security Perception?

In the changed security environment of Europe a vast array of qualitatively new 'soft' security threats find the post-Soviet space in Eurasia as their optimum germinating ground, where the pathological triad of organised crime, terrorism and corruption exerts veritable and direct threat to the immediate threat perception of the EU[13]. Commonly referred to as the *Wider Black Sea Region* [WBSR], this term is a relatively recent geo-strategic construct in the extended security zone of the EU in the post Cold War era.

The steady eastward expansion of the EU and the NATO, coupled with the growing European concerns for alternative source of energy supply from the Caspian basin has led to a steady 'south-eastern shift in Europe's political and geo-strategic center of gravity'[14]. The prospects of EU and the region sharing common geographical and political borders in the future are considerably high, given the improved candidacy status of many countries in this region[15]. This is symptomatic of the virtual expansion of the EU's

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[13] While in Poland, Czech Republic, Estonia, Hungary, Slovakia and Lithuania, the nexus between organized crime and corruption was the outcome of the temporally hasty democratic transition, in Georgia, Kyrgyzstan, Moldova, Tajikistan, Ukraine, the former components of Yugoslavia and Russia organized crime should be situated against the general backdrop of weak governance, economic decrepitude, and ethno-political pandemonium.

[14] Ingo Peters and Jan Bittner (2003), Ibid, pp.2

[15] The sustained process of creation and recreation of the political geography of this entire region has been an epiphenomenon of the historically wider process of diminution of political and ideological divisions that had lacerated the heartland of continental Europe. The momentous and speedy eastward enlargement of the EU, its fifth wave, completed in January, 2007, is the political manifestation of this historical process. Also the NATO enlargement of 2004 included seven countries from the region –Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovakia, and Slovenia. The candidacy prospects of some of countries like Ukraine and Georgia have positively improved after the 'colour revolutions' The entire region manifests an interesting mix of membership status – some of the countries are already members, some are candidates/potential members in medium-term and some in distant term.

regional security zone, and absortion of newer threats and risks from periphery which directly impinge on the core.

The combination of structural anomalies like dys- or mal-functional statehood, economic and developmental breakdown, and unresolved ethno-territorial conflicts have fostered

Figure 1: The Political Map of the Wider Black Sea Region (WBSR)

EU, its fifth wave, completed in January, 2007, is the political manifestation of this historical process. Also the NATO enlargement of 2004 included seven countries from the region –Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovakia, and Slovenia. The candidacy prospects of some of countries like Ukraine and Georgia have positively improved after the 'colour revolutions' The entire region manifests an interesting mix of membership status – some of the countries are already members, some are candidates/potential members in medium-term and some in distant term.

region instigate the emergence of virtually uncontrolled an unregulated illegal free-trade zones due to uncontrolled and insufficient management of the porous borders. Isolated from international and even national legalistic norms and systemic regulations of surveillance this entire region has gradually moved under the tutelage of self-proclaimed, unregistered authorities accountable to none[17] leading to what can be called a criminalization of business networks. However, the magnitude of this dangerous set of risks necessitates an integration of both *structure-centred* and *actor-centred* risk analysis: not only are the threats compounded due to structural infirmities of the state and economy, but also due to complex set of non-state actors (the criminal groups, insurgents and terrorists) who cannot be brought into dialogic negotiation and accord.

'Weak states, failed economies, and inter-ethnic tensions are the most common causes of the emergence of mafias and criminal gangs in various parts of the world'[18]. Indeed organised crime is both a producer and beneficiary of anarchic conditions, domestic turbulence, loose integrating thread between different segments and sectors of society and economy, thin state legitimacy and deep, intense socio-ethnic divisions, which characterize state failure. Though the causal linkage between organized crime and breakdown of governance and civil society is intricate and complex, the two are

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nationalism, laced with obscurantist ideology – Abkhazia and South Ossetia in Georgia, Transnistria in Moldova, Nagorno-Karabakh in Azerbaijan – all being 'plagued by persistence of unresolved conflicts'. The Chechnyan conflict has threatened to exert destabilizing spill-over over all of North Caucasus region.

[17] The Wider Black Sea region is a good empirical illustration as to how hard and soft security issues regularly interact with each other and often converge so as to form an intricate and perplexing linkage between conflict causation and breaks and fissures in the process of democratic transition , and poor sustainable development. The secessionist regions around the water body invoke immediate military security concerns with the threat of resumed conflict while directly impinging on the socio-political-economic developing in South Caucasus and Moldova. Among the soft security concerns, weak statehood and organized crime seem to be intricately inter-related in this region. Hence, regional stability and sustainable development in this region are of immediate concern to the EU. The intermittent events of terrorist violence, unresolved, 'frozen' conflicts in this entire region contribute to a political pandemonium which render the national frontiers and borders diffused, artificial and porous, with little frontier and demographic regulation of people and commodity movement across these artificial borders. Economically, the sluggish growth and unsustainable development stand in utter contrast with the economy property of the EU, which makes the latter an economic magnet. The co-existence of poverty and prosperity in close geographical proximity. Especially, after the fall of the 'iron curtain', establishment of democratic stability in this destabilized region has been the foremost political goal and long-term objective of the EU. This strategic objective is reinforced by the political assumption enshrined by the Vienna Declaration of October, 1993, that democratic countries are generally disinclined to wage war against each other.

[18] Marat, Erica (2006), *The State-Crime Nexus in Central Asia: State Weakness, Organized Crime, and Corruption in Kyrgyzstan and Tajikistan,* Silk Road Studies Paper; pp. 13

intrinsically interrelated. In the civil chaos the emergence and pervasiveness of the parallel and alternate political and economic structures that organised criminal groups create is often promising, when weak governance coupled with corruption and decentralisation debilitates the state authority. This enables organised criminal groups to resort easily to legal circumvention[19]. While these variables have been generalized across national borders, the proliferation of organized crime in the post-Soviet Wider Black Sea Region serves as the most typical example: while in Poland and Lithuania organised crime proliferated especially during the democratic transition, in Georgia, Kyrgyzstan, Tajikistan, Ukraine and Russia organised crime emerged against the general backdrop of weak governance, high corruption, economic stagnation and ethno-political mayhem.

The post-Soviet, Central Asian states carry the administrative and strategic legacy bequeathed to them by the Soviet regime. Strategically and politically, these governments formulate their policies and decisions on the basic premise that external, military forces constitute the primary threat to the state and domestic destabilization is induced by external aggression – be it inter-state conflicts or terrorist-induced casualties. Hence, prioritization and securitization of domestic sources of destabilization – structural economic crisis, weak governance and border management – has not advanced considerably[20].

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[19] Thus, not all organized criminal groups readily resort to violence like the Columbian Medelian cartels, but integrate tools of coercion and cooption to devise a pervasive survival and growth strategy enfeebling the integrity of the states. Though the structural causal linkage between organized crime and breakdown of governance and civil society is intricate and complex, the two are indeed inversely related and various upheavals in different parts of the world in the post-Cold War era render empirical weightage to this nexus. However, the proposition that domestic turbulence aids organized crime might be established beyond serious skepticism. As for instance, in Myanmar, failed governance and degeneration of civil society and democracy have together immensely contributed to the dominance and hegemony of the narco-traffickers whose activities make the country chief producer of heroin in the world.

[20] Only marginal consideration has been paid to the fact that state can be potential destabilizer in manifold ways – either actively or tacitly. While preoccupation with emergence of radical Islamic groups in the region, apart from Al Qaeda, especially that of Islamic Movement of Uzbekistan [IMU] still justifies heavy investment in and preponderance of military presence and intermittent regional military exercises by the states little is being done to ameliorate the domestic crises. For the states in the Wider Black Sea Region, factional dissent within the higher echelons of political, business or military elites and polarization of domestic political spectrum into splinter groups poses a more immediate security threat from within rather than an outright military aggression by, or confrontation with the radical terrorist groups. Such prospects are further augmented by the gradual diversion of de facto authority from the states to the non-state actors in the region who are emerging as the invisible rulers of the polity and economy of these states in transition. Hence, failure of the states to develop politico-administrative coherence, strengthening of

Moreover, the Soviet controlled economy witnessed an uneven pattern of state control over different sectors, especially in economic governance. The sudden dissolution of planned economy left the economy of the post-Soviet Central Asian states vulnerable with little ability or time to adjust themselves to the momentous shift from closed, planned economy to capitalist, open, laissez faire economy. The accumulation of private capital was also not evenly distributed. Hence, most adversely affected was the rural population hitherto employed in the large agrarian sector of Soviet economy, receiving state protection and agricultural subsidies, at a time when the size of agricultural sector relatively shrank in the economy. Against the backdrop of economic chaos emanating from the rampant looting of state property in a completely new, anonymous economic environment – the emergence and growth of 'shadow' or 'grey economy' and participation in it often provided the only means of access to capital to impoverished people, especially in rural countryside outside legal surveillance. As Erica Marat succinctly sums up:

'...with weak entrepreneurial skills among the members of post-Soviet societies and governmental institutions functioning in the old Soviet mode, the transformation of the post-Soviet states from socialist economies to free markets took place much more slowly as compared to the advancement of non-state actors. As the iron curtain of communist rule fell, criminal networks were able to, for the purposes of illicit trade, make use of liberalized border regimes between eastern and western, as well as southern and northern states, more quickly than the post-Soviet states could re-establish old economic ties in the new transitional context. Non-state actors throughout the post-Soviet space benefited from freer and more frequent flows of people, ideas and capitals to a greater extent than did the governments. In effect, in the early 1990s criminal groups throughout the post-Soviet Union developed in networking complexity much quicker than the states themselves. Over time, expanded organized criminal groups developed political ambitions. Political participation created limitless possibilities to enlarge economic enrichment and influence'[21].

When the State 'organizes' crime: The State-Crime Nexus

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administrative, legal mechanisms to circumvent corruption and infiltration of crime into state machinery and expansion of criminal networks together account for the general regional destabilization.

[21] Marat (2006), *The State-Crime Nexus in Central Asia: State Weakness, Organized Crime, and Corruption in Kyrgyzstan and Tajikistan*, pp. 16-17.

Though this 'chaotic' privatization[22] and general weak governance, due largely to the unequal distribution of the state's authority, control and surveillance over the centre and peripheral regions, combined to create a highly amenable environment that supports organised criminal activities. A modicum of administrative presence of the state – which institutionalizes [if not regulates] the redistribution of land and property and enterprises – is necessary for the non-state actors. The transition from the Soviet system to the 'law-based state' rhetorically refers to the prospective end of the Soviet legacy of corruption, lawlessness and the 'rational regulation' of the economic spheres. However, in the absence of prior knowledge and experience of legal mechanism and due to the entrenched nature of already existent state-crime nexus since the Soviet era, the transition states took a steep descent into regressive devolution marked by criminalisation of significant sectors of politics and economy. As Marat comments, '...organized criminal groups emerged in the locations delineated and reinforced, but not fully controlled by the state, where some *criminal* economic activity was possible'[23]. As for instance, in Italy the Sicilian Mafia emerged as a result of the state's weak governance of the periphery, and it forged an alliance with the mafia groups not only for economic profit, but also as an effort at division of administrative labour in supervision of the regional territory, especially the periphery. The states often forge alliances of convenience with the criminals to retain semblance of legitimate sovereignty over the most remote and vulnerable peripheral regions, especially those peripheral regions along porous, troubled borders, where criminal activities seem to be most intensified. The transition states in the post Soviet space in the Wider Black Sea Region also entered into collaborative nexus with the mafia, criminal interest groups and local satraps active in the peripheral regions. It has been argued, a systemic control of the vast multi-ethnic society and geographically distant fringes beyond the direct central state supervision is not feasible without accommodating and appeasing these criminal and radical elements. Thus, in post-civil war Tajikistan, the government machinery had to either accommodate or forge active political and business alliance with all the chief actors of the civil war – some of whom

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[22] This chaotic privatization was almost tantamount to the reality of looting of state property by a minority of entrepreneurs who also dabbled in clandestine economic ventures for profit-maximization and used their political power derived from their status of being intermediary between the state and populace
[23] Marat (2006), Ibid, pp. 65; emphasis added.

having powerful positions in the peripheral regions and registered criminal activities. The swelling and enlargement of the state machinery and apparatus also led to state-crime nexus as the enormous number of civil servants were not adequately paid. Often criminals, who were accommodated into the state, had strong regional military support without whom it was not feasible for the state to retain control over these areas. In Kyrgyzstan also, the governments under Akayev and then Bakiyev witnessed this symbiotic nexus – fusion of state and criminal interests. In Georgia, paramilitary factions like the 'Forest Brothers' and 'White Legions' in alliance with the Abkhazia militia and mafia gangs have transformed Transnistria and Abkhazia into a regional hub of terrorist and trafficking activities[24]. This proliferation of criminal activities that make Transnistria a major route to the EU markets would not have been possible without the silent compliance of the secessionist government which provides important revenue sources not only to the Georgian government but also to the corrupt bureaucrats in Moldova, Ukraine and Russia. In Russia, the transition to the post Soviet politico-economic sphere involved four critically interrelated processes that reinforced the state-crime nexus: *capture of the state*[25] *privatization, criminalisation*[26] and *institutionalization of criminal practices*[27] like

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[24] Cornell, Svante, Anna Jonsson, Niklas Nilson and Per Häggström (2004), *The Wider Black Sea Region: An Emerging Hub in European Security,* Silk Road Paper, Central Asia-Caucasus Institute and Silk Road Studies Programme.

[25] 'State capture' is a term coined by the World Bank in 2000. It is being most frequently used to explain the form that Soviet states took after the transition. It alludes to the co-mingling and convergence of the political state and political actors, criminal groups, private companies and some interest groups with lobby power. This nexus promotes hijacking of the state apparatus and state resources for the interests of a few. This process of state capture is a Soviet legacy when the monopoly and controlled economy provided the state with amenable opportunities to patronize and promote various interest groups to sustain the quasi-institutionalisation of the joint monopoly of the Soviet *nomenclatura* and criminal groups over important sectors of economy. This resulted in the creation of a peculiar political-economic infrastructure geared towards the promotion of the needs of the interest groups to protect them from competition and other market risks. They were granted selective exceptions and exemptions from many regulatory practices, bills, and taxes at the bureaucratic discretion in lieu of huge sums of bribery.

[26] The creation of the criminal state began during the Soviet time when the Communist state itself was highly hospitable to criminal schemes. However, the transition hastened this transformation when the state-capture by criminal interest groups had resulted in the creation of 'anti-law-constituencies'. The threatening prospects of exposure to anonymous forces of competition, that a liberal market would imply, stiffened the reluctance of the interest groups to relinquish their politically protected prerogatives. Hence, globalization and capitalism were localized and privatized in the sense that the objective forces of market liberalism were not allowed to operate freely and naturally to create a free market leading to what is often termed as 'controlled market'. Here the objective forces of competition are either sustained in its most pervert and degenerate form (like competition for political positions and bribery) , or suppressing competition altogether through building up a vicious network of political nepotism and decadent social capital creating a clientilistic state based on patronage.

fraud, extortion, bribery, political blackmailing etc as legitimate as regular administrative practices[28]. This has spawned the creation of 'anti-law-constituencies' in Russia and Ukraine where significant state sectors, like the legislature, police and intelligence join the criminal interest groups to give rise to clientilistic states based on patronage. Political positions have thus become commodities creating the highest bidding grounds in Kazakhstan, Uzbekistan, Russia, Ukraine, Moldova, Kyrgyzstan and Tajikistan. Many criminal groups acquire these significant political positions to facilitate their clandestine economic ventures and complement their economic power with the political[29]. The consequence of this crime-state fusion is a highly criminalised hybrid structure that can neither be called state nor market, but rather 'quasi state' or 'quasi market structures' serving the political and corporate organised criminal interests[30].

Thus, trafficking activities in the Wider Black Sea Region are pervasive and inherently problematic to eradicate because of the active role played by the states as criminal partners in the illicit ventures. These risks or threats are not direct and 'hard' in nature as none of the states in this geographical-political sphere are overtly hostile towards the EU. However, covert compliance in sustaining the criminal activities makes these states as unequal and uncooperative security partners of the EU in its considerably wide security zone. Stabilization and a balanced regional security matrix in the immediate neighborhood of the EU is fundamental in view of the increasingly indivisible global security environment. As Romano Prodi emphasized the significance of a secured and stable neighbourhood to the EU: 'I want to see a "ring of friends" surrounding the Union

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[27] The criminal practices like bribery, extortion and political blackmailing are normalized phenomena in post-Soviet Russia to fortify the core of the state-crime nexus. there is a continuity in this manipulation of judiciary and legislature and political blackmailing between the Soviet state and post Soviet state in Russia. This is largely due to very little substantive reforms in police and justice sectors. Political blackmailing is now used in the post-Communist states as a form of 'control' – where the payment if expected to be compliance and quiescence with the extortionary mechanism of the state. The extensive intelligence service is rather utilized to gather amass all the private informations of the service holders as well as private entrepreneurs – all of whom have been partners in the collective criminal venture of privatizing the property of the state. The proliferation of private security industries in the post-Communist states and their clandestine association with the criminal groups and use of modern technology have together contributed to an immense expansion of the monitoring and intelligence capacities of the post Communist states.

[28] Los, Maria (2003), 'Crime in transition: The post-Communist state, markets and crime', *Crime, Law and Social Change*, 40: 145-169.
[29] Marat (2006), Ibid.
[30] Los, Maria (2003), Ibid.

and its closest European neighbours, from Morocco to Russia, and the Black Sea'[31]. A stable neighbourhood with robust democratic institutions and rule of law is essential to the EU both for its ideological interests of spreading democratic stability and economic growth throughout the European continent as well as directly because its absence would inevitably lead to the gradual infiltration of forces of instability into the EU. However, the overtly optimistic 'ring-of-friends' vision of Romano Prodi is strikingly antipathetic to a reality which poses a grim picture of 'ring-of-risks'[32].

Identifying the routes of 'journey of jeopardy'

The EU, along with North America, is the most important destination area in the world for trafficking in human beings and human organs, narcotics and illegal arms and weapons from across the world. This lucrative, clandestine venture organised by numerous transnational criminal networks follow diverse geographical routes that connect the EU with different regions all over the world. As far as trafficking from the Wider Black Sea Region to the EU is concerned, two main routes can be identified, viz., the Balkan route and the Baltic or the Northern route[33]. However, it needs to be taken into

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[31] Romano Prodi; *A Wider Europe – A Proximity Policy as the Key to Stability;* Presidential speech delivered at the 6th ECSA; World Conference; Brussels, Belgium; 5th and 6th December; 2002

[32] The concept and variable of *risk,* as developed by Ingo Peters and Jan Bittner, can be more productively employed than that of *enemy.* As a concept, *risk* implies a deleterious, decimating impact on some asset, or set of values, or socio-political equilibrium with a high probability of loss, whose measuring criteria [not units] are loss. Risk is directly proportional to loss incurred [be it probable or real]. Hence, higher the risk, greater the probability of loss. Hence, in quantitative engineering terms, Risk = (probability of an accident/ event/threat) × (losses per probability of an accident/event/threat). Hence, *risk* includes three variables – presence or probability of threat or event or accident, presence or probability of vulnerabilities, and potential or probable negative impact, i.e. loss. Hence, *risk* is relational. Hence, nuclear power and safety engineering defines risk as R [risk] = P [probability of event] × C [consequence]. For further details, see [32] Peters, Ingo and Jan Bittner (2003), *EU-US Risk Policy in the European Neighborhood: The Cases of Moldova and Georgia*

[33] There exist many other routes which connect the EU with various other regions in the world. There also exist many geographical routes which, originating from different regions, intersect and merge with either the Balkan or the Baltic route. As for instance, the routes that connect Middle East with the Western Europe via Turkey, Greece and Italy, or the route that connects North Africa to the Western Europe via Turkey, Spain and Italy, or the route that connects the Western Europe with Central and South America via Portugal and Spain. It is difficult to examine all these routes in a single study. Hence, for the present

consideration that the mode of operation and transportation lines within these two broad routes are not static but dynamic and ever-evolving in response to the exogenous political environment, and endogenous factors of operation.

Balkan Route: The political turmoil in the region coupled with steady eastward expansion of the EU facilitates trafficking to the EU along this route. Originating from Bulgaria, Romania or Hungary, this route geographically opens into Germany and other Western European states. Traditionally, during the pre-enlargement era, this route crossed Turkey through Albania, Macedonia or Italy to Western Europe that represented a prolonged journey due to the difficulties to infiltrate the 'Fortress Europe' through the Central and Eastern European states. Istanbul has been traditionally an important
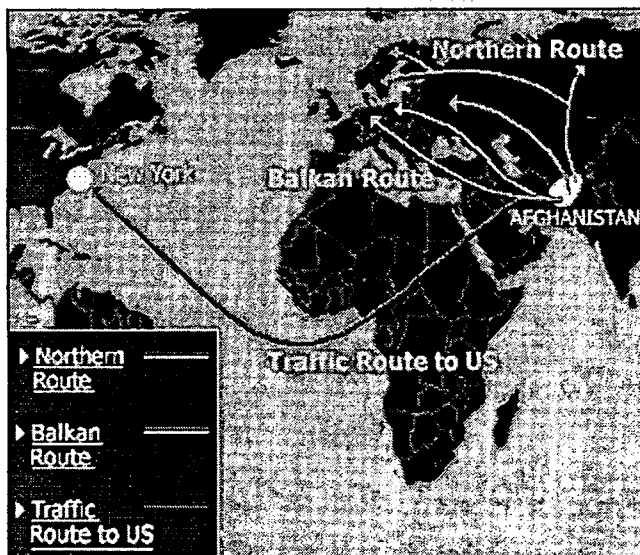
Figure 2: The two main geographical routes of trafficking to the EU, Source: http://www.wikipedia map traffickingroutes-europe.

transit point to the EU from where illegal immigrants were first being shipped through Izmir, Kas and Kousadasi to Aegean islands of Greece, Malta or Sicily wherefrom farther west through land routes.

However, the accession of the Balkan states to the EU immensely shortens the distance to be covered to enter the EU. From being the traditional transit points from Albania to Turkey to Italy, the Central and Eastern European members of the EU are now

purpose of the study, focus will be restricted to the Balkan and the Baltic routes irrespective of all the other routes originating from other regions of the world and intersecting with these two routes at various geographical points.

transformed into direct entry posts to the EU and secondary destination for the traffickers along this route. Usually the Albanian mafia and the Italian Sacra Corona Unita traffic the Kurds, Pakistani, Iraqis, Libyan and the Algerians to Italy and farther west through this route. It was estimated that in 1997 that roughly 5000 people were trafficked via this route alone to Italy per week[34]. Now that the Greek-Turkish-Pakistani mafia organizations are collaborating actively in their delinquent joint ventures in this route, the number should steadily increase.

Northern Route:

This is an expansive route that stretches from Asia, particularly Central Asian countries, crossing through the vast region of former Soviet Union – the CIS states – and often through the Scandinavian countries in case of deroute, opening into the heart of the EU. The ethno-political pandemonium caused by the implosion and break up of the former Soviet Union into confederation of small independent states, economic failure, and political corruption have made this the most important route that connects the EU with the Golden Crescent and the Golden Triangle in Asia. This route is virtually monopolized by the Russian and Chechen mafia in collaboration with the insurgents and terrorists of Central Asia and the former members of KGB and the National Investigative Agency of Russia. Also known as the Northern route, which covers the ancient Central Asian Silk route this is the conduit for opium and opium products like morphine from Afghanistan to various destinations in the world through this particular land route.

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[34] Nicola, Andrea (1999), *Trafficking in Immigrants: A European Perspective,* Paper presented at Colloquium on Cross-border Crime in Europe, Prague, 27 – 28 September, 1999, available at: www.transcrime.unitn.it (accessed on 1/9/2007).

In terms of human trafficking, the entire geographical space of Europe has been traditionally divided into two regions: the Western European countries as the chief demand-driven recipient or host countries, while the CIS, the Central and Eastern European countries are the countries of origin or suppliers. However, post-enlargement Europe defies such linear, simplistic bifurcated classification based on the economic logic of demand and supply. Several of the newly acceded CEE countries, which were formerly the transit or source countries, are now also becoming destination or host countries additionally due to various reasons: the accession not only economically kick-starts their national economies, but also several industries, especially sex tourism and labour-intensive industries like agriculture are shifting eastwards from the west which increases the demand for trafficked people. Thus, the EU is becoming a kaleidoscopic matrix of a hybrid space of destination or host countries, transits and countries of origin or supplier of victims of trafficking.

The systemic difficulty of a precise evaluation of the magnitude of human trafficking in the Wider Black Sea Region can be ascribed to a myriad of factors. The dynamics of unprecedented intra-regional demographic mobility of the refugees, asylum seekers, forcibly expelled and internally displaced people and ethnic diaspora following the breakup of the former Soviet Union renders accurate national estimates of outflow of people – legally or illegally in form of trafficking, smuggling or irregular migration – difficult to compile[36]. Moreover, this region depicts an interesting kaleidoscopic picture

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[35] Traditional gendered approach to human trafficking maintains that most of the victims of trafficking are women who are sexually exploited in the host countries. So stereotypical is the image of the prostitutes in the Western European countries that all of the Eastern European prostitutes are presumed to be trafficked from Russia, where the name 'Natasha' is quite common for the women. Hence, the trafficking in human beings to the EU from the post Soviet Wider Black Sea Region is often termed as the 'Natasha trade'.

[36] The scale of this intra-regional demographic mobility is unparalleled. As for instance, socio-political-ethnic tensions due to the Nagorno-Karabakh conflict, economic stagnation and human and natural disasters like the Spitak earthquake had contributed to the displacement and emigration of 900,000 - 1,000,000 Armenians between 1988-2005, of whom about 360,000 were refugees and ethnic minorities from other regions of the former Soviet Union who initially sought political asylum in Armenia. Due to the prolonged ethnic conflicts of the late 1980s, and early 1990s, no less than 185,519 ethnic Azerbaijanis were forcibly expelled from Armenia to Azerbaijan, while within Azerbaijan itself, about 653,000 people became internally displaced. In addition to that, round 50,000 Meshkhetian Turks from Uzbekistan are

of differential economic performance of the states, and varying demographic growth across the national borders, which boosts up the propensity for intra-regional economic migration. Thus, the pauperized Uzbeks or Tajiks or the Moldovans largely emigrate, mostly illegally and through criminal networks, to the relatively less impoverished Russian federation or Turkmenistan wherefrom they are often trafficked farther west into the EU. Thus, often, the immediate primary destinations of the migrants become the secondary destinations and transits in the entire process of trafficking. Thus, an interesting characteristic feature of this demographic mobility is that the number of outflow of people from a particular country in this region mostly outnumbers the number of inflow of the people in that particular country.

This intra-regional mobility and internal trafficking render the estimation of the exact number of victims of a particular nationality difficult. Moreover, trafficking being a clandestine, underground activity, a dearth of data and statistics on such activities always poses a veritable stumbling bloc.

Hence, the estimation of the number and percentage of victims of trafficking is being drawn from the detection in destination or country of origin, prosecutions, repatriation and assistance provided by the international agencies and NGOs[37]. Therefore, it should be emphasized that these numbers are only estimates and do not fully reflect the actual scale

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refugees in Azerbaijan. On the other hand, about 2 million out of a total population of 8 million Azerbaijanis have been estimated to have emigrated from their country, mostly to Russia and Ukraine. In Kazakhstan, the number of economic immigrants rose from 70,000 in 1997 to 300,000 in 2005, most of whom are illegal seasonal workers from Afghanistan, Pakistan, Bangladesh and other regions of the former Soviet Union, especially from Uzbekistan, Kyrgyzstan and Tajikistan. Between 1990 and 2002, around 500,000 ethnic Germans, ethnic Russians, Tatars and Ukrainians left Kyrgyzstan for Russia, Uzbekistan and Kazakhstan. Due to economic decline, between 600,000 and 1,000,000 Moldovans have left their country illegally since the early 1990s to Russia and Ukraine, apart from being trafficked to the EU, Israel and Turkey. For more details, see Rios, Roger Rodriguez (2006), *Migration Perspectives in Estern Europe and Central Asia : Planning and Managing the Labour Migration,* Research Report of International Organization of Migration (IOM); Vienna: IOM. Also see IOM (2003), *Migration Trends in Eastern Europe and Central Asia: 2001-2002 Review,* IOM Research Report; Geneva: IOM.

[37] It is indeed debatable as to whether these can be adequate index for trafficking. The number of prosecutions relating to trafficking is limited due to limited instances of detection and arrests. Detention at the borders also cannot be relied as the corruption of the border security guards allows for unhindered trafficking in most of the cases. Data based on repatriation is also inadequate as the ratio of people being repatriated or deported from the host countries is relatively low because both of the social stigma that the victims associate with, for which they might voluntarily decline to repatriate, or the sheer difficulties in detecting and arresting the criminals and the victims in case of deportation. Moreover, generally both the host countries and countries of origin seek to masquerade the magnitude of trafficking. See Roger Rodriguez Rios (2006), Ibid, for further details.

of trafficking, and the real magnitude of human trafficking far exceeds the number of referrals and detainees.

Changing Trends and Patterns in Trafficking from the Wider Black Sea Region

Enormous changes and readjustments can be discerned in the operational methods and dynamics of rapidly shifting geographical routes of trafficking from the Wider Black Sea Region more recently. These changes and newer trends are survival strategies of the criminal groups in the face of growing salience and awareness of the issue of trafficking in the EU and subsequent legal and police enforcements by the national governments and international organisations: organised crime has been resilient and adaptive enough to accommodate significant flexibility in its operational networks[38]. All of these newer trends and attributes contribute to the considerably *less visibility* of the entire operational framework of trafficking. Thus, the paradoxically marked decline in total number of referrals of victims of trafficking, as the outcome of the elaborate field reports of the International Organization of Migration in 2002-2003 is the index of this changed operational framework. However, this indicates a mere decline in *number* of *identified cases*, rather than a decline in the *real* number of victims in absolute terms rather than confirmation for the complacence that the recent tightening of border control on the outer rims of the Schengen has persuasively encumbered the infiltration into the Fortress. [39]

Thus, exploring newer routes of trafficking yields to the circumvention of enhanced surveillance and control of traditional and known routes. In response to police measures and legal enforcements to block the water routes between Albania and Italy, the trafficking routes from Albania have significantly changed within a relatively short span

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[38] Rahmani, Ladan (2004), 'Invisible Routes: An Explanatory Study of Changing Patterns and Trends in Routes of Trafficking in Persons in the Balkan region', in Nilufer Narli (ed.), *Trafficking in Persons in South East Europe – a Threat to Human Security;* Research Report; 11th Workshop of the study group 'Regional Stability in South East Europe'; Vienna

[39] Raviv, Tala and Alberto Adreani (2004), *Changing Patterns and Trends of Trafficking in the Balkan Region: Assessment carried out in Albania, Bosnia and Herzegovina, the Province of Kosovo (Serbia and Montenegro), the Former Yugoslav Republic of Macedonia and the Republic of Moldova;* Research Report, International Organization for Migration, Geneva: IOM.

of time with a marked decline in the notorious *shipboat phenomenon*[40]. The sea route is being increasingly abandoned in favour of new land routes through the mountains: from Korce, Kapshtice or Kakavije to Greece; from Podgarec or Oher to Macedonia. Moreover after the 2007 enlargement the traffickers did not have to travel illegally through Albania all the way to Italy. Sofia, Bucharest, Warsaw, Prague, Budapest have now become the new 'legal' transit points from the Wider Black Sea Region to the EU.

A relatively new trend in trafficking through the Wider Black Sea Region is the phenomenon or *re-trafficking* or *internal trafficking* or a series of intra-regional single border trafficking which precedes the external trafficking to the EU. This can perhaps be termed as *double or multiple trafficking:* the victims are first trafficked internally within the region itself. After being exploited for sexual or non-sexual purposes at various locations, they are further trafficked to the EU or United Arab Emirates, rather being recruited and then directly trafficked to the EU. This *multiple trafficking* exposes the victims to multiple exploitation. Thus, Moldovan women trafficked for sexual purposes can be first employed in the brothels in Moldova itself, before being trafficked to Albania or Bosnia-Herzegovina or Kosovo or Poland or Czech Republic to be exploited again in the local sex industries wherefrom finally they are being sent to the Western Europe[41].

Trafficking through and from the Wider Black Sea Region is also increasingly becoming less visible and impermeable to legal enforcements and international and national surveillance. Newer criminal entrepreneurs and groups are investing huge sums in human trafficking opening newer avenues and 'dangerous channels' of political corruption through pervasive infiltration into the state machineries. The changed and new modus operandi of the criminal groups seeks to 'legalise' their activities through various innovative means apart from traveling through newer routes: procurement of legal documents, forged passports and visas, transporting the victims on tourist visas and

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[40] Formerly, the victims from Albania or passing through Albania were trafficked through overcrowded ship-boats to the various cities of Italy, Turkey and Greece via the numerous water routes. Recently the concerted efforts by the Italian and Greek police have yielded to increased detention of these ship-boats en route Italy or Greece and resultant deportation of the victims to their countries of origin.

[41] This is in compliance with the general trend of intra-regional demographic mobility. This chain of multiple trafficking makes determination of the country of origin of the victims trafficked from a particular country and estimation of the exact number of victims from a particular country of origin difficult.

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thereby crossing the borders legally. As the IOM report succinctly sums up these varied adjustments and changes in the criminal modus operandi:

'Complex structural protective rings have been conceived and established to obtain maximum economic return from the human trade. These protective rings allow consolidation and growth in trafficking activities. The first and most effective of these rings is the protection provided by corruption of state functionaries, officers in police forces and armed services, of politicians, or even personal in foreign embassies and consulates...A second ring can be defined s the emerging protection ring consisting the presence of a logistical structure capable of moving the victims from the visible places, such as nightclubs and bars, to private premises, such as nightclubs and bars, to private premises, such as apartments, saunas or escort agencies. The third and final protective ring operates by raising the standard of living of living for the victims, guaranteeing them some pay and a better working environment, and thereby providing a new way of ensuring total control over victims and their cooperation'[42].

An important new feature of trafficking in this region is the changed social profile of the traffickers and the increasing participation of women in trafficking as recruiters and pimps feeding upon the social construction of the image of women as 'more reliable' and averse to moral and social aberration and delinquency.. In Ukraine, recent estimates confirm, that 70% of the recruiters and pimps are now women[43]. Most of these women are the former victims of trafficking and of the same region and nationalities as the current victims. This is often termed as the *second wave*[44] where the formerly trafficked women return home as recruiters since the prospects of reintegration into the mainstream society, after being trafficked and trapped into prostitution, are considerably low due to the high degree of socio-psychological stigma associate with the sex trade. Moreover, often the victims choose to voluntarily transform themselves from victims to perpetrators for additional supplementary income, or as an avenue of escape from unmitigated torture of sexual harassment and physical violence.

Finally, the accession of Romania and Bulgaria to the EU in January 2007, has obliterated many of the earlier impediments that the traffickers had to confront while traveling all the way to the EU. Since 2002, as Romanians and the Bulgarians do not require visa to enter the Schengen region, the victims of trafficking from Romania, Bulgaria and Moldova do not require to illegally pass through Albania to enter the EU. Moreover, many traffickers from Ukraine, Albania, Belarus, Georgia, Russia and

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[42] *Changing Patterns and Trends of Trafficking in Persons in the Balkan Region (2004);* Research Report of IOM Counter-Trafficking Service; Geneva: IOM; pp. 13.

[43] Hughes, Donna M. (2000), 'The 'Natasha' Trade: The Transnational Shadow Market in Women'; *Journal of International Affairs,* 35:2; 625-651.

[44] Donna Hughes; Ibid.

Kazakhstan are obtaining forged Romanian and Bulgarian passports. Thus, *legal or apparently legal form* is increasingly becoming the preferred mode of trafficking: the victims are either being provided with legal documents, passports, visas and valid entry papers due to the growing nexus between the ministry of tourism and underworld crime. Thus, the victims of the EU member states in the region are being trafficked in *apparent legal form* when they need no visa, nor work permit, but only legal passports and entry papers[45]. This enhances the *invisibility* of the entire trafficking operation and the presence of the victims in this entire region and hence, circumvents all the traditional set of legal countermeasures. The considerably high cost of procurement of these legal documents explains the increasingly heavy investment in trafficking of human beings and combination of human and narcotics trafficking in recent days, when the victims of trafficking are being transformed into drug 'mules' or carriers.

Identifying the Criminal Groups and Network active in Trafficking

The existence of an extensive transnational criminal network active in trafficking of human beings from the Wider Black Sea Region to the EU is being evinced by Europol. This extensive operational linkage is broadly constituted by some criminal meta groups like Italian, Albanian, Russian, Chechen, and Dutch mafia. Evidences show that the Greek and the Pakistani mafia are also being increasingly involved in this transnational human trafficking network. However, it is necessary to take it into consideration that the entire transnational criminal network of human trafficking is constituted not merely by these meta groups of mafia-like organisations of various nationalities, but also other numerous medium and low level criminal groups or individuals who integrate the entire system into a coherent structural network, and fill up the functional gap between the high level meta groups at the top and the lowest common denominator of the entire process of trafficking – the victim. The meta groups of the mafia-like organisations constitute the high level group which do not directly participate in the recruitment or transportation process. Rather, they invest the sum necessary to finance the entire trafficking operations,

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[45] IOM (2004), *Changing Patterns and Trends of Trafficking in Persons in the Balkan Region*, Geneva: IOM.

establish commercial and collaborative networks with other high level criminal groups in other countries in exchanging or trading in victims of trafficking by setting prices of the commodified victims of trafficking as well as in joint participation in the clandestine ventures as joint partners, and control the entire transaction process by contacting and employing the middle level groups on pure contractual basis. As for instance, the Russian or the Chechen mafia have close commercial and collaborative networks with the Albanian, Italian and the Dutch mafia. They together manage the transnational trafficking network as joint partners, often arranging for the exchange and trade in the victims, sharing the total profit according to the degree of their participation, investment and control, laundering this money to finance other illegal activities like the trafficking in narcotics and arms.

The middle level criminal groups are the interlocutors and intermediaries who, being employed and commissioned with the operational tasks by the high level groups, are active in the transportation stage of the trafficking[46]. They are mainly active at the geo-strategically important regions, like the frontiers and borders of the origin, transit or destination countries. They arrange for the forged travel documents of the victims and border crossings in collaboration with the corrupt border guards, police officials, travel agencies, and visa officers. Thus, in Bosnia and Herzegovina, these middle level criminal groups are mainly active in the areas of Velika Kladusa, Bihac and Johovica. In Kosovo, middle level criminal groups managed by the Albanian Kosovar, Albanian Macedonian or Serbian Kosovar are concentrated in the village of Slatina near Pristina's airport. In Macedonia, criminal groups active in trafficking are concentrated in Struga, Tetovo, Velesta and Kichev areas where approximately 250 criminal groups are active[47].

The low-level criminals 'constitute the fundamental component of low level unskilled criminality'[48] and considerably outnumber the high and middle level groups. These low level criminals can be of a particular groups, or individuals working 'under a type of mandate either granted by medium-level groups or ...on orders from individual

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[46] IOM (2004), *Changing Patterns and Trends of Trafficking in Persons in the Balkan Region;* Geneva: IOM.
[47] Ibid.
[48] Ibid, pp.13

traffickers'[49]. They are mainly the pimps, brothel and night club owners, diasporic communities (who establish business contacts between the origin and destination countries in which they live and advertise the clients), local criminals in countries of origin, and primary and secondary destination countries who are instrumental in recruitment, determining the departure and arrival points and delivering the victims to the clients, pimps or other criminal groups. Thus, for instance, the recruitment and transportation of the victims from Moldova to the Western Europe are directly controlled by the low level criminals or pimps in Moldova, Albania (which the victims cross as transit or secondary destination), Czech Republic (the transit), and Austria or Germany or Italy (primary destination).

Particularly paradoxical is the fact that in recent years as the collaborative nexus between these different criminal levels constituting the transnational trafficking network is becoming closer, thanks to the massive developments in the technology and communications system, the personal interaction and acquaintance between these criminals of different levels is becoming negligible. This growing anonymity is rendering it increasingly difficult to detect and dismantle the transnational criminal networks: detection and arrest of some criminals now do not consequently lead to the detainment of the entire network, because unlike that in a hierarchical organisation, in the transnational networks,

Trafficking for labour exploitation

As has already been pointed out, a gender-sensitive approach to human trafficking reveals the fact that victims are being trafficked due to non-sexual labour exploitation as well. The demand in the EU in many labour-intensive sectors of economy of low-skilled or un-skilled jobs is cheap, cost-effective labour irrespective of gender. The steady replacement of the illegal Moroccan male workers from the Spanish agriculture by the Eastern European (especially Polish and Romanian) female labours is an illustration of

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[49] Ibid; pp.13

this gender-neutral demand in the EU for cheap labour in the 3-D jobs (dirty, difficult and dangerous) which the natives are reluctant to take up[50]. Western Europe witnesses a prolonged demographic aging and the concomitant labour shortage in different sectors of the economy, especially seasonal labour in agriculture and semi- and un-skilled labour in textiles, manufacturing and construction, catering services, food processing, handicrafts etc. The 'knowledge society' still paradoxically depends on many 'hidden' sectors of underground economy which needs large number of such semi or un-skilled labour force and the victims of trafficking and the illegal immigrants fill up this vacuum and labour shortage. These low-paid and instable jobs, commonly referred to as the '3 D jobs' [dirty, difficult and dangerous] are not usually taken up by the native workers and hence, trafficking and illegal and irregular immigration can co-exist with high levels of unemployment in the host countries. As Liemt points out, 'This facilitates the upward mobility of native workers, allows a better use of industrial capacity and enhances profitability and economic growth'[51].

On the supply side, the immense population growth in Eurasia and the Middle East resulting in the resource imbalance and soaring unemployment are driving many people to be susceptible to the criminals[52]. Not only the Central Asian and East European people, but recently, significant number of people from the Middle East – Yemen, Iraq, Algeria, the Gaza Strip, Afghanistan, Egypt and Turkey – are being trafficked through the Wider Black Sea Region to the West for labour exploitation. The economic stagnation, political instability, high unemployment and recurrent ethnic strife entwined with a mystic vision of the West increase manifold the desperation of the people from these regions to

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[50] El-Cherkeh, Tanja et al (2004), Ibid.

[51] Ibid; pp. 7-8

[52] Two mega-trends act as the catalyzing factors of this movement of population from this part of the world to the EU and farther west. The general demographic structure of the Muslim world and the Eurasia is in direct contradiction with that of the EU: the demographic structure in the former is strikingly younger in comparison to the graying EU demography, with a very high birth rate and prolonged fertility period amongst the women, due primarily to the custom of comparatively early marriages. The sexual demographic balance in these countries, especially in the Muslim world, is in the favour o the men with an imperfect male-female ratio. Most of the young population are urban, semi- or un-skilled male, without secondary education and re un- or under-employed. The sexual imbalance of the demography in the Muslim world is compounded by the Muslim custom of polygamy practiced by the people of wealth and affordability. This sexual imbalance of the population, in addition to the other structural factors, according to Andrew Nicholas Pratt, contributes to the growing desperation to emigrate. For detailed discussion on this, see Pratt, Andrew Nicholas (2004); 'Human Trafficking: The Nadir of an Unholy Trinity'; *European Security;* 13: 3; 55-71.

emigrate. These potential and wanna-be-emigrants have very little or no access to the legal visa assistance or transparent labour recruitment services. Moreover, there is ridiculously low awareness among the potential migrants about legal migration procedures and employment avenues, which makes them vulnerable to criminal trafficking networks[53]. The stricter, exclusionary and negative border control of the EU further diminishes the prospects for legal economic migration to the EU leaving a veritable dearth of options amongst the aspiring migrants. This politico-legal ignorance, coupled with the desperation to emigrate against a general backdrop of inadequate regional efficiency to coordinate and regulate the intra-and extra-regional mobility is being manipulated by the trafficking groups through a set of inducements of false job promises, or in other cases, through coercion and intimidation.

The victims include men and women of working age, as well as children for forced labour in carpet industries or in street begging and pick- pocketing and petty crimes. A substantial number of children visible on the streets of the Greek, Italian, Polish, Czech and Hungarian streets, either begging or washing windows of cars and shops are trafficked from and through this region.

According to the IOM estimates, between 1988 and 2005, 900,000 to 1,000,000 people left Armenia[54], including the refugees and the internally displaced people from Azerbaijan and other regions of the former Soviet Union[55]. However, legal labour migration is being estimated by the Armenian officials in 2005 during this entire period is only 13.9 per cent. As labour migration is not strictly regulated by the legal norms and

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[53] As for instance, in Kyrgyzstan, 2/3rd of the total potential migrants have little or completely no knowledge about the migration laws and procedures, while 2/3rd of those who emigrate illegally are completely unaware of and unfamiliar with their destination. This figure can be translated into a rough estimate of the magnitude of the victims of trafficking from Kyrgyzstan because in the process of trafficking the modus operandi is to keep the victim unaware of their destination. The IOM report observed that while in Armenia 2 out of every 3 people (about 67% of the entire population) reveal strong proclivity and willingness to emigrate, 61% of the entire Armenian citizens are ignorant about legal migration procedure, 40% believing it to be feasible to enter the EU without valid visa and travel documents, and 58.7% believing that they do not require work permits to work in the EU. See *Public Awareness on Migration-related Issues;* IOM and Armenian Sociological Association (ASA); Yerevan; 2002.

[54] Labour migration from and through Armenia can be traced back to the late 1980s when the hard-earned independence has only offset the socio-economic-political equilibrium compounded by the Nagorno-Karabakh conflict and the natural disasters like the Spitak earthquake of 1988.
[55] Roger Rodriguez Rios (2006), Ibid.

the willingness to emigrate is extremely high[56], most of this emigration is being estimated to be illegal migration or trafficking with forged travel documents. There have been detected several documented instances of illegal, unlicensed organisations promising to broker employment in Russia and the West. And since labour migration is systematically uncontrolled and unregulated by the government, traffickers often choose Armenia as a transit as well as country of origin. Armenian workers are being found in large number in the sweatshops in Russia, and the low-paid jobs in Italy, Greece and the Netherlands.

Given that till 2005 only 19,568 legal labour immigrants have been recorded in Azerbaijan (through the issue of registration cards), and that only 5-10 per cent of the illegal migrants and victims of trafficking are being detained at the border, the number of victims from and through Azerbaijan (mainly from Russia, Ukraine, Moldova and Turkmenistan) can be as high as 200,000[57]. In 2002, a transnational criminal network with criminals from Iraq, Iran, Azerbaijan, Russia, and Belarus was dismantled which allegedly trafficked innumerable migrants from Iran, Iraq, Afghanistan and Pakistan to the EU through Azerbaijan as the transit. In Baku alone, around 10,000 illegal travel agencies, which were purportedly parts of the trafficking chain providing fabricated travel documents and promises of employment in the EU, have been closed down[58].

In Ukraine it is being estimated that 40 per cent of the total victims of trafficking are being trafficked to the EU for non-sexual exploitation of cheap labour or services[59]. And while some official statistical data on illegal labour migration and trafficking estimate that some 20,000 – 30,000 people illegally migrated or were trafficked from and through Ukraine to the EU in 2000-2002, other official data reveal that the figure can be as high as 500,000[60]. Among them are included, apart from the Ukrainian nationals, the victims from the Middle East and Central Asia, most of whom are being exploited for non-sexual labour in Russia, Poland, Spain and Western Europe[61]. In 2005 alone, 37 criminal groups were discovered which were involved in trafficking cheap labour to the EU for non-

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[56] Two out of every three Armenian want to emigrate in search of employment and a better living.
[57] CLAM (2006); Report of 14th June, 2006; Report for Legal Assistance to Migrants; Centre for Legal Assistance to Migrants.
[58] Roger Rodriguez Rios (2006), Ibid.
[59] Ibid.
[60] 'Letter of the Ministry of Labour and Social Policy of Ukraine'; *Fourth Wave of Migration: Regional Specifics;* Kiev: Institute of Diaspora Studies; 2002
[61] Polyakov, Leonid (2004), 'Illegal Migration: Ukraine'; *European Security,* 13:3;18-33

sexual labour[62]. Included amongst them were particularly the groups trafficking people to Great Britain for cheap labour in fishing industries in Scotland.

Trafficking in Women and Children for Sexual Exploitation

The transnational shadow market in trafficking of women and children correlates with the booming sex industries in the developed countries, which generate great sustained demand for East European women, especially from Russia and Ukraine, where *feminisation of poverty* and gender-pay gap compounds the vulnerability of women to the traffickers[63]. Trafficking in women from the Soviet Union started during perestroika and relaxation of travel restrictions to the West. It boomed with the fall of the 'iron curtain' when the criminal groups formed transnational networks of trafficking in collaboration with the diasporic communities and the local criminals in the West. Heightened immigration of refugees, asylum seekers and labour commodiously acted as the smoke-screen to conceal increasing trafficking in women. The demand for 'exotic' women from the East also markedly increased particularly around this time when the supply of East European women was more[64]. Moustgaard's study finds that 60 per cent of the sex industries in the Western Europe is being controlled by the criminal, mafia-like networks[65]. The sex industries in the West do not only concern street- and brothel-prostitution but also stripping, battering, incest, pornography, mail-order-bride trade, sex tourism, internet prostitution, child prostitution especially for the paedophiles etc. As Donna Hughes defines, 'Sexual exploitation is a practice by which a person achieves sexual gratification, financial gain or advancement through the abuse or exploitation of a

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[62] Roger Rodriguez Rios (2006), Ibid

[63] Structural gender inequality in the Wider Black Sea Region, and the veritable disparities in income on gender grounds compound the willingness of the women to migrate for work.

[64] As for instance, when after 1989 the Soviet Jews started migrating to Israel amounting to some 800,000 of immigrants in Israel within a few years, the criminal groups seized this opportunity to traffic 10,000 women to Israel sex industry. Since then, Israeli sex industry is being dominated by trafficked women from Central and Eastern Europe. For further details, see Donna Hughes (2000), Ibid.

[65] Kelly, Liz (2002), *Journeys of Jeopardy: A Commentary on Current Research on Trafficking of Women and Children for Sexual Exploitation within Europe;* Working Paper; International Organization for Migration , Geneva: IOM.

person's sexuality by abroagating that person's human rights to dignity, equality, autonomy and physical and mental well-being'[66].

Though rough estimates of the total number of women and children trafficked to the EU from and through the Wider Black Sea Region have been framed, it is difficult to compile exact number of the victims due to absence of reliable data[67]. Especially after the 2007 EU accession, this number has become further difficult to estimate due to the invisibility of the entire process: much of the entire process of trafficking from the general Wider Black Sea Region has become internal. According to the recent estimates of the Swedish NGO, Kvinna till Kvinna, a whopping number of 500,000 women and children (80% of whom are under 18 years of age) are trafficked annually to the EU from and through the Wider Black Sea Region[68]. On the other hand, the IOM reported that the trafficking of women and children to the EU from and through Eastern Europe has reached the magnitude of around 200,000 per annum[69]. Combining the different estimates together, the average number can be around 350,000 per annum, and the total annual turnover from this shadow market, according to the Organized Crime Situation Report of 2002, varied between 100 million euros and several billion euros[70]. Taken together, Russia and Ukraine are the largest suppliers of women for sexual exploitation in the EU[71].

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[66] Ibid; pp. 15.

[67] Trafficking is a clandestine activity through circumvention and manipulation of existing politic-legal loopholes, and hence it is difficult to record the exact number of victims. Some countries do not give adequate importance and precision to compilation of data on the phenomenon due to what is already explained as 'security dichotomies' and also absence of legislations to facilitate the task. The national statistical estimates widely vary not only due to absence of scientific methodology of compilation, but largely due to the fact that such data are gathered by numerous agencies. This often gives a competing and conflicting array of heterogeneous informations. Mostly, the data is collected from the number of police arrests and victims detailed at the border and the interviews of the victims of trafficking. But a considerably large section the dark world of trafficking remains unidentified, the information about which is difficult to procure. Moreover, inter-state cooperation in information exchange in data on trafficking is ad hoc and not coherent and systematic. In addition to these systemic difficulties, a definitional vacuum or conceptual grey area due to the divergent use of the term trafficking across national borders and absence of a general definition in the world of policy making further impedes accurate estimates to be made.

[68] Lehti, Martin (2003), *Trafficking in Women and Children in Europe,* Working Paper 18,The European Institute for Crime Prevention and Control; available on http://www.heuni.fi (accessed on 14/9/2008).
[69] Ibid
[70] Den Haag (2002), *2002 EU Organized Crime Report,* Europol
[71] Hughes, Donna M. (2000), Ibid.

In the South-Eastern Europe – Albania, Bosnia and Herzegovia, Bulgaria, Croatia, Kosovo, Macedonia, Moldova, Romania, Serbia and Montenegro – 90% of the trafficked women (of whom 10-15% are under 18 years of age) are first locally employed within the region in local and regional sex industries before they are being re-trafficked further westwards[72]. As for instance, majority of the trafficked women from Albania, Bulgaria, Moldova and Romania are trafficked to the EU through Bosnia and Herzegovina, Kosovo, Serbia and Macedonia. Hence, at the macro-level analysis these are the chief transit points to the EU. However, at micro-level, they are also the secondary destination areas because, the victims are trafficked to the EU generally after being exploited in the local and regional sex industries.

There is particularly high demand for women from the Baltic States in the Nordic countries, especially in Denmark, Sweden and Finland. After the enlargement, trafficking in Northern Europe is becoming largely internal, free of previous Schengen restrictions. The Nordic countries have been traditionally the primary destination for trafficking in women and children from North-Western Russia and the Baltic countries. However, after the accession, the Baltic States are becoming increasingly the secondary destination of trafficking from Russia, Ukraine and the CIS countries. Thus, while previously Lithuania, Latvia and Estonia were primarily the source countries for prostitution markets in Germany, Sweden, Denmark, Finland and Norway, they are now becoming secondary destination and transits also. A chief characteristic of prostitution in these Nordic countries is that prostitution is mainly *mobile* rather than permanent and residential in nature. Prostitutes from Russia, Ukraine and the CIS states travel to these EU countries as temporary tourists on visa, their staying period at the destination countries depends on the demands of their clients, but usually at the most a few weeks. The trafficking network comprises of the local criminals in the destination as well as source countries: the criminals in the source countries organize the recruitment and transportation of the victims to the destination countries, while the local criminals in the host countries arrange for their accommodation and lodging and mobilize the clients. While internal prostitution of the Baltic and Nordic countries together employs around 30,000 women, men and

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[72] El-Cherkeh, Tanja, Elena Stirbu, Sebastian Lazaroiu and Drangos Radu (2004), *EU-Enlargement, Migration and Trafficking in Women: The Case of South Eastern Europe;* HWWA Report; Hamburg: Hamburg Institute of International Economics.

"Ukraine is a source country for women and girls trafficked to Central and Western Europe ... for the purposes of sexual exploitation .... The growth of internal trafficking for young girls is a rising concern, as is the susceptibility of children in orphanages to traffickers .... The Government of Ukraine does not yet fully comply with minimum standards for elimination of trafficking"[84].

The trafficking in minor and children for sexual exploitation is also on a steady ascent. Children, apart from being sexually exploited both as prostitutes and homosexuals by the paedophiles, are also being commodified in the making of pornography: many paedophiles record and film their sexual encounter with the minors, most of which involves physical brutality, and distribute on the internet. Homosexuality and paedophilia are on considerable rise in the Western Europe, and high demand is being discerned for minor boys and girls from the Eastern Europe. In Romanian reports, there is very high demand for minor boys in Western Europe who are being sexually both as prostitutes and homosexuals. The traffickers receive between €400 - €1,000 for every minor trafficked to the EU, especially to Germany, Italy, Sweden, Finland and Greece, and 23% of the total number of victims trafficked to the EU from Romania are minors[85]. So high is the demand that it is being estimated that in Romania, about 12% of the total women under 18 years of age are at high risks of being trafficked[86].

In Moldova[87], particularly high prices are being paid for the minor virgin girls to be sold in the United Arab Emirates and the EU, with the prices rising as high as $10,000 per minor with extra prices for their virginity. Of the total number of human beings trafficked to the EU from Moldova, 8-55% are minor girls and boys. Sometimes, the parents of the trafficked minors pay as high as $1500 to the traffickers to move them out of Moldova with the expectations for their better future[88]. Moreover, the issuing of Romanian citizens to many of the Moldovans further complicates the problem of estimating the real scale of

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[84] U.S Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report;* 11th June, 2003; available on http://www.state.gov/g/tip/rls/tiprpt/2003/.25.

[85] O'Brian et al (2004), Ibid.

[86] El-Cherkeh, Tanja, Elena Stirbu, Sebastian Lazaroiu and Drangos Radu (2004), *EU-Enlargement, Migration and Trafficking in Women: The Case of South Eastern Europe;* HWWA Report; Hamburg: Hamburg Institute of International Economics.

[87] After the 2007 enlargement, Moldova is the immediate and direct neighbour of the EU. But due to prolonged unresolved conflict in Transnistria, insufficient border control, economic stagnation and general political destabilization, Moldova ails to live up to the EU expectation of 'stable, secure and prosperous neighbours on their Eastern European border'.

[88] O'Brian et al; Ibid

trafficking from Moldova as well from Romania[89]. In addition, possession of legal passports provide for the *apparently legal form* of trafficking of the Moldovans. It is being estimated that during the immediate pre-enlargement period in 2007, Romanian citizenship has been issued to about 300,000 – 600,000 Moldovans[90]. Moldova, along with Romania and Albania, has been denigrated, in the context of human trafficking, as the 'most unsafe country' in Europe. As Roger R. Rios says, '...forced or voluntary sex labour migration leads to lower moral standards among the population; in the eyes of the of the society, such work is increasingly viewed as "normal"'[91]. Especially, children are most vulnerable to the criminal groups, as most of them lack proper family protection. It is being estimated in 2006, that 70,000-150,000 children in Moldova are being brought up by single parents, or relatives or neighbours or even living on streets, because both of their parents have been international labour migrants or victims of trafficking[92].

The Moldovan, Romanian and Serbian traffickers in collaboration with the Albanian traffickers have trafficked more than 4000 minors between 1992 and 2000 from Albania alone to Greece and Italy for both forced labour and prostitution[93]. Currently, it is being estimated that 87% of the total victims of trafficking from Albania to the West are being minors[94]. From Kyrgyzstan, the IOM estimates, more than 4,000 victims per annum are being trafficked to the EU, of whom, 10% are minors. While in Tajikistan, the Ministry of Interior estimated in 2002-2003 that more than 300,000 victims have been trafficked for sexual exploitation in the West, with a substantial number of children[95].

Though reliable data on the number of minors involved in prostitution in and trafficked from Czech Republic is lacking, the region has developed a thriving minor sex industry for the paedophiles, especially from Germany and Italy coming to the Czech Republic as

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[89] Romania grants and issues citizenship for those Moldovans who can provide legal documentary evidences to prove that they are of Romanian descent – that either the parents or the grandparents of the concerned Moldovan were Romanians. While suspended for the accession requirements in 2002, this citizenship law was again renewed in 2003 in addition to the codification of a new law legalizing the Moldovans to hold dual citizenship.

[90] The number of applications for Romanian citizenship from Moldova increased significantly before the Romania's accession, due to the wide-spread apprehension about the prospects of Romanian-Moldovan border becoming inviolable. For more details, see El-Cherkeh et al (2004), Ibid.

[91] Roger Rodriguez Rios (2006), Ibid; pp. 64.

[92] Ibid.

[93] Research Report; Ministry of Public Order, Albania; available on

[94] O'Briain et al (2004), Ibid.

[95] Kelly, Liz (2005), *Fertile Fields: Trafficking in Persons in Central Asia,* IOM Research Report, Vienna: IOM.

sex tourists, especially around Czech-German and Czech-Austrian borders, renting the so-called 'gay-friendly houses'[96]. 'Very high' prices are reportedly paid by the Western European paedophilic sex tourists in the Czech Republic for the minor prostitutes, and sometimes as high as €20,000 for very young children[97].

Death that precedes death: Transnational Trafficking in Human Organs

The most dehumanizing and ghastly aspect of human trafficking is the trafficking for the purposes of human organs. The unprecedented developments and modernization in organ transplantation have created a vast transnational space which is not merely driven by clinical rationale but also increasingly (and infamously) by the criminal motivation of profit, and economic dynamics of demand and supply. This transnational space is thus operated by a multitude of individuals with or without criminal affiliations – The flow of the organs follows the modern route of capital – from economic South to North. It is now detected that a large network of 'transplant mafia', based in the post Soviet sphere is immensely profiting from the 'global organ shortage'[98]. They are either trafficking live donors to the host countries for harvesting their organs, or getting them operated in the countries of origin and illegally send the organs to nearby storage points. In Europe, illicit organ transplantation and organ harvesting operations (removal of kidney, lungs, tandons, heart valves, bones, pieces of lever, skin, corneas etc) have risen to record level, when the removed organs are being stored in cold storages 'until they are ready to be air lifted to illegal distribution centers in rich industrialized countries' in the EU and the US[99]. The high demand for human organs in the EU, especially after the international ban on the

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[96] Here, along with the rooms with all facilities, the clients are being provided with a minor prostitute boy. Sometimes, in lieu of very high prices, more than one minor boy are being rented to a single client.

[97] O'Brian et al (2004), Ibid

[98] This disparity between the supply and demand for human organs can be best understood by the American case. It has been estimated that in the US, some 36,000 people are in need for organs for transplantation and in 2003 about 6,000 people died in need of organ. For further details, see Pratt, Andrew Nichols (2004), 'Human Trafficking: The Nadir of an Unholy Trinity', *European Security*, 13:3; 55-71.

[99] Ana Lita (2007), 'Organ Trafficking in Eastern Europe', Editorial Column in Human Network News; October, 17, 2007; available at : http://humaniststudies.org/enews/?id=319&article=6 (accessed on 6/6/2008).

sale of organs and live donors, can be gauged from the prices being paid that can be as high as $8,000 - $100,000 per kidney. Moldova, Albania, Romania, Ukraine, Russia and Turkey are the chief suppliers of human organs to the Western Europe. And the criminal clinical space in the Western Europe in coordination with the East European mafia groups control the transnational network in organ trafficking.

The news of a Russian grandmother in Ryazan attempting to sell her 5-year old grandson for his organs in lieu of $90,000 in 2000 had stirred the media[100]. As Andrew N. Pratt says, 'The desperate desire for even the most basic of commodities, a television, has tempted some impoverished Eastern Europeans attempting to evolve into homo connectus to even sell their children'[101]. In Moldova, startling reports reveal that in some villages 14 out of every 40 men sell their organs for very high prices[102]. In Menzi, Cagule and Chimishlii in northern Moldova, almost everyone is estimated to been 'under the knife', with local officials defending the illegal trade as a veritable strategy to ameliorate poverty[103] Moldova ranks 3rd in the entire spectrum of suppliers of organs for trafficking, ranking only after Brazil and India, where the government officials are deeply implicated in the trade. Sharing common border with the EU after the 2007 enlargement, Moldova is the cheapest source of human organs to the EU[104], where one human organ is being removed in every 6 minutes for trafficking purposes, and high vulnerability of

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[100] 'Russian Grandmother wanted to sell child for organs'. CNN News, November 28, 2000. available at: http://www.balkanforum.org/print.php?threadid=1724&page=1&sid=057ed8d3a7f3e206103dad6b8ae1c2cf (accessed on 6/6/2008).

[101] Pratt, Andrew Nichols (2004), Ibid; pp. 68.

[102] Ana Lita, 'Organ Trafficking in Eastern Europe'.

[103] Karen Ryan (2007), 'Government officials behind the record rise in Moldova organ trade'; *The Tiraspol Times;* February 23, 2007; available on:
http://www.humantrafficking.org/uploads/publications/IOM_Data_Research_Human_Trafficking.pdf#page=233 (accessed on 6/6/2008).

[104] An increasing recent trend among the rural unemployed Moldovans is to sell their kidneys for even less than $3,000, which according to the international price for human organs, is considerably low. Many of them sell their organs to earn enough money to travel out of Moldova to escape poverty and deprivation. Apart from the economically impoverished voluntary donors, the criminal gangs abduct thousands of people for organ transplantation. Many of these victims die in the process of the transplantation, their bodies being dumped in canals or at roadside with their organs missing. Many of the missing population in Moldova are suspected to have been abducted for this inhuman trade, and it is also being suspected that the surviving victims are trafficked to the EU for labour exploitation.

people being abducted for organ transplantation is being discerned[105]. The removed organs are usually trafficked by air route from the Chisinau airport to Romania wherefrom they are dispersed to various destinations of underground, illegal clinics in the rest of the EU. Romania is now considered as the key transit and dumping ground of human organs to be trafficked to the EU also by the Albanian criminals. Abduction of children is extremely high in Albania, and the victims are apprehended to be used both for labour exploitation and organ trafficking. As the attorney general of Albania, Arben Rakipi, expressed concern over 'about hundreds of stolen babies here, of doctors being involved in the trade and of a network that extends to Italy, Greece and Macedonia', the transplantation processes allegedly taking place in the 'horror clinics' set up in Pristina by the criminals along with government officials and medical practitioners[106]. In Pristina was also arrested in 2002 an Albanian criminal gang, which was a part of broader transnational network of trafficking in human organs from Albania and Moldova to Italy, Germany, France, Spain, UK and Greece[107].

Very recently a horrific tale of organ trafficking from Kosovo to the EU has been unveiled by the former chief prosecutor of the Hague Tribunal, Carla Del Ponte, in her just-published book 'The Hunt'[108]. Based on secondary journalistic evidences, this work narrates a horrendously grim account of the proliferation of organ trafficking in Kosovo during the ethnic strife. The Kosovo Liberation Army (KLA) was deeply implicated in organ trafficking ventures in alliance with the Albanian mafia. Del Ponte's evidences

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[105] Karen Ryan (2008), 'Moldova leads in human organ trafficking'; *The Tiraspol Times*, April 29, 2008; available on:
http://www.humantrafficking.org/uploads/publications/IOM_Data_Research_Human_Trafficking.pdf#page=233 (accessed on 6/6/2008).

[106] Helena Smith, 'World: Hidden Trade in Babies' Organs'; *The Observer;* October 25, 1998.

[107] Lundrim Aliu, 'Kosovo police arrest member of international child trafficking group'; BBC Monitoring Europe (Political) - August 30, 2002

[108] Brian Whitmore (2008), 'Balkans: Allegations of Organ Trafficking in Del Ponte Memoir Spark Scandal', Radiofree Europe, April 23, 2008, available at:
http://www.rferl.org/featuresarticle/2008/04/7BB2CFA6-AFE5-4713-B4CB-2036B2976361.html. (accessed on 6/6/2008)

claim that the some 300 Serbs who mysteriously disappeared in Kosovo in 1999 were actually abducted by the KLA members who underwent organ transplantation surgery to get their kidneys and other vital organs removed and then smuggled to various underground clinics in the EU. Hashim Thaci, a KLA fighter who is now the Prime Minister of the self-declared state of Kosovo, was in charge of the business. According to witnesses, he earned an estimated $2 million USD from the trade of organs extracted from kidnapped Serbs[109]. There is no evidence that the harvesting of organs from Serbs continue in today's Kosovo, and experts in the organ trade say that the lucrative business has now largely shifted east to Moldova.

Several of the underground clinics that harvest human organs and store the organs being trafficked from Moldova, Russia, and other post Soviet states are being located in the newly acceded countries of the EU, especially the Czech Republic. In 2007, one of such clinics was closed in Brno in Moravia region of the Czech Republic which were illegally trafficking skin grafts to a Dutch company for several years of more than $340,000 of worth[110]. In the Czech Republic, only skin grafts from live human donors or pig skin are used for transplants while most of the other EU countries, including Holland, use skin taken from dead donors. It is not clear whether the skin grafts were taken from dead bodies or victim of organ trafficking whose other organs were also removed. Despite this successful crack down on the skin graft traffickers in Brno, illegal trade with human organs, especially kidneys, is a major issue in Europe. And the proliferation of a number of underground 'horror clinics' is suspected in many cities of the UK, Italy, Greece, Hungary and Poland[111].

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[109] Karen Ryan (2008), Ibid.

[110] Jan Richter, 'Six charged in organ trafficking case at Brno hospital', Radio Prague, August 17, 2007. available at:

[111] Dita Asiedu (2005), 'Czech Doctors alleged to have made fortune with the illegal sale of skin grafts', Radio Prague, November 7, 2005. available at: http://www.rferl.org/featuresarticle/2008/04/7BB2CFA6-AFE5-4713-B4CB-2036B2976361.html. (accessed on 6/6/2008)

While indeed human trafficking is less insidious in its extent of lethality and potentiality to precipitate, in immediate run, an existential threat to survival concerns, it is a source of degeneration and erosion of statehood from within. With its direct linkage to political corruption it amounts to a hemorrhaging of political integrity and national economic interests of the state. Economically, it represents an illegal and clandestine drainage of potential labour force from the country of origin and permanent dislocation of social capital. Politically, with the pervasive infiltration of the state bureaucracy by criminal interests that thrive in trafficking activities, the sustained proper regulations of state machineries are seriously impeded. Proliferation and continued trafficking activities in the Wider Black Sea Region encumber the long-term progress in rule of law and developing properly functioning and regulated democratic institutions in this region. This crime-state nexus hampers regional cooperation between the EU and the transition states in the Wider Black Sea Region on curbing the soft threats like organised crime, frozen regional conflicts and insurgency. As Erica Marat observes, 'Since domestic policies fail to address the spread of organized crime and drug trafficking due to informal relations between political officials and criminal leaders, regional integration is even less likely to occur. Unless the problems of corruption and the merger of political and criminal circles are handled domestically, there is little possibility of developing regional cooperation in combating drug trafficking. Corruption among border guards is also not conducive to the increase of inter-state intelligence exchange'[112].

Until very recently, the governments of the transition states have not addressed the issue of trafficking in human beings with same weightage as the EU. The lingering Soviet ideological legacy does not promote the progress in codification and legalization of individual human rights. Though some states in recent days, like Kazakhstan and Kyrgyzstan have started considering the issue as a part of the broader phenomenon of

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[112] Marat, 2006, Ibid, pp. 126.

smuggling and illegal migration affecting the regional and state security, they have not yet securitized the issue. As Nicole Jackson says:

'Compared to international organizations, Central Asian states and individuals did not have clearcut motivations to securitize trafficking activities. This is largely because, for them, trafficking in persons and narcotics are 'security dichotomies'. In other words, their perceptions of these activities are not merely undefined (or ambiguous), they are often contradictory. A security dichotomy refers to a duality of perceptions, a division into two contradictory understandings of a security issue, one negative and one positive. In this study, trafficking was perceived by individuals and states in Central Asia to have positive elements or benefits as well as the negative ones examined thus far. In the positive sense, both activities allow people to work (abroad or domestically) and survive in a poor home economy when the state cannot help them. At the same time, they can also be a source of direct revenue for the states themselves'[113].

Thus, trafficking in human beings offers these Central Asian states important outlets for alternate, though illegal, employment of substantial number of the citizens to manage the surging unemployment level and economic crisis. And due to this security dichotomy, it is difficult for the EU alone to satisfactorily deal with the threat directing affecting it. Considering the fact that the trafficking in human beings is closely related to the trafficking in narcotics and arms and weapons, and considering the fact that the criminals involved in trafficking also establish extensive functional and symbiotic linkage with the insurgents and terrorists in the region, trafficking substantially contributes to the sustenance and continuity of unresolved 'soft' issues like frozen conflict, continued insurgency, economic stagnation and little democratic advancement.

Trafficking in human beings poses a blatant disregard for the essential dignity of human life and fundamental freedom to one's way and conditions of living. And for the EU, which strives and claims to be region enshrining the fundamental principles of freedom, security and justice, trafficking in human beings becomes a veritable stumbling bloc to achievement of these principles. Trafficking subjects the victims to near servile conditions of living that militates against the democratic values of modern society. They have little access to social and health security services in the host countries due to their illegal status. And hence, their positions vis-à-vis their employers are considerably weak to empower the latter to expose the former to severe labour exploitation, underpayment, overtime work and little respectable living conditions that militate against the

[113] Jackson, Nicole. J (2006), 'International Organizations, Security Dichotomies and Trafficking of Persons and Narcotics in Post-Soviet Central Asia', *Security Dialogue*, 37, pp. 308-309.

international labour standards. It thus represents a severe mismanagement of human resources. The trafficking in minors to the EU for sexual and non-sexual purposes also is an infringement of international act against child labour.

For the women and the children trafficked for sexual exploitation the extent of physical violation, mutilation, coercion, forced rape or forced intercourse with more than one client during the transportation as well as after being absorbed into the sex industries in the host countries is extremely high and gruesome. Especially, trafficking in and through the Balkans is reportedly violent where the victims are subjected to severe physical mutilation and coercion as forms of controls. The IOM estimates in 2003 that over the last three years, the level of physical and sexual violence and abuse for the victims of trafficking from and through Kosovo has steadily increased: in 2002, it increased to 85.75% from that of 74.5% in 2001, while in 2003 it increased to 87.27%[114]. In Macedonia also, the percentage of victims reporting extreme violent physical abuse has grown: in 2003, 67.38% of victims were reported to have suffered from violence[115] Europol estimates hundreds of victims of trafficking die during the transportation itself due to little protection from natural hazards, exhaustion, murder, and physical tortures and violent gang rapes. In 2000, 22 women were left to be frozen to death by the traffickers while crossing the mountains before entering Greece[116].

Even the victims, who know about their destination countries and profession they will be in, do not generally anticipate the level of multiple-exploitation and coercion they will be subjected to. As Donna Hughes says, 'Women are mutilated and murdered as warnings to competing traffickers and pimps, and s punishment for refusing to engage in prostitution'[117]. According to police survey reports, at least one case of such prostitution murder by the pimps or the traffickers is registered per month in Italy[118]. In Milan, in 1997, a gang was arrested auctioning Ukrainian women, displaying while stripping them naked, and selling each woman for approximately $1000 in a way that approximates a

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[114] IOM(2004), *Changing Patterns and Trends of Trafficking in Persons in the Balkan Region,* Research Report, IOM: Geneva.
[115] Ibid.
[116] El-Cherkeh et al (2004), Ibid.
[117] Hughes, Donna, 2000, Ibid, pp.7.
[118] Ibid.

modern day slave trade[119]. A Ukrainian victim of trafficking was reportedly beheaded in Serbia during transportation, while two of them were thrown off a brothel balcony in Istanbul as punishment for their resistance and resentment to be sexually exploited[120]. Patriarchal notions in the modern society still tend to downplay the degree of severity and violence that the victims have to undergo. It is a stereotypical belief, substantiated and nourished by the media too, that there is a high degree of complicity among these trafficked women who use prostitution as 'tax for capitalism'. As a study in the Czech Republic reveals:

'It is typical for the Czech post-communist society that it is totally indifferent to the destiny of these victims. Our investigation .... confirms that the brothels operating in small towns and villages in the frontier zones are considered as a 'tax for capitalism' by local inhabitants. Practically nobody is interested in the living conditions of most Ukrainian, Russian and Bulgarian women. This commonplace [sic] is nourished even by the media which present prostitution mostly as a highly 'profitable profession.' ...NGOs which deal with the problems of trafficking in women and their slavery status are considered 'too feministic.'[121]

Trafficked women receive little assistance and help from the general public and social assistance agencies as well in the host countries, because they are generally labeled as criminals illegally entering the country. They are bound into servile relations with the traffickers or pimps in the form of extremely high debt bondage. In view of extremely small payment they receive, there are little prospects for the victims to repay the exorbitantly high debt in short run. Due to the increased border controls and legal restrictions to immigration in Europe, smuggling fees and the debts of the victims of trafficking have correspondingly shot up due to higher risks involved, longer routes traveled, and increased costs of travel and forging of legal documents. This increases the potential profit of the criminal groups considerably. The rational cost-benefit analysis human trafficking, in both absolute and relative terms, yields to greater capital investment in this business by the organized criminal groups. They thus innovatively combine narco-trafficking with human trafficking making the victims if human trafficking the 'drug mules'[122]. Due to this booming profit, recent reports reveal the growing involvement of

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[119] Ibid.
[120] Ibid.
[121] Ibid, pp. 8.
[122] Thus, for instance, the narco-traffickers between Spain and Morocco now increasingly combine narcotics trafficking with human trafficking.

organized criminals in human trafficking. As the head of Surveillance and Intelligence of the Hungarian border guards testified,

'In the beginning only a few isolated individuals were involved in human trafficking, but as time passed they started co-operating and step by step the business developed into an international one. Well-planned routes and well-organized groups have evolved, which are no longer coordinated from Hungary. Trafficking can be coordinated either from the destination country or from the migrants' country of origin. This is the result of a natural process of development; market demand and necessity have contributed to the development of certain branches of crime'[123].

However, irrespective of the extremely high profit that the traffickers make, the victims have little or no share at all in this capital. Given their very small earnings, most of these victims of trafficking have little health security and virtually no access to health facilities while they are severely exposed to deadly contagious diseases like the HIV (due to forced intercourse without condoms), or those caused by drug overdoses and alcohol: the traffickers and pimps often coerce and force the victims to consume drugs and alcohols to extract complicity and as a form to control to make them bound to the pimps for narcotics once they get addicted. Also cases of severe inhuman physical torture after being stupefied with narcotics and excessive alcohol are also numerous and frequent. Once they are caught during the police raids, they are imprisoned till deportation with little assistance for the emotional trauma, poor health and physical injuries and economically pauperized conditions. The end conditions of the victims in sex industries are precisely summed up by Donna Hughes:

'Sex industries use up women, physically and emotionally, necessitating fresh supplies of women on a regular basis, which keeps the recruitment and trafficking of women so profitable'[124]. Prospects for repatriation are also very low due to the high degree of social stigma and strong feelings of shame and guilt on the part o the victims, and even if they

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[123] Juhasz, Judit (2000), 'Migrant trafficking and human smuggling in Hungary', in Frank Laczko and David Thompson (ed), *Migrant Trafficking and Human Smuggling in Europe – a Review of the Evidence with case studies from Hungary, Poland and Ukraine;* Geneva: IOM; pp.196.
[124] Ibid, pp.6.

are repatriated, most of them end up in local sex industries again at home due to lack of tools of socio-cultural reintegration.

V

Drugs for Guns or Cash for Drugs?: Examining the trends in narcotics trafficking to the EU

Over the last few years, Prague, Amsterdam, Milan, Athens and Warsaw have developed into the epicenters of international narco-traffickers. The rate of addiction and the demand for narcotics in the EU, especially among the young population is considerably high despite the stringent national drug control policies in Western Europe[125]. The most commonly known and widely used drugs in the EU are the 'natural drugs' like cannabis, cocaine and heroin[126] (derived from the extracts of the plants of cannabis, coca and opium) as well as the synthetic drugs like the amphetamine, ecstasy (MDMA) and LSD. It was estimated in 1997, when the high drug addiction in the EU sustained over some time that about 15% of the entire European population of 12 years or more of age had used these drugs[127]. By far, cannabis in form of hash or marihuana is reported to be the most popular drug in Europe. The EMCDDA report of 1996 had underscored that about

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[125] Addiction to narcotics nether depends, nor necessarily follows the same path that the national drug control policy of a particular country. Drug addiction generally follows a global pattern. Thus, if the general global trend in drug consumption at a particular point increases, at the national level also the drug consumption would concomitantly rise, despite the drug control and law enforcement measures against narco-trafficking being implemented by the concerned state. Drug consumption pattern is thus highly unstable, depending upon broader socio-cultural factors like the general popular culture and youth culture. Thus, in Europe, narcotics addiction surged in the late 1960s, and early 1970s, declining in late 1970s through the entire 1980s, and again rising in the 1990s. So abrupt has been this rise in drug culture in Europe in 1990s that it is often said to have constituted a second wave or 'second phase of popularity' of drugs in Europe. Boekhout van Solinge, Tim (1998), Drug use and drug trafficking in Europe. *Tijdschrift voor Economische en Sociale Geografie,* Vol. 1: 100-105. Available on http://www.cedro-uva.org/lib/boekhout.drug.html (accessed on 6/6/2008).

[126] Heroin, which is derived from the opium and poppies, is often clinically associated with the 'compulsive or addictive patterns of use'. It is thus often designated as the 'main problem drug'.

[127] WHO - World Health Organization (1997), Smoking, drinking and drug taking in the European Region, Copenhagen: WHO.

5% of the European population is addicted to cannabis, while the percentage of same among the younger population and teenage was as high as 10%-35%[128]. The following table illustrates the high level of drug addiction in the EU.

Traditionally, the chief supplier of narcotics to the EU, apart from northern Morocco through Spain[129], Latin America[130], and the Golden Triangle in the South-east Asia, has been the Golden Crescent of Pakistan and Afghanistan[131] through the extensive networks and routes of trafficking in Central Asia and the Balkans. A chief characteristic feature of the narcotics trafficking to the EU through the Wider Black Sea Region is the crime-terror collaboration of enduring success. The shift from the state-sponsored and state-induced ideological mobilisation of radicalism to armed mobilisation of radicalism by the private-interests driven non-state actors in the post Cold War era[132] has ushered in profound changes in the nature of armed conflicts and radical movements[133]. The incorporation of criminal elements and criminal resourcing by these armed radicalism

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[128] EMCDDA - European Monitoring Centre For Drugs and Drug Addiction (1996), Annual Report on the State of the Drug Problem in the European Union 1995, Lisbon: European Communities.

[129] The extensive cannabis cultivation in the Rif valley in northern Morocco, apart from Latin American and Asian producers, is the chief supplier of cannabis to the EU through Spain and the Netherlands, chiefly along the water routes in the Strait of Gibraltar. In the 1990s, it was estimated that the cultivation of cannabis in Northern Morocco increased ten-fold due to the increasing demand for the same in Western Europe and US. The estimations in revealed that the in the 1990s, that the total production of cannabis in Northern Morocco can well exceed 2,000 metric tons per annum. See Boekhout van Solinge, Tim (1998), Ibid.

[130] Colombia, Jamaica and Mexico are now producing huge amount of cannabis, which not only supplies to the demands in the North American markets, but now are being trafficked also to the EU by transnational narcotics trafficking networks as well as by various European terrorist groups like the IRA, ETA and the Kurdish Workers' Party, in form of hash and marihuana.

[131] The UNODC World Drug Report of 2005 estimated that even after the disruptions in opium production in Afghanistan caused by the war and the new government's anti-narcotics policies, Afghanistan remains the main producer of drug in the entire Eurasia, accounting for 85% of the global drug output. See UNODC, United Nations Office for Drugs and Drug Control; 2005 World Drug Report.

[132] Formerly, the Cold War reality had generated the steady inflow of financial resources and state patronization for many radical groups on virtue of the politico-ideological allegiance and adherence of the latter to one of the bloc alignment. Because the regional conflicts in the bipolar era were interpreted as the micro-manifestations and proxies of the meta-conflict at global level, the insurgent and armed radical groups were financially sponsored by the US or Soviet Union, depending on the bloc allegiance of the armed groups. Thus, the Muhajeedins in Afghanistan War were sponsored and patronized by the US to use them as armed instruments to triumph over the calculated Soviet geopolitical ambitions in Eurasia.
[133] Marat (2006), Ibid.

have been justified in favour of their ideological goal of vindication: involvement in organised crime and criminal activities yield the resources and equipments indispensable for their continued insurgency and radicalism. Thus, subsequently crime is also becoming an indispensable agenda fusing inextricably with the political and ideological ends. And criminal economy, especially narcotics and arms trafficking, has become the chief characteristic of these movements. In these collaborative ventures between the criminals and the insurgents, often drug and arms are exchanged for each other in a barter system of the underworld.

In the Balkans, Kosovo represents 'a distribution centre on the crossroads of the global routes and pathways of drug trafficking'[134]. The Kosovar insurgents, warlords along with the notorious Albanian mafia have been deeply engaged in narcotics trafficking to the Western Europe since the early 1990s. As the DEA agent Michale Levine said in 1999:

'Ten years ago we were arming and equipping the worst elements of the Mujahadeen in Afghanistan – drug traffickers, arms smugglers, anti-American terrorists...Now we are doing the same thing with the KLA which is tied in with every known middle and far eastern drug cartel. Interpol, Europol and nearly every European intelligence and counter-narcotics agency has files open on drug syndicates that lead right to the KLA and right to the Albanian gangs in this country'[135].

After the disbandment and disarmament of the Kosovo Liberation Army or KLA (which was transformed from a warring faction into a regional security organisation called the Kosovo Protection Corps)[136], the terrorist and militant legacy of the KLA was bequeathed to a constellation of splinter groups and factions – the Liberation Army of Presevo, Medvedja and Bujanovac (PMBLA), the Liberation Army of Eastern Kosovo, the

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[134] 'UN: Kosovo heart of Balkan drug trade'; B9 News; March 26, 2008; available on http://www.b92.net/eng/news/crimes-article.php?yyyy=2008&mm=03&dd=26&nav (accessed on 6/6/2008)

[135] Michael Levine, quoted in 'Kosovo Liberation Army: Truths and Testimonies'; available at http://www.kosovo.net/kla2.html. (accessed on 6/6/2008)

[136] Following the NATO occupation of Kosovo in 1999, this transformation of the KLA into a security organisation was, at its best, incomplete. Not all of the arms stockpiles and personnel of the former KLA were systematically transferred to the new avatar of KLA – the Kosovo Protection corps. The spin-off factions as well as the protection corps by virtue of their newly-found legal status and power, continued to exploit these stockpiles or militant activities and have virtually deflated against de facto NATO authority in the region.

National Liberation Army of Western Kosovo, Albanian National Army etc[137]. The members of Albanian National Army and the NLA are extensively implicated in the weapons and drug trafficking from the Golden Crescent to the EU through Bulgaria, Romania, Serbia, Macedonia, Albania, Slovenia and the Czech Republic. Kumonovo and Skopje in northern Macedonia are the epicenters in this entire trafficking chain for the exchanges of arms for drugs. The profit accrued from the narco-trafficking is laundered to financing the logistical operations of the guerilla insurgents in the entire region as also to re-armament programme after the disarmament that ensued between 1999 and 2001[138]. These Kosovar and Albanian insurgents, the corrupt politicians and public officials and the notorious Albanian mafia, whom the FBI assistant director for the Criminal Investigation Division, Chris Swecker, describes as 'a hardened group operating with reckless abandon'[139], control 80% of illicit narcotics trade in Northern Europe (from where, a substantial amount of heroin is being illegally transported to the Latin America), and 40% to 75% of the total narcotics market in the Western Europe, the annual turnover

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[137] The virtually unaccountable stockpiles of arms of the former KLA, along with the various fund-raising activities of the KLA which survived its eventual metamorphosis, were being utilized for operational purposes by the successor militant splinter groups under the auspices of the PMBLA. The PMBLA in the Serbo-Kosovar border, the Liberation Army of Eastern Kosovo and the National Liberation Army of Western Kosovo have been the main splinter groups of the former KLA, and continued their guerilla insurgency even after the official end of armed resistance in May, 2001. The Albanian National Army, a spin-off of the National Liberation Army (NLA), continues and intensifies militant, terrorist operations in northern Macedonia in defense of the rights of the ethnic Albanian minority in the region, violently demanding immediate constitutional privileges and rights of these minorities and generating centrifugal forces in the region. In its anti-government coalition against the Macedonian state, the Albanian National Army is joined by another militant faction called the True National Liberation Army, which together are instrumental in debilitating the centre of the Macedonian state, decimating its sovereign control on many of its peripheral territories.

[138] Rough estimates have been made that no less than $4 million, garnered from the trafficking of the Afghan opium to the various destinations in the EU, have been invested into the rearmament programme of the Kosovar and the Albanian insurgents, buying small arms and light weapons as well as SA18 and SA7 surface-to-air missiles. See Berry, La Verle, Glenn E. Curtis, Rex A. Hudson and Nina A. Kollars (2002), *A Global Overview of Narcotics-Funded Terrorist and Other Extremist Groups;* Research Report; Federal Research Division, Library of Congress and Department of Defense; Washington: Library of Congress.

[139] Terry Frieden, 'FBI: Albanian mobsters 'new Mafia'; CNN News; August 21, 2007; available at http://www.balkanforum.org/print.php?threadid=1724&page=1&sid=057ed8d3a7f3e206103dad6b8ae1c2cf (accessed on 6/6/2008).
It is being apprehended that following the gigantic wave of emigration of thousands of Albanian criminals from the Balkans to the United States, organised crime situation in America would be further perplexed. Also it is being observed that if this immigration wave continues, the Albnian organised criminal groups might eventually overtake the traditional La Cosa Nostra as the "kingpins of the U.S. crime'.

from which is estimated to be as high as $7 billion[140]. Recently, some shifting trends in narco-trafficking to the EU from this region have been observed by the UNODC annual report of 2007, such as the 'inclusion of cocaine in the range of products offered by the groups', and also the increasing nexus between the Latin American drug cartels and the criminal network in the Balkans which is assuming 'alarming proportions'[141]. Also, in addition to the already fortified points and networks in Albania, Montenegro and Macedonia, the Albanian mafia is also recently gaining the control of the shipment points and various ports of westward embarkation in Romania and Bulgaria after the 2007 enlargement. Thus Turkey, which was traditionally an important transit for the Albanian and Kosovar drug criminals through which they penetrated the EU via Italy and Greece, is now being increasingly abandoned in favour of the much shorter geographical routes of entry into the EU through Romania, and Czech Republic.

However, it is important to remember that apart from the Kosovar warlords and war criminals, and the Albanian mafia, a very wide spectrum of different criminal groups, clans and families exists in various regions of Kosovo and Albania who are either direct partners or intermediaries in trafficking heroin to the EU. As for instance, the Drenica group led by the mafia don Hashim Thaqi (active in the strategically important region of Drenica which connects Montenegro with Macedonia), the Metohija group loyal to Ramush Haradinaj (active and concentrated in the municipalities of Peč, Dečani and Djkovica in Kosovo), the Rrustem Mustafa group (operationally active in the municipalities of Gnjilane, Vitina and Kačanik where laboratories for synthetic drugs are concentrated), as also clan and family-based smaller criminal groups like the Lluca family, the Selimi family,- and the criminal Suma clan[142]. Also, the Italian, Dutch, Russian, Pakistani and Turkish mafia are also increasingly becoming the business partners of the Albanian and Kosovar traffickers in clandestine narco-ventures[143].

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[140] 'UN: Kosovo heart of Balkan drug route'.

[141] UNODC, United Nations Office for Drugs and Drug Control; Annual Report, 2007.
[142] Security Information Agency (BIA), *Albanian Terrorism and Organized Crime in Kosovo and Metohija;* Belgrade; 2003; available at : http://www.kosovo.net/albterrorism.html (accessed on 5/5/2008).

[143] Berry, La Verle et al (2002), Ibid.

Though the precise magnitude of the trafficking of narcotics to the EU markets via this region is difficult to determine, the patterns of seizure across the EU can be useful proxies. The amount of narcotics confiscated by the Italian police forces at various destinations in Italy had reportedly surged from 5,500 kilograms in 1996 to 23,000 kilograms in 1998[144]. Criminal investigations by the Special Operations Section (ROS) in Italy have revealed that Italy has become the most significant operational base of the traffickers from Albania and Kosovo in the EU. Especially Milan has become the theatre of operations for negotiations, contractual agreements and exchange of guns for drugs and drugs for guns among the Kosovar warlords, Albanian mafia and the local criminals and drug dealers in Italy and other Western European countries. 'Ndrangheta, the Italian mafia group, is allegedly reported to receive 50 kilograms of packed heroin everyday from the Albanian and Kosovar criminals[145]. Following this track of narcotics exchange, the Italian police recently nabbed and dismantled a transnational trafficking chain at Milan under the Pristina-based Albanian criminal don Gashi Agim, with several extensive regional ramifications in Italy, Germany, Switzerland, Spain, France, Norway and Greece. More significantly, as an ROS official said, 'In Bratislava and Budapest we have pinpointed storehouses capable of containing thousands of kilograms of heroin. Also we recently seized a huge quantity of very pure cocaine. That means that the Albanian traffickers may well have refineries available to them and that therefore the drugs do not arrive ready prepared from Latin America'[146].

Alarming reports in the post-9/11 period have evoked concerns of Al Qaeda's deep involvement in narcotics trafficking from Afghanistan to this region and laundering the profit from sale of narcotics in EU and USA to the training and recruitment of the insurgent groups active in this region as being supplementary resources in addition to the profit from the narcotics trade. The NLA had reportedly received $6 to $7 million from

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[144] Frank Viviano (2001), 'New Face of Mafia in Sicily: High-Tech Transformation with Global Tentacles', *San Francisco Chronicle,* January 8, 2001; available at http://AmericanMafia.com/news. (accessed on 6/6/2008).

[145] Roberto Ruscica, 'Albanian Mafia, this is how it helps the Kosovo guerrilla fighters'; *Corriere dela Sera;* March 10, 2008; available at : http://www.kosovohere.com/2008/03/albanian-mafia-this-is-how-it-helps.html (accessed on 6/6/2008).

[146] Roberto Ruscica, 'Albanian Mafia, this is how it helps the Kosovo guerrilla fighters'.

Laden, who has been said to have become 'the biggest financial supporter' of the NLA logistical operations[147]. This is the regional ramification of the much broader agenda of the Al Qaeda to gain a firm foothold in the strategically important Balkans as strategically significant transit between Central Asia and EU, as well as between the Middle East and the EU. Gaining a strong footing in this region, especially Albania, ensures a footage at the immediate backyard of the EU wherefrom infiltration of the Islamic militants into the Western Europe and their operational network can be spread and controlled[148]. Al Qaeda also acts as the intermediary of the Northern Alliance-sponsored narcotics diversion to the Balkans[149]. Narcotics trafficking to the EU serves the fundamental purpose of the Al Qaeda and other radical Islamist groups, of wrecking the socio-moral foundation of the West through sustaining and even augmenting the lethal addiction. As an ROS officer recently said, 'On the basis of the phone calls that we have intercepted, we have discovered that drugs are not only a source of wealth but also a tool in the struggle to weaken the Christendom'[150].

A Shift Northwards

However, a recent trend in trafficking of Eurasian drug to the EU through the Wider Black Sea Region is that the northern route that connects the Golden Crescent with the EU through Central Asia is becoming more salient. And the total volume of narcotics

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[147] Berry, La Verle et al (2002), Ibid.

[148] In 1999-2001, some 10 Islamic radicals were arrested in Albania by the Albanian intelligence. There is little scope for complacence and optimism to think that infiltration of the EU by the militant radicals from the Balkans ended with this isolated successful case of the police operation. Skeptical contemplation is being evoked that, after the 2004 and 2007 enlargement, that henceforth, it would be easier for the radical Islamists, who have already gained a footage in the Central Asia and the Balkans, to infiltrate the EU for logistical operation. And if this trend continues unabated, testified by the discovery of the fact that considerably large number of radical Islamists and terrorist network are active at the heart of the EU, then both hard and 'soft' security concerns of the EU would be at serious stake.

[149] Ian Bruce, 'U.S. Aid Goes Ahead despite Failure to Curb Poppy Crop'; *The Herald* (Glasgow); February 27, 2002.

[150] Roberto Ruscica, 'Albanian Mafia, this is how it helps the Kosovo guerrilla fighters'.

trafficked through this route is overtaking that through the Balkans. With Iran taking a tough stance on trafficking through its territory[151], the trafficking routes are pushed farther northwards into the post-Soviet sphere in Central Asia at a time when the surge in production of opium in this region is necessitating expansion of trafficking through the northern route[152].

Geographically proximate to both the Golden Triangle and the Golden Crescent, the entire region that stretches from the region extending from South Caucasus to Central Asia [which is the vast middle zone between the territory of the NATO and its significant out-of-area operation regions of Afghanistan] constitutes the dumping ground for huge stockpiles of narcotics and the transit between the drug producing zones of the triangle and the crescent, and the largest consumer markets in the EU[153]. Politically, the implosion of the former Soviet Union into a discordant constellation of weak, newly-independent states crowding its southern flank, and the spurt in the narcotics production in Afghanistan in 1980s and 1990s have furnished the optimal environment for the enduring nexus between narcotics trafficking and radical Islamic movements, and separatist insurgents in the North and South Caucasus and Central Asia[154]. Especially, the Pankisi

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[151] In 2003, Iranian police seized an enormous amount of 97,575 kilograms of drugs, the largest amount of seized opiate in the world in recent history. UNODC; *2005 World Drug Report.*

[152] Especially, trafficking across the infamous Afghan-Tajik border, situated within the northern route, has expanded significantly to encompass the entire Pamir, Khatlon and the Parkhar and Shurobat regions. Apart from this, some newer routes have been identified through Osh, Batken of Kyrgyzstan, Termez, Samarkand and Syrdarya in Uzbekistan, and Almaty, Shymkent, and Astana of Kazakhstan. All of these newer, smaller routes fuse with the meta route – the northern route – and account for the significant expansion and realignments within the traditional northern route.

[153] This region, in absence of draconian anti-narcotics law enforcements of South-East Asian model, is an optimum breeding ground for regional criminal organisations specializing in narcotics trafficking.

[154] As abrupt American disengagement from Afghanistan had substantially eroded the financial resources and funding for the Mujahiden activities, and as the wider Russo-Afghan conflict eventually degenerated into acrimonious power game amongst various discordant Mujahiden factions, narcotics economy became the chief source of funding to these heterogeneous political groupings. Apart from the Hezb-e-Islami of Gulbuddin Hekmatyar, the groups which later joined the anti-Taliban Northern Alliance like the Shura-i-Nazar in the Panjsher valley and Jumbush-e-Melli became deeply implicated in narcotics trade, controlling opiate production and establishing laboratories for transforming opium into heroin. In the civil war that continued through the Taliban rule in Afghanistan till 2001, the Northern Alliance upgraded itself into a wide-spread, radical anti-government movement that virtually controlled the Pajsher valley, the north-eastern Afghanistan and some territories in Southern Afghanistan. Thus, despite the Taliban ban, the opiate production surged in territories controlled by the Northern Alliance and beyond Taliban rule – especially

Gorge[155] in the mountainous north-eastern Georgia, where the Chechen guerillas have gained firm foothold over the last decade, has been transformed into the operational epicenter for the repackaging and recycling of narcotics from the area of production[156]. The extensive narcotics chain in this gorge is being almost monopolized by the Chechen warlord Ruslan Gelayev, in collaboration with the Georgian Shengelia mafia and the Chechen mafia group under Khozni Nukhayev[157]. The Chechen mafia has, over the time,

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the Badakshan region where, it is being estimated that the opium production rose by 1158% between 2000 and 2001.

In Central Asia, the course of civil in Tajikistan and the emergence of the Islamic Movement of Uzbekistan had precipitated the crime-terror nexus along narcotics trade in both the states. Between 1992-1997, the prolonged civil war between the warlords and insurgents of the United Tajik Opposition (UTO) and the Popular Front of Tajikistan had accelerated economic degeneration with drug economy becoming the chief characteristic of the Tajik war economy and the opportunistic economic structure that the war and conflict created. Tajikistan was virtually transformed into a significant transit for drug trafficking from the production areas in Central Asia and the consumption regions in the West. The Gorno-Badakshan region in Tajikistan under the control of the supporters of the UTO, was virtually transformed into a drug haven by virtue of the extensive collaborative links between the UTO and the Afghani drug traffickers. This nexus had continue even after the 1997 peace agreement which had conferred upon the UTO 30% political share in the government and territorial control of many geo-strategically important regions, like the Tajik-Kyrgyz border between the Rasht valley and Kyrgyz Batken region.

In the South Caucasus, the ethnocentric militant separatist movements since ate 1980s have decimated the states' sovereign control over vat tracts of geographical territories, generating virtually autonomous, semi-authoritarian criminal regimes of warlords in the secessionist states which thrive on the narcotics trade. As for instance, the Georgian government have practically no control over Abkhazia, South Ossetia, the Pankisi Gorge, and Zugdidi-Senaki region in western Georgia which are now in possession and control of the insurgents and separatist warlords with little politico-legalistic accountability to national and international authorities transforming the region into a melting point of criminal activities. Likewise, the secessionist Armenian territory in Azerbaijan, the Nagorno-Karabakh region is also a safe, thriving criminal haven. For more, see Grammer, Moshe (2002), ed., The Politics of Caspian; London: Frank Cass; Eisenhower, Susan (1995), ed., Central Asia: Conflict, Revolution and Change; Washington: CSPS; Cornell, Svante (2005), 'Narcotics, Radicalism and Armed Conflict in Central Asia: The Case of the Islamic Movement of Uzbekistan', Terrorism and Political Violence, 17:4; 619-639; Freese, Theresa (2005), 'Georgia's War Against Contraband and its Struggle for Territorial Integrity', SAIS Review, 25:1; 107-122.

[155] The entire population of this gorge is a mixture of refugees and insurgents from Chechnya and indigenous local Chechens who are known as the Kists and Ossetians. This region contributes to the intensification of the region's political instability in general due to the sustained unresolved ethnic conflict between the indigenous inhabitants of the region and the Chechen insurgents and guerillas. These guerilla insurgents are also instrumental in the extensive narcotics trade in alliance with the Chechen and the Albanian mafia to turn the region into a huge narcotics stockpile. This has been a contentious issue between the Georgian and Russian authorities with the latter claiming that the former is providing shelter and refuge to the Chechen terrorists and other militants including the members of the Al Qaeda. However, the presence of the Al Qaeda militants in this gorge, though apprehended, has not yet documented.

[156] International Narcotics Control Strategy Report [2001]; US Department of State; Bureau for International Narcotics and Law Enforcement Affairs; Washington

[157] Political peripheralization of the former Chechen warlords like Ruslan Gelayev by the new champion of the cause of autonomous Chechen homeland, Shamil Basayev (the Osama bin Laden of Russia) after the

triumphed over the traditional Russia-based criminal organisations specializing in narco-trafficking, seizing upon substantial 'market shares' of the latter. The 'classic' Russia-based criminal clans and families like Tambov, Tula, Solnstevo, Armenian mafia etc were initially marginalized and later, incorporated within the criminal network of the Chechen mafia[158]. The Russian 'police mafia'[159] in Georgia, Chechnya, Armenia, Tajikistan, and Kazakhstan also collaborate with the Chechen mafia and collectively control the extensive drug-trafficking chain that extends till Murmansk[160] in the distant northwestern Kola Peninsula[161]. As an arrested Tajik drug trafficker, working at the behest of the Chechen mafia, testifies:

"The ones I cooperate with are very strong gangs involved also in robberies, bank scams and legal business. They have great connections among the police and among all functionaries at all levels...It is difficult to work without them – we are too small. Tajik groupings as such, do not exist"[162].

Second Chechen War in 2001 had the unintended consequence of diversion of many guerilla fighters under Gelayev to full-time narcotics trafficking.

[158] Roustam Kaliyev, 'How the Mafias were formed'; *Eurasia Insight;* June 17, 2002; available on http://www.eurasianet.com (accessed on 6/6/2008).

[159] These so-called 'police mafia' are the cadres of the security forces of the Russian Ministry of Interior, Federal Security Service, and many of the parallel privatized security services that emerged in the wake of increasing privatization of services with the decline of the centralized command economy. Their continued presence in many of the regions of former Soviet Union where drug trafficking takes place have made them masters of informations about the criminal groups and routes involved in such clandestine activities. Their politico-administrative positions bestow on them the power and ability to render protection to the criminal network of narco-trafficking. They are the administrative and political collaborators of the criminal gangs and networks in the entire region who collect set 'fees' from the criminals as bribes and protection money.

[160] The Internal Affairs Administration of the province of Murmansk was controlled by a Russian, Colonel Plugin, since 1997. Plugin's administrative cohorts, assistants and advisors were brought from Chechnya's Internal Affairs Administration. With them, it is being said that drug trade entered Murmansk and gained a firm foothold there.

[161] Roustam Kaliyev, 'How the Mafias were formed'.

[162] Quoted in Curtis, E. Glenn (2002), *Involvement of Russian Organized Crime Syndicates, Criminal Elements in the Russian Military and Regional Terrorist Groups in Narcotics Trafficking in Central Asia, the Caucasus and Chechnya,* Research Report, Federal Research Division, Library of Congress and Department of Defense, Washington: Library of Congress; pp. 25.

The radical Islamic groups in this region, especially the Islamic Movement of Uzbekistan (IMU)[163] and Hizb-ut-Tahrir (HT), have been instrumental in narcotics trafficking through this region in entente with the local mafias and governmental officials. The Ferghana Valley, constituted of Uzbekistan, Tajikistan and Kyrgyzstan, has become not only the theatre for IMU terroristic operations, but also the transit through which drug is trafficked by the IMU members and Afghan drug barons from the Golden Crescent to the EU. The IMU is reportedly instrumental in the transnational network that controls as much as half of the total opium exports from Afghanistan to Europe through Afghan-Kyrgyz and Afghan-Uzbek borders through Bukhara and Urgench to Nukus in the western province of Karakalpakstan and thence into Kazakhstan and Russia from where they are further trafficked by Russian and Chechen mafia into the EU and US[164]. Like the KLA in the Balkans, the IMU in Central Asia is allegedly the regional collaborator of the Al Qaeda or recruitment and mobilisation for the cause of global jihad[165]. Central Asia is now merited by the Al Qaeda, after the loss traditional safe havens of Iraq and Afghanistan, as the potential new grounds of recruitment for the global terrorist agenda and new theatres of training for logistical operations of the Al Qaeda recruits[166]. As Ahmad Rashid claims, 'In the IMU, [al-Qaeda leader Osama] bin Laden cultivated a cult-like group that could act as a bridge to Afghanistan's landlocked, mountainous neighbors—neighbors who were striking deals with American oil and gas companies and looking increasingly to Washington for assistance'[167]. Thus, financial assistance to the

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[163] The Islamic Movement of Uzbekistan was founded in 1998 by the Uzbek insurgents Juma Namangani and Tohir Yuldeshav with the immediate aim of usurping the authoritarian regime of President Islam Karimov. The ideological aim of the movement has been the establishment of a Greater Islamic Caliphate that would rule the entire Central Asia with the administrative epicenter in the Ferghana Valley. By 2002, the IMU, with the aid of the local mafia, had already unleashed a reign of terror in the region with the agenda of frequent abduction, murder and extortion as regular terrorist activities. Apart from the finding from Al Qaeda, the IMU specializes in narco-trafficking for funding its activities and maintaining the existence of the organisation and continuing the movement.
[164] Curtis, E. Glenn (2002), *Ibid.*

[165] The IMU has been a loyal cohort of the Al Qaeda in its global jihad. During the pre-9/11 period, the IMU had been recruiting and mobilizing for the Al Qaeda and building very close collaborative bases in Afghanistan with the Talibans. The IMU also reportedly fought on behalf of the Taliban regime against the combined US-Afghan forces in the war in Afghanistan.
[166] Curtis, E. Glenn, 2002, Ibid.

[167] Ahmed Rashid (2002), "Why Militant Islamicists in Central Asia Aren't Going to Go Away," *The New Yorker*, January 14, 2002

IMU by the Al Qaeda is a regional manifestation of its global agenda, much like the assistance o the KLA: between 2000 and 2001 Al Qaeda reportedly gave $35 million to the IMU for arms and equipments and recruitment and training of the terrorists in the region, and it is presumed that this money had been laundered by the Al Qaeda from narcotics trafficking from Afghanistan[168].

Trends in Narcotics trafficking in the post-9/11 era

In recent years, some significant structural realignments have occurred in the narcotics trafficking in this post-Soviet space which have structurally induced greater narco-trafficking in and through the Central Asian northern route. Four political developments have precipitated these developments in narco-trafficking: the US-led Operation Enduring Freedom (OEF) in Afghanistan, Putin's centralisation policy in Northern Caucasus, Georgia's Rose Revolution and Kyrgyzstan's Tulip Revolution[169].

The OEF has taken the boom in production of opium in Afghanistan to new heights of record growth ever since 2003[170]: the interim post-Taliban government is dominated by the members of the pro-narcotics Northern Alliance, many of whom hold important positions in the cabinet of President Hamid Karzai threatening to reduce the country into a vicious combination of *pax narcotica* and *pax warlordiana*[171]. The active engagement of the Northern Alliance and the Shura leadership in unprecedented drug trade is heavily compromised by the US and the international community as they the former are instrumental in hunting own the vestiges of the Taliban and Al Qaeda in Afghanistan, and maintaining a semblance of political stability in the country in absence of any other

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[168] Ibid.

[169] Cornell, Svante E. (2006); 'The Narcotics Threat in Greater Central Asia: From Crime-Terror Nexus to State Infiltration?'; *China and Eurasian Forum Quarterly;* Vol.4; No.1; pp.37-67.

[170] The production of opium cultivation has reached to immense heights especially in Badakshan region under the Northern Alliance. Between 2003 and 2006, the illicit drug economy accounted for 52% of the total GDP of Afghanistan. Cornell, Svante E. (2006); 'The Narcotics Threat in Greater Central Asia: From Crime-Terror Nexus to State Infiltration?'.

[171] Ali Jalali, 'Afghanistan beyond Bonn'; speech to the Central Asia-Caucasus Institute, John Hopkins University-SAIS; December 5, 2005; available at: http://www.silkroadstudies.org/new/inside/forum/WPC_2005_1207.htm. (accessed on 6/6/2008).

credible anti-Taliban coalition. Since the magnitude of drug trafficking through the Central Asian post Soviet states to the EU is incumbent on the scale of opium production in Afghanistan, the OEF has directly contributed to the increase in total volume of drug trafficking[172].

Secondly, the abolition of federalism in Russia under Putin, which was justified by him as a part of global war on terror, has immensely altered the geopolitics and security calculus of the North Caucasus[173]. The counter-productivity of the 'steamroller' suppressive policies has intensified the guerrilla operations of the insurgents and the radical Islamic cells necessitating the continuous supply of armaments for them. Hence they are now strengthening their ties with criminal groups and engaging more in illegal ventures of *drugs for guns:* these radical religious groups and insurgents traffic narcotics not only for financial resources but also largely for armed equipments and often use drugs as currency in the underworld barter system where they exchange drugs for arms. As Svante Cornell observes, this growing insurgence and crime-terror nexus defying Russian as well as international authority is turning the 'Afghanistan of Chechnya' into 'Afghanistan of the entire North Caucasus' with 'societal and governmental meltdown in which governmental control over territory withers away, giving way to a myriad of insurgent, terrorist and organized criminal forces'[174].

Amidst these negative regional developments, Georgia's political revolution in 2004 under the new President Mikheil Saakashvili has promised prospective favourable shifts in the regional politics and security matrix. Saakashvili's dual programme of political reunification of Georgia by extending control over the separatist criminal regimes in Ajaria, South Ossetia and Abkhazia (which are heavily involved in drug trafficking) and anti-corruption directly addressed the fundamental security issue of the gradual slippage

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[172] Cornell, Svante E. (2006); 'The Narcotics Threat in Greater Central Asia: From Crime-Terror Nexus to State Infiltration?'

[173] Putin's repressive anti-federalism policy owes to the intransigence and centrifugal forces generated by the self-appointed autocratic regimes and the political disequilibrium in Chechnya, Ingushetia, Chechnya, and Dagestan in the North Caucasus. There was also popular unrest of civil war magnitude in the North Caucasus against these former warlords who became self-appointed rulers. Deposition of these autocratic rulers was thus possible due to the large-scale civilian support in the North Caucasus for Putin's policy.

[174] Cornell, Svante E. (2006); 'The Narcotics Threat in Greater Central Asia: From Crime-Terror Nexus to State Infiltration?'; pp.62.

of the region into political failure and 'black hole syndrome'. While his anti-corruption policy is still to become a considerable success[175], his serious crackdowns on the drug storages in the infamous Ergneti market in the South Ossetia have sparked off significant consequences. As Svante Cornell says, 'While not ending smuggling from South Ossetia, this clearly increased the cost of smuggling and affected its systematic character, pushing it underground instead of fearlessly taking place in the open'[176].

Though the reform programme in Georgia, if sustained for a considerable period of time, has regional de-criminalisation prospects, deleterious political evolution in the North Caucasus and Kyrgyzstan has severely offset such prospects and threaten to undo many of the achievements already done in this direction. The parliamentary elections in Kyrgyzstan in 2005 have reinforced the already existent state-crime nexus when the open drug trafficking activities of the leaders of the ruling government and the opposition movement[177], and increased cultivation of opium have threatened to reduce the status of Kyrgyzstan, much on the lines of the Afghanistan and Tajikistan, into a 'narco-state'[178].

The offshoot of this has been the gradual transformation of the post-Soviet sphere in Central Asia, especially Tajikistan and Kyrgyzstan, from being transit and trans-shipment zone into supply zone for narcotics trafficking to the EU[179]. This process of

[175] Georgia's growth as a criminal state under the former President Shevardnadze has been temporarily halted by Saakashvili's anti-corruption programme aimed both at the crime at the top level of the state apparatus as well as at its grass-root social level. The so-called 'plea-bargain' option (i.e. the opportunity to pay back the money extorted and laundered from state treasury) was offered to many of the arrested government officials, 'police mafia' and the corrupt security forces. The 'thieves-in-law', i.e. the criminal groups in the judicial and political system, who are the legacies of the Soviet system, have been attacked by the new legislations on network rather than individual basis with a view to obliterate their very social basis. For detailed discussion on Saakashvili's anti-corruption programme, see Cornell, Svante E. (2006); 'The Narcotics Threat in Greater Central Asia: From Crime-Terror Nexus to State Infiltration?', and "Legislation to Crack Down on Organized Crime Goes into Force," Civil Georgia, December 29 2005.
[176] Cornell, Svante E.; 2006; Ibid; pp.63
[177] The previous Kyrgyz government under Aksar Akayev was overthrown in the parliamentary elections on 2005 by the political leaders who are either drug barons themselves or have extensive functional collaboration with the drug cartels of southern Kyrgyzstan. Thus, the newly-elected parliament was constituted by majority of people with criminal affiliation. In addition, though the initial alignment between the opposition party and movement with drug-lords was slim, eventually criminal elements increasingly infiltrated the movement as the latter had to turn to the former for the resources.
[178] Cornell, Svante E.; 2006; Ibid.

[179] Curtis, E. Glenn (2002), Involvement of Russian Organized Crime Syndicates, Criminal Elements in the Russian Military and Regional Terrorist Groups in Narcotics Trafficking in Central Asia, the Caucasus and Chechnya.

transformation was initiated during the war in Afghanistan when export and production of narcotics have temporarily shrunk. The production of narcotics in this region which began as import substitution efforts has assumed the dimension of supplementation of global drug trade. Already in 1999, the official estimations indicated that Kyrgyzstan's narcotics export had exceeded that of Burma. Marihuana is extensively cultivated in the Chu Valley of north Kyrgyzstan and South Kazakhstan, from which ephedra is being extracted to be used in amphetamines. High narcotics addiction in the region is yielding additional new markets apart from the traditional markets in the Western Europe and America. Poppy cultivation along with some clandestine and illegal laboratories for synthetic drugs have together contributed to an estimated amount of heroine between 180 and 220 tons per annum in Kyrgyzstan[180]. Locally produced narcotics are often trafficked to the EU via Russia, especially through the trans-shipment points of Moscow, St. Petersburg, Kazan and Volgograd and the Dushanbe-Astrakhan railroad between Tajikistan and Southern Russia, which is also infamously known as the *drug train.*

Narcotics trafficking as a Security Threat to the EU

Trafficking in narcotics illustrates boldly how hard and 'soft' security issues interact to constitute an integrated security threat of multiple dimensions. The structural linkage between narcotics trafficking and violence is complex: through its linkage with insurgency and radicalism, narco-trafficking represents a traditional military threat to regional and international security. The increasing involvement of the radical and militant non-state actors in narcotics trafficking in the post-Cold War era, crystallising the lethal crime-terror nexus, has provided them with necessary resource and equipments to continue their sustained anti-state violence. This has also straddled the differences between crime-motivated violence and terror-motivated violence. This sustenance of terrorism and violence through narco-trafficking is most obvious in the Wider Black Se

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[180] Curtis, E. Glenn ; Ibid.

Region. The terrorist activities of the insurgent groups like the NLA in the Balkans and the radical Islamic groups like the IMU in Central Asia are largely sustained, aggravated and compounded by their participation in narco-trafficking to the detriment of the state sovereignty. As Erica Marat comments, 'There are indeed causal links between the drug economy and the armed mobilization of non-state actors that challenge state forces by instigating armed clashes and terrorist attacks against security forces or state structures in Central Asia'[181]. The Kyrgyz-Tajik border is of vital significance in view of the growing opium production in Kyrgyzstan. This drug is being trafficked from Kyrgyzstan through the Kyrgyz-Tajik border and regions in Ferghana Valley over which the security forces of Kyrgyz or Tajik states have slender control. And frequent armed attacks in this region, instigated especially by the IMU, are hence allegedly the diversionary tactics of the enduring crime-terror nexus involved in drugs and arms trafficking[182]. These armed violence perpetrated by the radical groups during drug trafficking, such as the armed assault on Kyrgyz-Tajik borders, IMU's criminal and terrorist activities in Uzbekistan and Kyrgyzstan in 1990s and early 2000s (latest being the bombings in Uzbekistan in 2005), dissolve the defining lines between criminal and terrorist motivations and activities. It also illustrates that the decimating effect of the war in Afghanistan has been survived by the IMU. In view of the immense increase in production and trafficking of narcotics in Central Asia, and the continued presence and criminal and violent activities of the IMU, it can imply the IMU is rearming itself through the resources derived from the narco-trafficking, and can also substantially contribute to the rebuilding of the AL Qaeda forces after the war in Afghanistan[183]. And a continued symbiotic relationship between the regional radical groups and the Al Qaeda - an active and stronger IMU, in case of political deterioration in Uzbekistan and Tajikistan, and continued narco-trafficking ventures of the NLA with Al Qaeda – implies that the latter will have a new safe haven in the immediate proximity of the EU after the loss of Iraq and Afghanistan. In such cases, the prospects of an increase in Al Qaeda's violent logistical operations in

[181] Marat, Erica (2006), Ibid; pp. 56.
[182] Marat, Erica; Ibid.
[183] A recent report disavows the death of the IMU leader Namangani and confirms his recovery surviving the war. It is being presumed that he is recruiting and building bases for the IMU as well as the Al Qaeda in Badakshan region of Afghanistan. See Curtis, E. Glenn (2002), Ibid.

the EU by infiltrating the outermost weaker walls of the 'Fortress'(especially Romania) cannot be overruled.

Thus, sustained criminal and terrorist-motivated violence in the immediate periphery entails a prospective diffusion of the threat into the heart of the EU through the outer pores of an enlarged EU: the narcotics trafficked to the EU through the Wider Black Sea Region is being increasingly used as currency by the terrorist groups within the EU like the ETA and the IRA to buy illegal sophisticated arms and weapons to sustain their radical activities at the heart of the EU itself. The gradual sliding of the Balkans and the North and South Caucasus into an abyss of narco-economy, crime, violence and terrorism thus represents a complex quagmire for the EU which has no immediate solution.

Considering its 'soft' or non-traditional security dimensions, the narcotics trafficking adversely affects the social fabric of the EU and the health security of the EU citizens by sustaining the high addiction rates in the EU despite the stringent anti-drug policies in the EU countries. The percentage of drug-related deaths[184], as the Figure 12 indicates, is considerably high in the EU. The minimum estimates by the EMCDDA reveal that between 1990 and 2007, more than 122,000 drug-related deaths have occurred in the EU[185]. The increase in the availability of heroin, and use of polydrugs by the opiate addicts has determined a disturbing trend in recent increase in drug-related deaths in Greece, Portugal, Italy, UK, the Netherlands, Austria, Finland and Norway[186]. Several projects carried out by the European Monitoring Centre for Drugs and Drug Addiction

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[184] According to the EMCDDA definitions, 'drug-related deaths' are deaths caused and precipitated 'directly by the consumption of one or more drugs'. This relates to drug poisoning, overdose etc. The proportion of the drug-related deaths in any country at any particular time is contingent on the number of people using drug overdoses, ratio of polydrug usage, availability and efficiency of medical and emergency services etc.

[185] European Monitoring Centre for Drugs and Drug Addiction; 2007; Ibid.

[186] European Monitoring Centre for Drugs and Drug Addiction; 'The State of Drug Problem in Europe'; Annual Report, 2007.
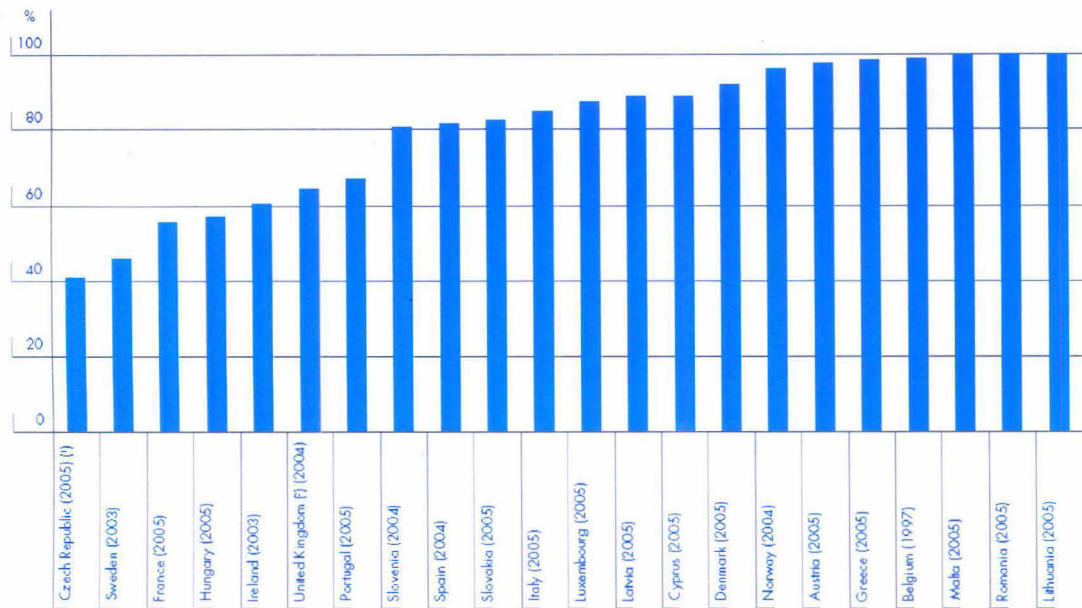
Figure 3: The Proportion of drug-related deaths in various EU countries. Source: European Monitoring Centre for Drugs and Drug Addiction; 'The State of Drug Problem in Europe'; Annual Report, 2007; pp. 83.

illustrate that the mortality rate of the opioid users is much higher than the general population. A study in Czech Republic found that the mortality ratio of the stimulant addicts is 4-6 times higher than that of the general population while that of the opioid users, it is high by 9-12 times[187]. Suicidal tendencies are also higher among the drug overdose addicts, and according to a study in Scotland, in 2005, 30% of all drug-related deaths were suicides[188].

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[187] European Monitoring Centre for Drugs and Drug Addiction; 2007; Ibid.
[188] Ibid.

Figure 4: Overall trends in drug-related deaths in all the EU member countries. Source: European Monitoring Centre for Drugs and Drug Addiction; 'The State of Drug Problem in Europe'; Annual Report, 2007; pp. 85.

Apart from the drug-related deaths the EMCDDA and the European Centre for the Epidemiological Monitoring of AIDS have found that transmission of highly infectious diseases of HIV and Hepatitis B and C is common among the injecting drug users (IDUs)[189]. Current estimates suggest that in the EU, a total of 100,000 to 200,000 IDUs are HIV positives[190]. Besides being serious public health issues, the narcotics-related mortality and, especially, the high prevalence of HIV and Hepatitis B and C among the drug-users exert undesirable and enormous burden on the state's budget on healthcare and social welfare in the EU.

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[189] European Centre for the Epidemiological Monitoring of AIDS;
[190] European Monitoring Centre for Drugs and Drug Addiction; 2007; Ibid.

VI

Trafficking in Small Arms and Light Weapons

As the Cold War reality of a global military security emergency has receded, availability of arms and weapons has paradoxically increased with the protuberance of the volume of criminal diversion and trafficking in arms[191]. The virtual geo-political expansion of armed conflict due to recurrent civil wars, growing insurgency and terrorist activities all over the world, and increasing propensity among the criminal groups and Western mafia to resort to deployment of violence and use of firearms sustain the high demand for arms and weapons. Though prospects of regional conflict in the EU are diminished and the influx of heavy arms into the EU has not yet assumed alarming magnitude there is a steady underground market for small arms and light weapons[192] being smuggled into the EU. The increasing demand in the EU for arms is both for delinquent purposes and for reasons of pure self defense. This is corroborated by the increasing use of firearms by the criminals who resort to means of armed violence and coercive force as a business strategy to facilitate their clandestine transactions, and assert their positions vis-à-vis their rival groups. Moreover, the terrorist organizations and the insurgents within the EU, like the IRA and its splinter groups (especially the Real IRA), and the ETA are the potential customers of large-scale arms and weapons from these transnational arms trafficking ventures for their logistical operations, and further mount up the demands for illegal arms and weapons.

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[191] Arms trafficking during the Cold War in black or grey markets received scant attention during the Cold War era. This was largely because, little distinction was drawn between arms mobilisation by the state and arms trafficking by the non-state actors in a general state of military emergency when easy and widespread availability of arms was desirable.

[192] The definition of small arms and light weapons is being derived from the 1997 Report of the UN Panel of Governmental Experts on Small Arms. This definition draws a distinction between small arms and light weapons. Small arms constitute a category of weapons meant for individual use by single users, like rifles, self-loading pistols, revolvers, assault rifles, light machine guns etc. On the other hand, light weapons concern the category of weapons used by a group or several individuals such as heavy machine guns, portable anti-aircraft and anti-tank guns, recoilless rifles, mortars of 100mm or less calibre, grenade launchers etc. See 'Report of the UN Panel of Governmental Experts on Small Arms'; United Nations, A/52/298; August 27, 1997.

The chief external sources of illegal arms and weapons in the EU are the regions with poor export mechanisms, political instability, long-term state-crime nexus and huge stockpiles of arms and weapons the security of which is poorly ensured: the Balkans and the post Soviet sphere in Central Asia. The steady east and southward expansion of the outer rims of the Schengen zone dictates an easy and increased inflow of illegal arms into the EU and gradual emergence of what is often termed as 'military commercialism'. The traditional hubs of smuggled goods in Western Europe, like Amsterdam and Milan, have now become potential dumping grounds for illegal arms[193].

Identifying the chief suppliers and routes of small arms and light weapons (SALW) to the EU

Since the Dayton Accord that signaled the ceasefire between Bosnia and Herzegovina in 1995, and once the intense regional armed conflict came to an abrupt conclusion due to hurried international intervention, the 'soft' security concerns in the region gained primacy over the hard, military security. The development of a highly criminalised network of criminal entrepreneurs of even rival ethnicities, the demobilized and disbanded soldiers and insurgents specializing in trafficking of the huge arsenal and stockpile of arms and weapons (which was not withdrawn properly) virtually transformed the entire region into a chief source and transit for arms trafficking to the EU.

Illegal arms plants in Croatia and small arms workshops in Slovenia and Serbia in collaboration with the Italian mafia and the French criminal groups, have become chief suppliers of arms, especially wasp rockets, AK-47s, Serbian Zaztava pistols, Croatian Agram submachine guns etc. to the terrorist groups in Western Europe[194]. These Croatian arms shops also specialize in reactivation of the Russian Markov pistols and Ceska

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[193] Davis, Ian, Chrissie Hirst and Bernardo Mariani (2001), *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU;* Research Report; Saferworld Arms and Security Programme.

[194] Curtis, Glenn E. and Tara Karacan (2002), *The Nexus among terrorists, narcotics traffickers, weapons proliferation and organized crime networks in Western Europe;* Research Report; Federal Research Division, Library of Congress.

pistols of the Czech Republic[195] which are then trafficked to the Western European markets through Prague and Warsaw. Interception of several shipments of arms in the Ožalj arms plant in Croatia and simultaneous arrests in 2002 of some arms traffickers in Croatia and Slovenia suggest the presence of a larger transnational network of arms trafficking in this region with confirmed links to the IRA[196]. The resort to armed violence and terrorist activities by the radical splinter groups of the IRA[197], the Real Irish Republican Army (RIRA) and Continuity Irish Republican Army (CIRA) has dictated their high demands for small arms and weapons, which they evidently procure from the Balkans[198]. The IRA has extensive operative links in the Balkans, especially with the criminal group of the Bosnian war criminal Radavan Karadzic specializing in arms trafficking. The RPG22 rocket used by the Real IRA in its attack on the British MT6 London headquarters on 20th September, 2000, was of Bulgarian or Russian origin which it obtained from the Balkans[199]. It is now being evinced that the Real IRA has drug-for-guns agreement with the use narcotics as currency Croatian arms dealers in the region of

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[195] Sagramoso, Domitilla (2001), *The Proliferation of illegal small arms and light weapons in and around the European Union: Instability, Organized Crime and Terrorist Groups;* Research Report; Saferworld and Centre for Defense Studies, Kings College.

[196] In October, 2002, some people were arrested in Croatia and Slovenia with weapons like rocket launchers, explosives, anti-tank weapons and especially, the wasp rockets. These weapons were alleged to be the commodities to be transported to the splinter military groups of the IRA as these weapons, especially the wasp rockets, are extensively used by the IRA. But eventually the dismantling of this trafficking chain could not succeed due to lack of necessary evidence. See Curts, Glenn E. and Tara Karacan (2002); Ibid.

[197] According to the estimation of the Police Service of Northern Ireland in 2002, the annual budget for the IRA's military and terrorist operations, and mobilisation amounted between $2.3 and $7.7 million. For more, see Evans, Richard (2002), 'Organised Crime and Terrorist Financing in Northern Ireland'; *Jane's Intelligence Review;* 15.

[198] The IRA reportedly has a huge arsenal of heavy weapons which were donated by the Libyan leader Gadaffi and shipped from Libya in the 1980s. However, due to UN embargos and US designation of Libya as a 'rouge state', the arms pipelines between the IRA and Libya have been recently disrupted necessitating for an alternative source of arms supply. Moreover, demands for small arms and light weapons, especially handguns and Semtex explosives grew as their paramilitary operations grew in number and became more frequent: not only are the light weapons, unlike the heavy arms, can be used in a variety of operations – from assassinations to public shooting – but they are also easily portable and can be concealed with less difficulties. And the Balkans which have both huge stockpiles of small arms and entrenched transnational criminal networks of arms trafficking have emerged to be the chief arms supplier to the IRA, especially the Real IRA since the aftermath of the Kosovo War.

[199] Davis, Ian, Chrissie Hirst and Bernardo Mariani (2001), *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU*

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Split in Croatia and Dobranje in Bosnia when narcotics is being used by them as currency to pay for the weapons[200]..

This also illustrated that the Ožalj arms plant has already become a leading illegal arms manufacturer and the Croatian government has undertaken little law enforcements to deal with the threat[201]. Since 1998 onwards, the French authorities are confiscating several shipments of arms from Croatia destined for the Basque territory, and even the pistol that was used to kill Aragon Popular Party President Manuel Gimenez Abad in Spain was traced to have been manufactured in the Ožalj arms plant. Collaborative investigations by the Interpol and Europol led to the neutralization of two transnational and 'highly sophisticated' criminal rings of arms trafficking in Croatia in 2000. Estimates reveal that between 1998 and 2000 they had been smuggling weapons (especially hand grenades and automatic rifles) worth of about $720,000 to the Western Europe through Prague and Amsterdam[202] In view of the EU candidacy of Croatia, Bosnia and Herzegovina have also become a hub in arms trafficking with the Bosnian governmental officials and the military operating collectively with the criminal group led by the Bosnian underground war criminal Radian Koradji and a kingpin in global network of arms trafficking, the Tunisian criminal Mohammad bin Saleh bin Hmeidi alias Carlos[203]. Also, the arms trafficking network commanded by the Albanian mafia and insurgents, and the Montenegrin mafia operate in this region which was traditionally trafficked through the Southern Europe across the Adriatic into Milan and from there to Amsterdam and various

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[200] The arrest of three IRA bomb experts in Bogota in Columbia in 2001 has confirmed the speculations that IRA participates in the narcotics trafficking with the Revolutionary Armed Forces of Columbia (FARC) and has established extensive operatives with it. Apart from narco-trafficking, exchange of explosives experts between the FARC and IRA seems to be rife. Intelligence reports claim that the total FARC contributions to the IRA operation and trainings in explosives amount almost $2 million and access to their offshore banks. See Davis, Ian, Chrissie Hirst and Bernardo Mariani (2001), *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU.*

[201] The higher echelons of the Croatian military and civil and secret service (especially the Bosnian faction in Croatian military), and the major political party – Croatian Democratic Union (HDZ) – are deeply implicated in organised crime and trafficking in arms and weapons.

[202] Davis, Ian, Chrissie Hirst and Bernardo Mariani (2001), *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU.*

[203] Giles Temlett, 'Northern Ireland Special Report : War Crimes in the Former Yugoslavia'; *The Guardian;* April 5, 2001. Carlos has extensive operative links in Bosnia, Croatia and Slovenia in trafficking arms and weapons to the IRA, ETA, the Middle Eastern terrorist groups and the Italian mafia.

destinations in Belgium through France and Switzerland[204]. However, with the accession of Romania and Bulgaria to the EU in 2007, this longer route is shifting in favour of the route through Romania or Bulgaria, Hungary, Czech Republic into Austria and farther west. An easier and more direct, and hence most-used route in recent days by the arms traffickers is from Balkans to the heart of the EU directly through Slovenia and Austria.

The inevitable offshoot of the eastward expansion of the EU has been the gradual diffusion of huge quantities of small arms and light weapons into the orbit of the EU, especially the enormous arms stockpiles of the Czech Republic, Romania and Bulgaria. While formerly arms trafficking from these countries had already been a pressing concern for the policy makers, the internalization of the criminal networks and arsenals of weapons due to the enlargement has profound long-term consequences for the proliferation of small arms and weapons within the EU: the 'Fortress' now looks less impermeable which can witness the battle within. Bulgaria has always been an important supplier of illegal arms, subject to UN embargos, to the markets in Latin America, Iraq and Libya. The estimations in 1992 reveal that Bulgaria's stockpiles of arms amounted to $800 million[205]. To this should be added the influx of the un-estimated large arms shipments from Albania in 1997. Despite an export-oriented arms industry, the substantial loss of markets[206] implied 'accumulation of vast amounts of unsold weapons', especially of AK 47s, Makarov pistols and 7.62 mm SVD Dragunov sniper rifles with significant arms production centres, especially in Kazanluk[207]. As Bulgarian government has been evidently less efficient in controlling illegal production and trafficking of arms, the legacy of this huge arsenals of arms is naturally bequeathed to the EU.

The ETA (Basque Fatherland and Liberty) also has extensive contacts with the criminal gangs active in arms trafficking in and through the Balkans. It also, like the IRA, often uses narcotics for as mode or means of payment for the arms. In 2001, the ETA had

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[204] Sagramoso, Domitilla (2001), *The Proliferation of illegal small arms and light weapons in and around the European Union: Instability, Organized Crime and Terrorist Groups.*
[205] Sagramoso, Domitilla (2001); Ibid.
[206] Demands for arms trade from Bulgaria declined especially after the Iraq war in 2003, when UN imposed embargo and sanctions on Iraq, Libya and Afghanistan and installation of democratic regimes in Iraq and Afghanistan with greater American surveillance have generally encumbered free illegal diversion of arms into these regions. Apart from that, Bulgaria has been also facing tough competition from other arms dealers especially in the Balkans, and Central Asia.
[207] Sagramoso, Domitilla (2001), *The Proliferation of illegal small arms and light weapons in and around the European Union: Instability, Organized Crime and Terrorist Groups*

reportedly paid the Camorra criminal organisation in Naples for the purchase of heavy explosives and missile launchers through narcotics. The Camorra, it is being suspected, received the ammunitions from the Balkan mafia groups. The latter supplied explosives mainly from Pakistan and Uzbekistan through the Czech Republic[208]

The former Czechoslovakia has been the centre for an international criminal network of arms trafficking with Russian, Chechen and Albanian mafia and other smaller East European criminal groups acting as brokers and suppliers. Huge quantities of arms were poured in from the former Yugoslavia (especially the Croatian 9mmVHS pistols, Skorpion sub-machine guns, PMA-2 anti-personnel mines etc.) into Prague where an international black market in small arms was based. These criminal networks have survived the end of the Cold War, and to certain extent, the accession of the Czech Republic and Slovakia to the EU. The chief reason for this survival and sustenance is the very high demands for the Czech arms which are of superior quality, but considerably cheaper than those sold elsewhere in the Western European markets[209]. Current estimations reveal that there might be a little more than 12,000 illegal arms in the Czech Republic[210]. Though this is comparatively not an enormous quantity, the cheap prices of the Czech arms might generate ever higher demands for them in Western European markets which could induce greater illegal production and trafficking of arms within the EU.

As unlike the chemical and nuclear weapons, and narcotics, the source of small arms can be identified, the patterns of seizures of weapons across the EU testify that majority of illegal arms and weapons are from the Wider Black Sea Region. In the UK, seizures from 1993 onwards indicate a huge influx of Uzi and Czech sub-machine guns, AK 47s, handguns, pistols and hand grenades, all of Russian or Czech in origin. The Kosovo Liberation Army has also been allegedly recycling its old arsenals to the UK at 'relatively cheap prices', especially the AKM and AK 47 sub-machine guns, TNT explosives, M2HB Browning heavy machine guns, RPG-7 anti-tank rocket launchers etc to the IRA

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[208] Curtis, Glenn E. and Tara Karacan (2002), *The Nexus among terrorists, narcotics traffickers, weapons proliferation and organized crime networks in Western Europe.*
[209] As for instance, while in Germany 1 kilogram of Semtex costs around $2000 the same amount can be obtained from Czech Republic at $120-130. See Sagramoso, Domitilla (2001).
[210] Sagromoso, Domitilla; 2001; Ibid.

and the local criminals[211]. From 2004 onwards, influx and seizures of newer weapons like MAC 10 sub-machine guns especially from Slovenia and Croatia are noted in the UK[212]. In 2001 alone, the number of illegally trafficked weapons into Greece from the Balkans[213] was estimated to be around 350,000 – 400,000 by a transnational arms trafficking network of the Russian and Albanian mafia, Kosovo insurgents and the members of Foreign Legion in Skopje[214]. In Portugal and France modified guns manufactured in Croatia, Slovenia and the Czech Republic and trafficked by the Czech criminals via Austria are frequently seized by the police and intelligence agencies[215].

The Netherlands has been both a destination and an important transit for trafficking of arms to the UK, Germany and France from the Balkans via Warsaw and Prague. The supply of Kalashnikov and anti-tank guns of Croatian and Czech origin to Amsterdam has increased so much that it has been observed that Amsterdam's criminal trade 'has moved from Sex and drugs to focus on firearms – everything from machine guns to anti-tank weapons'[216]. In 2000 alone, some 20,000 Makarov pistols, and in 2001 more than 3000 Croatian revolvers were trafficked to the Netherlands through Czech Republic and Slovenia[217]. In the post-enlargement ear, the Dutch authorities continue to raid firearms, explosives, and hand grenades from Albanian and Russian trucks crossing the Russo-Finnish borders, sneaking into Sweden, the Netherlands, Austria and Germany.

Apart from the Balkans, the South Caucasus is a fertile ground for the perilous crime-terror nexus and has been a repository of enormous quantity of small arms most of which

[211] 'KLA weapons on sale in Britain'; *The Independent;* August 16, 1999; available at http://www.independent.co.uk (accessed on 6/6/2008).
[212] National Criminal Intelligence Service (NCIS).
[213] Greece has been used as an easy transit by the Russian and Chechen mafia to pour in substantial amount of illegal weapons from the Wider Back Sea Region into the black market of Western Europe. So easy is the availability and cheap are the prices of these weapons in Greece that it is being reported that the criminals make only single use of these arms before disposing them. This single use-and-dispose strategy of the criminals is also making it difficult to trace the ownership of these weapons.
[214] Davis, Ian, Chrissie Hirst and Bernardo Mariani (2001), *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU.*
[215] Christian Curtenelle, 'Weapons black market does good business in France'; *The Reuters;* September 4, 2004.
[216] Ian Bickerton, 'Sushi bar killings reflect deadly new Amsterdam trade'; *Financial Times;* December 18, 2000.
[217] Sagramoso, Domitilla (2001), *The Proliferation of illegal small arms and light weapons in and around the European Union: Instability, Organized Crime and Terrorist Groups.*

are purchased secretly from the Russian military presence in Georgia and Armenia[218]. In Transnistria, the legal arms production is under a Russian company. But the region has allegedly turned into en epicenter for the illegal production of arms by the small arms factories being left over by the former Soviet Union. Sophisticated weaponry and small arms are regularly trickled from this region via the Caucasus into Middle Eastern and Western European markets by the trafficking chain formed by the Russian and Chechen mafia, and the Chechen insurgents and radical Islamic groups like IMU in this region[219]. Like the Albanian mafia and Kosovar insurgents in the Balkans, these groups in the North and South Caucasus also combines narcotic with arms trafficking and often exchanges one for the other in the EU. Failure of the EU Border Assistance Mission to Moldova and Ukraine to intercept substantial quantity of trafficked arms does not discount the reality of trafficking: unregulated, porous borders in Ukraine and Moldova have rendered border monitoring so cumbersome that the seizure of trafficked arms by police forces is often not feasible. Moreover, the accession of Romania and Bulgaria have provided the regional crime-terror nexus in the Caucasus with an easier route where trafficking can be carried out with less visibility.

Trafficking in arms and weapons as a security threat to the EU

Greater accessibility to and acquisition of arms and weapons from the trafficking groups strengthens the radical groups and terrorists' positions vis-à-vis the state sovereignty. Concentration and diffusion of weapons in a region contributes to the perpetuation and escalation of conflict, impeding post-war reconstruction and peace process, and general destabilization of the region. Though in a post-modern state like the EU, the armed military conflicts by the state actors in instances of inter-state conflicts is highly unlikely, the general propensity of a myriad of non-state actors to deploy violence has spawned the high probability of sporadic intra-state violent crimes impinging directly on general

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[218] Matveeva, Anna (2003), 'Arms and Security in the Caucasus' in Anna Matveeva ed. *The Caucasus: Armed and Divided;* London: Saferworld.

[219] Cornell, Svante, Anna Johnson, Niklas Nilsson and Per Häggström (2005), *The Wider Black Sea Region: An Emerging Hub in European Security;* Central Asia-Caucasus Institute and Silk Road Studies Programme.

public security and order. The possession of arms and weapons by the non-state actors like the criminal and terrorist groups in the EU is ensured by the steady arms trafficking. And the increasing proclivity of these actors in deployment of armed violence is remarkable: while the terrorist groups in the EU like the ETA, Real IRA and the radical groups in Corsica use armed violence (public shooting, assassinations etc.) as a viable strategy to increase their leverage on the state, the criminal groups, especially the Italian mafia, have resorted to use of violence to facilitate their clandestine activities and reassert their positions vis-à-vis their rival groups and communities.

Not only the traditional organised criminal groups, the instances of the petty criminals (like the robbers, burglars, and thieves), street-fighters and drug addicts in the EU perpetrating armed violence have remarkably increased. This steady ascent in armed crime and violence in the EU over past few years has a structural linkage with trafficking in arms and weapons, in view of the fact that private possession of firearms is considered penal offence in many countries like UK and Denmark, and that the confiscated arms which were used in these petty crimes are all unlicensed and of illegal sources. Thus, the sustained supply of illegal arms and the resultant widespread availability of arms, especially the modified guns, in the EU are in direct concomitance with the emergence and rapid spread of a *culture of violence*. As Figure 10 below illustrates, the latest Eurobarometer reveals that apart from the purely economic issues, the EU citizens are mostly concerned about the rise in criminality, including armed violence. And the trends suggest that this concern is being compounded over time as illustrated by a rise in percentage of concerns over crime from being 23% in 2006 to 24% by the end of 2007[220].

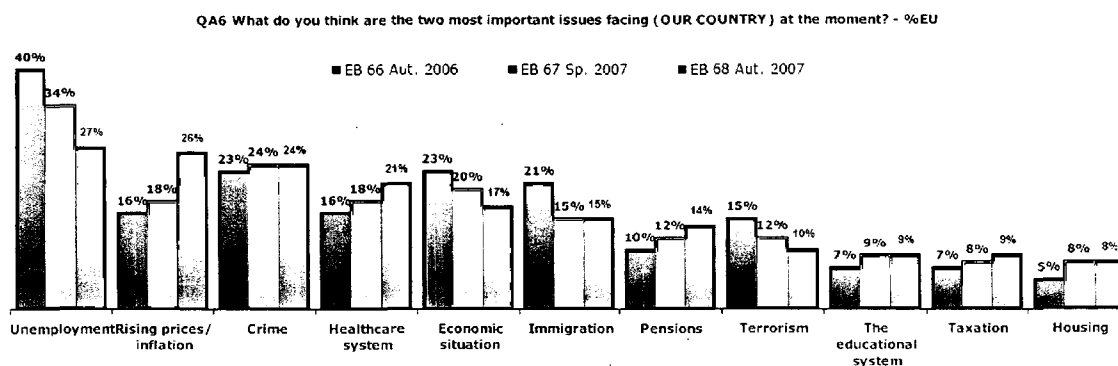[220] Eurobarometer 68, December, 2007.

Figure 5: The statistical representation of the European respondents' opinions and concerns expressed over issues that most directly affect their lives during the period 2006-2007. Source: Eurobarometer 68; December, 2007; pp. 21

The seizures of illegal arms and weapons in the UK reveal the increasing use of mortars and heavy machine guns not only by the criminal gangs, but also by street fighters and drug addicts and petty criminals, of Eastern European origin (especially, Czech submachine guns and Russian handguns) whose use was never noticed before in the UK[221]. Since the governmental ban on private ownership of handguns after the Dunblane massacre in 1997[222], the handguns crime has paradoxically risen by 40%. As David Bredin, the director of the research group of the Countryside Alliance's Campaign for Shooting in the UK, comments, 'the research clearly demonstrates that it is illegal guns which are the real threat to public safety'[223].

In 2001, it was being reported that the soaring rate of armed criminality involving use of firearms in the UK (national rate of 16%, with some regions like Belfast witnessing 27% growth)[224] was overtaking US (where armed crime has fallen by 7%), and Russia (where armed crime has risen by 5%), to be the second fastest rate after the crime-ridden South

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[221] Davis, Ian, Chrissie Hirst and Bernardo Mariani (2001), *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU.*

[222] On 13th March, 1997, a multiple murder-suicidal attack was carried out by a man named Thomas Hamilton at the Dunblane Primary School in Scotland. Hamilton was reportedly armed with two 9mm Browning HP pistols and two Magnum revolvers and fired 109 times. The deadly attack killed 15 children and a teacher, injuring several victims. This has remained the deadliest single mass homicide on children in the recent history of the UK with tremendous political, social and cultural impact.

[223] BBC, 'Handgun crime "up" despite ban'; BBC News, July 16, 2001; available at: http://news.bbc.co.uk/1/hi/uk/1440764.stm

[224]

Africa[225]. But the firearms offences and criminality among the young generation has alarmingly surged further by about 20% since: while in 2001, about 1193 cases of armed offences by the youngsters were reported, in 2005, the figure soared to 1444[226]. In 2001, the national rise in armed criminality was 16% (which some regions witnessing growth as high as 27%) which is one of the worst victimization rates in developed world[227].

In France, in 2001, armed crime rose by 7.7%[228]. Apart from the UK, the Netherlands, Denmark, and Estonia have been designated by a recent study, as 'crime hotspots' in the EU where the rate of armed criminality, taken together, is 30% higher than the total European average: while in the UK, the 'very recent' victims of armed crime in 2007 counted 20%, in Spain it was 10%, while the EU average was 15%[229]. The use of firearms had already been on rise in the Netherlands during the pre-enlargement era: between 1994 and 2000 it had already grown by 87.5%[230]. In France also, the rise in armed criminality has been commensurate with the increasing availability of illegal arms due to trafficking.

[225] Sophie Borland and Aislinn Simpson, 'Britain's rising level of gun crimes'; *The Telegraph*, August 24, 2007; available at http://www.telegraph.co.uk/news/uknews/1561107/Britain's-rising-levels-of-gun-crime.html. (accessed on 7/6/2008)

[226] Sophie Borland and Aislinn Simpson, 'Britain's rising level of gun crimes'; *The Telegraph*, August 24, 2007; available at http://www.telegraph.co.uk/news/uknews/1561107/Britain's-rising-levels-of-gun-crime.html (accessed on 7/6/2008).

[227] N.P. Walsh, 'UK matches Africa in crime surge', *The Observer*, June 3, 2001; available at http://www.guardian.co.uk/uk/2001/jun/03/nickpatonwalsh.theobserver. (accessed on 7/6/2008).

[228] BBC, 'France seeks to combat rising crime', BBC News; January 14, 2003; available at: http://news.bbc.co.uk/2/hi/europe/2657813.stm. (accessed on 7/6/2008).

[229] Finfacts Business News Centre, 'London, Amsterdam, Dublin, Belfast and Copenhagen are the most dangerous cities in the EU for crimes'; Finfacts News; December 19, 2007; available at : http://www.finfacts.com/irelandbusinessnews/publish/article_10008972.shtml (accessed on 7/6/2008)

[230] Sagramoso, Domitilla (2001), *The Proliferation of illegal small arms and light weapons in and around the European Union: Instability, Organized Crime and Terrorist Groups.*

	Theft from car	Burglary with entry	Robbery	Sexual incidents	Assault & threats	All five crimes
Not serious / no loss	53	34	39	38	34	42
Solved it ourselves / inappropriate*	14	26	21	31	29	24
Police could do nothing	19	13	16	13	13	14
Police wouldn't do anything	16	10	12	7	10	11
Fear of reprisals	<1	2	7	8	7	5
Fear / dislike of the police	1	3	4	4	4	3
Reported to other authorities	1	2	2	4	4	3
No insurance	3	1	1	<1	<1	1
Other / don't know	18	25	23	24	25	22

* Multiple responses were allowed, so percentages may add to more than 100%. Based on last incident over the previous five years.

* Solved it myself', 'My family solved it' and 'Not appropriate for the police' are taken together.

Figure 6: The Reasons why the EU citizens do not report an incident of crime to the police (in percentage); Source: European Crime and Safety Survey (EU ICS), 2005, 'The Burden of Crime in the EU', Research Report, pp. 71

These increasing concerns over crime in the EU augment the threat perception of the citizens begetting a *perceived insecurity* of the life and property amongst the civilians. Figure 7 exposes that this *perceived insecurity* of the EU citizens is considerably high. Corroborating this is the gradual drop in confidence and trust of the civilians in the credibility of the police forces to adequately deal with the rising crimes. As figure 8

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illustrates, there is a gradual descent in the percentage of the EU citizens in their
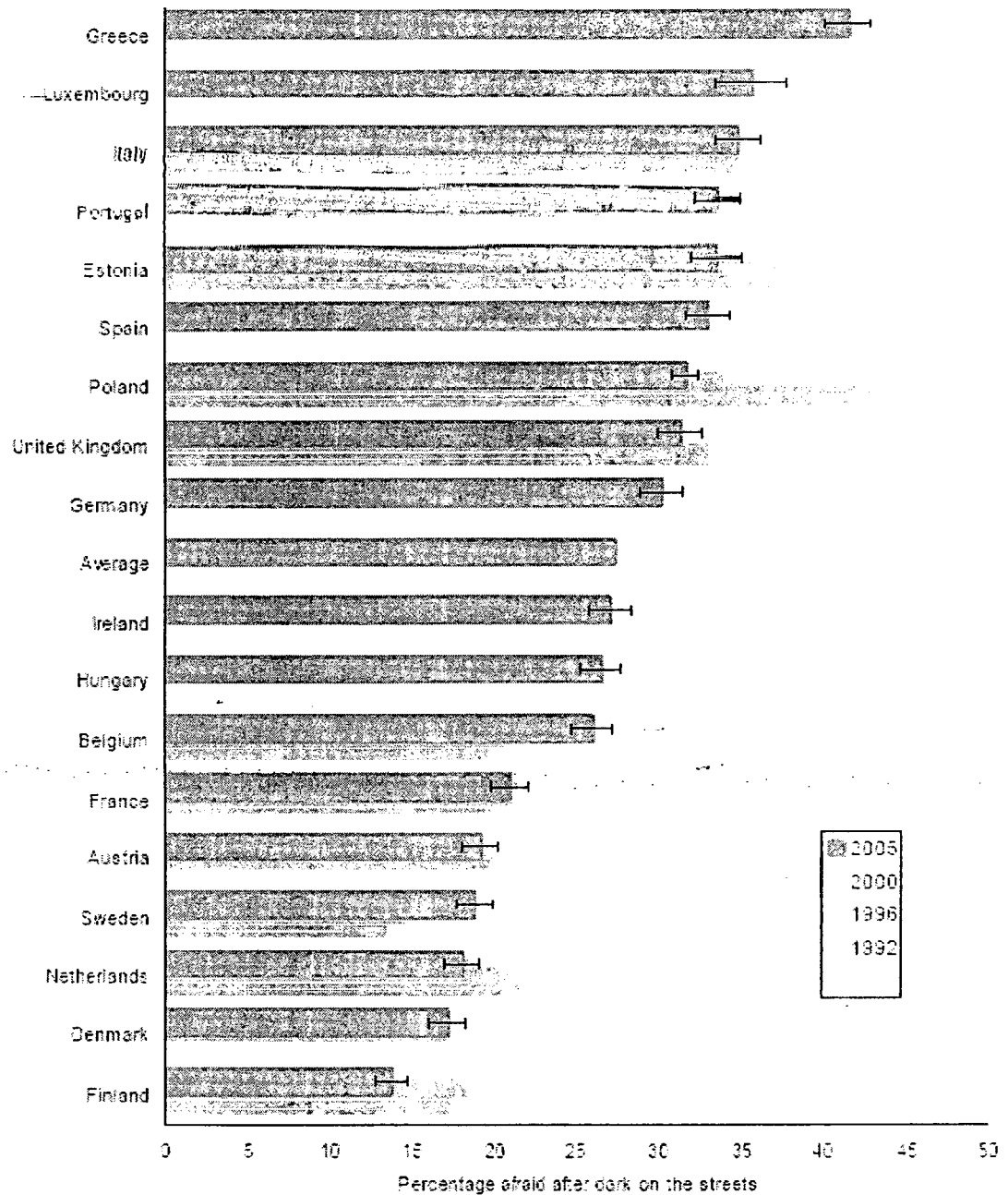
Figure 7: Percentage of the EU population feeling unsafe on the streets after dark due to threats of violence and assaults conducted by the street gangs, young generation drug addicts and criminals. Source: European Crime and Safety Survey (EU ICS), 2005, 'The Burden of Crime in the EU', Research Report, pp. 66.

satisfaction with the police responses to the crimes in recent years. This erosion of confidence in the defense mechanisms of the state to fight and control crime and armed

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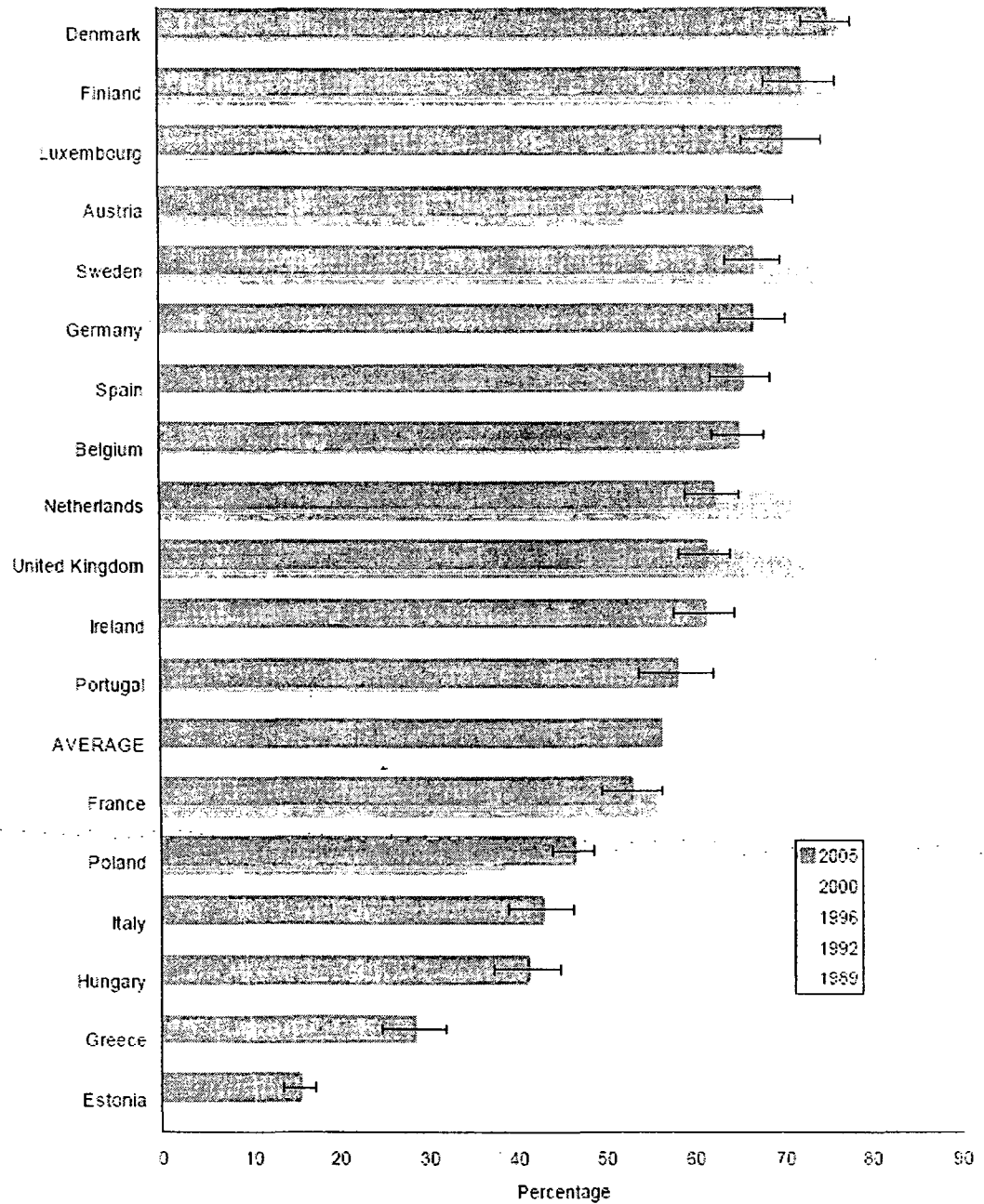
Figure 8: Percentage of victims of crime satisfied with the police responses after reporting the crimes. Source: European Crime and Safety Survey (EU ICS), 'The Burden of Crime in the EU'; Research Report, pp. 73

violence within the national borders precipitates what is being termed as the *privatization of security:* the social communities and the ordinary citizens increasingly assume the responsibilities of defending themselves through private possession of small arms,

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especially revolvers and guns. Figure 6 illustrates that this increasing propensity among the civilians to resolve the incidents of criminal and armed attacks against them.

It is difficult to establish the counterfactual proposition that without the sources of steady and sustained supply of arms, viz., large existing arms stockpiles in the conflict-ridden regions, or the illegal, privatized manufacture of arms and weapons in some states, especially in Croatia, crime rate in the EU would have been much less. However, market logic evinces that steady supply of a particular product or commodity not only satisfies the demand but also further accentuates it and lowers the purchase value of the concerned product. But in absence of such sustained supply, not only the cost of the product increases manifold, but sometimes the demand for the same also recedes over time.

Conspectus

Thus, prosperity, stability and well-being of the citizens of the EU are seriously threatened by these multiple threats, which are considered as 'soft' threats, and a sense of urgency to counter them is largely missing in the EU. As the study has shown, trafficking poses an integrated security threat whose 'hard' and 'soft' dimensions not only closely interact with each other, but are also interlinked. This compounds the growing security concern of the EU states and citizens while the 'slow approach' in policy making in the EU, vis-à-vis trafficking is enhancing the threat manifold. The next chapter probes into the policy approach adopted by the EU to counter trafficking. It appraises that being predominantly 'soft' tools of policy and diplomacy, they have been extremely slow, I not totally futile, in countering the fast growing phenomenon of trafficking.

Chapter 5

Defending the 'Fortress': An Evaluation of the EU's Response to the Threat of Transnational Organised Crime

Freedom, wherever it existed as a tangible reality, has always been spatially limited. This is especially clear for the greatest and most elementary of all negative liberties, the freedom of movement; the borders of national territory or the walls of the city-state comprehended and protected a space in which man could move freely. Treaties of international guarantees provide an extension of this territorially bound freedom for citizens outside their own country, but even under these modern conditions the elementary coincidence of freedom and a limited space remains manifest. What is true for freedom of movement is to a large extent, valid for freedom in general. Freedom in a positive sense is possible only among equals, and equality itself is by no means a universally valid principle but, again, applicable only with limitations and even within spatial limits.

Hannah Arendt (1963), On Revolution[1]

The transnational organised crime and trafficking serve to illustrate the complex nature of a comprehensive security threat at a time when the European reality of rapid border expansion and integration mingles with the general global reality of a diffused security environment of amorphous non-traditional threat to beget a complex security reality. While expansion and a global outlook have implied an expanded zone of security[2], the post-9/11 global security reality suggests radically different and new security threats affecting the security equilibrium. This has accelerated the twin-process of what is being termed as *Europeanization* and *externalization* of some of the internal security issues,

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[1] Arendt, Hannah *(1963)*, *On Revolution*, New York: Penguin Classics, pp. 60

[2] European security, thus, now no longer denotes the security issues within the confined geo-political space of the EU, but brings within its fold the security concerns of its periphery and neighbouring regions as well. In fact, what was periphery and neighbourhood yesterday, has become an integral part of the EU today through expansion and integration. Thus, the territorial divisions between periphery and core do not necessarily imply an iron curtain between the security issues of core and periphery or security divisibility.

which contributed to reconceptualization of security as both political and ideological value and a veritable policy target[3].

As far as *Europeanization* is concerned, the creation of a unified European space and the removal of all restrictions on the free mobility of capital, labour and commodities within this space by the Schengen Agreement of 1985, had, in a sense, augmented the scopes for newer crimes and clandestine activities. Hence, internal security threats, which formerly belonged to the jurisdiction of nation-states and accordingly dealt with at the national level, were extrapolated to the supranational, European level: a supranational dimension is being increasingly ascribed to the internal security issues.

Externalization of the security threats, the second of this twin-process, involves several're-conceptualization' stages which added an external dimension to a number of security issues. Thus, many national, internal or intra-European issues are not only ascribed to their extra-European seat of origin, but also their magnitude and preponderance at the global level. As for instance, while intra-European terrorist activities have been in rife, the extra-European nature and source of this security threat has been overemphasized. Similarly trans-border crime and trafficking in human beings, drugs and arms cease to be considered to be affecting only the nation states of the EU, but as a global threat. And hence, this adding of external dimension to the hitherto perceived internal security issues essentially broadens their parameters and salience.

However, in evaluating this hypothesis, it should be stated that a reappraisal of the EU security scenario in terms of the dual dynamics of *Europeanization* and *externalization* of some of the internal security threats, is, at the most, an incomplete appraisal of a far more complex reality. Concomitant to externalization of some internal threats is the complex progression of what can be termed as the *internalization* of numerous external threats. The momentous eastward expansion of he EU, along with its increasingly global *Weltanschaung* have contributed to the inclusion of some of what were hitherto external

[3] Apap, Joanna and Sergio Carrera (2003), *Maintaining Security Within the Borders: Towards a Permanent of Emergency in the EU?*, CEPS Policy Brief No. 41, Centre for European Policy Studies: Brussels

security issues, within its own territorial fold. This *internalization* of the erstwhile external security issues necessitates an understanding of the broader global reality of *indivisibility* of security which deflates the territorial divisions of core and periphery: the security issues of core and periphery are becoming increasingly convergent and indivisible. The straddling of the erstwhile defining line between and convergence of internal and external security issues has been most apparent in Europe[4]. And this *security continuum*[5] has brought newer kinds of invisible and unidentifiable threats within the scope. As Anderson and Apap comment:

'At the macro-level of European security policy-making, a distinction may be made between the culture of 'internal security' [police, in a broad sense] and of 'external security' [involving diplomacy and military expertise]. Since the Copenhagen European Council of June, 1993, the dominant European approach to external security has explicitly been an inclusive one, emphasized by the Stability Pact for South-Eastern Europe. A security culture based on integration as *a method for 'structural' conflict management and prevention* is clearly present within the European Union. The underlying 'logic' of this culture was that conflict management should be based on bringing the relevant parties into a comprehensive system of cooperative relations'[6].

In this complex reality, the continuum between the traditional 'hard' and non-traditional 'soft' security threats is steadily gaining ground. Trafficking in and from the Wider Black Sea Region to the EU has illustrated how the 'soft' dimensions of the hard security threats and the hard dimensions of the 'soft' threats interact and merge together. The hard threats of frozen military conflicts in the trans-Caucasus region, especially in Abkhazia

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[4] Indeed the structural linkage between the two has been recognized as early as Machiavelli who suggested this inter-linkage but different methods of policy making or both. But the debate revolving around Europol and resultant coordination and cooperation in the Justice and Home Affairs in the former EEC in the late 1980s revolved around the notion of an all-encompassing *comprehensive security* under which different, heterogenous components and typologies of security threat have been clubbed together and interlinked as being components of a general, composite security threat – organized crime, trafficking, terrorism, ethnic violence, proliferation of WMDs etc.

[5] This notion of security continuum has been severely attacked by scholars like Didier Bigo on grounds of securitizing almost all sorts of diverse problems and linking very different typologies, activities and qualitative profiles of different threats emanating from and exacerbated by different sources. For more, see Bigo, Didier (1995) *The European-international security field: stakes and rivalries in a newly developing area of police intervention* in Malcom Anderson and Monica den Boer [ed] *Policing Across National Boundaries;* London; Pinter.

[6] Malcom Anderson and Joanna Apap (2004), *Changing Conceptions of Security and their Implications for EU Justice and Home Affairs Cooperation;* Centre for European Policy Studies; CEPS Policy Brief No. 26.

and South Ossetia and in the Balkans directly interact with the soft threats of economic stagnation, political corruption and instability to breed the protuberances of criminal networks in this region. And hence, preventive policies that go to either extreme – either a traditional coercive, military approach or an exclusively soft preventive approach – are unlikely to countervail these integrated security threats. Hence, a middle way, a judicious combination of coordination and cooption, preventive and punitive policy measures, soft and hard policy approaches is the necessity of the time.

Thus, any response policy addressing the threat of trafficking and transnational crime to the EU should not be limited within the confines of anti-trafficking and anti-crime legislations and increased vigilance along the Schengen borders. Especially in view of the European Security Strategy that strives to adopt a structural and sustained 'cause-oriented policy response to the main threats identified, the EU should upgrade its hard power capabilities too while intensively deploying the tools of soft politics. Thus, in accordance with the EU agenda of deepening of integration and broadening the expansion, it can be posited that a *deepening of soft power tools* commensurate with an *expansion of hard power credibility* constitutes an optimum policy response to the comprehensive security threats like trafficking and trans-border crime. As Sophia Clemently precisely posits: '...a long term coordinated and coherent international presence, the core part of which will be European, will therefore be needed to implement change and transition through combined means, encompassing the whole spectrum of conflict prevention and crisis management'[7]. Thus European strategic thinking now fundamentally rests on the notion of *comprehensive security* of the Helsinki Final Act, which defines security as being 'the protection and promotion of human rights and fundamental freedoms, along with economic and environmental cooperation...to be just as important for the maintenance of peace and stability as politico-military issues'. Further, the 'indivisibility' of security in the new era has also been duly acknowledged by adoption of a *cooperative* version of

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[7] Clement, Sophia, *The Balkans and Beyond: The European Perspective on Future Regional Stability*, East European Studies Special reports, available at http://wwics.si.edu/ees/special/2000/clemen.pdf. (accessed on 3/1/2008).

security: 'States have a common stake in the security of Europe and should therefore cooperate ... since insecurity in one State or region can affect the well-being of all'[8].

However, a marked 'hard'/'soft' divide and dichotomy rather than a desired hard-soft coordination is what characterizes the EU's response to the comprehensive threats of trans-national organised crime and trafficking. Though the EU recognises the *comprehensive* and *integrated* nature of the threat and appraises the necessity of a cause-oriented response, it fails to implement the hard-soft policy coordination and excessively relies on soft mechanisms. The sustained military separatist conflicts in the Caucasus cannot be resolved by soft diplomacy alone, but requires a more proactive military role of the EU in the region to obliterate the existing low-intensity regional conflicts and also as a pre-emptive measure against the escalation and appearance of sustained conflict that provides safe haven to criminals by forging the vicious crime-terror nexus. Though the European Security Strategy of 2003 recognises transnational organised crime as a prime security threat, it does not offer any blueprint of counter-measures to be implemented.

Thus, the implementation of the soft security measures against transnational organised crime within the EU borders is mostly incremental that betrays a disappointing incoherence, and lack of robust coordination among the member states. There is little consensus among the member states as to the most optimum policy measure vis-à-vis the integrated and multi-faceted security threat that trans-national crime and trafficking represent. While some member states adopt a comprehensive approach, in addition to the EU's Framework Decision on Combating Trafficking in Human Beings[9] at the supranational level (this includes cause-oriented policy measures ranging from poverty alleviation and reducing instability in neighbourhood) others are more inclined towards more restrictive approach like border-management. Unlike economy, security issues within the EU have not yet been homogenised at the Community level, and hence competent national visions of security have been disparately combined by the EU to mould its security concerns. This absence of a common referring point and standards of

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[8] OSCE (2000), OSCE Handbook. Vienna, pp. 1-3.
[9] The Framework Decision on Combating Trafficking in Human Beings endorses criminalisation of trafficking with penalties that can upgrade to 8 years of imprisonment.

security at the supra-national level impedes the successful implementation of counter measures against the security threats.

There lies much truth in Anderson and Apap's comment that in the post 9/11 era,

'The characteristic of security discourse is to take one issue, dramatize it, *securitize it,* and make it the most important threat confronting our societies. At present, this threat is terrorism. In combating it, security policies will be conceived, elaborated and analyzed as a continuum, stretching from street level and activities which were formally thought to belong to ordinary criminality [such as the clandestine transfer of funds], to macro-strategic balances when punitive action is envisaged against states. This approach will be increasingly apparent in policies designed to combat all forms of serious crime. The already recognizable trend towards deeper and more systematic internal-external security policy coordination will be accelerated and strengthened'[10].

General EU Approach towards the Security Threat of Transnational Organised Crime and Trafficking

Crime prevention had become a prioritized concern to the former EEC since the late 1960s and ever since it has evolved to become a fundamental security concern under Justice and Home Affairs (JHA). As onslaught of globalization and technological boom have assisted the criminal networks to span all-over the world, and as newer forms of criminality emerge, the growing concern of merging the external as well as internal dimensions of the organised crime, especially trafficking, has been rearticulated variously, especially at the European Council at Tampere in 1999. The Article 29 of the Treaty of European Union had already recognised cross-border crime as a fundamental security concerns. It says, 'Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia. That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism,

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[10] Anderson and Apap (2004), *Ibid,* pp.6-7, emphasis added.

trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud...'[11]. The EU Forum on Organized Crime Prevention was adopted in May, 2001 when the concept of crime prevention was applied primarily to human trafficking and fraud, emphasizing the urgency of a common concept of crime prevention and risk-assessment at the EU level. Additionally, an EU financial programme called Hippokrates was adopted in June, 2001 to fund the crime prevention measures across the EU.

The EU recognises trafficking in human beings not only as a crime of sexual and labour exploitation, but also as a fundamental violation of human rights, and hence, a serious human security concern. As the Article 5(3) of the Charter of Fundamental Rights of the European Union proclaims: 'Trafficking in human beings is prohibited'. And the necessary measures include not only preventive measures but also other measures like adequate protection of and socio-legal assistance to the victims, criminalisation of sexual violence, as well as measures to ensure law-enforcement and judicial cooperation among the member states and with the countries of origin and transit. Aimed at harmonization of the criminal justice and its communitarianisation, the Commission had adopted two important legislative acts in December, 2001 entitled 'Combating Trafficking in Human Beings and Sexual Exploitation of Children: Two Proposals for Framework decisions'. In addition, Europol and Eurojust were commissioned with the tasks and competence to prevent trafficking by promoting judicial and police cooperation among the members of the EU.

II

From Second Pillar to the Third: Changing notion of Security and Impact on the Justice and Home Affairs

Situating the security threat that trafficking in the Wider Black Sea Region poses in the post-enlargement security environment in the EU, we see the steady inward movement of the hitherto external threat. Thus, the location of and responses to these threats have

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[11] Article 29, Treaty on European Union, available on:
http://www.ellispub.com/downloads/eu_cons_treaty.pdf. (accessed on 23/5/2008)

fundamentally changed. Unlike exclusively constituting the concerns of the external, foreign policy under the Third Pillar of the EU, a substantial part of the response policy to the threat of transnational crime and trafficking is integrated into the Justice and Home Affairs (JHA) under the Second Pillar.

The Justice and Home Affairs (JHA) of the EU is a domain of rapid progress and momentous evolution[12]. Especially after the 2004 and 2007 enlargement, this domain of an internal area of 'freedom, security and justice' is being reconceptualised adding new dimensions and scopes for newer policy measures. The challenges of the eastward expansion of the EU are more directly incumbent on the JHA than other domains precisely because the JHA concerns not merely political and economic dimensions of the EU, but most importantly, the security dimension of it: the area of freedom, security and justice is not only about economic and political integration but also about the establishment of a common internal 'security regime' delivering the most important public good – security – to the citizens of the EU. And hence, like all the security organisations, the most fundamental vulnerability of the JHA is the appearance of any weak spot in the entire system. Even an apparently minor or trivial weak spot might have the potentiality of wreaking disruption and destabilization of the entire system. Thus, after the enlargement, the prime challenge of the JHA is not merely to preserve the acquis but to accentuate the momentum of its development and further reinforcement.

JHA and the Security Continuum in the post 9/11 era

The continuum between the internal and external security threats have been explicitly recognised by the Tampere Presidency conclusions which presuppose the coordination between the Second and the Third Pillars of the EU, between internal and external security policies:

'The European Council underlines that all competences and instruments at the disposal of the Union, and in particular, in external relations must be used in an integrated and consistent way to build the area of freedom, security and justice. Justice and Home

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[12] Though the implementation of some significant legislations, especially in the area of immigration and asylum policy, has been seriously delayed due to the unanimity clause of the Council, the progress and development in the domain of the JHA have been rapid.

Affairs concerns must be integrated in the definition and implementation of other Union policies and activities'[13].

After the incorporation of the Schengen Convention into the EU framework and the heightened efforts at the harmonization of immigration and asylum policies, and European cooperation in judicial field (as enshrined by the European Judicial Network or the Eurojust), the Justice and Home Affairs has gained newer dimensions in fortifying the internal security regime in the EU as well as coordinating external with internal security policies. The promotion of the judicial, police and intelligence cooperation between the EU and the states in the neighbourhood by Javier Solana (as for instance, the JHA Action Plan for Ukraine). Especially, after the 9/11 catastrophe and the growing revelation about the sinister crime-terror nexus have thrust upon the JHA Council a more robust role than before giving a new impetus to the securitization of the Area of Freedom, Security and Justice (AFSJ). This is illustrated in the harmonization of criminal sanctions, crackdown and freezing of terrorist and criminal assets and bank accounts in the EU, the European arrest warrant, amendment and a more full-bodied version of the Money Laundering Directive, the establishment of Eurojust cross-border prosecution cells and the heightened emphasis on coordination and cooperation between the police, intelligence and judiciaries of the member states in data exchange. The Police Chief Task Force has also been commissioned with the task of promotion of police and intelligence cooperation with the neighbouring third countries. As Anderson and Apap comment:

'There is a clearly a risk of the security rationale becoming predominant. The decisions adopted by the Council after September 11th were essentially a "security" package combining various law enforcement and criminal justice cooperation measures. There has been a spillover of the security rationale into JHA areas extending beyond law enforcement against terrorism. An example is paragraph 29 of the Conclusions adopted by the Council on 20 September 2001 which invites the Commission 'to examine urgently the relationship between safeguarding internal security and complying with international protection obligations and instruments' which – put in less covert words – means a re-examination of asylum and refugee guarantees and procedures in the light of the terrorist threat. The anti-terrorist 'security' package has also almost entirely taken over the agenda of the JHA Council meetings after September 11th, with the effect that

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[13] Tampere European Council (15-16 October 1999), Presidency Conclusions, point 59.

other areas — such judicial cooperation in civil matters which is a crucial element in the construction of an 'area of justice' –have been put on the backburner'[14].

And some of the measures adopted under the auspices of the JHA inevitably compound the conflict between civil liberty and freedom of the EU citizens and third country nationals and the concern for defending the internal security regime – measures like 'utmost vigilance' in the grant and issue of residence permits to the third country nationals, 'more systemic checking of identity papers' and the intrusive internal surveillance under Article 2.2 and 2.3 of the Schengen Convention. These restrictive and exclusionary measures point to a negative rather than a positive approach to maintenance of internal security.

Challenges of Enlargement

The chief challenge that the JHA confronts as a fallout of the enlargement is the introduction of political and structural diversity into the domain. Though positive diversity promises to incorporate new and effective tools of policy making and know-how, if this diversity implies the introduction of some weakness into the domain it might imply serious distortion of the credibility of the entire system to deliver security to the citizens. Though the legal adoption of the acquis and ensuing adaptation of the national legislations to the EU JHA acquis by the new members has progressed considerably, the sustenance of some political and structural diversity seems to add to the burden. The enlargement reinforces the already existent diversity over external border management, drug control policy and measures against money laundering. As it is examined in the following section under the Schengen regime the rationale of strong external border management collides with the eastern orientation of the Eastern European members of the EU. This eastern dimension of their policies also preclude the new members to take strictly regulated measures against money laundering as that would substantially reduce the inflow of foreign capital from their eastern neighbours especially Russia and Ukraine. The diversity of implementation capabilities amongst the new members represents an area of disparity that induces elements of weakness into the fabric of internal security

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[14] Malcom Anderson and Joanna Apap (2004), Ibid, pp.8-9.

regime that the JHA embodies. As Jörg Monar says, these new members 'have substantial staffing, training and implementation deficits which will still require several years' time to be overcome'[15]. In both Poland and Hungary, as the ensuing section of this chapter will examine, there is substantial shortfall in number of border guards on the external frontiers of the Schengen land. Extremely slow 'last minute' adaptation of national legislations to the acquis like the considerably late alignment of the national legislations to the EU visa rules in Poland and Slovakia, slow progress in eradicating corruption, slow development of data-protection and participation in the Europol and other computerized data-protection and data-exchange networks within the EU accentuates the diversity in implementation capability. The cumulative effect of this has been the greater risk of a more exposed and loosely controlled external frontier of the EU.

These diversities will seriously affect the common decision-making within the EU, mutual confidence among the members regarding the respective standards and credibility of internal security mechanisms and procedures. This is especially true of the old members of the EU vis-à-vis the 'untested' new members which might provoke the old members further to be reluctant to change the existing national laws of data-protection and internal security measures, adapt them to the EU acquis and exchange them with the new members. Effective and intense EU-wide cooperation and coordination in sensitive internal security matters to defend the area of freedom, security and justice presupposes a great degree of mutual trust and confidence in judiciary and law enforcement structures across the internal borders in the EU and also among the citizens. There is a belief that 'EU action in the JHA domain will provide "value added" in terms of enhanced internal security and will not, on the contrary, create new risks, for instance through porous external borders or leaking of confidential data to crime'[16]. The political and popular perception is growing that enlargement has compounded the threat of the transnational organised crime and trafficking due to the weak EU external border management by the new members and that several weak spots are appearing on the outer rims of the EU with

[15] Monar, Jörg (2003), *Justice and Home Affairs after the 2004 Enlargement,* Paper presented at the conference 'Freedom , Security and Justice: The Challenges of Enlargement' at the University of Catania, December 13, 2003. pp. 5.
[16] Monar, Jörg, Ibid, pp. 7.

potentiality to disrupt the entire JHA in long run. Such an erosion of popular confidence can seriously decimate the credibility and legitimacy of the JHA as the public provider of internal security to the citizens. Moreover, the lingering perception about the widespread corruption in and little capability of the new members in implementing the mechanisms of competent standards threatens the deceleration of the pace of reinforcing the internal security regime within the JHA[17].

Europeanisation of Security within the JHA: a critical appraisal

The challenges of the enlargement to the JHA can be explained in terms of the development of new dichotomy between supranational notion of security and national security concerns in the EU, the dichotomy between the principles of Europeanisation and intergovernmentalism. The principle of Europeanisation often stands at odds with the principle of intergovernmentalism that gives credence to a 'bottom-up' approach to policy making granting more autonomy and discretion to formulate policies in important fields to the member states. On the other hand, Europeanisation, the supreme voice of the neo-functionalists, adopts a 'top-down' vertical approach to policy making when the EU acts as an 'intervening variable' affecting the policy making at the national level of the member states. As Radaeli defines it: 'Processes of (a) construction, (b) diffusion and, (c) institutionalisation of formal and informal rules. Procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of the EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policy'[18]. The extent of Europeanisation thus decides whether the member states act inside the EU framework in accordance to its principles and policies.

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[17] An illustration of this is to be found in the stubborn reluctance of some of the old members of the EU to exchange national data with the new members, especially Poland and Hungary. The Europol is also frequently denied of the relevant national data due to this lack of mutual trust among the member states.
[18] Radaelli, Claudio M. (2000), "Whither Europeanization? Concept Stretching and Substantive Change", *European Integration Online Papers*, Vol. 4, No. 8, available at:
http://eiop.or.at/eiop/texte/2000.008a.htm. (accessed on 19/12/2007).

The growing discrepancies between the forces of supra-nationalism and intergovernmentalism within the EU are illustrated in sharpest relief especially in the arena of security after the enlargement. Not only does the EU 'download' its pressures for communitarianisation and harmonization of policies on its members, the members also 'upload' veritable pressure on the EU for maintenance of semblance of autonomy in certain sphere, especially security, when national security interests are bifurcated from the common, supra-national 'European' security. A significant illustration of this has been the Treaty of Prüm of 2005, signed between seven EU members[19] for the 'further development of European cooperation, to play a pioneering role in establishing the highest possible standard of cooperation especially by means of exchange of information, particularly in combating terrorism, cross-border crime and illegal migration, while leaving participation in such cooperation open to all other Member States of the European Union'[20]. First, by proposing cooperation among member states of the EU in the field of terrorism, organised crime and illegal immigration outside the remit of the EU, 'the signatories do not value the EU as the primary unit for the production of security. The effect is to concentrate the decision power in the hands of a restricted number of Member States and sap the action of EU authorities that otherwise would be relevant'[21]. Because, the Treaties of the EC and EU impose the obligation on the members to cooperate in internal market, and the area of freedom, security and justice within the treaties themselves, and *not* outside of it in form of sovereign treaties concluded among some members. In addition, the three fields in which the Treaty aims 'to play a pioneering role in establishing the highest possible standard of cooperation, especially by means of improved exchange of information'[22], are already covered by the provisions of the Treaty of EU. Though as a semblance of legitimacy this Treaty remains open to all other members, it creates a hierarchy with little room for objectivity and

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[19] The Treaty of Prüm was signed between Germany, Belgium, France, Spain, Luxemburg, Austria and the Netherlands on 27th May, 2005 in the German city of Prüm. In a security landscape that is dotted with problems of transnational terrorism, illegal migration and cross-border organised crime, the Treaty proposed for greater intergovernmental cooperation in security data exchange.
[20] Preamble to the Treaty of Prüm, The Prüm Convention. Available at:
http://www.libertysecurity.org/IMG/pdf/Prum-ConventionEn.pdf. (accessed on 30/11/2007).
[21] Balzac, Thierry, Didier Bigo, Sergio Carrera and Elspeth Guild (2006), *Security and the Two-Level Game: The Treaty of Prüm, the EU and the Management of the Treats*, CEPS Working Document No. 234, Centre for European Policy Studies: Brussels, pp.3.
[22] Preamble to the Treaty of Prüm.

participatory politics: in case other EU state later joins the Treaty it has to conform to the standards and rules which have been determined by the signatories among themselves.

Though the Treaty identifies cross-border crime as a serious security threat, surprisingly enough, it does not contain any separate chapter addressing the threat rather than giving fleeting reference to the concept in a very incoherent manner. Chapter 4 of the Treaty addresses the threat of illegal immigration and tends to compress the threat of organised crime into the blanket category of illegal immigration[23].

The Treaty of Prüm not only illustrates the 'pressure from below' on the EU supranational institutions, but also embodies a veritable 'countervailing political force against the European Union's area of freedom, security and justice'[24]. Not only does it institute a sub-agreement outside the EU framework but also provides for an undesired competition with the Hague Programme in 2005 and the Council's proposal that the national data of one member states would be accessible by other states with the same rights as the state authorities within that particular member state enshrined by the *principle of subsidiarity*[25]. Only the seven signatories of the Treaty would have unrestrained access to the national data of each other, while others will be excluded from this special privilege. By erecting an 'electronic border' between the seven signatories of the Treaty and the rest of the non-signatories, Prüm not only contradicts and threatens the prospects of deepening the integration, but also undermines the process of *Europeanisation of security*. The EU as a supranational unit or provider of internal security and the sub-union level, parallel security agreements like the Prüm are bound to collide in long run and create critical perplexities which would delay the process of communitarianisation of security. This duplicity of internal security would also, contrary

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[23] Even the EU itself has no common definition of illegal immigration. It is being defined differently by different nations according to national norms and laws. And these various notions are being collated by the EU meaning that regarding illegal immigration there is no common standards in the EU to determine the status of an individual as a legal or illegal migrant.

[24] Preamble to the Treaty of Prum, pp. 1.

[25] The principle of subsidiarity thus removed the national borders and barriers in the EU-wide right of access to, use, retention and exchange of the data amongst the member states. The element of national discretion and prerogative in retention, collection and manipulation of data was substituted with the supranational element of open transparency of national data and multilateral cooperation.

to the rationale of the Treaty and expectations of the signatories, weaken manifold, and not strengthen the internal security regime within the JHA framework.

Europol: Ignored or Overrated?

'The record of Europol stands as testimony to indulging in a strategy that places institution building over implementation'[26]: the disinclination and apathy of the member states in utilising the Europol[27] in countering trafficking contribute to the creation of a veritable stumbling bloc not only to the institutional advancement of the Europol in particular, but also to deepening of integration in general. The allocation of a wide array of competencies and responsibilities to the Europol might prove counter-productive if the member states do not coordinate their own respective policies regarding coherent data collection and data exchange among the member states : some 17 new forms of crime have recently been added to the Europol's competence, replacing the original 'crime related approach'. As Antonio Vitorino, the JHA Commissioner said, 'National governments, when asked what they are doing to combat that type of crime, frequently answer that Europol has now been given the competence to deal with it and that therefore the problem is solved'[28]. Such a complacence breeds a false sense of security vis-à-vis transnational crime thereby cloaking the real magnitude of the problem that the Europol is confronting. The immense expansion of the Europol's responsibility in countering soft threats in the post-enlargement era is not being corroborated with simultaneous expansion

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[26] Brown, David (2004), 'Defending the Fortress? Assessing the European Union's Response to Trafficking', *European Security*, 13, pp. 111.

[27] The creation of the Europol in July, 1995 was underpinned by the growing concerns of the transnational criminal activities and trafficking for which the former EC was already acting as a powerful magnet. The Europol Convention thus endorsed multilateral cooperation among the member states and under the Convention Europol was established as a 'clearing house' for bilateral and multilateral exchanges of data and as 'curator and custodian of a central EU intelligence database on organised crime'. However, the original agreement and the Convention are being characterised by a degree of ambiguity as to the extent and scope of its operation, absence of any clause for supervision of its operation or independent scrutiny. Hence, the legal basis of the Europol is ambiguous and open to 'widest possible interpretation' leaving little scope for restrictions in some fields.

[28] Brown, David (2004), Ibid, pp.112.

of manpower to mange the ever-growing areas of competence which also makes prioritisation of competing security threats and agendas extremely difficult.

As for instance, terrorism has become the immediate prioritised security agenda of the Europol rather than organised crime. This is because of the dilemma in which the Europol is being caught – prioritisation of international terrorism as a security threat in response to international security reality, or prioritisation of transnational crime in response to the challenges of the enlargement. As the Annual report of the Europol observed in 2002, 'Most other work was temporarily frozen as the majority of resources were put into efforts...focusing on extreme Islamic terrorism'[29].

Despite the steady expansion of the Europol's area of competence, the crux of its credibility and competency in countering soft security threats like organise crime and trafficking lies in its efficiency to collect, process, analyse and foster exchanges of information data. And due to conspicuous absence of the Europol's own autonomous data collection arm, it is still left at the mercy and discretion of the member states for national data. This is the most fundamental reason of the limited success of the Europol in the field of internal security. The national data that the Europol collects is lamentably incoherent and incomplete. As David Brown comments, 'Both the provision and requesting of information provide key indicators of Europol's continued utility in the eyes of the people who created it, namely the member states. Yet in both cases, having established this route of information exchange, beyond the less formal channels that were already available, the member states have failed to follow through on their initial enthusiasm'[30].

Thus, in the immediate pre-accession period, the Europol failed in providing an accurate assessment of trafficking and transnational criminal activities as security threats to the EU. The data received from the member states were inadequate and incomplete, with the only exception of Germany who provided an exact figure of cases of trafficking and accurate percentage of growth in trafficking activities in recent years. This is precisely because of the diversities among the members of the EU in criminalising trafficking. Only Denmark has criminalised all aspects of trafficking, while France, Finland, UK,

[29] Europol Management Board (2003), *Annual Report for 2002: Report on the Activities of Europol in 2002*, Hague: Europol.
[30] David Brown (2004), Ibid, pp.113.

Germany and Italy have no specific anti-trafficking national legislations. Moreover, depending on different effects of trafficking and transnational criminal activities in different national contexts, different aspects of trafficking have been criminalised among the EU members. While Luxemburg, Greece and Italy have criminalised only trafficking in minors for prostitution, France has criminalised trafficking for prostitution in general.

The enlargement compounds these already existent problems of diversity. Moreover, as enlargement results in the internalisation of several criminal networks that were formerly outside the EU frontier, such national and regional diversities in criminal legislations and implementation capabilities are a boon to the criminals. The Europol's 2007 annual survey report reveals that after the enlargement the specific and different regional patterns of transnational criminal networks are being discerned in different regions of the new members: different criminal networks of trafficking from different countries follow different routes and networks of cooperation. Hence, the Europol urged for regional coordination and cooperation in data exchange to supplement the national and supranational measures in crackdown of networks of trafficking:

'Organized crime groups displace their criminal activities across regions and countries. With respect to their national organized crime situation some member states are experiencing the proximity of neighbouring countries which are also heavily affected by organized crime. Such regional patterns in organized crime require regional initiatives, devised and executed at the local, national and international levels in a coordinated manner. These efforts would greatly benefit from an approach based on the functional and structural features of organized crime, as an adequate response to the "business-like" behaviour and organisation of adapted organized crime groups. It would complement, support and even strengthen the traditional way of policing OC. Such a focus would enable a targeted approach against organized crime, which is necessary to complement other measures aimed at it, be they preventive or repressive'[31].

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[31] Europol Corporate Communications (2007), *EU Organized Crime Threat Assessment 2007,* Hague: Europol, pp.28.

III

The Schengen Borders Regime

The hard external borders around the Schengen regime[32] embody the outer walls of the 'Fortress EU'. The strict surveillance of this external frontier of the EU is of crucial importance in shielding the EU from the trafficking activities from the rest of the Wider Black Sea Region outside the EU. This has been a consequence of a momentous reinvention of the functional role of the borders in Europe. The physical borders, unlike in the past, have become increasingly multi-functional with growing emphasis on their 'soft' rather than 'hard' dimensions. Though, following Robert Cooper's categorization, the EU today represents a postmodern state transcending beyond the hard borders, border management and control of the outermost 'sharp edges' of the Schengen – the outer rims constituted by the new members after the enlargement – has taken on a 'hard' dimension to defend the 'Fortress' EU from the infiltration of forces of destabilizing from outside[33]. Thus, the internal borders are externalized by the EU as per the Treaty of Rome, and the external image and dimension of the outer borders of the EU are strictly controlled as per the Schengen norms to reinforce the external image of the EU as a 'Fortress'. As Heather Grabbe observes:

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[32] The raison de'tre of the Schengen Agreement of 1985 and the Convention implementing the Agreement in 1990 had been 'freedom' of mobility within the Community. Adopting an intergovernmental implementation approach, it sought to implement the Article 14 of the EC Treaties: abolition of qualitative and quantitative borders t facilitate free mobility of people, goods, capital and services. It was only after the Amsterdam Treaty of 1999 when the Schengen was incorporated into the EU machinery within the first pillar. Until then, it remained largely intergovernmental with a limited number of the member states of the EU participating fully into it. Since then, all of the members, except UK, Ireland and Denmark, have joined the Schengen regime. These three members have concluded special protocols allowing them to remain outside the Schengen regime, in conformation with some special provisions, while retaining the choice to participate in some of the Schengen provisions. The Commission is also negotiating with Switzerland for her future prospects of association with the Schengen regime.

[33] This 'hardening' of the external borders of the EU, however, should not be confused with the militarisation of these borders. Rather, these borders are now seen as the crucial points of entry into the EU and hence are strictly controlled so as to ensure the sustenance of the principle of selective inclusion of the people into the EU. Hence, this outer border of the EU is associated with the dynamics of exclusion that makes the EU a 'Fortress' to the outsiders and third country nationals.

'Border policies lie at the centre of security debates as our perceptions of security threats move beyond a focus on traditional, 'hard' security concerns such as military attack to encompass a range of new risks. Frontier controls have come to be seen as the EU's first line of defence against instability and its consequences—such as refugees, crime, and the breakdown of law and order. Distinctions between defence, security and internal affairs have become increasingly blurred, as border policies become a new armoury to supplement military means of defence'[34].

It can thus be said that the 'hardening' of the external borders of the EU is a price for 'softening' the internal borders of the EU – the elimination of physical borders and barriers amongst the member states to ensure free mobility.

And due to this 'hardening' of the external borders of the EU, the newly acceded countries from the Wider Black Sea Region (which now constitute the outer rims of the Schengen land) are being bequeathed with the immense tasks of strictly controlling the traffic and entry of people into the 'Fortress'[35]. In this respect, apart from containing corruption, border management constitutes the most pressing issues for these countries in counter-trafficking policy responses. As the European Management Board proclaimed: 'the ideal country will be one that can be entered easily and traveled across quickly. The quality of its border controls...will therefore be of paramount importance in determining whether traffickers will regard a given as a suitable transit'[36]. This has bred some serous confusions for these countries in reformulating their entire border management and visa and asylum regulations. Especially in view of the fact of the extremely limited developments in the immigration and border control mechanisms in the Warsaw Pact countries prior to their accession, the EU and Schengen conditionality are exerting huge pressures. Formerly, the border control mechanisms of these countries revolved round the concerns of preventing the large-scale economic emigration from these countries, rather

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[34] Grabbe, Heather (2000), 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs*, 76, pp. 498.

[35] Apart from the general requirement of the Copenhagen criteria as the EU accession conditionality, the acceded states from the Wider Black Sea Region are also required to establish a strict and new mechanism of effective external border control in accord with the Schengen regulations. The Schengen has developed mechanisms for regulating controls at external frontiers, including a common visa regime, common regulations for procedures at land and coastal borders and airports, and extensive police cooperation that include the 'Schengen Information System' (SIS) database. Thus these newly acceded countries are to reformulate their existing visa regulations with their eastern neighbours and their border control.

[36] European Management Board (2002), *Crime Assessment: Trafficking of Human Beings into the European Union*, The Hague: Europol.

than restricting entry of the foreign nationals into the region. Moreover, the creation of the new Schengen barriers against the eastern neighbours like Russia, Belarus, Ukraine, Kaliningrad is a tumultuous task and can exert serious impact on the regional accord and relationship among these countries[37].

Considering the fact that majority of trafficking networks from the Wider Black Sea Region open into EU through the Balkans, Slovenia is a significant entry point situated at the outer rims of the Schengen land. Hence, responsibilities and pressures on Slovenia are preponderant. Indeed there has been discerned considerable progress being scored in her Schengen Action Plan. But this can be countervailed by the absence of any significant national legislation against trafficking in Slovenia. Moreover, the veritable shortfall in staffing the outer border of Slovenia (which is also the external border of the EU now) threatens weak external border surveillance[38]. In Estonia, though the Commission noted that the border guards have been 'functioning satisfactorily', this is being countered by the fact that 'staffing levels in the Border Guards are a particular concern in the medium term', resulting in 'the targets of the Schengen Action plan risk not being met'[39]. In Hungary the shortfall in border guard staffs was 30% in 2001[40]. In view of the original Commission skepticism in 1999 that it would take Estonia more than nine years to meet the Schengen standards in external frontier control, there are reasons to doubt effective border management by Estonia even in 2008, and hence remaining a weak link in the

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[37] The political and economic elites from the newly acceded states from the Eastern and Central Europe continue to articulate their growing concerns about the serious policy dilemma they are being caught in: at the time of expanding and deepening the relations with their eastern neighbours, the obligation of erecting visa barriers that the EU membership demands makes the issue a janus-faced problem. This seriously impedes a balance between their concerns of 'not putting up a new Iron Curtain' and the obligations of the EU membership. Consequently, the policies of these member states are characterised by discrepant compromises, relaxation of stringent border control and visa regime vis-à-vis the eastern neighbours by which they navigate between both of their priorities.

[38] The Commission's progress report on Slovenia noted that the Slovenian government had appointed only 392 border guards for 2002 and 200 for 2003, while the Schengen Action Plan had dictated the number to be 700 for 2002 and 540 for 2003. See European Commission: 2002 Regular report on Slovenia's progress towards accession.

[39] Commission of the European Communities, *Regular Report from the European Commission on Estonia's Progress towards Accession on 9.10.02,* Luxemburg: Office for the Official Publications of the European Union 2002, pp.103.

[40] Commission of the European Communities, *Regular Report from the European Commission on Hungary's Progress towards Accession,* Luxemburg: Office for the Official Publications of the European Union, 2002.

chain[41]. The Czech Republic has scored 'demonstrated substantive success in intercepting illegal immigration at its borders'[42]. Despite that, Czech Republic continues to be a weak link, and the booming sex tourism, and prostitution in minors. This is precisely due to both lack of stringent anti-trafficking legislations and the meager progress in border management in Slovakia with whom the Czech Republic continues to enjoy its 'special relationship'. The Czech-Slovak border, even during the pre-accession period, was characterized by very minimal border control and management, being a legacy of Czechoslovakia. This Czech-Slovak border is now an internal border of the EU and the border management is almost non-existent now in the post-accession period. And hence, it is Slovakia, and not the Czech Republic which is the external entry point and border guard of the EU. As David Brown appraises: 'Slovakia, while making the necessary institutional and legislative changes required to satisfy the *formal* acquis, still has "serious problems with regard to illegal immigration". As potential traffickers are likely to seek out the weakest link in the chain, Slovakia's failure is of far greater concern than its neighbor's success story'[43]. As for instance, Poland's borders with Belarus, Russia, Ukraine and Kaliningrad are difficult to strictly control, because most of these are 'green borders' crossing through extensive mountains and forests – regions which are being increasingly used as routes by the traffickers from the post Soviet Central Asian states. Also management of Lithuania's immediate borders with the Russian military transit of Kaliningrad are yet unsettled and largely incoherent and uncoordinated. The Polish-Ukrainian border along the Bug river is also an illustration of difficult border due to the stark economic discrepancies and regional political stability between post-accession Poland and Ukraine. Hungary's problem of borders with Ukraine and some of the states of the former Yugoslavia concerns the issue of large number of ethnic Hungarians living in these regions[44].

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[41] Brown, David (2004), 'Defending the Fortress? Assessing the European Union's Response to Trafficking', *European Security*, 13: 95-116.
[42] Ibid, pp.100.
[43] Ibid, pp. 100.
[44] In comparison to the total of approximately 10 million population in Hungary, the number of ethnic Hungarians living in her non-EU member states is almost 3 million. Prior to accession to the EU, these ethnic Hungarians could freely move within the region into Hungary and work their without visa and work permits. These ethnic Hungarians had also substantive economic investments and trading establishments in Hungary based on ethnic loyalties and family origin and ties. Hence, healthy bilateral relations with these eastern neighbours through trading partnership and free intra-regional mobility had always occupied a

Amongst the newly acceded members, especially Poland and excluding Hungary, staffing problems in the border management represent a crucial factor in the implementation of the EU of successful anti-trafficking policies[45]. The considerably low scale of salary for the border guards, high corruption level[46] and what can be termed as the *Eastern dimension* of the foreign and regional policy of Poland comprehensively affect the credibility of internal security agency as well as the border management of the outer rim of the Schengen land. Poland thus continues to be a 'second class member' of the Schengen community confirming the earlier anticipation of the Commission in 1999 that in Poland there has been 'no overall plan...which can quantify...the number of years needed for achieving even the minimum standards of currently expected'[47]. This has created a number of anomalies in Polish border management that deflate the strict approach and standard being endorsed and demanded by the EU. Poland has evidently adopted a far less stringent policy vis-à-vis its eastern neighbours and even hopes that 'the EU might consider some flexibility in the visa regime'. And it paradoxically reinforces and strengthens its western border with Germany along the Oder-Niesse line rather than its eastern border with Ukraine and Russia. This underscores that the immediate priority of Poland has been meeting the terms of the EU *acquis* for her membership, rather than furthering, strengthening and sustaining the high standards of the EU in border management and internal security control.

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central position in Hungarian foreign policy in the pre-accession period. For more, see Grabbe, Heather (2000), Ibid.

[45] There has been sustained shortfall in the Polish Border Guard since 2000. in 2000, there was no less than 36% of vacancies in the border guard staffing to be filled out – only 18,000 out of 25,000 posts for boder guards in Poland were filled up. Though the next year witnessed this huge gap was reduced somewhat in relation to the previous year (30% vacancies) the progress was not spectacular. The Polish government committed itself not only to filling up all the vacant posts but also to further increase the number of posts by further 5000 new posts by 2006. But this is far from being achieved. For further details, see Lungescu, O., 'Poland to buttress expanded EU borders', BBC News, June 24, 2003, available on : http://news.bbc.co.uk/1/hi/world/europe/2162090.stm. (accessed on 30/11/2007)

[46] The International Crime Victory Survey report indicated in 1999 that Poland and the Czech Republic had the highest level of corruption in the state machinery (Russia was not included in this survey). Though during the immediate pre-accession period Poland took a robust anti-corruption policy resulting in a comparatively high number of corruption-related arrests, it is being noted that corruption in Poland continues to be a significant problem.

[47] Commission of the European Communities (1999), *Regular Report from the Commission on Progress Towards Accession by Poland on 13.10.99*, Luxemburg: Office for Official Publications of the European Union.

The 'softening' of the borders within the enlarged EU has, however, opened up newer scopes for the intrusive unilateral surveillance and policing measures within the EU. These unilateral measures indicate lack of mutual confidence among the member states deriving from the wide discrepancies in their implementation capabilities, and contradict the founding rationale of the Schengen Convention. This has been the outgrowth of the Schengen modifications in the post 9/11 era when the rationale of ensuring security within the Union took precedence over its founding rationale of freedom as laid down by the EU Treaty[48]. The EU member states then resorted to the unilateral agendas of restrictive entry, heightened border controls and surveillance of individuals entering their respective countries at the borders. This blatant disregard for one of the founding principles of the common market, internal freedom of movement of the people, was justified on behalf of 'special security concerns' and a general 'state of emergency'. And the surveillance was not only reinforced in case of the third-country nationals (TCN) and 'others'[49], but was extended to the EU citizens also. The politico-legal basis of this is the Article 2.2 of the Schengen Convention which contains the following mutually contradictory provisions:

'1. Internal borders may be crossed at any point without any checks on persons being carried out.

2. Nevertheless, where public policy or national security so require, a Contracting Party may, after consulting the other Contracting Parties, decide that for a limited period national border checks appropriate to the situation shall be carried out at internal borders.

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[48] As the Art . 2 of the TEU states: "The Union shall set itself the following objectives: to maintain and develop the union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime".

[49] These 'others' are believed to be not only the foreigners, but also people whose physical and behaviour attributes are different from the 'occidental-normal' norms.

If public policy or national security requires immediate action, the Contracting Party concerned shall take the necessary measures and at the earliest opportunity shall inform the other Contracting Parties thereof[50].

The non-communitarisation of this Article 2.2 and its intergovernmental nature allow the national political and legal institutions at national, regional and sub-regional level a considerable degree of autonomy, discretion and flexibility to modify the Schengen rule according to national circumstantial contexts. This also is a veritable stumbling bloc to the harmonisation of security standards and security threats: it clearly entails that EU security threats and the national security threats of the member states can sometimes be divergent. The Article allows that in 'exceptional emergencies', the states concerned, do not require to consult and notify other Schengen contracting members before reinstating the border controls. Although meant for exclusive cases and emergencies, the practices of the member states create an impression that their 'use of the provision has not been so exceptional, but rather a common practice' and that 'these checks are applied flexibly as the situation requires'[51]. This clearly indicates the absence of confidence among the member states in the EU as the common referring point in security and the sole provider of security to the members.

IV

Data Exchange: A long way to Open Method of Cooperation?

Establishment of a pan-European data base and a well-coordinated exchange of data among the members is of fundamental importance in countering the transnational criminal activities span over the entire continent. But the problems of Europeanisation and communitarianisation of security concerns in the EU, as explained in reference to the

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[50] Article 2.2, Schengen Convention,

[51] Apap, Joanna and Sergio Carrera (2003), *Maintaining Security Within the Borders: Towards a Permanent of Emergency in the EU?*, CEPS Policy Brief No. 41, Centre for European Policy Studies: Brussels. For a list of the cases where the members of the Schengen Convention have unilaterally used the Article 2.2 justifying on grounds of national emergencies, see http://register.consilium.eu.int/utfregister/frames/introfsEN.htm.

JHA and the Schengen Convention, prevent the open method of cooperation among the members of the EU in data exchange. In the cross-border transmission and exchange of data and informations, as Balzac et al point out, concern three chief actors: firstly, the countries which posses the necessary data and informations, which might or might not exchange the data with others. The ownership of the data reserves the right of these countries to comply to exchange them with other states or decline it, determined by specific rules and circumstances. Secondly, the countries which require these data from the other countries under specific circumstances and rules. Thirdly, 'data subject: on what basis is the collection, retention and manipulation of data permissible (i.e. lawful); on what basis are the rights of the data subject regarding collection, retention and manipulation protected if data on him or her are transmitted to another state?'[52] As the organised criminal groups are becoming increasingly transnational, and as trafficking chains span over a significant number of transit countries in addition to the destinations and countries of origin, the preventive measures formulated by the states essentially necessitate multilateral cooperation on transnational data exchange among the states to facilitate a strong transnational 'safety net'. Extraordinary developments in technology have fostered a systematic collection of data and important informations from a myriad of sources and hence, compounded the states' ability to build up a potentially huge treasure trove arsenal of intelligence data. The parallel development of private security and intelligence agencies under the auspices of the state governments has further facilitated this process of national data collection. Hence, there is discerned a steadily increasing trend among the states to seek assistance of the neighbouring countries relating to the exchange of significant national data for combating terrorism, illegal migration and cross-border organised criminal networks.

And this growing salience of national data collection and the complex international reality that requires multilateral intelligence cooperation and coordination of data have paradoxically aggravated the difficulties in multilateral data exchange. As Balzac et al observe, 'These developments rest on the belief that data represent a form of knowledge

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[52] Balzac et al (2006), *Security and the Two-Level Game: The Treaty of Prüm, the EU and the Management of the Threats.*

that increases a state's power. Thus, authorities that hold data are anxious to retain control over that data. However, in liberal democracies there is deep concern about the holding of personal data on citizens, which is expressed in the constitutions of many Member States as a right of the individual against the collection, retention or manipulation of personal data by state authorities except in those situations where specifically authorised. Thus, states are not only anxious ensure that their own authorities correctly apply national rules on data but also that data on their citizens do not escape their control and risk being abused by other states'[53]. Open method of cooperation (OMC) among the member states of the EU, as well as the third countries, is earnestly solicited by the EU over a significant period of time. Transnational organised crime, terrorism and illegal immigration do not pose as traditional 'hard' military threats, through they manifest the peculiar interaction between the 'hard' and 'soft' dimensions of security. And hence, counter-measures against them require better coordination of 'soft' laws among the states, especially judicial and police cooperation and intelligence gathering. A composite programme of coordination and cooption, adroit combination of 'hard' and 'soft' policy tools calls for security and intelligence cooperation among the states.

The prospective expansion of the Schengen Information System (SIS) into its second generation SIS II and further advancements in the Visa Information System (VIS), including the deployment of biometric identifier tools and other sophisticated surveillance tools simultaneously evoke serious concerns about the prospects of systemic congruence between these intrusive surveillance and international standards in human and citizenship rights of data protection for both the EU and non-EU citizens. Though the international war on terror and crime necessitate coherent and comprehensive cross-border surveillance, it is difficult to ameliorate the exclusionary and restrictive outgrowths of these policies that are hard to reconcile with citizen and human rights. As for instance, the tight surveillance will be extended not only to the third country nationals or 'others', but can be applied to every single individual, including the EU citizens, who would appear to be 'other', 'un-wanted' and 'suspicious' by qualitatively fulfilling the

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[53] Balzac et al, Ibid, pp. 13.

criterion of demonstrating physical and behavioural differences. And these differences in physical and behavioural attributes are in danger of being generalized and subjective that seeks to generalize the stereotypical notions of the 'other' with little regards for human rights.

The Commission's Communication in 2003 to establish a common EU-level policy in combating illegal immigration and trafficking in human beings, and facilitating the repatriation of the illegal immigrants and victims of trafficking proposes to develop:

'1. the Visa Information System (VIS), as a future tool that would become a pivotal part of the plan to combat illegal immigration and the trafficking/smuggling of human beings,43 and complement the SIS II; and

2. biometric identifiers technology for the overall efficiency and accuracy of the projected system'[54].

It underscored the salience of "the verification and identification of travellers and the vulnerability of current travel documents", in countering trafficking activities, and the urgent necessity of amendment of EU regulations on the communitarianisation of visa and residential permits for the foreigners 'to establish a reliable link between the document issued and its holder'[55]. Thus, a consequent development of 'a coherent approach on biometric identifiers or biometric data, which would result in harmonised solutions for documents for third country nationals, EU citizens' passports and information systems (VIS and SIS II)' was proposed at the Thessaloniki European Council[56]. Proposals have also been presented by the Commission to amend the Council Regulation laying down a uniform format for residence permits of third-country nationals, (EC) No. 1030/2002, of 13 June 2002; and the Council Regulation laying down a uniform format for visas , (EC) No. 1683/95, of 29 May 1995. These were underpinned by the concerns of establishing common legal bases at the EU level, while, applying the principle of subsidiarity, the implementation was left to the national

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[54] See the Proposal for a comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union, 2002/C 142/02, 14 June 2002, pp. 26 and 27.

[55] Commission Communication, COM(2003) 323 final, within the second heading on *Policy Developments*.

[56] Presidency Conclusions, Thessaloniki European Council, 19 -20 June 2003

authorities of the member states. This would harmonise the legal documents given to the foreigners within the EU. Biometric identifiers in visas and residence permits to the foreigners were also introduced, all with the rationale of fortifying security of the 'internal security regime' within the JHA by developing a European pool of informations and database for the 'suspected' and 'inadmissible' Third Country nationals. Moreover, as Article 96 of the Schengen Convention states, 'Data on aliens for whom an alert has been issued for the purposes of refusing entry shall be entered on the basis of national alert resulting from decisions taken by the competent administrative authorities or courts in accordance with the rules of procedure laid down by national law'[57]. As Apap and Carrera point out, '...the human targets of these policy initiatives and databases will not only be 'foreigners', but a broader category of persons. In fact, as the SIS stands now, the following may also qualify to be recorded in the SIS database: wanted persons or persons under police surveillance; missing persons or persons who should be placed under protection (such as minors); and persons whose identity is (or maybe) fraudulently used as an alias by others (such as in reported cases of stolen identity documents)'[58]. Thus the real extent of the these databases are not very precise and hence leaves room for confusion.

Most recently, the Treaty of Prüm has attempted to promote the active inter-state exchange of national data on DNA profile, fingerprints, iris recognition, personal and non-personal data of the citizens and criminals. The role of biometric identifiers in the inter-state exchange and transnational transmission of data as significant security and criminal investigation tools is of fundamental importance. The unprecedented developments in the research in biotechnology have made the DNA profiles extremely important biometric identifier and the inter-state exchange and transmission of biometric identifiers promises to immensely facilitate and enhance the tasks of national and transnational criminal investigations thereby reinforcing the internal security regime that the Justice and Home Affairs now aspire to establish. This requires the states to establish

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[57] Schengen Convention, Article 96.
[58] Apap, Joanna and Sergio Carrera (2003), *Maintaining Security Within the Borders: Towards a Permanent of Emergency in the EU?*, pp.10.

and systematically maintain the sensitive national files on DNA profiles to promote the drawing upon such resources and qualitative analysis of inter-state DNA files.

The proposal of the Council Framework Decision in transnational data exchange on the basis of the 'principle of availability' nevertheless extends the domain of data beyond biometrics identifiers to include ballistics, communications data like telephone numbers and addresses, and data on personal identification in national and regional civil and voter registers. However, the Prüm Convention adopts a restrictive approach to data exchange unlike the much broader 'principle of availability' adopted by the Council Framework Decisions. Thus, the former limits the prospects for exchange of data on ballistics and communication. As the Article 2.2 declares 'reference data shall only include DNA profiles established from the non-coding part of DNA and a reference. Reference data must not contain data from which data subject can be directly identified' and that 'the data subject shall be entitled to have inaccurate data corrected and unlawfully processed data deleted'[59]. Hence, 'the Contracting Parties shall also ensure that, in the event of violation of his rights in relation to data protection, the data subject shall be able to lodge a complaint to an independent court or tribunal within the meaning of Article 6(1) of the European Convention on Human Rights or an independent supervisory authority within the meaning of Article 28 of Directive 95/46/EC'[60].

As Balzac et all sums up this impediment of coherent exchange of reliable forms of the national data:

'Prüm amplifies the conventional wisdom in the security field that 'more is better' and that an increase in the number of databases increases security. However, insecurity is not acute because law enforcement authorities do not share enough information, but rather because they share it badly and in a multiplicity of different fora. This, in turn, generates concern about the omission of any reference to other existing databases and the lack of any indication of the extent to which, if any, synergies will be established between data collected by NCPs of Prüm on the one hand, and data gathered by EURODAC (system for the comparison of fingerprints of asylum applicants), the Visa Information System (VIS) and the Schengen Information System (SIS II), on the other hand. If the forthcoming Communication on enhanced synergies between SIS II, VIS and EURODAC (expected in 2006) is successfully applied, the database landscape of the EU will find itself split between two logics.45 Taken individually, these two groups of databases do not seem qualitatively different. Taken together, however, they will create new patterns of action, which will inevitably overlap and eventually duplicate each other'[61].

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[59] Article 2.2, Prüm Convention.
[60] Article 40 (1), Prüm Convention.
[61] Balzac et al (2006), *Security and the Two-Level Game: The Treaty of Prüm, the EU and the Management of the Threats*, pp. 14.

Moreover, as Apap and Carrera note, 'It is also striking to look at the current politically-desired functions of such systems, and the wider competences given to the national security authorities (police, military and border guards) for access to data collected through these new technological instruments, despite not being fully in accordance with Art. 96 of the Schengen Convention'[62], because in theory and principle, according to the Article 96 of Schengen Convention (see pp.) that it is not the security agencies of the state, but the courts and national immigration institutions which are the 'competent administrative authorities' of the states which are entitled to take the decisions in these data systems.

V
The External dimension of EU's Response to trafficking: The Neighbourhood Policy and Regional Cooperation in the Wider Black Sea Region

EU's attempts at combating organised crime are implemented mainly through the JHA and its 'soft' policies. However, the complex nature of the transnational organised crime demands a multi-pronged and trans-pillar European strategy to eliminate this major threat to public health, development and regional security both within the EU and outside it in the Wider Black Se Region. The external dimension of the EU's counter-trafficking policy reveals the proactive EU efforts to integrate external and internal security measures into a multi-disciplinary, comprehensive policy strategy. However, even then, the EU's approach remains excessively 'soft' which might be futile in the long run to eradicate the threat of transnational crime and trafficking in the Wider Black Se Region. The proliferation of criminal networks in the post-Soviet Wider Black Sea Region is largely due to the unresolved conflict scenario in the region and its unresolved status. This prolonged conflict has created parallel opportunity structures in the polity and economy of the region which are eagerly usurped by the criminal and insurgent elements

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[62] Apap, Joanna and Sergio Carrera, 2006, Ibid, pp. 10.

with enduring crime-terror nexus. In Kosovo, and especially in the trans-Caucasus, in Abkhazia, South Ossetia and Uzbekistan, newer forms of conflict are emerging which cannot be countered through an out-and-out 'soft' policy approach. In these regions, the prevailing security dichotomy, that the EU confronts, is not only due to the disparity between the EU legal and political standards and those of the states in this region, or due to a mutually divergent understanding of security. It is due largely to the preponderance of non-state actors which are enjoy de facto political power and sustain the downward spiral of crime and trafficking. A breeding ground for political terrorism, insurgency, criminal networks and crime-terror entente, the region is betraying threatening symptoms of gradual slippage into a black-hole of crime and terror which cannot be contained by 'soft' dialogue only, but a more active military leverage of the EU. The particular issue of trafficking is inextricable from the wider concerns of terrorism and crime-terror nexus because of the changing nature of the criminal ventures when crime and terror are becoming mutually sustaining.

'Soft' diplomacy and bilateral and multilateral agreements and dialogue alone are not efficacious to resolve these problems as theses radical non-state actors, who are proactive in criminalisation of the entire region, cannot be brought into bilateral or multilateral dialogue and negotiation process. A more robust military presence of the EU in the region is more necessary to thwart off the conflicts and resolve the un-decided status of Kosovo, Serbia and Montenegro, FYROM and Bosnia-Herzegovina, which is essential to be able to fight organised crime. As for instance, to counter the narcotic-trafficking into the EU from the Wider Black Sea Region, the EU has adopted certain anti-drug policy measures for the region: three TACIS (Technical Aid to CIS) drug action programmes in the Newly Independent States (NIS) region; CADAP (in Central Asia), SCAD (in the South Caucasus region), and BUMAD (Belarus, Ukraine and Moldova). These measures are aimed at controlling drug trafficking from the region into the EU via some land, sea and air routes which would, presumably also strengthen the countries in the region in their credibility to contain drug use and HIV infection. However, these measures do not address, nor are sufficient for the eradication of the crime-terror nexus that is instrumental for narco-trafficking from this region to the EU. The insurgents and

terrorists, including those of Al Qaeda, increasingly resort to narco-trafficking for fundraising and continue to explore newer and more prolonged routes which do not fall under the purview of these measures.

Moreover, even in the arena of 'soft' diplomacy of promoting stronger ties and regional cooperation on security issues in the neighbourhood, the EU hardening of its external frontiers is in direct collision with the goal of promoting a one of prosperity and a friendly neighbourhood: the 'ring of steel' policy cannot yield to the aspiration of a 'ring of friends'. The tightening of the external border control and a stringent visa regime reflects the political dynamics of exclusion vis-à-vis the eastern neighbours which provokes the former Ukrainian President, Leonid Kuchma to accuse that 'The European Union is replacing the Iron Curtain with a paper curtain *of restrictive visa regulations* across Europe'[63]. Thus, the accession requirements that required Poland to bring its visa regulations in compliance with the Schengen standards were at once condemned by Ukraine and Belarus as 'unfriendly act'. Poland has, thus, not yet established a visa regime with Belarus and Ukraine fearing the disruption of diplomatic and economic ties with her friendly eastern neighbours at a time when the post-Soviet countries in the Eastern and Central Europe have been bent on 'informal regional integration' amongst themselves promoting barrier-free trade and inter-regional people-to-people relations[64]. Moreover, effective management of any border cannot be implemented on a unilateral basis without the cooperation of the immediate neighbours. EU's exclusionary border policy vis-à-vis her eastern neighbours only precipitate its eventual failure aggravating the already existent economic and political disparities between the EU and her eastern neighbours. It also evokes skepticism among those states that the EU views their vulnerabilities and negative developments with detachment and calls for accord only when her own issues are at stake. As David Brown says, 'Given that one of the underlying causes of trafficking is poverty within the state of origin and, more

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[63] Kuchma, quoted in Grabbe, H (2000), *The Sharp Edges of Europe: Security Implications of Extending European Union Border Policies Eastwards,* Paris: Institute for Security Studies of the Western European Union, pp.17, emphasis added.

[64] Poland's cross-border trade with Ukraine and Belarus had fallen by 30% in 1997 with her temporary attempts at establishing a visa regime vis-à-vis her eastern neighbours. Investment from her eastern neighbours into Poland also substantially declined. Belarus even went a step further to withdraw her ambassador from Warsaw and added to further regional acrimony.

importantly, the relative disparity between potential starting point and destination, a policy that may, inadvertently, make such a situation worse seems counter-productive at best and politically perverse at worst...Suggesting some sort of "punishment policy" for the states that do not adhere to the EU standards contradicts the efforts to establish a "friendly neighbourhood"[65].

Western Balkans

EU's involvement in the Balkans is motivated due to various concerns among which the fight against organised crime in the region is only one of such concerns which is not particularly prioritised. The single-most important comprehensive strategy to promote a 'friendly neighbourhood' in the Western Balkans has been the Stability and Growth Pact. However, fight against organised crime is not a foremost priority of this programme and given the enormous number of developmental and post-war reconstruction programmes on agenda, it is unlikely that combating transnational organised in and through this region would be securitised and prioritised in the short run. The developmental and financial assistance offered to the region by the EU's Community Assistance for Reconstruction, Development and Stabilisation programme (CARDS prioritise the capacity and institution-building in this post-conflict zone chanellising insufficient financial aid to combat the entrenched transnational criminal networks operating at this backyard of the EU. CARDS programme chiefly has a JHA-oriented focus and do not address specific problems of human and narco-trafficking or crime-terror nexus in the region. The assistance activities to fight transnational crime in this region are sporadic, incoherent and tacit lacking robust implementation structures and regional coordination. The Stabilisation and Association Process (SAP) which institutionalises the EU's relations with the countries of the Western Balkan also, like the CARDS, chiefly focus on the capacity-building measures and do not explicitly address the issue of crime. While indeed strong legislations and other institutions of the state help fighting crime, given the pervasiveness of the criminal networks in the Western Balkan, a separate counter-trafficking strategy focusing on intelligence and police surveillance is necessary.

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[65] David Brown (2004), Ibid, pp.106-107.

But the EU has adopted only smaller police-assistance and border crime control measures like the PAMECA or customs and fiscal assistance such as CAFAO in Bosnia and Herzegovina, Albania, Kosovo, Serbia and Montenegro and FYROM, which are also supposed to tackle organised crime. The Technical Assistance Information Exchange (TAIEX) programmes adopted for all the countries in this region organise regular workshops and conferences on transnational organised crime covering financial crime, trafficking, money-laundering and corruption to improve implementation capabilities of the police by making them aware of the efficient means like intelligence-led policing, training of the judges and public prosecutors in specific legislations against crime etc. They are also aimed at strengthening regional police cooperation in border management and against transnational crime. As far as the mechanisms of the EU Common Foreign and Security Policy (CFSP) are concerned, the EU has set up Special Representatives in Bosnia and Herzegovina and FYROM to coordinate with the local and regional authorities in fight against transnational crime.

However, there is veritable deficit on policy implementations in the area of fight against transnational crime despite a plethora of measures being undertaken by the EU due to lack of specific implementation and operational mechanisms. The EU, while adopting these measures, have not provided any necessary blueprint as to how these mechanisms will operate or how intra- and inter-regional cooperation on fight against transnational organised crime should be achieved, and has left this entirely to the regional and local authorities who lack both the experiences, trainings and funds to implement them. Moreover, not only are the Task Forces, Liaison Officers and Joint Investigation Teams of the EU Police Chief are not involved in these anti-crime measures in the Western Balkan, the Europol and Eurojust also have no legitimate legal bases or data exchange mechanisms in this region for cooperation in fight against transnational crime and trafficking. And in the view that numerous trafficking networks originate in and transit through this region before opening into the EU, the lack of credible data from this region handicaps the Europol to prepare a complete pan-European data base necessary to neutralise the Europe-wide trafficking networks. Thus, the EU's agenda of 'hot pursuits' of the most wanted criminals and traffickers from this region operating on a pan-European basis and bringing the regional mechanisms of data protection and exchange

into compliance with the EU standards is likely to remain unsuccessful. The regional police cooperation like the Southeast European Co-operative Initiative Centre for fighting cross-border crime (SECI), the Stability Pact's Initiative to Fight Organised Crime (SPOC), the Stability Pact's Anti-Corruption Initiative (SPAI) and Southern European Cooperative Initiative (SECI) remain uncoordinated and un-monitored. EU lacks a coherent, sustained strategy to fight organised crime in this region. There is little coordination and communication between these EU mechanisms and the regional authorities. There is also no concerted EU effort at eradication of corruption in this region. The EU agenda in the Western Balkan to fight transnational organised crime is too general and lacks precision and specialised focus.

Post-Soviet Central Asia and the Trans-Caucasus

The European Security Strategy refers to the salience of the post-Soviet Central Asia in the EU's security one when it explicitly recognised the need to 'promote a ring of well governed countries to the East of the European Union'. A vibrant cradle of terrorist and trans-border criminal and trafficking activities, the post-Soviet Central Asia, especially after the 2007 enlargement figures crucially in the regional security agenda of the EU, and promotion of democratic stability, security, good governance and economic development are the fundamental objectives of the EU in this region. Apart from the Partnership and Cooperation Agreements (PCAs) between the EU and five Central Asian states[66], the EU has recently launched an EU-Central Asia regional political dialogue to promote intra-regional and inter-regional cooperation in addressing common problems like terrorism and transnational organised crime and 'contribute to the establishment of a positive climate of mutual trust and confidence'[67]. Apart from the €27 million of the

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[66] The EU has individual Partnership and Cooperation Agreements (PCAs) with all five Central Asian states, although only those agreements with Kazakhstan, the Kyrgyz Republic and Uzbekistan are in force. The PCAs with Tajikistan and Turkmenistan have yet to complete their ratification processes. These agreements, while concluded on a bilateral basis, provide a common regional framework for the EU's cooperation with all five Central Asian Republics.

[67] European Community (2007), *Regional Strategy Paper for the Assistance to Central Asia for the Period 2007-2013*, pp.4.

Central Asian Programme (2002-2006), an additional amount of €85 million has been allocated by the EU in the domain of the JHA under the Regional Tacis Programme[68]. In 2007, the EU and the German Presidency together have embarked on a well-defined regional security strategy vis-à-vis the Central Asian region. Prioritised areas of activities under this Programme have been the fight against transnational organised crime and trafficking in drugs and human beings, border management and migration and asylum management through building up and incorporation of modern equipments and capacity building measures. Especially, the porous and unregulated Tajik/Afghan border has figured high on the agenda of border management given its crucial role in narcotics trafficking. Special emphasis will continue to be put on the Tajik and Kyrgyz border management services. In customs, there will be assistance for the promotion of internationally agreed norms and standards (alignment of customs legislation and procedures on international and EU standards in view of trade facilitation) to ensure security of the international trade supply chain (including the World Customs Organisation's Framework of Standards) and promote cooperation between customs administrations, particularly at the border. The assistance should also be provided on enhancing the administrative capacity, fighting corruption and strengthening the customs controls at the border (including transit of goods). As far as the CFSP mechanisms are concerned, the EU has established airbases in Uzbekistan, the Kyrgyz Republic and Tajikistan to support Coalition operations against terrorism and crime. As Central Asia is the hub of narcotics trafficking activities, the EU has undertaken a drug control and demand reduction approach in compliance with the EU's Central Asian Drug Action Plan. This has now been integrated into the 2005-2012 EU Drugs strategy7 (and the new EU Action Plan on Drugs 2005-2008), which provides a framework for an integrated approach to the problem of illicit drugs.

However, this regional security strategy is unlikely to yield desired results in the long-run due to various reasons, the foremost of which is lack of any accord between the EU and the Central Asian states on human security and human rights. A counter-strategy to trafficking is likely to remain only on paper if the crucial issue of human rights is not

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[68] Ibid.

taken into consideration or trafficking in human beings is not criminalised. Indeed this crucial human rights conditionality is the fundamental reason behind the sustained security dichotomy between the Central Asian States and the EU in the arena of transnational crime and trafficking, and has impaired the bilateral and multilateral coordination in countering the same[69]. Though the EU Central Asia strategy provides clear goals, benchmarks and criteria of progress in many areas of concern, it does not provide so in the arena of human rights. The critics opine hat this is because the EU's Central Asian Strategy is being torn between the proponents of an interest-driven group and those of a value-driven group[70]. As Cornelius Graubner says, 'Today, in spite of rhetoric, it has become clearer that in the implementation stage of the strategy the proponents of *realpolitik* have prevailed. The existence of a structured human rights dialogue with Uzbekistan alone or the number of meetings during which human rights issues were discussed is insufficient as a measure of success, if the EU is serious about its

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[69] With regard to Uzbekistan and Turkmenistan, it should be emphasized that to the degree that EU relationships with these governments have been interrupted, it was due not to EU policy but to the intransigent refusal by both governments to meet their human rights obligations and respond constructively to concerns expressed by the EU and the international community more broadly. With regard to Uzbekistan, the full potential of the post-Andijan EU sanctions was further undercut by the fact that the sanctions came long after the Andijan events and were not as strong as they might have been; the key person on the visa ban list was admitted to Germany on a humanitarian visa just after the sanctions were adopted, which, coupled with the absence of a public statement on the part of the German government clarifying its position and reaffirming its full commitment to the EU sanctions, no doubt sent a message to Tashkent that the sanctions could be evaded. Perhaps most importantly, however, the EU appears to have had no post-sanctions strategy, with the result that it failed to proactively use the sanctions as an effective policy tools for change by articulating the steps the Uzbek government would need to take in order for the sanctions to be eased or lifted.

[70] Germany has been allegedly the forerunner of the interest-driven group promoting and has focussed the immediate priorities in the region of Central Asia to be energy security in form of gaining unrestrained access to Turkmenistan's gas and eradication of trafficking networks. Indeed, to date, economic cooperation with Kazakhstan and brokering a limited deal on the export of 10 billion cubic meters of Turkmen gas through the Nabucco pipeline in 2009 have been the highlights of the strategy. Today Kazakhstan is close to joining the World Trade Organization, and the EU has been its biggest investor since 2007. High-level exchanges between Turkmenistan and the EU are unprecedented. Against this background, however, EU cooperation with Kyrgyzstan and Tajikistan, as well as Uzbekistan, has remained   somewhat   in   the   shadow.
And the strategy that she promotes, for ensuring these priorities , is one characterised by realpolitik, according to the critics, which do not ground them in the long-term consequences and necessary structural factors like human rights and democratic stability. On the other hand, UK, Netherlands, and Sweden adopt a more value-based strategy that takes into its fold the prioritisation of democratisation and protection of human rights as veritable structural means of success against organised crime in long run.

commitment to making rule of law and human rights integral parts of its Central Asia Strategy'[71].

Indeed the strategy has been redrafted, after the German Presidency, under the Portuguese and the Slovenian Presidencies, with the inclusion of the provision of promotion of human rights and enhancement of education in the region through the proactive roe of the Central Asia Research and Education Network. However, in view of France's rather apathetic attitude towards Central Asia under the French Presidency, it is doubtful if this strategy will gain momentum now. It is interesting to note that the French President Nicolas Sarkozy, while prioritising deeper engagement in the Mediterranean and Africa and promotion of European security though a more robust military, does not make even a fleeting reference to the Central Asian Strategy[72]. Moreover, the total budget of the strategy - €750 million – has been regarded to be 'far too little for such ambitious plans' especially considering the fact that control of drug trafficking and border management will absorb the substantial part of the budget[73].

'The EU has sound reasons to push for and support these kinds of reforms beyond its legacy as a value-driven organization. Today, the linkages between good governance and positive societal and economic development and security are well documented. Given the many challenges the Central Asian regimes are facing today – amongst the most pressing are the omnipresent corruption, drug trafficking, widespread poverty, unstable and troublesome energy distribution, environmental problems, the current food crisis and unstable economies based largely on the export of natural resources, foreign aid or remittances from workers in Russia – a serious commitment to value-driven issues such as rule of law and human rights on the part of the EU may be more conducive to preserving stability in the region than trying to preserve the current status quo. As things

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[71] Graubner, Cornelius (2008), 'EU Strategy on Central Asia: *Realpolitik* after all', *Central Asia-Caucasus Analyst*, May 14, 2008, available at: http://www.cacianalyst.org/?q=node/4859. (accessed on 14/5/2008).

[72] Erica Marat (2008) 'EU Strategy in Central Asia: One Year Later', *Eurasian Daily Monitor*, June 26, 2008, available at: http://jamestown.org/edm/article.php?article_id=2373180 (accessed on 2/7/2008)

[73] Ibid.

are in Central Asia, it may be that on the medium and long run a value-driven foreign policy might actually help achieve the objectives of an interest-driven foreign policy'[74].

However, the EU needs to transcend beyond its 'post-modern' vision of security to adapt its policy measures to the reality in other extra-EU circumstances. As the policy approach studied in this chapter reveals, the EU has been overtly obsessed with 'soft' tools of security measures and diplomacy. These 'soft' tools alone are largely insufficient to even directly address the issues at stake. The 'hard' dimensions of trafficking and organised crime and the vicious non-state actors instrumental in this require a far more robust military role of the EU in the region concerned. The radicalization of Islam in trans-Caucasus reveals that here Islam has been criminalised by the local *ummahs* (Islamic nodes and communities).

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[74] Graubner, Cornelius (2008), 'EU Strategy on Central Asia: *Realpolitik* after all', *Central Asia-Caucasus Analyst*

Conclusions

Volatility, unpredictability and continuous deconstruction of the traditional wisdom on security are the distinguishing features of global security environment today. 'Hard' and 'soft' boundaries, traditional and non-traditional dichotomy in security are rapidly dissolving. What emerges out of this is an amorphous and paranoid security environment which securitises almost all existential concerns. The very forces that have once been claimed to have reinforced and maximised the legality, authority and efficiency of good governance of the states – globalisation, technological boom and multilateralism – are themselves usurped by the counter- and anti-state constituencies and non-state actors of organised transnational crime and terrorism. The constructive forces of cooperative multilateralism have been transformed into destructive functional collaboration and convergence of these vicious non-state actors with immense potentiality to erode the politico-legal-ethical and security equilibrium of international state system.

However, a gap continues to exist between the capacity-building measures of the anti-state non-state actors to circumvent the legitimate state sovereignty and security, and the capacity-building of the states themselves to strike back and counter these vicious forces of destabilisation. While the criminal structures have remarkably adapted themselves to the new global political, economic and security reality of interdependence, by manipulating the forces of international development to their own advantage, the states have revealed little resiliency, adaptability and dynamism to sustain the security equilibrium in a new and complex global security reality. This is largely because the security strategies of the states to combat the non-traditional threats like transnational organised crime and cross-border terrorism are still usually located at either of the two extremes of the 'hard' and 'soft' security continuum. In case of America, a hyper-militaristic pre-emptive policy is rather clumsily directed against enemies who are still not properly identifiable. In case of organised crime, militarism promotes rather than contains criminal activities and networks. Military conflict leads to dismantling of political and economic structures and emergence of opportunistic structures in the post-

conflict zones which are highly susceptible to criminals specialising in trafficking and increases manifold the likelihood of the vicious crime-terror nexus. This has been true in post-war Afghanistan, Iraq, and post-Soviet Central Asia.

On the other hand, the EU's obsession with non-military 'soft' policy measures have also not been particularly effective in containing criminal activities in post-conflict Kosovo, Bosnia-Herzegovina, Albania or in the Ferghana Valley or Abkhazia and South Ossetia. Rather, the non-military intervention of the EU has sustained the conflict in these regions and perpetuated the amenable conditions for thriving criminal activities.

Islamic radicalism, Crime, Conflict and Violence in the post-Soviet Eurasia: The Wolf at the door?

The predominantly 'soft' response of the EU to the entire set of issues related to transnational organised crime might also be ascribed to a considerably lesser degree of urgency allocated to the issue. In the post-9/11 era, global terrorism has been the prioritised concern on the security agenda of any state. The EU is also not exempt from it. The fact that transnational organised crime does not precipitate any immediate large-scale conflict or mass casualty has ascribed secondary importance to the policy measures concerned. However, the post-9/11 era witnesses different *localised* forms of Islam, especially in the Wider Black Sea Region, which stand out due to their complete merger with criminal groups so as to sometimes prioritise *profit* over *vindication* or inextricably combine these two motivations. The preceding chapters in this study have underscored that it is not only the criminal groups who are instrumental and driving actors in trafficking to the EU , but the insidious collaboration between radical Islam and crime in the region that compounds the threat. It is especially because of this crime-terror nexus that the region is steeped into low-intensity, but sustained regional conflicts. In a cyclical and symbiotic fashion these frozen regional conflicts further sustain and foster criminal activities of trafficking.

The dynamics of Islamic radicalism in the post-Soviet Eurasia is the most clear example. Islamic radicalism in Eurasia has been a *predominantly localised phenomenon* often

divorced from the global jihadist ideology. In the Volga-Urals, Trans-Caucasus and the Ferghana Valley a distinct political and socio-economic-cultural microcosmic has crystallized over centuries which impart a considerably different ethno-cultural dimension to the Islamic radicalism in the post-Soviet *ummah* (Islamic communities). Due to centuries of Russification, considerably rapid industrialisation and urbanisation, and concomitant secularisation orthodox political Islam has been less pervasive in this region. Deviating often from the orthodox ideology of Islam, the Islamic Movement of Uzbekistan, *Islamskaia Partiia Vozrozhdeniia* (Islamic Revival Party or IRP), Hizb-at-Tahrir (HT) have all participated in criminal activities beyond the threshold limits that would distinguish between a criminal and terrorist organisation. Their criminal ventures in the Western Balkans, especially in Albania and Kosovo, and in post-Soviet Central Asia, especially in Abkhazia, Ferghana Valley and South Ossetia, continue to proliferate. These insurgents, very much like the criminals, have vested interest in sustaining the conflict situations conductive to their growth. And the non-military and 'soft' diplomacy of the EU that isolate crime from terror, has failed to dismantle this nexus or ameliorate the structural problems in the region. The criminal groups, insurgents and terrorists – cannot be brought to multilateral dialogue and negotiation process to peacefully resolve the issues at stake. Abkhazia and the Ferghana Valley have been totally under the grip of the criminals and the terrorists, which transform the region into a safe haven for these non-state actors. The unresolved conflict between the Russian and Georgian forces has served the criminal and terrorist purposes. At a conference in June, 2008 the joint U.S.-based Atlantic Council and Colombia University delegation that visited Abkhazia and Georgia stated: 'Abkhazia is in a state of disrepair, Sokhumi is an empty city, the infrastructure is in a poor state, the water is polluted and the hotels are empty. Abkhazia will need massive investment for basic restoration. The Abkhaz leadership describes Georgia as a militarist state and has no desire to discuss anything but full independence. The withdrawal of Georgian security forces from the upper Kodori is a precondition for resuming any talks. The Abkhaz leaders have uneasy relations with Moscow but need Russia as a security guarantee. The rag-tag Abkhazian forces we met are clearly unable to defend Abkhazia'[75]

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[75] Felgenhauer, Paul (2008), 'The West does not know what to do with Abkhazia', *Eurasian Daily*

If the cause-oriented policy response – as endorsed by the ESS – is to be successfully applied by the EU to the particular case of organised crime in the Wider Black Sea Region, then it should assume a more proactive military role in the concerned region to eradicate the vestiges of the criminal and terrorist elements. The EU has neither the extra troops required to intervene in peace-building missions in this region, nor does it prioritise this regional problem over Afghanistan, Iraq, Libya, Iran and their connections with global terrorism. Alarming evidences have been flowing in to illustrate the growing presence of Al Qaeda terrorists in Western Balkans and Ferghana Valley and Abkhazia. And this has been encouraged by the deeply criminalised scenario in these regions. If the rumour is true that Namangani, the leader of Islamic Movement of Uzbekistan (IMU) has actually survived the war in Afghanistan and has been gradually building up a recruitment base for Al Qaeda in Northern Afghanistan and the Ferghana Valley, then the EU should immediately assume a far more proactive role in the regions which would combine her existent 'soft' policy tools with adequate military credibility.

The way ahead

An increasing burden sharing and open method of cooperation in legislative field, human and financial resources and equipments are essential for a long-term success against organised crime. As Belgium points out 'to tackle a phenomenon it is a conditio sine qua to have a legal framework almost comparable in every European state'[76] which would prevent the appearance of any 'weak spot' in the entire system to be exploited and infiltrated by the traffickers. This necessitates an urgent communitarianisation of security and the criminal laws and procedures in the EU. The Commission's proposal for a European Border Guard System that would work parallel with the national governments would not only hasten the communitarianisation of security within the EU but also would

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Monitor, June 6, 2008, available at: http://jamestown.org/edm/article.php?article_id=2373180 (accessed on 15/5/2008).

[76] Wille, P (2002), *Future Policies of Prevention of Trafficking of Human Beings in Europe*, June 12, 2002. available at : http//www.belgium.iom.int/TOPConference/Confdocs/Confpapers/2002 (accessed on 15/5/2008).

lighten the immense burdensome responsibilities of the new members in border management and border control. The budget problem should also be seriously appraised by the EU. In view of the restricted budget allocated to the Justice and Home Affairs, substantial part of this budget is being devoted to internal market and other issues most crucial for accession, but not to such structural problems like systemic diversity among the members.

Also, the 'network centric model' of the Italian Feasibility Study is viable to promote cooperation among the members of the EU on JHA matters. It would establish ' a virtuous circle that allows an increase of reciprocal trust and the possibility to exploit...knowledge on a larger scale'[77]. Such a project requires common funding through the member states when individual contribution would be based on GNP, rather than geographical position. But this would require a high degree of consensus among the EU members which is not feasible in immediate short run in view of the on-going debate on it.

Most of all, some long-term policy contradictions have to be seriously addressed by the EU in order to set up an extensive counter-trafficking programme. Adoption of 'hard line' policy through tighter external border controls collides with the emphasis on the active promotion of 'zones of prosperity' in the neighbourhood. Such an exclusionary bifurcation not only breeds skepticism but also leave the problems at the periphery unnoticed, unaddressed and unresolved. Creation of new institutions like Eurojust and Europol to contribute to the 'added value' of security within the EU is not conductive without endowing them basic tools and powers over national discretions. In border management and security especially, the dual dynamics of widening and deepening the integration have been most contradictory.

Also, the EU should finally adopt some of the hard edges of the policy of her transatlantic ally and work in concert rather than in isolation. As transnational organised crime and trafficking networks are span globally, individual unilateral quest for adequate counter-strategy is futile to yield desired results. Organised crime, in alliance with terrorism or taken separately, poses a serious threat not only to the EU but to the

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[77] Brown, David (2004), 'Defending the Fortress', *European Security,* 13:3, pp. 108.

international order of states. Therefore, when the *security end* of the transatlantic allies are largely converging vis-à-vis transnational organised crime, both should strike a balance for a middle and integrated policy approach to the threat. The EU should preferably increase its defence expenditures as a gesture of burden sharing with the US in security agenda. The autonomous, proactive policy approach that the ESS has enshrined can be only implemented by a coordination of 'hard' and 'soft' tools of security policy. The EU should overtake a more active military role in the Wider Black Sea Region in collaboration with the NATO and UN peace-keeping forces. Only then can the structural roots of the problem be eradicated. This independent military capacity build-up should not be interpreted as the creation of different security zones within the NATO, but as a supplementary force to it. In view of such urgency of coordination of military and 'soft' power capabilities, the EU stands today at a threshold moment. Any delay in this policy coordination would only augment the magnitude of the already existent threat. The vitriolic divisions within the EU itself on security and strategic issues during the Iraq War should be prevented to resurface with renewed vigour. If America has been a 'cowboy', and the EU a 'lawyer' in international security and politics[78], it is the time now for the EU to grow up as 'cowboy lawyer'!

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[78] Erik Jones characterises the hyper-puissance of the US hard power as being a 'cowboy' attitude to the established international norms of multilateralism, law and cooperation. On the other hand, according to him, the EU, through its persistent pursuit of 'soft' diplomacy and internationalism, has been like a 'layer' in international politics respecting established rules and laws. See Erik Jones (2003), 'Cowboys and Lawyers', *ECPR- European Political Science*, 3, 7-13.

Appendix

Appendix

Figure 1: Geographical Map of the Caucasus, Source: Caucasus Information Portal (accessed March 10, 2008); available from http://www.caucasus.ge/images/Caucasus-map-D.gif.
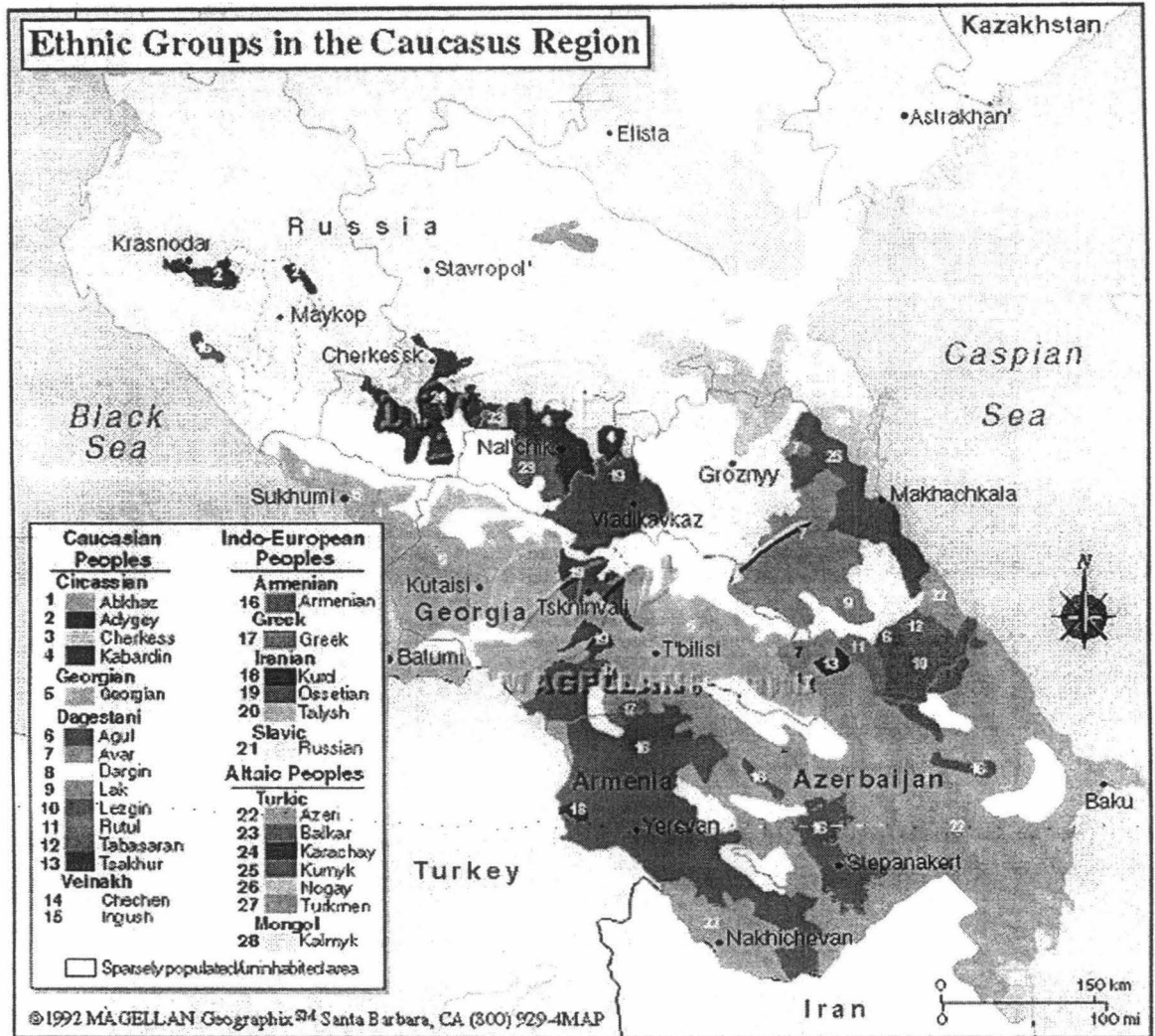
Figure 2: The Ethnic Map of the Caucasus Region; Source: GlobalSecurity.org, Military, Countries, Georgia, Maps (accessed March 10, 2008); available from http://www.globalsecurity.org/military/world/georgia/maps.htm.

Figure 3: Political map of the tumultuous regions of Abkhazia and South Ossetia; South: GlobalSecurity.org, Military, World, War, Georgia (accessed March 10, 2008); available from **http://www.globalsecurity.org/military/world/war/georgia.htm**.

Cannabis
Lifetime prevalence: at least 70 million, or one in five European adults.
Last year use: about 23 million European adults or one third of the lifetime users.
Use in last 30 days: over 13 million Europeans
Country variation in last year use: 1.0% to 11.2%

Cocaine
Lifetime prevalence: at least 12 million, or 4% of European adults.
Last year use: 4.5 million European adults or one third of lifetime users.
Use in last 30 days: around 2 million.
Country variation in last year use: 0.1% to 3%.

Ecstasy
Lifetime prevalence: about 9.5 million European adults (3% of European adults)
Last year use: 3 million or one third of lifetime users
Use in last 30 days: more than 1 million
Country variation in last year use: 0.2% to 3.5%

Amphetamines
Lifetime prevalence: almost 11 million or around 3.5% European adults
Last year use: 2 million, one fifth of lifetime users
Use in last 30 days: less than 1 million
Country variation in last year use: 0.0% to 1.3%

Opioids
Problem opioids use: between one and eight cases per 1,000 adult population (aged 15-64)
Over 7500 acute drug deaths, with opioids being found in around 70% of them (2004 data).
Principal drug in about 50% of all drug treatment requests
More than 585,000 opioid users received substitution treatment in 2005

Figure 4: At a glance – estimates of drug use in Europe; Source: European Monitoring Centre for Drugs and Drug Addiction, *The State of Drug Problem in Europe*, Annual Report 2007, pp. 13
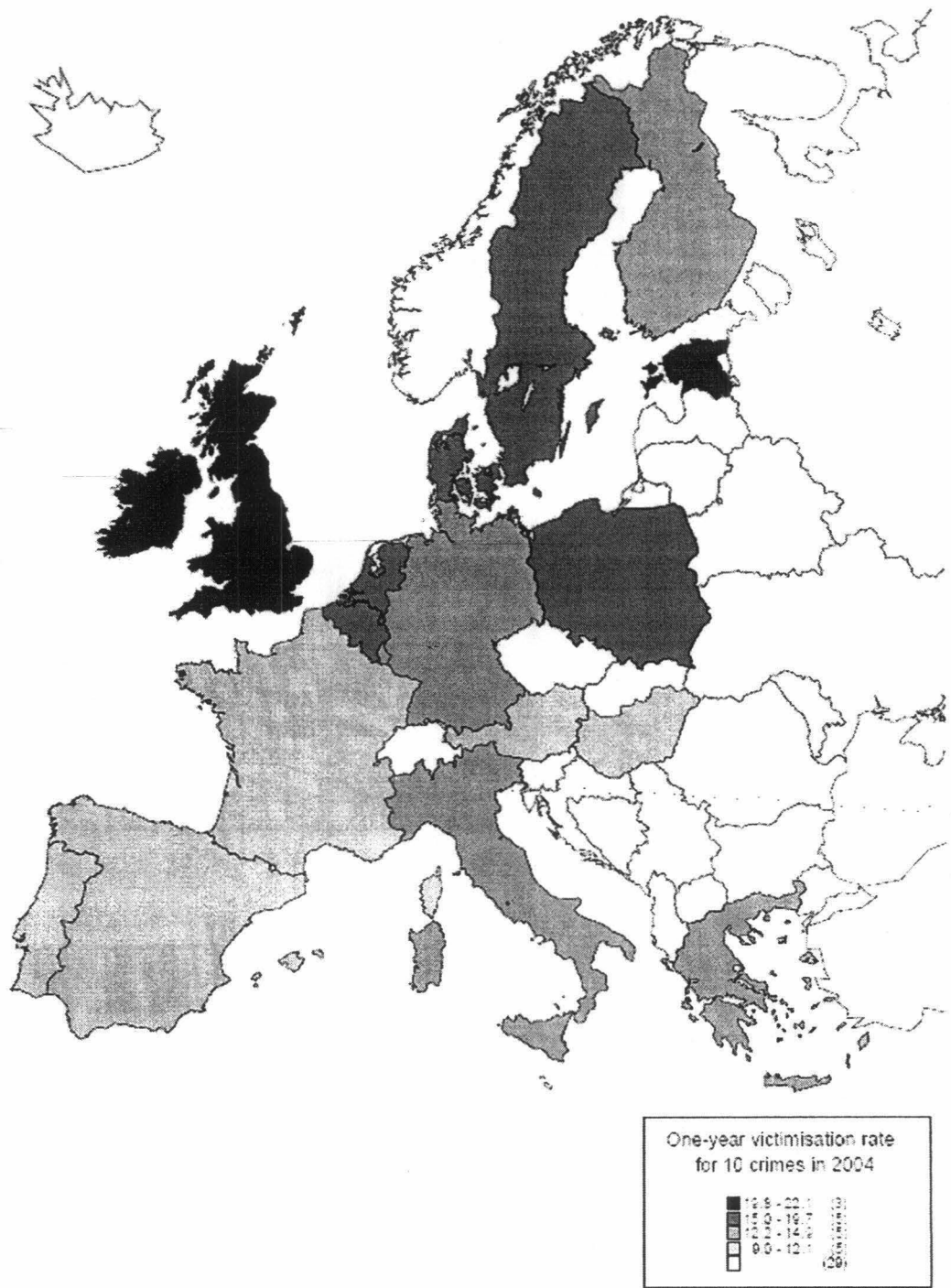
Figure 5: Levels of Crime, including trafficking, across the EU member states. Source: European Crime and Safety Survey (EU ICS) 2005, 'The Burden of Crime in the EU', Research Report, pp. 20.
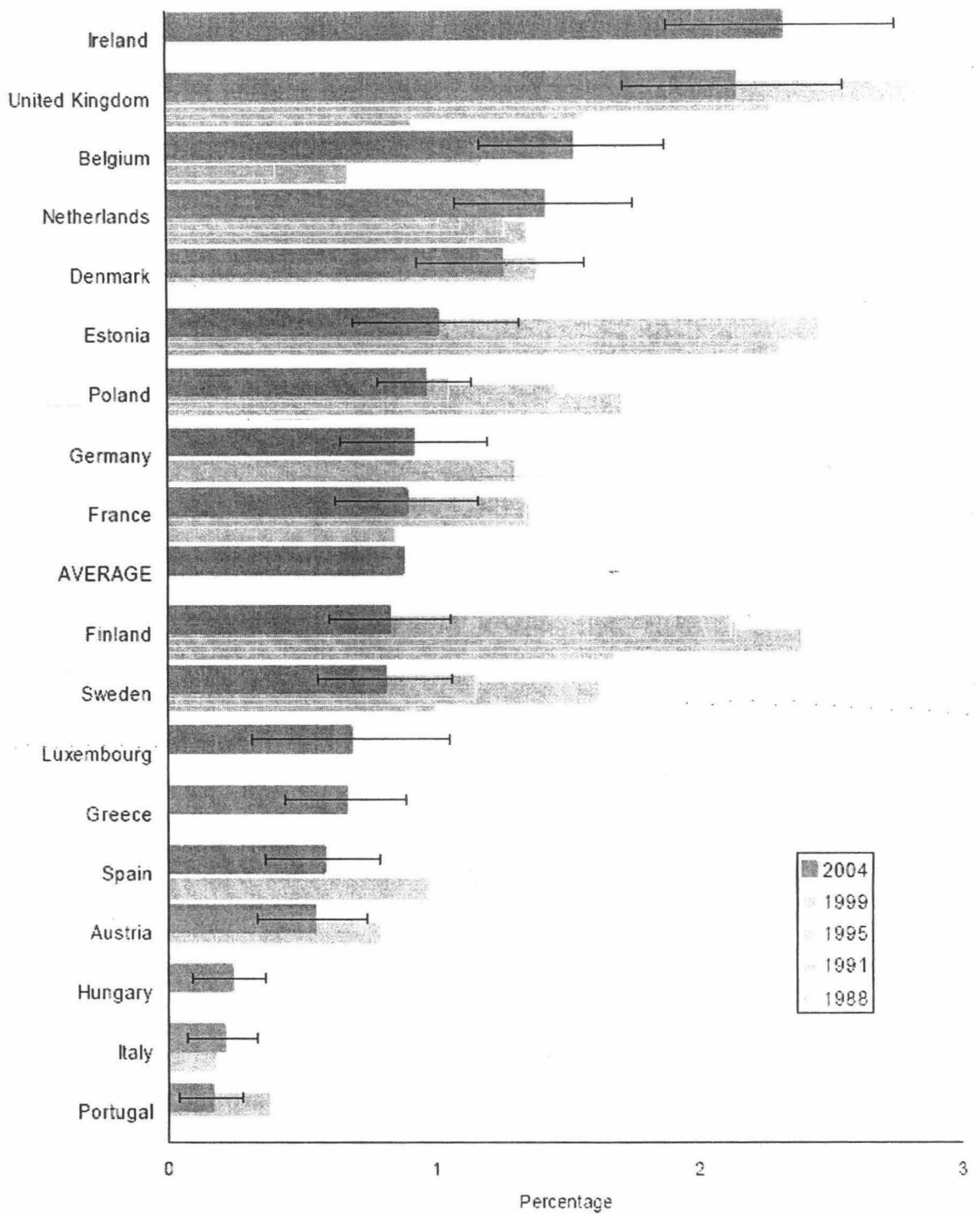
Figure 6: Victimization rate in 2004 of assaults on civilians by force and violence by criminals or street gangs. Source: European Crime and Safety Survey (EU ICS) 2005, 'The Burden of Crime in the EU', Research Report, pp. 50.
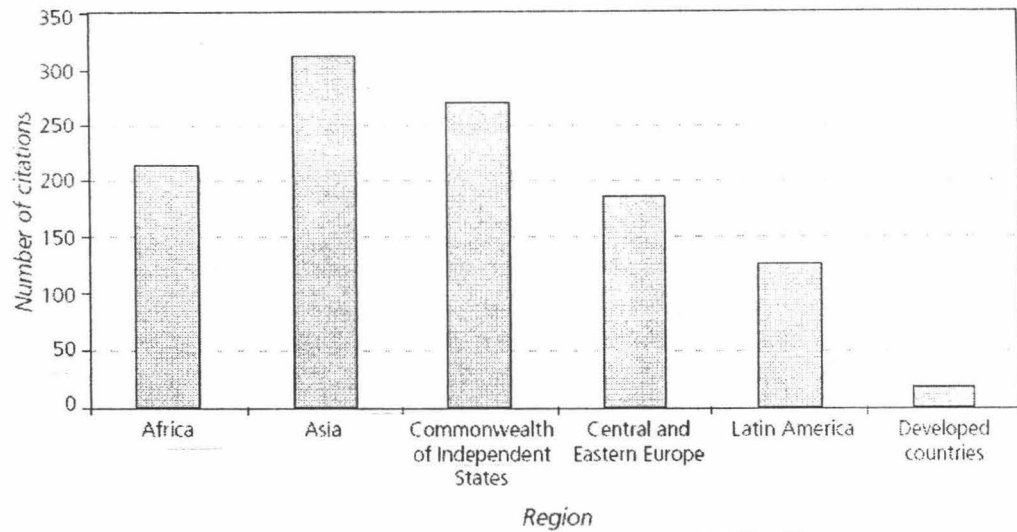
Figure 7: The frequency of the regions being cited in different sources, including in the interviews with the victims of trafficking, as regions of origin of the victims of trafficking. Source: Kangaspunta, Kristina (2003), 'Mapping the Inhuman Trade: Preliminary Findings on the Database on Trafficking in Human Beings', *Forum on Crime and Society*, Vol. 3, No. 1 &2, pp. 90.
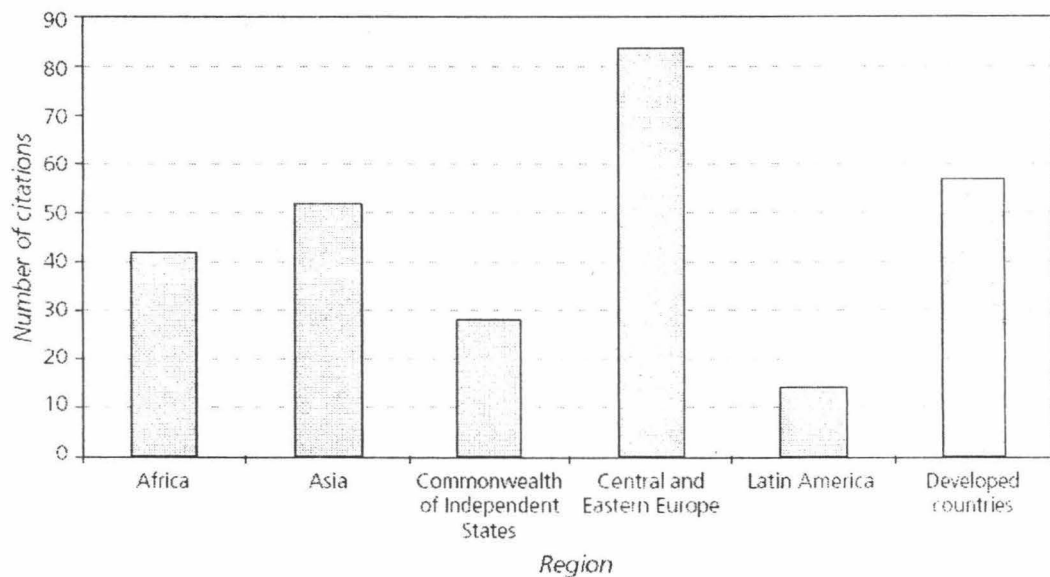

Figure 8: The frequency of the regions being cited in different sources, including in the interviews with the victims of trafficking, as transit zones in human trafficking. Source: Kangaspunta, Kristina (2003), 'Mapping the Inhuman Trade: Preliminary Findings on the

Database on Trafficking in Human Beings', *Forum on Crime and Society,* Vol. 3, No. 1 &2, pp. 91.
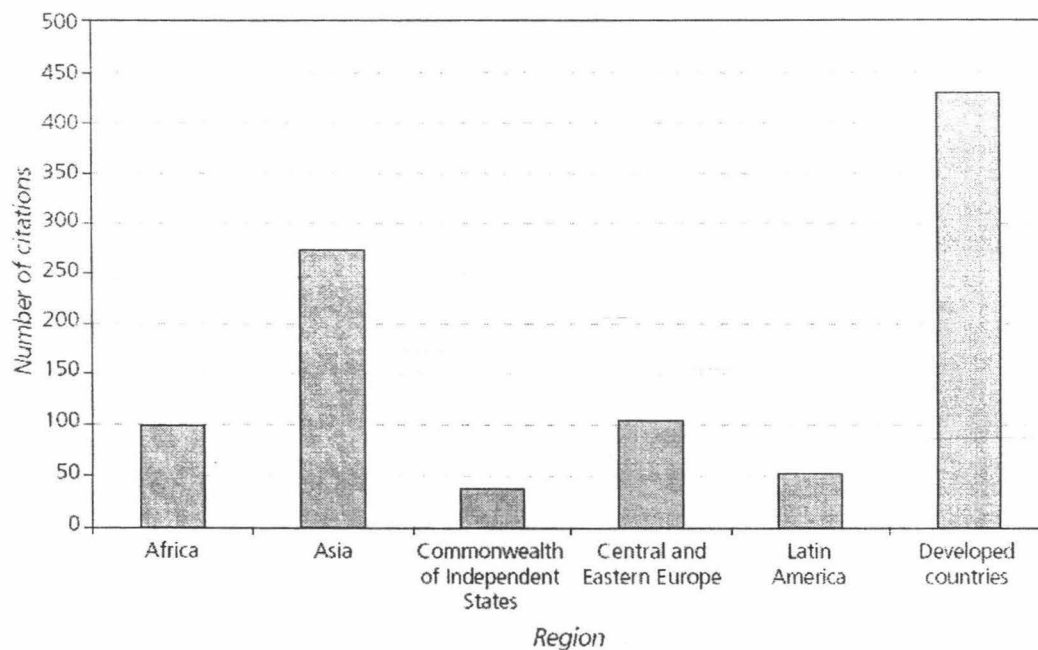

Figure 9: The frequency of the regions being cited in different sources as destination regions. Source: Kangaspunta, Kristina (2003), 'Mapping the Inhuman Trade: Preliminary Findings on the Database on Trafficking in Human Beings', *Forum on Crime and Society,* Vol. 3, No. 1 &2, pp. 92.

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