

International Cooperation in Combating Organised Crime

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Abstract:

The development of technology has enabled large movements of people, information and in this case has enabled the smuggling easier and committing various crimes and criminals moving from one country to another. Because of this a necessity for the cooperation amongst countries to prevent and combat crime and various forms of its emergence shows up.

In this paper, we treated some forms of organized crime, the level of international cooperation in preventing and combating organized crime and its impact on economic impoverishment and degradation of various countries where organized crime is rife. A special treatment have made the current situation in the Balkans and in the former Yugoslavia which have long dominated the transnational problems and wars that have created a suitable space for the development of organized crime and various forms of trafficking drugs, tobacco, weapons and human beings.

Key words: international cooperation, organized crime, trafficking, smuggling.

1. Introduction

The fight against crime and forms of its appearance should not be seen as the sole responsibility of the state, but the fight against crime and in particular against organized crime should

be viewed in the context of international cooperation between States to prevent and combat it more effectively this bad thing for general humanity. International cooperation is more intensified and it is seen as a necessity especially after the attacks of 11 September 2001 when attacked the United States of America.

Organized crime has many forms; however, it is worth mentioning the most pronounced forms of this crime, such as trafficking in drugs, human trafficking, financial crimes, smuggling and other criminal offenses related to organized crime.

No doubt, the influence of organized crime in many countries, especially in countries in transition economies has greatly damaged many of these countries, especially the building of democratic institutions and the development of democracy in general in these countries.

Regarding Kosovo society should devote special attention to particular state mechanisms, institutional and social, being actively involved in the prevention and detection of all forms of organized crime. Policies for prevention and control of organized crime should be, based on a deeper understanding of what is, by international standards organized crime, which is field-activity, threats, methods of operation and crime trends in a country or region certain.

2. The notion of organized crime

As the word, “organized crime” itself implies that organized crime dealing with crimes committed by a group of people who will be called organized criminal group. According to the United Nations convention against organized crime "organized criminal group" shall mean a structured 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, in order to obtain, directly or indirectly, a financial or other

material benefit¹. By adopting this convention, there was no definition of organized crime in international terms. This convention is defined contours of organized crime and defines the constituent elements of this offense. Convention also contains additional protocols that specifically address issues relating to:

1. Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,
2. Smuggling of migrants, and
3. Producing and trafficking of illegal weapons, their parts and ammunition².

The good news is that there is a consensus about what actually constitutes organized crime, while the bad news is that 11 different aspects of organized crime have been included in the definitions of different authors with different frequency levels³. The essence of organized crime is the number of perpetrators of crime and presents a great danger to society. Globalization and technical opportunities - technology enabled in our time the crime to exceed the limits of a state, hence the focus on combating the crime on states, and the fight against crime and forms of its appearance have an international character. As noted in the preamble to the United Nations Convention against Transnational Organized Crime, that the signing of the 2000 Convention against organized crime in Palermo, Italy, the international community has demonstrated political will to respond to a global challenge with a response global⁴. The old concept of organized crime in international terms defined formally in a document that has the force of international law is

¹ See United Nations Convention Against Transnational Organized Crime, Article 2, paragraph 1, New York, 2004.

² National Strategy of the Republic of Kosovo organized crime and action plan 2009-2012, p. 7

³ Jay S. Albanese. 2011. *Organized Crime in Our Time*. Anderson Publishing, fq. 3.

⁴ Preface to the United Nations Convention against Transnational Organized Crime, New York, 2004.

the definition of a criminal organization adopted at EU⁵ level stating that. "Criminal organization means an association structured, created for a given period of time, with the participation of one or more persons, who operates united, to committing offenses, which are punishable by imprisonment or detention order of at least 4 years, or by a more severe penalty even when these offenses are goal in itself, or a means of achieving material benefits, or where appropriate, to influence improperly operating public authorities ". It was adopted in the form of joint action but was not ratified by any of the member countries of the EU. It can be said that the most important effort to date in connection with the concept of organized crime remains Convention on Transnational Organized Crime and the United Nations, which entered into force in 2003. International organized crime manifests itself in many forms, including as drug trafficking, firearms trafficking in persons, smuggling of migrants, etc.

2.1. Drug Trafficking

Drug trafficking is a global illegal trade involving the cultivation, manufacture, distribution and sale of substances which are prohibited by law. Drug control has been the global agenda for more than a century. Are adopted various treaties and bilateral agreements to prevent and combat illegal drug trafficking in international terms are recognized in particular the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substances and the 1971 Convention against Illicit Traffic in Narcotic Drugs and psychotropic 1988, these conventions continue to define the system of international drug control, while the United Nations office on Drugs and Crime (UNODC) is the guardian of the treaties and agency leader in drug control⁶.

⁵ Joint Action 98/733 / JHA (Justice and Home Affairs) of 21 December 1998 adopted by the European Council.

⁶ United Nation Office on Drugs and Crime, World Drug Report, New York, 2010, fq. 7.

Drug control in international terms is based on three United Nations conventions and in: the Single Convention on Narcotic Drugs, 1961 Convention on Psychotropic Substances and the 1971 Convention against illicit traffic in narcotic drugs and psychotropic substances in 1988, which received almost universally. The largest number of drug users living in developing countries. Europe that is expanding seems to constitute the most lucrative drug market in the world, taking into account purchasing power and numbers of drug users. Proximity to such a market and the importance of 'Balkan routes' shows that drug trafficking should continue to be the focus of law enforcement agencies in South East Europe in the future⁷.

Nobody knows for sure the number of drug users in the EU. The total number of persons dependent on heroin alone, supposed to be about one million. About 7000 to 8000 people per day die from illegal drugs. Various strategies was used to deal with the large number of problems caused by drugs, and a special agency of the EU, which provides continuous information, is European Centre for drug monitoring and drug addiction⁸. Drug trafficking is a fundamental form of organized crime throughout Europe, particularly in Eastern Europe. Most prominent 'Balkan routes', were first used by Turkish groups organized crime of trafficking in heroin, and nowadays used for trafficking of all types of illegal drugs⁹.

2.2 Arms Trafficking

In our time, there are different types of weapons and their trafficking is extremely large. Even trafficking of weapons is as a form of organized crime. This type of crime is carried out in collaboration of several persons trafficking different weapons

⁷ Regional Project CAPRO, Situation Report on Organized and Economic Crime in South-eastern Europe, Strasbourg, August 2006, p. 21.

⁸ Freedom, security and justice for all, European Commission, Directorate-General for publication and communications, Luxembourg, 2004, p. 17.

⁹ Regional Project CAPRO, Situation Report on Organized and Economic Crime in South-eastern Europe, Strasbourg, August 2006, p. 22.

with intention for profit. General Assembly of the United Nations on April 2, 2013 has approved the treaty on arms trade that regulates international trade of conventional weapons. The treaty will encourage peace and security by prohibiting weapons in conflict areas. This will prevent abusers of human rights violators and war to be supplied with arms. Illegal circulation of small arms, light weapons and their ammunition destabilizes communities, and affects the security and development in all regions of the world.¹⁰

In all parts of the world, the availability of weapons and ammunition has led to human suffering, political repression, crime and terror among the civilian population. Irresponsible transfers of conventional weapons can destabilize security in the region, enables violation of the arms embargo and the Security Council to contribute to abuses of human rights¹¹.

2.3 Human trafficking

Trafficking in human beings is buying through improper means such as force, fraud or coercion, for the purpose of their use. This form of organized crime has taken a huge spread in particular in the sale of women for prostitution.

A Global Report on Trafficking in Persons by the United Nations Office on Drugs and Crime (UNODC) provides important information on this form of organized crime based on data collected from 155 countries, it offers the first global assessment of field of human trafficking and what is being done to combat it. It includes an overview of trafficking patterns, legal steps to take, and specific information on reported cases of trafficking in persons, victims, and prosecutions¹².

According to Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons *Trafficking in Persons* determined that implies: the recruitment, transportation, transfer, harboring or receipt of

¹⁰ See, the UN website: <http://www.un.org/disarmament/convarms/SALW/>.

¹¹ Ibid.

¹² See, the official website UNODC www.unodc.org.

persons by means of threat or use of force or other forms of coercion, abduction, fraud, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs¹³. Taking into account the international character of trafficking in human beings, it is also necessary a multi-agency approach and international exchange of information, data and knowledge in this kind of criminal activities, as well as measures and preventive actions, such as identification and protection of victims, and ways of coordinating the implementation of prosecution¹⁴.

3. International institutions

International engagement against organized crime in particular took a remarkable turnaround, especially after the events of 11 September 2001 the attacks on the United States. The international community began to intensify actions to combat organized crime, especially the United States were highly engaged and begin a new approach in the fight against terrorism and crime in general in the international context, but obviously the role of the United Nations in this process was very great unifying stands for a common struggle against this evil.

International cooperation is presented as an imperative in fighting against organized crime, particularly in combating terrorism. It is true (as the evidence that has come to the light since September 11 has confirmed) that the identity of the

¹³ Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

¹⁴ Strategy to Combat Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia, Skopje, March 2006, p. 12.

terrorists, guerrilla movements, drug traffickers, arms smugglers are becoming slippery¹⁵. In fighting crime, international terrorism and other such phenomena are also established various institutions operating worldwide.

3.1. The role of the United Nations

The United Nations has established a wide network in all countries of the world to be fought organized crime, terrorism etc. United Nations Office on Drugs and Crime UNODC (United Nation Office on Drugs and Crime) is a global leader in the fight against illicit drugs and international crime. Founded in 1997 through a merger between the United Nations Program for Drug Control and the Centre for International Crime Prevention, UNODC operates in all regions of the world through an extensive network of field offices. UNODC relies on voluntary contributions, mainly from governments, for 90% of its budget. UNODC is on mandate to assist Member States in their struggle against illicit drugs, crime and terrorism¹⁶.

United Nations Congress on Crime Prevention and Criminal Justice is one of the main periodic conferences of the United Nations and plays a major role in setting international standards and policy-making in crime prevention and criminal justice. Congresses have brought together ideas, policy-makers, and practitioners in the field of crime prevention and criminal justice, as parliamentarians, individual experts from academia, civil society representatives and media.

UNODC has the mission to make the world safer from crime, drugs and terrorism. To be effective and sustainable responses to these threats should include strategies covering areas such as: crime prevention, particularly prevention of urban crime, armed violence prevention, prevention of recidivism, criminal justice reform, police reform, prosecution service, the judiciary (courts), access to legal protection and

¹⁵ Mats Berdal and Monica Serrano. 2002. "Transnational Organized Crime and International Security: Business as Usual?" Lyne Rienner, p. 7.

¹⁶ See, the official website UNODC: <https://www.unodc.org/unodc/index.html>

legal aid, prison reform and alternatives to imprisonment, support and assistance to victims, etc.¹⁷. States also require appropriate policies and crime prevention strategies to ensure a balanced approach between preventive and reactive action. In order to strengthen the rule of law for all and to stop the spread of crime, UNODC therefore promotes inclusive and comprehensive approach to strengthening crime prevention and criminal justice systems¹⁸.

3.2. The role of Interpol - the international police

INTERPOL is the world's largest international police world, with 190 member countries. Interpol's role is to enable police around the world to work together to make the world a safer place. Infrastructure technology with technical and operational support helps meet the growing challenges of fighting crime in the 21st century.

Interpol works to ensure that police worldwide have access to the tools and services needed to do their job effectively. At Interpol, there is scope to facilitate international police cooperation even where diplomatic relations do not exist between particular countries. Action is taken within the limits of existing laws in different countries and in the spirit of the Universal Declaration of Human Rights. Its constitution prohibits any intervention or activities of political, military, religious or racial¹⁹.

In Article 2 of Interpol's constitution also defined its goals which states that its objectives are:

- To help ensure and promote the widest possible between all criminal police authorities within the limits of existing laws in different countries and in the spirit of the "Universal Declaration of Human Rights";
- To establish and develop all possible institutions in order to

¹⁷ See, the official website UNODC: <https://www.unodc.org/unodc/index.html>.

¹⁸ UNODC, Thematic Programme, Crime Prevention and Criminal Justice Reform, 2012-2015, fq. 5.

¹⁹ See, the official website of Interpol: <http://www.interpol.int/en>.

contribute effectively for preventing and combating of crime throughout the world²⁰.

In cooperation with the police in its member countries, INTERPOL has conducted 44 operations in 2012. Some operations were coordinated in cooperation with national and regional partners²¹. As the main legal document Interpol Constitution, this outlines the aims and objectives of Interpol. It defines the mandate of the Organization to ensure broader cooperation possible between all criminal police authorities and to suppress ordinary crimes. It defines the structure of the organization, defines the role of each body Interpol, and provides budget and relationships with other organizations²². Interpol recognizes the need to work in partnership with other organizations to combat international crime. As such, it has concluded a number of cooperation agreements with other international organizations, including the United Nations and the European Union. The Constitution empowers Interpol Organization to conclude international agreements²³. Based on this, the organization has completed a number of international agreements with other subjects of international law.

3.3. EUROPOL - European Police

An important role in fighting crime in European region represents EUROPOL, or the European common police. For establishment of Europol was agreed in the Treaty of Maastricht in 1992, formally known as the Treaty on European Union, which became effective on November 1993. The agency started limited operations on January 3, 1994. In 1998, Europol Convention was ratified by all member states and became effective in October. Europol started its full activity on 1 July

²⁰ INTERPOL Constitution, Article 2, issued by the general assembly of Interpol, 1956.

²¹ Annual Report of INTERPOL, 2012, p. 23.

²² See, the official website of Interpol: <http://www.interpol.int/en>.

²³ INTERPOL Constitution, Article 41, published by the General Assembly of INTERPOL, 1956.

1999²⁴. Pursuant to Article 1.9 of the Treaty on European Union, Europol has also set its objectives to improve the effectiveness and cooperation between the competent authorities of the Member States in preventing and combating terrorism, unlawful drug trafficking and other serious forms international crime, which are affected two or more member states²⁵.

Europol cooperates with different organizations to fight crime in this case with Interpol. According to Article 2 of the goal is to establish and maintain cooperation between the Parties in combating serious forms of international organized crime within the scope of competence of each party, in particular, this will be achieved through exchange operations, strategic information and technical coordination of activities, including the development of common standards, action plans, training and scientific research and liaison officers command²⁶.

4. International agreements as the legal basis

International cooperation in fight against organized crime and its appearance forms manifested through the adoption of various international legal instruments, such as conventions, resolutions and other normative acts of cooperation between states. Cooperation in this area has emerged as collaboration between two or more States, in this context recognized multilateral and bilateral agreements. International legal instruments undoubtedly the most important instruments adopted by the United Nations, but of course they also undisputed importance of other regional agreements and bilateral.

In terms of combating organized crime special importance of the United Nations Convention against

²⁴ See, the official website of Europol: www.europol.europa.eu.

²⁵ Article 2, paragraph 1 of the Europol Convention.

²⁶ Article 2, paragraphs 1 and 2 of the agreement between Europol and Interpol, Brussels, November 15, 2001.

Transnational Organized Crime (UNTOC) and its protocols, also has a special role to the United Nations Office on Drugs and Crime (UNODC) within which are held conferences and established various committees etc. In most related treaties, means that States Parties undertake to ensure that laws, policies and practices to meet their internal legal requirements of the treaty and comply with its standards. Most multilateral treaties (which include more than just a few states) signed under the auspices of international organizations like the UN or regional organizations such as the Council of Europe (CE) and the European Union (EU), or the Association of Southeast Asian Nations (ASEAN). Bilateral treaties or those developed between small groups of countries generally negotiated through the respective foreign ministries, without the involvement of an external agency or management as the UN²⁷.

4.1. Multilateral agreements

In the world have adopted many cooperation agreements between states and to regulate various issues, such as trade agreements, agreements for maintain peace, to stop the war against trafficking cooperation agreements etc. These agreements may be universal, can join those interested countries. States parties to these treaties take to ensure that the above legislation and internal policies comply with international obligations arising from treaties. Regarding organized crime of the most important multilateral agreements is the United Nations Convention against Transnational Organized, adopted by General Assembly resolution 55/25 of 15 November 2000, and is the main international instrument in the fight against crime organized. The Convention further supplemented by three Protocols, which reach specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Protocol against the Smuggling of Migrants

²⁷ UNODC Human Trafficking & Smuggling of Migrants Crossing, Guide for International Cooperation, 2010.

by Land, Sea and Air, and Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition²⁸.

4.2. Bilateral Agreements

Regarding bilateral agreements, these are the most frequent and numerous practical. There are numerous agreements of this kind in cooperation between countries in combating against organized crime. All countries have created their strategy and action plans to combat organized crime and forms of its appearance in this case have as well the signed various cooperation agreements with other countries, especially neighboring countries.

Interstate cooperation mainly specific limits established in areas that are suitable for contraband, such cooperation exists between Albania and Italy²⁹, with routes that are being used quite a lot for drug smuggling and human trafficking. There are many such collaborations between countries to prevent crime and smuggling in all regions of the world.

5. Organized crime in the Balkans

Social and economic development in this part of Europe has influenced organized crime in all its forms and spread to reach almost a record level in these countries. In particular, drug trafficking, human trafficking, arms trafficking, illegal migration, etc. have found a very suitable ground in the countries of Europe. Certainly, the prolonged transition in the region has affected many aspects of this case in the growth of many forms of criminality and organized crime.

The transition process in Albania since 1991 has been heavily influenced by several factors such as the dramatic

²⁸ See, the website of the United Nations Office on Drugs and Crime, <http://www.unodc.org/>.

changes in the political system, coupled with changes in the economic system and the installation of private property, and the impact of party preference, political pressures and corruption: Crisis scheme criminal scheme in 1997, in which financial resources were concentrated in the hands of a few people, causing public unrest and change of government. Large-scale migration of Albanians, mostly to neighboring countries, Italy and Greece etc.³⁰.

Social and political changes altered the approach to organized crime and its forms. On 2002, the process of adapting legislation to international standards, Albania ratified the OKB. For Combating of Organized Crime (UNTOC) and additional protocols governing trafficking and smuggling of human beings. On February 2008, is ratified the Protocol on Second and third on trafficking of weapons³¹. Currently the Albanian state has managed to establish a very high standard and certainly in fighting organized crime and forms of its appearance, and in particular, the entry into NATO³² is a good indicator of success in raising Albania set international standards.

Regarding the countries of the former Yugoslavia have left many problems due to the wars that occurred during the nineties. However, the social and political changes began after the NATO intervention in Kosovo, in particular the fall of the Milosevic government in Serbia contributed quite a lot to cooperation among countries of the region in various spheres in this case in combating organized crime, illegal trafficking etc. All countries of the former Yugoslavia and now have established relationships with other countries in the region and

²⁹ ITALY - ALBANIA: Legal Instruments and Techniques to Combat Transnational Organized Crime confront Experiences, edited by UNICRI, 2007.

³⁰ Regional Project CAPRO, Situation Report on Organized and Economic Crime in South-eastern Europe, Strasbourg, August 2006, p. 69.

³¹ ITALY - ALBANIA: Legal Instruments and Techniques to Combat Transnational Organized Crime confront Experiences, UNICRI Publishing, 2007, p. 11.

³² Albania's membership in NATO pact on 1 April 2009.

have signed bilateral treaties and agreements on combating organized crime and border control drug trafficking, human trafficking etc.

Regarding to the Former Yugoslav Republic of Macedonia "with the exception of a short conflict in 2001, Macedonia has survived destruction by war and mass displacement of its population"³³. Macedonia thought to be threatening by the organized crime, mainly drug trafficking, smuggling of persons, smuggling of weapons and a range of goods (cigarettes, alcohol, fuel, etc.) and economic crime activities. Obviously all these risks should be healthy on functioning of a democracy.

6. State Institutions Access in preventing and combating organized crime in Kosovo

Organized crime considered as a threat to society in general and civilization values. This threat can manifest in different forms, depending on the development of economic and social life, especially in conditions of globalization.

The geostrategic position of the Republic of Kosovo in Balkans and created conditions after the war enabled different groups to conduct criminal activities of organized crime. The high rate of unemployment and poverty also contribute to creating conditions for the development of crime in general and organized crime in particular³⁴. According to the national strategy and action plan against organized crime "law enforcement in Kosovo in the field of preventing and combating organized crime is fragmented, lacks effective interagency coordination and cooperation as well as regional and international cooperation are essential prerequisite for success in combating this phenomenon"³⁵.

³³ Ibid, p. 112.

³⁴ National Strategy of the Republic of Kosovo organized crime and action plan 2009-2012, p. 6.

³⁵ Ibid, p. 8.

Undoubtedly, the transition has caused the country's economic development and the promotion of many forms of organized crime, smuggling, corruption, etc. Kosovo has drafted a national strategy and action plan against organized crime and has established cooperation with other countries in combating smuggling and trafficking of different prevention and combating of crime. In the framework of commitments and priorities on July 31, 2013 The Republic of Kosovo has ratified an agreement of cooperation in preventing and combating crime with the Republic of Hungary where required cooperation between the Kosovo police and the Hungarian police, as well as between judicial authorities of Kosovo and Hungary³⁶. Also on 05/11/2013, Minister of Interior of the Republic of Kosovo, Bajram Rexhepi and Mr. Jean - Luc Vez, Director General of the Federal Police Swiss police cooperation agreement signed between the Government of the Republic of Kosovo and the Swiss Federal Council³⁷. By signing this agreement, strengthen cooperation between the two countries in the fight against organized crime, trafficking in human beings, trafficking in arms, drugs and intent of preventing threats to public safety by sharing information on strategic levels etc. Besides police cooperation will be cooperation between customs, financial intelligence units in combating cyber-crime and other forms of criminality. Also is envisaged keeping police training in various fields. There are also other forms of traditional crime, which should be fight entirely.

Due to the delayed settlement of Citizenship status³⁸, and its non-recognition by some countries, it is still not possible for it to become a member of the UN and institutions with weak force action, because the powers of international institutions in Kosovo are present through quite later in the responsibility of

³⁶ Article 1, paragraph 2 and 3 of the Cooperation Agreement between the Republic of Kosovo and the Republic of Hungary, 31/08/2013.

³⁷ <http://www.mpb-ks.org>.

³⁸ Republic of Kosovo declared independence on 17 February 2008 and up to now has been recognized by nearly 100 UN member states that, but still no seat at the UN.

local institutions, and international neglect to resolve many issues have been a factor that organized crime and smuggling to dominate for a long time.

7. Conclusions

Organized crime is seen as a form of crime that is committed in collaboration between many individuals and whether its scope to more than two states. Smuggling networks are widespread throughout the world and especially in countries in transition, but of course without excluding the developed countries.

In combating this crime and its form is much needed international cooperation, whether through regional cooperation, both in the wider international context, but also bilateral cooperation between countries is important.

International cooperation in combating crime and terrorism in particular has intensified and has taken a different approach after the attacks of 11 September 2001 against the United States of America, making it the worldwide developments in crime and terrorism.

On the continent of Europe organized crime is particularly prevalent in Eastern Europe, particularly the Balkans region where wars have dominated a longer time, which impoverish these countries and have been a cause of many negative phenomena finding ground suitable various criminal groups.

Especially drug trafficking, tobacco, human trafficking, especially trafficking of arms to countries in transition and economic problems are extremely common. Therefore, international cooperation is essential, both in terms of regional cooperation such as the Balkan region where trafficking and illegal migration are highly present, as well as in terms of the overall international and especially within the United Nations would be very precious.

The Republic of Kosovo because of the position and international status still unresolved, is causing considerable

difficulties in international agreements and therefore is bound and focused more on bilateral agreements.

Eventually only international cooperation and coordination of activities between agencies fighting crime and a joint combat against organized crime, especially against international terrorism is the only way to prevent this evil general humanity.

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