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Sule Toktas & Hande Selimoglu

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Smuggling and Trafficking in Turkey: An Analysis of EU–Turkey Cooperation in Combating Transnational Organized Crime

Sule Toktas and Hande Selimoglu

Since the 1990s, there has been a global proliferation of transnational organized crime (TOC). Turkey, as a transit site between the East and the West, has been one of the routes through which organized crime groups transport illicit goods in collaboration with other networks of crime. This paper investigates TOC in Turkey and maps out Turkey's role as a transit country in smuggling and trafficking. The paper also deals with Turkey's contribution to international efforts in combating TOC in light of its EU membership process. The European Commission's annual reports on Turkey's progress towards EU membership that highlight the achievements as well as the shortcomings of Turkey in combating TOC are presented. The paper argues that Turkey has introduced successful reforms and expanded its institutional capacities due to the progress it has achieved in the specific area of combating TOC, as evidenced by the EU progress reports.

Introduction

The definition of transnational organized crime (TOC) has been the subject of debate since the 1990s, resulting in several different definitions because of the issue's complex nature. For example, governmental institutions or police departments suggest different definitions because of their concern for maintaining public order.¹ They consider TOC groups as having a tendency to weaken political authority, state institutions and the rule of law, as well as the potential to develop into a threat to national security.² The official view, in this respect, is highly security oriented. Thus, the TOC agenda of governmental institutions overemphasizes security.³ Internationally, there has been a shift in the conception of threats, so that illicit arms trafficking, illegal migration and international crime organizations are now accepted as primary global threats.⁴ For example, former US President Bill Clinton called TOC the 'chief danger'.⁵ This changing perception of the threat from TOC has forced nations to adopt measures at a global level. This in turn creates the idea that international organizations are appropriate for building these trans-border working departments.

The economic view of TOC takes a different approach with its focus on the negative effects of TOC activities on national and global economies.⁶ It defines transnational crime as the activity of outsiders seeking to influence, infiltrate or intimidate the legitimate polity and economy of states.⁷ Within a liberal paradigm, TOC groups are treated as profit-seeking rational decision-makers who cooperate with different actors and have a tendency to get involved in fields where the risk is low and the profit is high.⁸ The amounts involved are huge: for example, TOC groups produce around 9.5 billion US dollars of illegal revenue per year globally from human trafficking, the third largest profit for TOC groups after drugs and arms.⁹ Women constitute 80 per cent of those trafficked persons and the value of the global trade in women for exploitation in the sex industry is between 7 and 12 billion US dollars.¹⁰ Drug trafficking revenues even higher, with organized crime groups earning more than 500 billion US dollars per year.¹¹ The total profit generated from drug trafficking in the USA and Europe alone is estimated to be around 122 billion US dollars per annum. This means that drug producers earn more than the gross national product of three-fourths of the world's 207 national economies.¹² Organized groups also barter illicit goods, such as drugs, for other illegal materials, such as arms. The global figures for black money from these various illegal sectors are so high that efforts to legalize this money could cause a global economic crisis. The US Federal Reserve estimates the global volume of black money to be around 420 billion US dollars.¹³

The rate of increase in TOC since the 1990s has been dramatic. To illustrate just from the case of nuclear trafficking, in 1994, there were only 46 known incidents of nuclear trafficking worldwide, but the Vienna-based International Atomic Energy Agency (IAEA) reported that more than 400 cases of nuclear trafficking occurred between January 1993 and December 2001 worldwide.¹⁴ Another study indicates that the number of illegal nuclear trafficking cases was more than 650, involving 82 states in total between 1995 and 2004.¹⁵

One of the key factors behind the recent escalation of TOC is the collapse of the Socialist Bloc, particularly the Soviet Union, which caused a mushrooming of new states with power vacuums and loose border controls that facilitated the mobility of ordinary people as well as transnational criminals.¹⁶ In addition, crime has been globalized by dynamics such as the developments in information technology, aviation and communication, and by the internationalization of the monetary and banking system, which have made it relatively easier and faster to move people, goods and capital across borders.¹⁷ In addition, loose border and custom controls, easily accessible markets, large-scale privatization, absence of legal protection, gaps in authority and the absence of law enforcement mechanisms are all considered as further reasons for the emergence and sustainability of TOC groups.¹⁸

This paper focuses on Turkey, which, as a transit site between the East and the West, has been one of the routes through which organized crime groups transport illicit goods in collaboration with other criminal networks. Turkey has been implementing countermeasures against the threats of TOC groups and their activities in accordance with EU requirements over the last decade. This paper analyses this contribution to international efforts in combating TOC in relation to Turkey's EU membership process. The first part provides an overview of TOC in Turkey in terms

of smuggling and trafficking figures and the routes involved in TOC activities. This section illustrates how TOC groups exploit Turkey's geographical location for drug, arms, nuclear and human smuggling and trafficking, before considering Turkey's deployment of domestic countermeasures, as well as its involvement in international efforts to combat TOC. In the second part, the paper focuses on EU–Turkey relations in moderating collective action against TOC since 2000. By reviewing the European Commission's annual reports on Turkey's progress towards EU membership, it highlights Turkey's achievements as well as shortcomings in combating TOC. The paper concludes with an analysis of Turkey–EU relations in the sphere of TOC and evaluates the Turkish state's administrative responses for dealing with the question of rising TOC in TOC routes linking Eurasia, the Middle East and Europe.

Turkey as a Transit Country of Smuggling and Trafficking: Figures, Routes and Countermeasures

Smugglers prefer to use Turkey as a transit country for the import of illicit materials both because they can travel a long distance without crossing any borders and because the Turkish mainland lies like a bridge between the illegal material producer countries in the East and the consumers in the West.¹⁹ The main smuggling routes pass via Turkey, Bulgaria, Romania, Macedonia, Austria and the Czech Republic or Slovakia into Germany or Austria. Another route starts from the Middle East and passes through Turkey, Bulgaria, Greece, Macedonia, Albania and Italy to Central and Western Europe. The third route goes from the Middle East via Turkey to Southern and Western Europe. Illegal border crossers aim for destinations in both Eastern and Western European countries, especially Austria and Germany. The entry points for illegal smuggling pass through Turkey's eastern borders with Armenia and Georgia, Iran, Iraq and Syria. Smugglers thus mostly enter Turkey through provinces like Iğdır, Kars, Ardahan, Doğu Beyazıt, Artvin, Ağrı, Van, Hakkari, Şırnak, Şanlıurfa, Hatay, Adana and Gaziantep. The most preferred exit points are Antalya, Muğla, Aydın, Bodrum, Izmir, Balıkesir, Edirne and Istanbul.²⁰

These routes also operate in reverse, in the sense that Turkey is also a transit country for TOC goods originating from Europe for destinations in the East. For example, stolen vehicles are smuggled out of Europe to other parts of the world through container ports in Portugal, Spain or Italy into Greece. The only land border crossing takes place at the Bulgarian–Greek border, which has not had customs controls since the beginning of 2007. From Greece, vehicles can either be imported into Bulgaria or be transited to other Balkan countries like Macedonia and Albania.²¹ Transfer to other destinations outside Europe also takes place from Bulgaria. Customers of stolen vehicles are often citizens of Arab countries, with connections in Turkey. These vehicles are transferred first to Turkey and then onward to the Middle East. More generally, the range and quantities of smuggled goods captured in Turkey confirm Turkey's role as a transit country for smuggling and trafficking (see Table I).

The figures in Table I are the result of various measures taken at domestic and international levels. At the domestic level, the foremost measure has been the enactment of new laws pertaining to smuggling and trafficking as part of TOC

Table I Number of Illegal Organized Crime Activities—Cases (Captures) and Arrests, Turkey (2000–2009)

Activity type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Cases—Organized crime organizations	466	514	323	230	328	221	228	167	118	119
Arrests—Members of organized crime organizations	2676	3770	2358	1755	2717	2344	2957	2463	2239	2200
Cases—Drug smuggling	2952	3544	4147	3736	5164	5714	4850	13,692	15,433	18,073
Arrests—Drug smugglers	6527	7493	8350	7934	11,109	11,979	17,127	28,734	32,101	31,524
Cases—Arms smuggling	507	206	114	117	255	185	165	144	139	134
Arrests—Arms smugglers	1064	579	359	341	691	560	647	598	619	196
Cases—Nuclear smuggling	1	1	1	—	3	1	1	—	—	—
Arrests—Nuclear smugglers	1	7	—	—	—	—	5	—	—	—
Cases—Human smuggling	152	331	394	263	239	256	246	375	317	305
Arrests—Human smugglers	850	1155	1157	937	956	834	951	1242	1305	1027
Arrests—Human traffickers ^a	—	—	—	—	227	379	422	308	248	301
Arrests—Illegal immigrants	94,514	92,363	82,825	56,219	54,810	57,428	51,983	64,290	65,737	34,345

^aA specialized expert unit dealing with trafficking cases was established by the Ministry of Interior only in 2004. Therefore, the figures relating to human trafficking began to be compiled after 2004. Source: Compiled from the annual reports of the Department of Anti-Smuggling and Organized Crime, the General Directorate of Security at the Turkish Ministry of Interior, 1999–2009; and from the EU progress reports on Turkey between 2000 and 2009.

activity. With respect to human smuggling, in the past, in the absence of a specific law on the prevention of human smuggling, Labour Law 1475, Turkish Penal Law 504 and Passport Law 5682 applied to the prevention of human smuggling. To deal with human smuggling per se the Turkish legal system added Law 4422 on the Prevention of Benefit-Oriented Criminal Organizations in 1999. The Grand National Assembly approved the first amendments to combat human trafficking at a national level in Turkey on 3 August 2002.²² After 2004, Turkish sources began to distinguish the human trafficking issue from human smuggling by imposing more severe penalties for traffickers. In 2005, a new penal law was also prepared, introducing new arrangements for police investigation and secret monitoring of suspected criminals. Perhaps not coincidentally, these years also saw the beginning of a decline in the number of organized criminal cases and a rise in breaking up illegal groups, arresting their members. According to Law 227 (3) of the Turkish Penal Law, a person who helps illegal entry across national borders or a person who helps illegal exit will be prosecuted. Turkey officially recognizes the following actions as part of human trafficking:

Forcing a person to serve, subordinate slavery or similar practices, applying threats, pressure, or violence in order to provide body organs, using undue influence, to deceive or control people by taking advantage of opportunities to obtain their consent, abduction, delivery from one place to another place, dispatch or hosting.²³

When the international definition of human trafficking is compared to the definition in the Turkish Penal Law, the main difference is that sexual exploitation of women by traffickers and their punishment is missing from the Turkish legal system.²⁴

Besides human smuggling and trafficking, other types of TOC activities such as drugs, arms and nuclear smuggling are also covered by the Penal Law, specifically by Law No. 1998 on the Prohibition and Prosecution of Smuggling, which deals with nuclear material smuggling. Until now, there have been only a few cases of nuclear smuggling in Turkey, as this illegal business is still quite new.

However, Turkey's attempts are not limited to these particular laws. New institutions have also been established, like the National Defence Force to Combat Human Trafficking under the Ministry of Foreign Affairs, which prepared the National Action Plan to Combat Human Trafficking. The National Defence Force collaborates with the Ministry of Interior through its sub-institutions like the General Directorate of Security (especially the Department of Security, Anti-Smuggling and Organized Crime, and the Department of Foreigners, Borders and Asylum) and the Ministry of Defence (specifically the Gendarmerie). The General Directorate of Security publishes an annual report on organized and transnational organized crimes in Turkey. These reports investigate the methods used in combating TOC and develop suggestions for better prevention of smuggling and trafficking activities. By tracking trends in criminal cases over the years, the reports also help those concerned to follow increases and decreases in criminal activities. There have also been improvements in border controls through the use of investigative technologies, trained dogs and

technical machinery, all of which have led to a rise in smuggling cases and arrests. The Institution of the Turkish Atomic Energy Authority is responsible for all nuclear materials, and the Turkish Atomic Energy Authority (TAEA), the Scientific and Technological Research Council of Turkey (TUBITAK) and Mechanical and Chemical Industry Corporation (MKEK) are working to prevent nuclear smuggling in Turkey. The Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Health, the Ministry of Agriculture and Rural Affairs and Under Secretariat of Customs all take collective responsibility to prevent illegal drug smuggling.

Turkey also participates in international efforts to combat TOC smuggling and trafficking activities. For example, it took part in a series of international conferences (the 2004 Conference on Heroin, Chemicals and Money Laundering, the 2002 Drug Strategy Conference of Southwest Asia organized by the American Combat against Drug Services, the 2002 Meeting in Romania on Containment Operations and the 2002 Meeting in Istanbul on the Operation of Orient Express). Turkey became a member of the International Organization for Migration (IOM) in 2004. In the same year, Turkey accepted the EU–Turkey Agreement on Precursors and Chemical Substances, and started to implement a national strategy in line with the EU Drug Strategy and EU Drug Action Plan. In 2004, Turkey signed a collaboration agreement with Europol, and bilateral agreements with Lebanon and Spain regarding police cooperation in 2008. Turkey also prepared a National Action Plan on Combating Trafficking in Human Beings in 2004 and a National Action Plan for Illegal Human Smuggling in 2005.

Monitoring Turkey's Cooperation in Combating TOC: A Review of EU Progress Reports on Turkey since 2000

Turkey applied for EU membership in 1987 and was granted candidate status in 1999. Since then, the EU monitors the candidate country's progress in meeting membership criteria, mainly by annual reports released by the European Commission. Among other issues, these progress reports evaluate Turkey's efforts in combating organized and transnational organized crime. The topics discussed in the reports are diverse, ranging from illegal migration, drug smuggling, border controls, cooperation in customs and black money laundering to police cooperation, organized and transnational organized crime as well as anti-smuggling laws.²⁵

The first progress report on Turkey was released in 1998, but the document lacked any mention of TOC because, at this time, this issue was not on the EU's own agenda itself. However, the 1999 Report included a specific focus on international organized crime in Turkey, describing Turkey as a transit country for smuggling and trafficking, especially in humans. The progress report of 2000 mentioned that Turkey had ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 2000. However, Turkey was criticized for not signing any of the Council of Europe Conventions in this domain, that is, the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds

from Crime. Regarding illegal migration, the report stated that Turkey needed to make serious efforts to reduce the number of illegal migrants moving towards other European countries by use of stricter border controls and efficient customs checks, particularly exit checks.

The 2001 Progress Report had mainly three areas under focus: money laundering and corruption, drug smuggling and illegal migration. The report acknowledged the fight against TOC in these areas, yet it also called for further countermeasures. Regarding the positive developments, that is, in the sphere of the fight against fraud and corruption, the 2001 Report welcomed Turkey's signature to the 1990 Council of Europe Conventions on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; and on Corruption (both the Civil Law and Criminal Law Conventions) in 2001, which had been subject to criticism in the previous year's report. In the same year, a needed amendment to the Act on Banks, offering training programmes in the area of fighting corruption and money laundering, came into force. Turkey also participated in the OECD Working Group on Bribery in International Commercial Transactions to monitor anti-corruption measures. Concerning drugs, a number of successful operations were carried out and several trafficking groups were broken up. Procedures allowing for the accession to the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs were finalized in April 2001. In June 2001, the Family Research Institution of the Prime Minister's Office was designated as the National Focal Point for contacts with the European Monitoring Board on Drugs and Drug Addiction (EMCDDA). The Turkish International Academy against Drugs and Organized Crime (TADOC) was established by the Ministry of Interior. The General Directorate for Security at the Ministry of Interior provided training sessions to state officials on the prevention of forgery of documents, aiming to avoid illegal border crossing. The cooperation agreement on combating organized crime, drug trafficking and illegal migration between Turkey and Greece entered into force in July 2001.

The 2001 Progress Report pinpointed weaknesses in the fight against TOC and included certain recommendations. According to the report, regarding the fight against organized crime and the fight against fraud and corruption, procedures were still needed to allow the ratification of the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, which defines any money gained from criminal activities as illegal money. The same was true for the 1999 Criminal Law Convention on Corruption and the 1999 Civil Law Convention on Corruption. The report also found that Turkey needed to properly strengthen its legislation on money laundering and ensure compliance with the recommendations of the Financial Action Task Force. In order to strengthen actions against money laundering, the report suggested applying the regulations of the 1996 Act on Prevention of Money Laundering. The aim of this is to enlarge the definition of money laundering offences and to prevent the exploitation of the legal financial system for the purpose of money laundering. Additionally, the report suggested Turkey should adopt legislation aimed at implementing the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, ratified in 2000. In the area of drugs, the report pointed out that Turkey

was positioned on a transit smuggling route between producer and consumer countries, and at the crossroads of three smuggling routes: the Balkan route, the Northern Black Sea route and the eastern Mediterranean route. The report suggested that Turkey should cooperate more with other countries in the fight against drugs, for example, by completing its accession to the 1972 Protocol Amending the 1961 Single Convention on Narcotics Drugs, for which a legal basis had been in existence since April 2001. Turkey was advised to join the Council of Europe 1995 Agreement on Illicit Traffic by Sea, and to implement Article 17 of the 1995 UN Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Turkey was also requested to develop a national drug strategy, in line with the EU Drug Strategy 2000–2004, and advised to consider the appointment of a National Drug Coordinator. The 2001 Report also recommended the establishment of a ‘mini-Dublin Group’ in Ankara on drug-related subjects. The report critically noted the steadily increasing illegal migration flows in Turkey and identified Turkey as a destination and transit country for the trafficking of human beings, in particular women and girls. The report found that Turkey had not yet managed to set minimum standards for the prevention of trafficking and had not yet adopted satisfactory measures concerning trafficking in human beings. The report also called for the ratification of the 2000 UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as its Protocol Against the Smuggling of Migrants by Land, Sea and Air, signed by Turkey in December 2000.

The 2002 Progress Report included evaluations on TOC on similar spheres as were in the previous year’s report with the addition of topics of customs control and comprehensive legislation on TOC. Regarding positive notes on Turkey’s progress, the report found that Turkey was collaborating with the Southeast European Cooperative Initiative (SECI) in Bucharest about customs-related problems, especially to prevent cross-border crime and corruption, and had intensified its efforts to conclude administrative cooperation agreements on customs-related matters with EU member states and non-European countries. In May 2002, Turkey joined the GUMSIS (Security System Project for Customs Checkpoints), to control 10 land border gates and one sea checkpoint using a command and control centre in Ankara. GUMSIS has the capacity to control all 77 land, sea, airport and railway checkpoints against illicit trafficking in narcotics, human beings, motor vehicles, historical artefacts and nuclear and radioactive material. The report acknowledged that, since 1991, Turkey had been a member of the Financial Action Task Force on Money Laundering (FAFT) to prevent money laundering. Regarding drugs, Turkey attended negotiations for joining the activities of the European Monitoring Board on Drugs and Drug Addiction (EMCDDA) and the meetings of the European Information Network on Drugs and Drug Addiction (REITOX). As for administrative capacity, the report noted that revision of the national drug strategy was accomplished under the coordination of the Family Research Institute in order to comply with the EU Drugs Strategy. Meanwhile, the National Focal Point was transferred from the Family Research Institute to the Department of Anti-Smuggling and Organized Crime at the Ministry of Interior, to be based at the TADOC. The 2002

Report found that Turkey had progressed in the fight against illegal migration and had improved its collaboration with the European Union. The number of law enforcement staff working in border provinces and at busy border checkpoints had increased, and Turkey had provided training programmes to staff at border checkpoints and on detecting forged visas and travel documents. Turkey had also established 24-hour control checkpoints, checking of transportation cargoes had been enhanced, and cooperation with neighbouring countries including training sniffer dogs to detect humans hidden in ships and cargoes were introduced to combat illegal migration. Turkey also signed international conventions relating to the combat of illegal migration and trafficking in human beings, in particular the 2000 UN Convention against Transnational Organized Crime and its three protocols. In August 2002, Parliament adopted two amendments to the Penal Law, which made smuggling and trafficking in human beings criminal offences.

The 2003 Progress Report on Turkey, on the whole, had an affirmative tone that acknowledged Turkey's attempts in the combat against TOC. The criticisms raised were kept to a minimum and a larger space was allocated to the reforms taken by the Turkish state. Illegal migration surfaced as the major sphere of improvement. The 2003 Progress Report found that the Turkish authorities were making more trafficking-related arrests, yet also noted that while Turkey remained a transit and destination country for illegal immigration, illegal migration via Turkey had decreased due to the diversification of alternative illegal routes in 2003. Turkey joined in the activities of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) and its Early Warning System through its internal training programmes on fraud and document forgery for the staff of the Turkish police force. Additionally, an inter-ministerial task force against trafficking in persons was founded in October 2002 through the efforts of the Ministry of Foreign Affairs. Turkey subscribed to the Palermo Convention in March 2003, as well as its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air. In 2003, a Precursors Agreement between Turkey and the EU was signed with the goal to strengthen the international combat of the production of and trade in precursors and chemical substances used in the illicit manufacture of narcotic drugs and psychotropic substances through exchange of information and monitoring of trade flows. Turkey also signed an agreement with Pakistan on combating drug smuggling. The TADOC also implemented more training programmes for law enforcement officers like judges, prosecutors and officials of the Ministry of Interior concerning anti-trafficking. A new law on Combating Smuggling of Goods was adopted in July 2003. The law defined smuggling and the financial custodial penalties for such illegal activities. The Turkish Penal Law had already been changed, corresponding to the two Protocols in the Palermo Convention in August 2002, although the third Protocol on firearms was not signed in 2003. Less positively, as in 2002, the 2003 Report criticized Turkey regarding money laundering, claiming that it needed to introduce a new definition of money laundering offences, and to ratify the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

The 2004 Progress Report noted that Turkey had taken serious steps regarding money laundering by approving the Council of Europe Criminal Law Convention on Corruption, in January 2004, and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, in September 2004. The report also mentioned that Turkey's police operations were successfully preventing drug trafficking activities. Turkey also ratified the EU–Turkey Agreement on Precursors and Chemical Substances Frequently Used in the Illicit Manufacture of Narcotic Drugs or Psychotropic Substances. Turkey joined the Major Donors Group of the United Nations Office on Drugs and Crime in 2004. The 2004 Progress Report welcomed the creation of the Coast Guard Command to combat illegal migration at the entrance point of Aegean and Mediterranean territorial waters. Turkey approved the Palermo Convention's Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (2000 UN Convention against Transnational Organized Crime) in February 2004, aiming to combat organized crime and its activities. Additionally, Turkey signed a collaboration agreement with Europol in May 2004, aiming to strengthen collaboration in fighting serious forms of organized crime. Turkey also signed mutual police cooperation agreements with Poland, Germany, Finland and South Africa, and a National Action Plan on Combating Trafficking in Human Beings was implemented. Meanwhile, a Memorandum of Understanding was signed with Belarus in July 2004 to strengthen collaboration in fighting against trafficking of human beings. The report had some criticisms regarding the struggle against organized crime, highlighting the lack of cooperation and coordination between various law enforcement authorities responsible for combating organized crime. The report suggested that Turkey should draw up a national strategy to combat organized crime. Turkey's observer status in the EMCDDA was welcomed, but the report pointed out the need for a national drug coordination mechanism and a national drugs strategy. The report invited Turkey to sign the 1995 Council of Europe Agreement on Illicit Traffic by Sea, implementing Article 17 of the 1995 UN Vienna Convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances. The need to establish a mini-Dublin Group in Ankara was also repeated in the 2004 Report. The 2004 Report also mentioned the Joint Action Program on Illegal Migration between the EU and Turkey and recommended Turkey to accomplish the work needed on drawing up the National Action Plan to implement the migration strategy adopted in 2003.

The 2005 Progress Report found that Turkey had made some progress in the fight against money laundering, with a new penal code that imposed imprisonment on criminals involved in black money laundering. The report acknowledged that the Turkish police force and other law enforcement authorities were successfully using new investigation techniques in their struggle against drug trafficking. On the other hand, the report included the criticism that the 1996 Act on Prevention of Money Laundering was not completely in line with EU criteria, that the national drug strategy was not equivalent to the EU Drug Strategy and that Turkey had still failed to establish a mini-Dublin Group in Ankara. The report indicated that Turkey needed to develop its national strategy against organized crime, although Articles 79 and 80 of the Penal Law, which came into force in June 2005, increased the penalties for

smuggling and trafficking of persons. In addition, when the offences were committed by a criminal group, the penalties were increased further. The report noted that the National Task Force on Combating Trafficking in persons was holding regular meetings. In February 2005, Turkey approved its counter-trafficking programme in cooperation with the IOM. Turkey also signed protocols on police collaboration and information exchange in the field of trafficking in persons with Georgia and Ukraine.

The 2006 Progress Report indicated that Turkey needed to work harder to prevent illegal immigration. The report also found that little progress had been achieved in combating organized crime, although Turkey had approved some key international conventions on police cooperation. The report noted that the Turkish police force needed better and more modern equipment to combat organized crime effectively, and that Turkey's national strategy against organized crime was still not fully integrated. Turkey's initiatives regarding money laundering did not satisfy the EU because Turkey had failed to subscribe to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. In respect of combating drug smuggling, there had not been much progress either. Turkey had still not aligned its national strategy with the EU Drug Strategy 2005–2012 and the EU Drug Action Plan 2005–2012. The Dublin group had still not been established. Finally, the report found that information-gathering systems needed to be revised according to the criteria of the EMCDDA.

The 2007 Progress Report noted that Turkey had adopted a national strategy against organized crime and a law on anti-smuggling, as well as implementing a new law of Telecommunication Authority aiming to prevent cyber crime. The 2007 Report suggested that an action plan involving infrastructural development, cooperation with other states and sophisticated investigation methods was needed against organized crime. In 2006, the report acknowledged, Turkey had signed agreements against human trafficking with Kyrgyzstan and Moldova, demonstrating a commitment to international cooperation to combat human trafficking. Regarding drug smuggling, Turkey had successfully prepared a national strategy in line with the EU Drug Strategy and the EU Drug Action Plan 2005–2012 and the Turkish police force were continuing their anti-drug operations. In 2006, Turkey sent its first national report to the EMCDDA. However, in 2006, Turkey again failed to establish its mini-Dublin Group in Ankara.

The 2008 Progress Report acknowledged that the Turkish police force had been successful in their operations against drug smuggling, and that Turkey had made steady progress in combating human trafficking. However, lack of developments in information collection was still a problem, and Turkey remained a transit country for the drug smuggling business and a transit and destination country for illegal migration. According to the 2008 Report, Turkey was successfully collaborating with various other police forces, signing bilateral agreements on police cooperation with Lebanon in 2008 and with Spain in 2009. It had implemented its witness protection programmes and a Department for Witness Protection had been established within the Turkish police force in June 2008. Turkey was also working on developing a fingerprint database system to increase the effectiveness of its anti-crime effort, although the EU report warned Turkey to update its organized crime action plan.

However, the report noted Turkey had not been as successful in fighting organized crime as expected.

The 2009 Progress Report emphasized that Turkey was still a quite important transit and destination country for irregular migration but acknowledged Turkey's increasingly effective prevention policies, especially on the issue of human trafficking. The regular meetings of the National Task Force on Combating Human Trafficking, training of the judges, prosecutors and law enforcement officers were indicators of the increasing institutional capacity to combat organized crime. Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings in March 2009. On the other hand, the report criticized Turkey for the lack of a statistical system for monitoring human trafficking. The report mentioned that the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings was not completed and there awaited a second National Action Plan on Combating Human Trafficking. Regarding illegal drugs, the report acknowledged that action plans had been implemented in several cities, including Aksaray, Edirne, Kırkkale, Kırklareli, Kütahya, Osmaniye, Sakarya, Sinop, Tunceli, Yozgat and Kastamonu. However, it suggested further developments were needed to prevent the drug trade, citing the pending agreement of the EMCDDA. Regarding organized crime, the report found limited progress, though it acknowledged that steps were being taken to implement the Witness Protection Law and that Turkey was still working on the implementation of the law. Other progressive steps were the establishment of the Department for Witness Protection in 2008, improving the Department for Combating Smuggling and Organized Crime and establishing the legal framework for a nationwide DNA and fingerprint database.

Concluding Remarks

The European Union is a project founded on values of human rights, justice, equality, democracy, freedom, rule of law and preserving peace and stability, through the integration and cooperation of states. However, the realization of these goals depends on abolishing security threats, so TOC has become one of the major issues forcing the EU and Turkey to seek closer relations. Turkey, because of its geostrategic location and transit role in the transportation of illegal materials and human smuggling into the EU, has taken on a new strategic position. The agreements between Turkey and the European Union, the Council of Europe and the United Nations can thus be seen as evidence of a mutual willingness to prevent trans-border crimes.²⁶ In this respect, the European Union and Turkey have started collaboration and cooperation in the last decade to block transnational crimes originating in Eurasia and the Middle East.

Overall, the EU progress reports for Turkey clearly describe both the developments and the deficiencies of Turkey regarding the fight against TOC groups and activities. The reports suggest that Turkey can strengthen its efforts against TOC by integrating itself fully with EU norms. All the reports acknowledge that Turkey is developing and trying to integrate itself into the EU's legal system in order to prevent TOC activities and reverse Turkey's current standing as a transit country on illegal smuggling routes. Whilst these efforts are criticized as being insufficient, the reports find that there have

been significant areas of progress: the number of arrested immigrants at Turkish borders has been decreasing; it has become much more difficult to infiltrate black money into Turkey's legal system; the state has become more transparent; new, stronger laws are being implemented by the police and gendarmerie forces; and there have been many training programmes for civil servants on TOC.

The focus of the reports illustrate that issues of illegal migration as well as human smuggling and trafficking have a higher priority for the EU than other types of TOC activities. In other words, Turkey is a major concern for the EU, as a major site for transit/illegal/irregular/transit migration flows and refugee and asylum seekers coming from Asia, Africa and the Middle East to destinations in European states. Thus, Turkey's progress in meeting EU membership criteria is monitored through a lens that focuses on the Turkish state's struggle against all TOC groups and activities, but the fight against illegal migration is a sphere of particular interest. In contrast, Turkey is seen neither as a source nor destination country for illegal nuclear material smuggling.

Based on the EU's experiences with former candidate countries in Central and Eastern Europe, Turkey's negotiation process with the EU is expected to play an instrumental role in intensifying its fight against TOC.²⁷ As this paper has made clear, Turkey is located in a region where human trafficking and smuggling groups are very active. This is partly due to political and economic instability in the Middle East, which has increased TOC activities in Turkey, and made it one of the major transit routes of smuggling from the East towards the West. One of the EU's reservations about Turkey is the unstable economic and political conditions of Turkey's neighbours, especially the Middle Eastern countries. If Turkey can block illegal migration from the Middle East, or at least take some preventative actions, this will help the EU to enhance control over its own territory. Turkey is therefore trying to change the image of its being a source country of illegal activities by accelerating the implementation of legal amendments in the context of EU integration. As the EU progress reports acknowledge, Turkey has been trying to control TOC, and the EU accession process has helped motivate Turkey to prevent illegal trafficking and smuggling and increase its adoption of new international norms regarding TOC. Since 2005, which is the date of the start of membership negotiations, Turkey has combated illegal migration, trafficking and smuggling problems more vigorously at a government level. As one of the consequences of these efforts, illegal immigrants have increasingly been contacting smugglers in transit countries other than Turkey. Another example of success concerns the institutional fight against TOC. The TADOC has taken on a more powerful role in not only serving as a coordinating mechanism between various state institutions and offices but by providing expertise on international trends in organized crime and on countermeasures against it.

The EU progress reports on Turkey show that Turkey is willing to meet EU membership conditionality and cooperate with the EU in the area of combating organized crime. In fact, although TOC prevention is not an independent chapter in the negotiations, the EU has nevertheless been monitoring developments in Turkey concerning this issue. As outlined in the reports, Turkey has signed various agreements concerning human smuggling, police cooperation with Europol, drug trafficking, black money laundering, prevention of organized crime and human

trafficking. However, according to the reports, Turkey still needs to make further developments and fully implement the agreements it has signed. That is, although Turkey's prevention efforts against organized crime have progressed, its performance does not yet completely correspond to EU criteria. Overall, the reports find that Turkey is developing and trying to integrate itself into the EU's legal system, with the aim of preventing TOC activities, and to rid itself of its current role as a transit country in illegal smuggling and trafficking routes. As the reports discussed here make clear, there has been a noticeable reduction in the number of arrested immigrants at borders, and an increase in cases solved and arrests made.

If Turkey gains EU membership, this will help to solve various security and securitization problems that the EU faces, from Eurasia and the Middle East. As Turkey is a developing regional power, the EU may also gain stronger alliances through Turkey's EU membership for solving global level problems. On the other hand, any decrease in the likelihood of Turkey achieving EU membership may cause just the kind of political, economic and social instability in the country that has already produced ideal environments for the mushrooming of organized crime groups.²⁸ Thus, while further harmonization of legal systems, mutual assistance, cooperation and exchange of information between the EU and Turkey are all important for combating TOC in Turkey, what is needed above all is a continued clear commitment on both sides to Turkey's eventual EU membership.

Notes

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Sule Toktas is Associate Professor of international relations at Kadir Has University, Istanbul, Turkey. She has published widely in learned journals, such as *Middle East Policy and Ethnic and Racial Studies*. Her research interests include Turkish foreign policy, security studies and international migration.

Address for correspondence: Department of International Relations, Faculty of Economics and Administrative Sciences, Kadir Has University, 34083, Cibali, Istanbul, Turkey. E-mail: sule@khas.edu.tr

Hande Selimoglu is a PhD candidate and a research assistant in the Department of International Relations at Kadir Has University, Istanbul, Turkey.

Address for correspondence: Department of International Relations, Faculty of Economics and Administrative Sciences, Kadir Has University, 34083 Cibali, Istanbul, Turkey. E-mail: hande.selimoglu@khas.edu.tr