

# Understanding Transnational Crime and Criminality:

*Preliminary Findings from the UK Economic and Social Research Council's  
Research Seminar Series on:  
Policy Responses to Transnational Organised Crime'*

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## **Context of the Seminar Series**

The perceived threat of 'Transnational Organised Crime' (TOC) has become an issue of acute interest to politicians, policy-makers and social scientists in the last decade, yet there is little consensus over the character, or even the existence, of this purported threat. Critics account for the increasing salience of TOC in terms of the need for military, security and intelligence agencies to reinvent their roles in a post-Cold War 'new world order'. They argue that the scope of organised crime remains contained within local territories and should be controlled through a combination of local crime control and social policy interventions. Conversely, others acknowledge the 'reality' of TOC and the increasing mobility and sophistication of criminal entrepreneurs. They identify an emerging 'global crime problem', enabled by rapid developments in information and transport technologies and an increasingly deregulated global economy. In turn they argue for greater investment in international law enforcement including the provision of extraordinary powers for intrusive surveillance.

## **Aim of the Seminar Series**

The aim of the series is to examine the theoretical and empirical foundations of these competing arguments and explore the potential of alternative conceptions of organised crime in the 'new world order'.

## **Objectives of the Seminar Series**

Given this aim the specific objectives of the series are as follows:

1. To examine the evolution of policy responses to transnational organised crime, including processes of definition, symbolic reassurance, failure, adaptation and innovation;
  2. To question these processes of policy change in terms of the available empirical evidence for the incidence, prevalence and concentration of transnational organised crime;
  3. To explore conceptual and methodological innovations in the identification, measurement and explanation of transnational organised crime;
  4. To explore alternative methods of governing transnational organised crime with particular reference to the 'new governance';
  5. To examine the ethics and accountability of policy responses to transnational organised crime;
- And
6. To cultivate a dialogue amongst academics and practitioners interested in transnational organised crime and disseminate findings from the seminar series to a broader audience of interested parties.

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<sup>1</sup> Adam Edwards is the Director of the UK Economic and Social Research Council's Research Seminar Series on 'Policy Responses to Transnational Organised Crime', (Grant No.: R451 26 4796 98).

## Preliminary Findings of the Seminar Series<sup>2</sup>

At the time of writing, the Series is half way through its 6 scheduled meetings. Hitherto, 12 papers have been presented and what follows is an interim report on key themes and findings emerging from the meetings of the Seminar and the key thinkers who have informed the Seminar discussions. The findings can be grouped into three basic themes: (i) the scope of transnational organised crime; (ii) the focus of policy debates about transnational organised crime; and (iii) implications for research and policy reform.

### *The Scope of TOC*

This theme refers to the collection and interpretation of evidence on the patterns of TOC. It questions the incidence, prevalence and concentration of TOC. Within this theme findings can be summarised in terms of three interrelated tensions: *the global versus local scope of organised crime; the external versus internal threat of organised crime; and the relations between licit and illicit markets and 'entrepreneurs'*.

#### *Global versus local*

The purported process of globalisation and its consequences for (inter-)national security animates much of the discussion about organised crime. In the 'global village' criminal organisations exploit opportunities for cross-border crime generated by, *inter alia*: the construction of continental trading blocs such as the North American Free Trade Association and the European Union; developments in communications and transport technologies; and increasingly de-regulated international currency markets.

The knowledge-base for the emergence of a 'global crime problem' is premised on two basic measures:

- The volume of organised crime; and
- Intelligence reports on the activities of particular criminal organisations/individuals (Gregory, 1998).

Volume measures typically focus on arrest rates, asset seizures and the estimated costs of specific crime problems<sup>3</sup>. Global measures of organised crime are provided by Interpol using estimates of profit turnover based on, for example, the production of drugs in metric tons and the distributor price of a particular drug per kilo. On this basis it is estimated that the annual turnover of illicit drugs traffic as \$500 billion (Gregory, 1998: 135).

Conversely, in questioning the very existence of TOC, Hobbs (1998a,b; 2000) argues that as far as the British experience goes there has been a conspicuous failure to demonstrate the operation of offenders which fit the Hollywood image of ethnically-based, hierarchically structured, 'mafia' that orchestrate transnational operations like some 'shadow' multinational corporation. Instead, Hobbs reverses the logic of globalisation found in official narratives to demonstrate how this actually emphasises locality rather than transnationality in the form of organised criminal relations. Serious crime problems, as he prefers to call them, are only ever experienced locally. What is new in the character of these problems is the emergence of criminal networks or coalitions of criminal actors assembled for the purposes of particular jobs. Traditional crime families and their extended kinship relations have, certainly in parts of the UK, disintegrated through the disturbance brought about by slum clearance housing policies and broader processes of urban renewal. From this perspective globalisation is important insofar as it accentuates the diverse and specifically local contexts of organised crime. The knowledge-base for this argument is the conduct of qualitative case studies, especially ethnographies, of particular localities in order to reveal and elaborate the actual formation and reproduction of relations between criminal actors and organisations as they are shaped by the changing political-economies of certain localities.

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<sup>3</sup> For example in 1995 the UK National Criminal Intelligence Service reported the arrest of 1378 offenders operative in the UK; the seizure of drugs with a street value of GBP 249 million; the seizure of counterfeit sterling worth GBP 29 million; the recovery of property worth an estimated GBP 18 million; and estimated the cost of prestige vehicle theft in 1994 as GBP 500 million (Clay, 1998: 95).

### *External versus internal threat*

The other dimension to the knowledge-base of those identifying the existence of a global crime problem is the surveillance of particular criminal organisations and their activities in and across different nation states. On this basis, Myers (1996) argues that three Chinese organisations pose the most potent threat to global security, Jamieson (1995) asserts that 'by the mid-1990s there could be few regions of the world untouched by Italian Mafia pressure or influence, and Voronin (1996) estimates that 40-50% of the Russian economy is controlled by organised crime. Common to this perspective is the articulation of TOC as, predominantly, an external threat to western economies by the 'usual suspects' of Russian Mafia, Cosa Nostra, Colombian Cartels, Jamaican Yardies, Chinese Triads etc (NCIS, 1993, 1999). In these terms the perception of organised crime as an external threat forms part of the long-standing intellectual tradition of criminologies of the other' (Garland, 1997; Edwards, 1999; Edwards and Gilt 2000). The notion of security is, from this perspective, defined in opposition to external, alien, actors, cultures and organisations. In his appraisal of the impact of this perception on security policy in the European Union, Bigo (1994) identifies an emerging 'security continuum' in which the process of European integration is legitimated, in part through the identification of threats to (Western) European economies and, therefore, the 'need' for greater international cooperation amongst EU members in fortifying the external borders of the Union against attack.

Conversely, Block (1991), Hobbs (1998a) and Rawlinson (1998) challenge this image and its consequent reduction of the complexity of organised crime to a crude conception of alien conspiracy. Their work can be understood as part of the competing intellectual tradition of 'criminologies of the self. From this perspective organised crime is understood in one sense as a response to the demand in western societies for illicit services and, in another, as an indication of the limits encountered by nation-states in exercising sovereign authority over their domestic populations. The common theme here is that the source of organised crime is endogenous.

### *Licit versus illicit markets and entrepreneurs*

The disconnection of illicit and licit economies is exemplified by the language of the 'underworld' and the 'black' (sic) market. This perception of illicit entrepreneurs operating beyond and outside of the legitimate economy can be understood as a logical consequence of the perception of criminal organisations as external interlopers. It has, however, a more profound impact in obscuring the interdependencies between legitimate and illegitimate entrepreneurs. Block (1991), for example, identifies the services provided by criminal organisations to 'upperworld' businesses in dumping toxic waste, whilst 'money laundering can be regarded as a service provided by the official financial sector to conventional organised crime' (Ruggiero, 1998: 12 1).

Ruggiero (1998) identifies the existence of such 'grey markets' in the trafficking of human beings and illicit arms trafficking where 'official actors' not only employ the services of conventional organised crime but actually compete with criminal organisations to provide these services to other businesses or even set up on their own.

## **The Focus of Policy Debates on TOC**

The second theme arising out of the Seminar Series addresses the impact of these competing perceptions of the scope of TOC on the focus of debates over the appropriate policy response. Two interrelated tensions have been identified between: *a focus on organised as distinct from other, corporate and 'street' crimes;* and *on the dispositions of organised criminals as opposed to the opportunity structures enabling the commission of organised crimes and/or the social contexts generating or disturbing the reproduction of organised crime relations.*

### *Organised versus corporate and "street" crimes*

Within both the research and policy communities the conventional tendency has been to treat organised crime as a specialist area that is distinct from other forms of crime and, by implication, their methods of control, prevention and reduction. As part of his argument about the formation of grey or 'dirty' economies, Ruggiero (1998: 127) identifies the need to examine the interface between formal and informal economic practices and, therefore, transcend the artificial distinction between organised crime 'proper' and corporate or white-collar crime.

The implications of this shift in focus are substantial as they imply the need to focus on the nexus of relationships between different types of crime and criminal careers: how is it that individuals become

organised and embark upon organised criminal careers? What are the processes through which individuals are recruited into such careers? What are the factors, other than incapacitation, that disrupt and/or curtail these careers? Is it actually accurate to talk about organised criminal *careers* as opposed to the episodic participation of individuals in particular 'jobs' and criminal alliances?

This focus on the biographies of organised criminals suggests the importance of examining the nexus between 'serious' and 'street' crimes, given the 'apprenticeships' served by organised criminals in the commission of volume crimes. In turn this implies an important policy connection that can be made between organised crime specialists and the broader community of crime prevention, crime reduction and 'community safety' practitioners.

#### *Criminal dispositions versus opportunity structures and social contexts*

The preoccupation of official narratives on organised crime with the attributes of serious criminals and criminal organisations can be understood as part of a long-standing criminological concern with the 'dispositions', or motivational drives, of offenders (Clarke, 1980, *passim*). Over the past two decades, however, there has been a growing interest in complementing, if not replacing, this focus on manipulating dispositions, whether **through combinations of punishment and welfare and deterrence** and rehabilitation, with a focus on reducing the opportunities for committing crime. Clarke has developed an elaborate framework for the 'situational crime prevention' of volume crimes such as household burglary, theft of and from automobiles and forms of inter-personal violence.

It is argued that such crimes can be reduced by highly focussed interventions in the immediate situational environments in which they occur, so as to increase the risk of apprehension on behalf of offenders, increase the effort of committing the crime and reduce the rewards and proceeds from such crime. More recently, this framework has been developed further to accommodate the opportunity structures of crime that are generated by people's 'routine activities' and everyday lifestyles (Felson, 1994; Clarke, 1997). Levi (1998) suggests the application of situational crime prevention principles to the identification and manipulation of opportunities for organised crime is an important form of policy innovation and learning. The application of opportunity reducing techniques implies an investment in identifying the stratagems and mechanisms employed by networks of organised criminals to, for example, communicate with each other and with nominally licit entrepreneurs, traffic illicit goods and services and launder the proceeds of crime. Situational methods could, in principle, be adopted to disrupt these interconnections (Klerks, 1999).

There is, however, a vibrant debate over the intended and unintended consequences of situational prevention for displacing, diffusing and deflecting crime from those targets which are protected towards those currently lacking the resources and technologies to adopt prevention methods. To this end it is argued that situational crime prevention can potentially accentuate the victimisation of the most vulnerable and disadvantaged who are unable to acquire or receive situational methods. A further challenge leveled at the situational approach is that it fails to address the broader social contexts that can enable or preclude the reproduction of criminality and victimisation. Hobbs (2000), for example, argues that organised criminal activity needs to be examined in terms of the specific 'locales' inhabited by particular 'fraternities' - alliances, 'firms' and familia/kinship networks - of criminals.

A fore-grounding of social context in the analysis of organised crime reveals a diversity of local experiences each with crucial implications for policy reform, transfer and learning in the governmental response to this problem. Hobbs (1998), for example, draws a distinction between the dynamics of serious crime in two English localities, the East End of London and the North East of England. In the East End, criminal networks are more protean, reflecting the impact of social, economic and political restructuring on the disintegration of traditional communities - in particular the effect of slum clearance and urban renewal policies that have 'emptied-out' once cohesive local communities, displacing them to the Essex and Kent hinterlands of die East End. Conversely, local communities in the North East of England have been reproduced over many decades undisturbed by the housing allocation policies or the high turnover of migrant populations experienced in the contemporary London metropolis. As a consequence, criminal fraternities in the North East of England have a greater longevity than their London counterparts.

The essential point here is that a failure to tailor policy responses to the locally specific contexts of organised crime is likely to promote a naive emulation of crime control strategies and techniques. At best this will fail to address the real causal dynamics of crime in these different contexts and, at worst,

prove counterproductive in taking scarce resources away from local welfare and crime control agencies thereby actually creating greater uncontrolled, unregulated, space for illicit entrepreneurial activity (Stelfox, 1999).

### **Implications for Research and Policy Reform**

Under this third theme of the preliminary findings it is possible to identify four basic implications for the research-policy relationship in formulating and implementing responses to organised crime: the tension between strategies of *enforcement, prevention and regulation*; between *public and private responsibilities for security*; *between the contribution of government 'expert' and professional agencies and multi-agency partnerships*; and between *the 'efficiency', accountability and ethics of policy reform*.

#### *Enforcement versus prevention and regulation*

The official preoccupation with prosecuting organised criminals, dismantling criminal organisations and seizing criminal assets is a form of supply-side criminology in which an understanding of 'what works' is limited to strategies of law enforcement, surveillance, mutual legal assistance **and external border controls** etc. Given this it is unsurprising that the overriding concern of official agencies is with the identification of the perpetrators of specific offences, since this is the sole basis on which evidence might be gathered towards successful enforcement. So, for example, even in the United States, where the Racketeering Influence and Corrupt Organisation (RICO) statutes criminalise membership of criminal organisations *per se*, prosecutors still have to prove the commission of some number of predicate offences.

If, however, the focus is switched away from offenders, enforcement becomes less compelling as, to put it simply, it is difficult to prosecute a network, situational environment or social context. To this end a number of thinkers are becoming increasingly interested in the regulation of black (sic) and 'grey' markets so as to minimise their externalities, in particular the social damage they inflict (Taylor, 1999: 233-4). In these terms it is possible to identify a continuum of actual and potential interventions ranging from the enforcement to the regulation of interdependent licit and illicit markets.

For example formal regulation is exercised over various dangerous products, such as tobacco, alcohol and petroleum that may be legally traded for a number of reasons; traders have to buy licenses, are subject to regulations, 'forms of inspection and goods sold are frequently subject to specific taxes. Failure to comply with regulations may ultimately lead to a loss of license. Of course, by definition, illegal traders cannot be formally licensed as such, but there are a variety of circumstances in which they may actually receive an informal 'license' to trade from local police or other regulators. Examples of this can be found among street traders, local drug dealers or fences, especially where those concerned act as informers for police. Of course, traders at this margin are particularly vulnerable to having their licenses revoked and being sanctioned. Thus the threat of this may act as a more subtle form of control than prosecution or even cautioning. Further toward the pole of non-enforcement and regulation traders escape sanctions entirely. The idea of 'accommodation and collusion' reflects the fact that regulatory agencies possess inadequate resources to pursue policies of full enforcement and/or it is acknowledged that the object of regulation is not amenable to enforcement.

Regulatory capture refers to a process in which the traders have subverted the regulators to ensure nonenforcement. In extreme cases of ownership/control the regulators will actually share in the profitability of the market. An exemplary instance of this being the involvement in nightclub security staff in dealing illicit drugs for consumption on their premises in many English cities.

In between these positions there are other possibilities: markets may be licensed to operate under certain circumstances, or regulators may collude in specific or occasional breaches of law or regulation. Again, the point needs to be made that these possibilities arise in all markets whether legal or not. What determines the specific outcome at any one time in particular market will be an array of factors relating to the political, economic and moral narration of the threat they pose.

#### *Public versus private responsibilities for security*

The shift in understanding organised crime from enforcement to alternative forms of prevention and to regulation has been accompanied by re-framing policing and control. Considered as a process rather than an institution, policing encompasses the activities and security capacities of statutory authorities other than the police, such as local authorities, schools, health authorities, housing providers etc.,

private businesses and non-governmental organisations (NGOs), pressure-groups, tenants and residents associations, special interest groups etc.

In turn this re-framing of policing has provoked a broader debate about the appropriate division of responsibilities for security between 'public' authorities and 'private' citizens and organisations (Garland, 1997). Skeptics of this emerging new division of security labour, certainly in western societies, have regarded it as a strategy used by public authorities to shed responsibility for security and further 'rationalise' public expenditure. Advocates note the historical importance of informal modes of social control, the power of peer pressures and community sanctions, and the consequent need to escape a debilitating faith in the expertise of the 'professional' public bureaucracy. Whilst this debate has been conducted largely in terms of the response to 'street' crimes and 'incivilities', there are clearly important implications in the field of organised crime for the division of responsibilities between police and other public authorities that will always be subject to the constraints of scarce public resources and private organisations and citizens with unequal access to actual and potential security resources.

#### *'Go-it-alone' government versus multi-agency governance*

This question of responsibility for security relates to a broader debate, again within western societies, on the declining capacity of states to command, so that notions of 'sovereign government' are increasingly replaced by ideas of 'governance', which is more of a process of co-ordination, steering, influencing and balancing the interactions of public and private groups (Kooiman, 1993). In turn, this shift has been explained in terms of the 'knowledge' and 'power' problems facing state authorities. The first arises because social and economic sub-systems are so impenetrable to outsiders that state authorities cannot learn how they work or, if the state is able to control or regulate these sub-systems, the information required by the state is as diverse and complex as that possessed by the 'regulated' and their roles become blurred. Even if this knowledge problem can be resolved, however, the problem of power remains: state authorities rarely possess adequate powers and instruments of policy with which to intervene in the processes of the sub-systems (Mayntz, 1993).

This problem is compounded by the fact that if these knowledge and power issues apply to legal social and economic activities, then they clearly apply in much greater force when the state seeks to control illegal social activities. State officials are, of course, hampered in their ability to acknowledge these problems for fear of being seen to forfeit the 'right to govern'. It is in this sense that much of the official discourse on TOC in particular, and crime control in general, is infused with the 'punitive populist' discourse of 'wars on drugs', the 'fight against crime' and the need to be 'tough'. What this means is that the gulf between the symbolic terms in which policies are discussed and their real impact is probably greater in the area of crime than in any other area of governmental responsibility (Sheptycki, 1998).

The increasing recognition of these problems has led to some tentative experiments with the idea of 'joined-up government' (JUG) in which complex social-political problems, like TOC, are understood as multi-faceted and in need of multi-agency responses. In place of the increasingly specialised division of labour within modern governments that produces highly insular departments, the idea of JUG emphasises the importance of governing the diverse determinations that generate complex problems such as crime. So, for example, it is seen as important to recognise, interpret and govern the strategic relations between crime *and* education, crime *and* housing, crime *and* health provision, crime *and* employment opportunities etc. In other words, crime, transnational, organised, or otherwise, is regarded as an emergent product of a complex web of interdependent social relations. It is these relations that need to be researched and governed, rather than some notion of crime - whether transnational and organised or otherwise - that is abstracted from this real social context. Nowhere is this more pressing than in the highly emotive politics of transnational organised crime.

#### *Efficiency versus accountability*

A ubiquitous tension in the policy response to crime and criminality is that of the need to get something done and the need to continually examine the political and ethical implications of crime control. Policy makers and public administrations under pressure to respond to perceived problems of crime are, often, impatient with such critical reflection'. Yet if the potentially counterproductive effects of policy responses discussed above are to be avoided there is a need for greater reflexivity in questioning the very terms of policy debate.

Subjecting the very terms of debate about TOC to critical scrutiny is not a pedantic obstacle to interventions against 'obvious' threats but a pre-requisite of good government. Insular policy-making circles are not noted for their success compared with those open to broad ranging debate and assistance to policy in the longer term can only be given by work that does not simply accept as axiomatic the prevailing definitions of the scope, focus and dynamics of organised crime.

## **Conclusion**

This review of the preliminary themes and findings emerging from the seminar series confirms that, far from there being a broad consensus over the character and even existence of TOC, this whole policy field is the subject of vigorous and often controversial debate. If, at this stage, there is an overarching message emerging from the series it would seem to be the need to adopt an experimental approach to organised crime in which conceptions, etiological accounts and policy measures beyond the conventional preoccupation with law enforcement need to be promoted.

## **References**

Anyone interested in the citations in this paper and further information on the ESRC Seminar Series, should contact Adam Edwards at [adamedwards72@hotmail.com](mailto:adamedwards72@hotmail.com)