

T.C.
KADIR HAS UNIVERSITY
SOCIAL SCIENCE INSTITUTE
THE DEPARTMENT OF INTERNATIONAL
RELATIONS AND GLOBALIZATION

**TRANSNATIONAL ORGANIZED CRIME: HOW TURKEY
AND EUROPEAN UNION COMBAT WITH IT?**

MASTER THESIS
FATMA HANDE SELİMOĞLU

Istanbul, 2010

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Advisor: Assoc. Prof. ŞULE TOKTAŞ

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ABSTRACT

Transnational organized crime (TOC) is a profit making activity, intervening in the economic, political and social lives of countries. The illegal smuggling, trafficking activities and the money laundering businesses of TOC cause political instability and economic losses. TOC involves several states which necessitates global and regional cooperation, either in the sense of police combating the crime or in the sense of governmental response and policy development against illegal transnational activities. Organized crime groups pursue their activities in Europe, Asia and the Middle East through the movement of illegal goods. Turkey has an important place as a transit country and bridge for smuggling of humans, drugs, arms, organs or other material and goods which people demand and from which smugglers and dealers can make high profits. International organizations like the United Nations and European Union are preparing legal procedures aiming to diminish and end illicit and illegal smuggling activities. During its EU membership process, Turkey has signed several agreements with the EU, and has also formed partnerships against transnational organized crime groups with the United Nations and Council of Europe. The EU's progress reports about Turkey encourage and appreciate Turkey for its efforts, such as its approval of the Convention on Action against Trafficking of Human Beings, the Palermo Protocol and the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime. The signing of these legal documents are indicators of integration and consolidation between Turkey and the West in the struggle with TOC.

Key Words: Transnational Organized Crime, Turkey, European Union, Illegal Smuggling, Trafficking

ÖZ

Amacı ekonomik kazanç sağlamak olan sınır ötesi organize suç örgütleri kaçakçılık faaliyetlerini gerçekleştirirken ülkelerin ekonomik, politik ve sosyal hayatlarına müdahalede bulunurlar. Örgütler yasadışı kaçakçılık, yasadışı ticaret ve karapara aklama faaliyetlerini gerçekleştirirken bu olayların meydana geldiği ülkelerde siyasi istikrarsızlık ve bütçe açığı yaşanmasına, var olan düzenin sarsılmasına sebep olurlar. Sınıraşan suç örgütleri faaliyetlerini doğası gereği birçok ülkede sürdürmektedir. Bu durum sınıraşan suçla mücadelede aynı şekilde birden çok ülkeyi içine alan bir yapılanma ya da yasal düzenleme ihtiyacı doğurmaktadır. Organize suç örgütleri faaliyetlerini yoğun olarak Avrupa, Asya ve Ortadoğu bölgesinde yürütmektedirler. Türkiye coğrafi konumundan dolayı bu faaliyetlerin gerçekleştirildiği alanların ortasında kalarak, transit ülke konumuna yerleşmekte ve insan kaçakçılığı, insan ticareti, uyuşturucu, silah, organ ya da kâr getiren ve talep edilen her türlü maddenin kaçakçılığı faaliyetlerinden etkilenmektedir. Birleşmiş Milletler ve Avrupa Birliği gibi uluslararası alanda faaliyet gösteren örgütler düzenledikleri yasalar ve anlaşmalarla sınırötesi organize suçun önüne geçmeyi hedeflemektedirler. Türkiye entegrasyon sürecinde Avrupa Birliği kriterlerini yakalayabilmek için birçok anlaşma imzalamıştır. Bunun dışında Birleşmiş Milletler ve Avrupa Konseyi'nin sınırötesi anlaşmalarına da imza atmış İnsan Ticaretinin Engellenmesi Sözleşmesi, Palermo Protokolü, Suçtan Kaynaklanan Gelirlerin Aklanması Araştırılması, Ele Geçirilmesi ve El Konulmasına İlişkin Avrupa Sözleşmesi gibi yasal düzenlemelerin Türkiye tarafından kabulü ilerleme raporlarında takdir edilen gelişmelerdendir. Sınırötesi organize suçun engellemek konusundaki bu gelişmelerin Türkiye ile batı arasındaki ilişkilerin gelişmesinde etkili bir güç olduğu söylenebilmektedir.

Anahtar Kelimeler: Sınırötesi Organize Suç, Türkiye, Avrupa Birliği, Kaçakçılık, Yasadışı Ticaret

ACKNOWLEDGEMENTS

I should mention that this thesis is not the result of a single-handed effort. I would not have developed the scholarly skills essential to write this study without the ideal guidance of my advisor Doç. Dr. Şule Toktaş. Therefore, first of all, I would like to express my gratitude to her. I am also thankful to Dr. Çağla Diner, for the attention and support she has shown concerning my thesis.

I believe that I would not have found enough energy to complete this study without the support and understanding of my family and friends. I am extremely grateful to my mother Handan Selimoğlu, my Sister Gözde Selimoğlu, my grandmother Nesrin Parlakgöl and my uncle Haluk Parlakgöl. They have motivated me in the course of this study as they have done throughout my life. I want to also thank my friends, Hilmi Songur, Sezin İba, Ayça Yeniay and Cihan Dizdaroğlu for making life more beautiful for me. Lastly, I would like to mention that any mistakes which may have occurred in the study are mine and mine alone.

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ABBREVIATIONS AND ACRONYMS

ARA	Assets Recovery Agency
ATS	Amphetamine - type stimulants
BDI:	Border Defense Initiative
BLACK-SEAFOR:	Black Sea Naval Co-operation Task Group
BSEC:	The Organization of Black Sea Economic Cooperation
CATOC:	Convention against Transnational Organized Crime
CEDAW:	Committee on the Elimination of Discrimination against Women
CEECs:	Central and Eastern European states
CIREFI:	Crossing of Frontiers and Immigration
DCA:	Drug Control Agencies
EMCDDA:	European Monitoring Centre for Drugs and Drug Addiction
EU:	European Union
EURODAC:	European fingerprint database
FATF	The Financial Action Task Force
FBI:	The Federal Bureau of Investigation
G7:	Group of Seven
G8:	Group of Eight
GRECO:	Group of States against Corruption
GUMSIS:	Security System Project for Customs Checkpoints
IAEA	International Atomic Energy Agency
ILO:	International Labour Organization
IMF:	International Monetary Fund
INTERPOL:	International Police Union's
IOM	International Organization of Migration
IPP:	Initiatives for Proliferation Prevention
ISTC	International Science and Technology Center
ITWG:	The Nuclear Smuggling International Technical Working Group
MKEK:	Mechanical and Chemical Industries Corporation
NCI:	Nuclear Cities Initiative
OCO:	Organized Crime Outlook
OCTA:	Organized Crime Threat Assessment Reports
OCTF:	Organized Crime Task Force
OECD:	Organization for Economic Co-operation and Development
OSCE:	The Organization for Security and Co-operation in Europe
PRC:	People's Republic of China
SAR:	Republic of South Africa
SECI:	Southeast European Co-operative Initiative
TADOC:	The Turkish International Academy against Drugs and Organised Crime
TAEK:	Turkish Atomic Energy
TIP:	Trafficking in Persons Report
TOC:	Transnational Organized Crime
TUBITAK:	The Scientific and Technological Research Center of Turkey
UN:	United Nations

UNCICP:	The UN Centre for International Crime Prevention
UNCTOC:	The United Nations Centre on Transnational Corporations
UNODC:	United Nations Office on Drugs and Crime
USSR:	The Union of Soviet Socialist Republics

CHAPTER I
INTRODUCTION

1.1. Subject of the Research

Transnational Organized Crime (TOC) has been perceived as a threat to the national and international security and safety of people for nearly two decades. TOCs have escalated since the 1990s according to the reports of many international and national organizations, such as the United Nations, European Union, and Council of Europe. In the organized crime literature, it is claimed that the major incident that led to the emergence of TOC was the collapse of Socialist Bloc and the acceleration of globalization with advances in communication and information technology. The fall of the Soviet Union and the liberation of Eastern European countries played an important role in mass mobilization through Western-Europe (Paoli and Fijnaut, 2006, p. 317). Along with this collapse of the Soviet Union, improvements in transportation methods increased the mobility of people, information, data, capital and services, and led to the disappearance of national borders. For all of these aforementioned reasons, it can be argued that TOC has been transformed into a global issue.

In the literature of organized crime, it is asserted that TOCs are creating *Lebensraum* for themselves by damaging governments and state mechanisms, co-operating and working with terrorist organizations, smuggling illegal drugs, nuclear-chemical-biological weapons and other materials, and violating democracy and human rights. In these ways, TOC is threatening global stability.

The TOC groups and their activities have a complex and dynamic structure. Therefore, it is essential to scrutinize the institutional, economic, social, cultural and political structures of TOC groups, and their interactions with international organizations and governments. Although the world is rapidly globalizing, the struggle against TOC is far from being internationalized. States are still striving to fight TOC at a national level rather than in a co-coordinated international framework. International organized crime is threatening not only the developing world but also global peace, since national-level ordinary crime groups have been converted into international networks and hence transferred their capabilities to an international level. As a matter of fact, TOC groups have the capacity and competence to operate like legal multinational companies,

unrestricted to land and time. Accordingly, national borders are no longer serving as a barrier to the functionality of TOC groups. Thanks to their flexible and convertible structures, TOC groups are capable of adapting to new surroundings and hence are able to threaten global security with their actions. For these reasons, fighting against complicated and multinational TOC groups requires the creation of similarly structured and versatile supra-national and global organizations.

At a national level, organized crime can be powerful enough to threaten the stability of national economies, which directly relates to national security. For example, economic corruption in state institutions prevents economic growth and causes economic instability (Mittelman and Johnston, 1999) or poverty (Stranislowski, 2004, p.162). Another threat of organized crime is the social corruption of state institutions, such as armed forces. When those forces cooperate with organized crime groups, the security of the state is jeopardized (Stranislowski, 2004, p.164).

The present thesis is motivated by the current increase in TOC, which is becoming a threat to national and international security. Combating TOC activities and preventing its consequences have been discussed in academic and non-academic circles extensively in recent years. For Turkey specifically, fighting against TOC is a priority as the country has suffered badly from its effects. Turkish governments have made several attempts to integrate the country into various international and regional organizations to combat TOC. These developments have provided the major motivation for this researcher to work on this subject.

- The aim of this research is to examine TOC events, consequences, and countermeasures in the case of Turkey, and relate these findings to the global TOC situation. In this thesis secondary data analysis is used as the research method, including relevant articles, books, journals and governmental reports. Analyzing these documents allows us to better understand the subject and find answers to the main questions of the research. The specific research questions governing this study are as follows:

- What is TOC, its features and character; and what are the methods, routes and countries in which TOC groups operate?
- What are transnational organized crime groups' primary working areas? How do they operate in these fields? How do they connect with other illegal groups?
- What are the implications, legal instruments, and bilateral or multilateral agreements for the prevention of illegal activities at an international level?
- Does the European Union (EU) membership process and its policy of sanctions facilitate combating TOC?
- Does Turkey cooperate with its neighbors to combat TOC?
- Does Turkey seek membership of international organizations in order to increase its security and by preventing the actions of TOC groups?

These questions call for detailed scrutiny of the major operating fields of TOCs, an examination of the impacts of these TOC activities on Turkey, and the potential implications for the accession process of Turkey to the EU. Finally, it requires an evaluation of how successful Turkey has been in implementing international rules in its combat against TOCs.

This thesis is organized as follows. In Chapter two, I endeavor to define the concepts of organized crime and TOC by utilizing different views in the existing literature. Besides, I inquire into the perpetrators of organized crimes, the characteristics of TOCs, the foundations that are behind the increase in TOCs, the attempts at prevention of TOCs, the co-operation agreements between nations at an international level, the problems caused by TOCs, the interactions and connections of TOCs with governments, and lastly the economic losses caused by TOC activities.

In Chapter three, I focus on the operational areas of TOC groups in four parts. Firstly, I start with an exploration of human trafficking. I continue with a discussion of drug and arms smuggling. Next, I study nuclear smuggling. Finally, I analyze the money generated through illegal TOC activities is laundered.

In Chapter four, I outline individual country profiles regarding organized crime in order to reveal the concentration of this phenomenon at a global scale. I then look at the evolution of TOC and the trend it is currently following. Finally, I look at the density of TOCs in selected continents and countries, analyzing a number of these briefly.

In Chapter five, I focus on the TOC issue in EU – Turkey relations. I firstly inspect the collaborations between the two sides. Secondly, I examine the EU’s annual progress reports to understand developments in Turkey regarding TOCs, as well as comparing the annual Crime Threat Assessment Reports published by the Europol and the annual reports on smuggling prepared by The Ministry of Interior of Turkey in order to assess smuggling in Turkey.

In the conclusion, I try to evaluate and compose all the informations I gathered about transnational organized crime groups in the European Union and Turkey and also its consequences, the developments in Turkey in preventing organized crime according to the EU Progress reports are all explicitly summarized. The consequences of transnational organized crime for Turkey – EU relations are also examined.

CHAPTER II
TRANSNATIONAL ORGANIZED CRIME: DEFINITIONS,
CHARACTERISIC AND ITS OPERATING AREAS

2. 1. Introduction

This chapter focuses on the concepts of organized crime and TOC. To this end, I start with the definitions of both of these concepts. I continue with the examination of the characteristics of TOC, and the reasons that lie behind the increase in TOC. I also scrutinize how TOC is understood by scholars, government officials, and the interactions and connections of TOC groups with governments. I also try to analyze TOC-related international co-operation agreements.

2. 2. The Definitions of OC and TOC

Rapid globalization has increased both organized and transnational organized crime. The demands of global markets, the restrictive policies of governments, advances in technology, and ease of transportation are the main reasons for the steep rise in both organized crime and the number of persons who are involved in it (Serrane, 2002, p. 25). According to the United Nations 2010 Transnational Organized Crime Report there are 140,000 trafficking victims in Europe and its annual income is \$ 3 billion for their exploiters. The same report estimates that there have been 55,000 illegal entries from Africa to Europe and this illegal entries are bringing \$ 150 million to smugglers annually (UNTOCTA, 2010, p. 26)

It is still not possible to indicate one certain and constant definition of organized crime. However, one of the main accepted definitions of organized crime is illustrated by Hagan and Albanese (2006) which includes a hierarchical group structure and illegal acts, including the use of force and coercion. According to the analysis of the Organized Crime Task Force (OCTF), a definition of organized crime should include norms such as non-ideological position, hierarchical structure, violence, restricted membership and gaining profit (cit. in Hagan, 2006, pp.128-129). Abadinsky also highlights norms such as being non-ideological, having a hierarchical structure, using violence, restricted membership and gaining profit as essential elements in his organized crime definition (Abadinsky, 2000, p.6; Abadinsky, 1999, p.1). Barlow and Kauzlarich's definition consists of concepts like illegal activities, organizational continuity, violence,

corruption and specific codes of conduct. Beirne and Messerschmidt highlight features such as highly organized group behavior and illegal activities. Conklin's explanation also covers issues like a well-organized hierarchical structure, and illegal activity, including violence and corruption (cit. in Hagan, 2006, p.131).

Reuter's definition includes features such as continuity of organized crime, hierarchical relationships in the group and having close relations with other illegal groups (Von Lampe, 2006, www.organized-crime.eu). Werner defines organized crime as consciously / deliberately illegal activities (cit. in Erdem, 2001, p.25). Lasswell and McKenn describe such organized group behavior as being remote from ideological effects, pre-concerted actions, wide control and authority, and with a restricted community check and balance system (Von Lampe, 2006, www.organized-crime.eu/OCDEF1.htm). Other academics have tried to explain organized crime in quite a similar way. Steinke defines it as the actions of illegal groups or individuals to obtain material interest or income (cit. in Erdem, 2001, p.26). Albanese defined organized crime as doing illegal business in high demand goods to gain profits while using force, violence and threats to implement the actions (cit. in Von Lampe, 2006, www.organized-crime.eu/OCDEF1.htm). Paoli emphasises the formal bureaucratic structure with the existence of hierarchical relations while outlining the concept of organized crime (Paoli, 2002, p.53). Organized crime definitions emphasize the continuity of actions carried out with rational intelligence and plans using illegal means to make profit (Don Liddick, 1999, p.403). From the variety of definitions presented above, it can be argued that, while theoreticians generate definitions that differ in certain details, they broadly cover similar points.

Another view of organized crime emphasizes features such as an individual or collective action which has to be accepted as a serious crime. It should include more than two persons, cooperating for a relatively long period or an indefinite basis in accordance with division of labor, using professional or commercial networks, or politics, media, public administration and the judiciary to impact on the economy, earnings, or to obtain power (Sözüer, 1995, p.256). Özek describes organized crime as more than one person coming together for the same purpose within a hierarchically

ordered structure in a disciplined, continuous manner in order to disturb public order (Özek, 1998, p.195). The most typical criteria of organized crime are detailed planning, implementation by professionals, building regional and/or international relations and hierarchical structure, having a tendency to turn into a legitimate organization, building relations with the mass media and making profits (Yenisey, 1999, p.35).

Efforts at defining and conceptualizing organized crime do not belong only to academia. International organizations, institutions and states have also tried to explain and categorize to understand organized crime groups and their characteristics. For instance, the 1968 U.S Congress definition of organized crime is unified actions of people involved in crimes like gambling, prostitution, usury, drug trafficking, extortion or other illegal activities (Michael and Potter, 2000, p.15).

Organs such as The United Nations (UN) and EU have also formulated their own explanations and categorizations of this issue, which recently became one of the delicate subjects on their agendas. According to The United Nations Centre on Transnational Corporations (UNCTOC), organized crime takes place with the participation of three or more people and has attributes such as continuity, concerted actions aimed at committing offences and serious crimes, and the intent to obtain a financial or other material benefits (Rijken, 2003, p.8; Güvel, 2004, p.13). According to the EU, organized crime includes co-operation between more than two people, delegation of tasks, continuation of actions labeled as criminal activities, hierarchical structure, occurrence in the international field, use of violence, a commercial and businesslike structure, involvement in money laundering, using politics and media, and gaining public approval to realize their goals ultimately in order to gain material benefits (EU Situation Report, 1998, www.coe.int/t/dghl/cooperation/economiccrime/organisedcrime/Report1998E.pdf; Dinçkol, p.106; Cengiz, 2004, p.28; Velkova and Georgievski, 2004, p.281). The Council of Europe Joint Action Plan defines criminal groups as

“a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a

detention order of a maximum of at least four years or a more serious penalty” (Council of Europe Publications, www.coe.int, 2009).

The International Police Union’s (Interpol) definition of organized crime groups covers certain points like aimig to provide continuous earnings, and using illegal actions that are carried out across national borders (Şenol, 2007, p. 210; Cengiz, 2004, p.14).

The Federal Bureau of Investigation (FBI) identifies organized crime as a structure with a specific format that shows the properties of the basic objectives to obtain financial gain through illegal activities of any group. These groups maintain their existence through bribing or intimidating public officials, or by using violence or threatening the use of violence. Generally, they have a significant influence on the residents of their neighborhoods, region or country (www.fbi.gov, 2009). According to the United Kingdom National Criminal Intelligence Service, the necessary elements of an organized crime group are the participation of three or more people, continuity of action and use of violence (Mylonaki, 2002, p.223). Finally, according to Naylor,

“They specialize in entering as opposed to predatory crimes, have a durable hierarchical structure, employ systemic violence and corruption, obtain abnormally high rates of return relative to other criminal organizations, and extend their activities into the legal economy” (Naylor, 1997, p.6).

Having discussed the definition of organized crime in general, the next step is addressing the issue at an international level. A debate over defining TOCs has continued since the 1990s, resulting in several different definitions because of the issue’s complex structure. TOCs were mostly considered as the activities of multinational mafias since the 1990s. However, this perception is no longer mentioned in the literature. Instead, state institutions or police departments are suggesting different but quite similar definitions that highlight the basic characteristics of TOC (Fijnaut, 2000, p.121). TOC is wider than domestic organized crime. The actors involved and the territory where the action takes place is more extensive. Well-known theoreticians Heikkinen and Lohrmann describe transnational organized crime group as “mobile, well-organized and internationally adaptable involving in multiple activities in several

countries” (cit. in Finckenauer, 1998, p.65). Finckenauer also claims that international criminal organizations continue to exist after the finalization of one criminal activity and may involve themselves in more than one crime simultaneously (1998, p.22).

Clearly, transnational organized crime is a complicated issue, hence it is not easy to reach a consensus regarding its definition. In 1995, the UN, identified 18 categories of transnational offences “whose inception, perpetration and/or direct effects involve more than one country”. This created a basis for other definitions (UNCICP, 2000, http://www.unodc.org/pdf/corruption/hague_meeting_02.pdf).

Transnational crime can be described as criminal offences or activities that extend beyond the borders of a country, or criminal activities which have an impact on another country (Bruggeman, 1998, p.85; Broude and Teichman, 2009, p.797). A similar description comes from Small and Kevonne: “Offenses whose inception, prevention and/or direct effect or indirect effects involved more than one country” (Small and Kevonne, 2005, p. 6). A different view claims that transnational crime is the activity of outsiders seeking to influence, infiltrate or intimidate the legitimate polity and economy of states (Edwards and Gill, 2002, p.253). They continue by suggesting that ethnic-based, hierarchically-structured mafia groups orchestrate transnational operations which causes multinational cooperation (Edwards and Gill, 2002, p.259). The UN Convention defines a crime as a transnational event under the following conditions:

“(a) It is committed in more than one state, (b) it is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state, (c) it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or (d) it is committed in one state but has substantial effects in another state” (UNCICP, 2000, http://www.unodc.org/pdf/corruption/hague_meeting_02.pdf).

The UN describes transnational criminal groups as much more complex structures than traditional mafias. Experts are researching the negative effects of transnational criminal groups on the global economy, politics, societies and security (Holt and Boucher, 2009, p.22). TOC can affect a lot of people, but a certain level of organization is required to

achieve its goals. Transnational crime is not a group of specific crimes, but refers to the transnational character of the activities as having group members in more than one state (Rijken, 2003, p.46). TOC needs a certain level of organization; it also affects more than one state with its consequences, and the solutions to its effects should be sought beyond national borders (Rijken, 2003, p.49).

It is possible to observe some basic changes in TOC in that the organizational behavior of these groups has evolved, deregulated and relocated. Transnational organized groups generally have family linkages, ethnic ties or ad hoc cooperation for a common purpose (Jamieson, 2001, p.378). Their top-down command structures, group leader (Shelley and Picarelli, 2005, p.62), networked systems, communication abilities with other states are seen as the most essential features for maintaining their existence. Smugglers are “sovereign free” people that have no connection to, and are not limited by, any legal system, apart from their organization’s rules (Jamieson, 2001, p. 378). Their operations include inter-state activities, corruption of government officials, possession of considerable resources, a hierarchical structure, use of violence, professionalism of participants, financial gain, long-term existence, and international operations together with other groups (Guymon, 2000, p.56). TOC groups are profit seekers, cooperate with different actors, are rational decision makers, and followers of technological developments and innovators. They have a tendency to corrupt state authorities and institutions, as well as develop into a threat to national security (Mittelman and Johnston, 1999, p.107).

The International Monetary Fund (IMF) estimates that daily money transfer from the criminal sector into world markets is nearly \$1 billion, and increasing by 300 - 500 million US dollars annually (Jamieson, 2001, p.379). The first aim of TOC groups is to make a profit. The gains in illegal markets are quite attractive and TOC groups prefer states in which the sanctions are minimal (Broude and Teichman, 2009, p.808). Dwight Smith analyzes organized crime from a similarly entrepreneurial point of view. He asserts that organized crime is meant to transfer funds into legal and illegal spheres that influence entire societies. Another point of view is market research, which highlights the importance of profit in the illegal trade of goods and services. Smith argues that the

main motivation of organized crime groups is the sustainability of their income streams (Messko, Dodovsek and Kesetovic, 2009, p.60).

To summarize the various definitions presented above, it is possible to say that TOC groups, while operating at a larger scale, preserve quite similar features to intra-national organized crime groups. These features specifically include using coercion, having hierarchical internal relationships, aiming to gain profits, involvement in illegal activities, and constructing groups which are internally structured by kinship links.

2. 3. The Features of OC and TOC Activities and Groups

Having defined and established a framework to describe organized crime, in this section I inquire into the characteristics of organized crime activities. We should note at the outset, however, that in the literature it is difficult to distinguish the features of organized crime from definitions of organized criminal activities since they tend to be intertwined.

According to the Naples Political Deceleration and Global Action Plan, the features of organized crime are group organization, hierarchical structure, use of violence to gain profits, laundering illegal money for further activities, activities beyond national borders and co-operation with other transnational organized crime groups (Rijken, 2003, p.83). Diçkol has tried to explain the characteristics of organized crime by exploring the actions of organized crime groups. These organized criminal actions involve scores of people who are highly connected with each other. Some other features are division of labor, maintaining activities in secret, performing actions that threaten all parts of a society, using violence in reaching a certain goal. Smuggling, counterfeiting, trafficking of women for prostitution, or other illegal activities are the methods which organized crime groups mostly use to increase their wealth (Dinçkol, p.105).

The features of organized crime groups are described both by international organizations and academic researchers. Even though there are some differences in these definitions, the common features are almost identical. One of the common

definitions comes from Bruggeman. According to him, organized crime groups consist of more than two members, and in these groups each member has a specific goal, members work permanently, and organizational activities are bound by a set of rules. The organizations deal with serious offences, they work in more than one country and their working styles imitate commercial firms. Mostly, these groups engage in money-laundering, trying to influence politicians, mass media and public, aiming to generate revenue (Bruggeman, 1998, p.85).

The UN's formal description of an organized criminal group is

“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 offences in order to obtain, directly or indirectly, financial or other material benefit.” (UNCICP, 2000)

The evaluation of The UN Centre for International Crime Prevention (UNCICP) survey provides some details about the general structure of organized crime groups. Their research findings reveals that that some features of the organized crime groups are hierarchical structure, a membership of between 20-50 persons, using violence, not having strong social or ethnic identity, working in several countries, using corruption and political influence, preferring not to get involved in legitimate business, and having contacts with other organized crime groups (UNCICP, 2000, http://www.unodc.org/pdf/corruption/hague_meeting_02.pdf).

The Council of Europe portrays organized criminal activity as follows:

“Collaboration with more than 2 people, each with own appointed tasks, for prolonged or definite periods of time, using some form of discipline and control, suspected of the commission of serious criminal offences, operating on an international level, using violence or other means suitable for intimidation, using commercial or businesslike structures, engaged in money laundering, exerting influence on politics, the media, public administration, judicial authorities or the economy, determined by the suit or profit and/or power” (cited in Clay 1998, p.94).

The main threatening aspects of organized crime groups are the overwhelming obstacles in dismantling them because of the international dimension of their influence, and their level of infiltration in societies and economies. Four main categories of organized crime groups can be identified: territorially based groups with extensive transnational activities, ethnically homogenous and ethnically led groups, dynamic networks, and groups having strictly defined organizational principles (OCTA, 2007, p.101). Abadinsky lists the features of organized crime groups as not having the intellectual integrity of an ideology, having line management internal relationships, maintaining a certain number of people in the group, use of violence, making business divisions between group members and aiming to be a monopoly (Abadinsky, 1999, p.82).

Organized crime groups use loose networks, employ legitimate business structures, influence external parties and use violence. The primary indicator of organized crime groups is their international dimension. This may involve international cooperation between non-indigenous groups, or between an indigenous and a non-indigenous group, or international operations carried out directly by an organized crime group. The second indicator is in their hierarchical structure. That is, the transnational cooperation of the groups enhances the role of the head of the group and clarifies the allocation of tasks and responsibilities of each member. The third indicator is the use of legitimate business structures, making regular and widespread use of legal business activities to support and facilitate its criminal activities. The fourth indicator is the specialization of organized crime groups. This helps them decrease the chances of detection and prosecution by law enforcement and the provision of specialist services to more than one organized group. The fifth one is the use of violence. Organized crime groups mostly exert violence for several different reasons other than simply for the sake of committing a violent crime. The sixth indicator is the counter-measures undertaken by an organized crime group to avoid detection and ultimately prosecution by law enforcement agencies. Counter-measures can include preventing law enforcement detection of criminal activity, preventing law enforcement detection of members of the criminal organization, and preventing prosecution and conviction of the members of the criminal organization (OCTA, 2007, pp. 102-110).

In the flowing section, I briefly examine the TOC group structures in selected individual countries in order to see they vary, starting with Italy. Italian mafia groups have existed since the mid 19th century, but expanded their activities to the USA and North Africa in the 20th century. Today, although Italy is considered a fully functioning developed country democracy, organized crime groups proliferate, particularly in the economically less developed southern parts of the country. A weak legal framework, especially until the 1980s, created a favorable environment for the mafia to flourish. Today, it is more difficult for the mafia to operate in Italy thanks to the reforms implemented in the last two decades of the 20th century. The main activities of illegal groups in Italy are extortion, contracts, gambling, prostitution, smuggling and drugs. Mafia TOC groups are mostly family based, strictly hierarchical organizations. These groups invest their illegitimate revenues in the south of Italy (Shelley, 1995, p.475).

Compared to Italia, Colombian groups are relatively young, having begun to develop only in the 1970s. Colombia is seen a relatively stable developing country democracy. The legal system of Colombia tolerates narcotic trafficking but not narco-violence. Colombian TOC groups, having a cartel like structure, engage primarily in drugs, corruption and money laundering. The revenues of their illicit activities are invested in Colombia, or laundered through banks and other investments worldwide (Shelley, 1995, p.475).

The TOC groups of the former Socialist bloc developed in the 1960s and 1970s, and have been active in the region since the mid-1970s. Governmental systems currently vary across the former Socialist countries. Some are transforming themselves into democracies, while others are going through major internal power struggles. All of these countries can be classified as middle-income developing countries. The legal system of these countries, especially in the last decade of the 20th century, was very weak and characterized by a lack of coordination. Extortion, drugs, prostitution, entry into privatizing the legitimate economy, illegal materials export and smuggling are common types of activities of these illegal groups, currently considered to number over 5,000. They are comprised of a loose confederation of former black market participants,

party officials, security personnel and criminal underworld elements. The revenues of their illicit activities are invested in the post Soviet region's states, laundered abroad, or invested in privatized state economic enterprises (Shelley, 1995, p.475).

The TOC groups of the former Soviet Bloc use Afghans, Kyrgyz and Russians for their northern route, and use Afghans, Turkmen and Turks in crossing Turkmenistan and Turkey (Caccarelli, 2007, p.30). In this way, the ancient Silk Road has been activated once more, but this time by illegal commodity traffickers (Caccarelli, 2007, p.26). Traffickers usually prefer Afghanistan's neighbors, especially Tajikistan for smuggling operations. The long borders and weak control have turned the country into a center of smuggling activity. The Kyrgyz Republic and Uzbekistan are also other very commonly used territories by smugglers (Caccarelli, 2007, p.28). The Tajik government has admitted that a significant proportion of the narcotics produced in Afghanistan are smuggled across the border into Tajikistan's southern Shrobood, Moskovskiy, Ishkashim and Pyanj districts (INCB, 2006). Turkmenistan is also an important hub in transporting heroin and opium to Turkey, Russia and Europe (Caccarelli, 2007, p.29). Uzbekistan's most well-known routes are Tashkent, Termez, the Ferghana Valley, Samarkand and Syrdarya (Caccarelli, 2007, p.29).

2. 4. The Proliferation of OC and TOC

The proliferation of organized crime is mostly related to poor economic conditions and the inability of state institutions to fulfill society's needs. That is, unfavorable economic conditions and an inactive and inadequate state pave the way for the empowerment of illegal groups who replace state authority (Stranislawski, 2004, p.155).

Another key factor in the recent escalation of organized crime is the collapse of the Socialist Bloc, particularly the Soviet Union (USSR), which caused a mushrooming of new states with loose border controls. Those weak borders consequently encouraged both the mobility of ordinary people and transnational criminals (Stranislawski, 2004, p.156). Lupsha additionally claims that the weakness of civil society in these new states, the involvement of members of the bureaucracy, military and economic sectors in organized criminal groups, and the problematic transition of centrally controlled

communist economies to market based liberal ones (Lupsha, 1996, p. 22) created an ideal environment for criminal groups (Lupsha, 1996, p. 33). Separation from the USSR did not result in stable welfare economies for the region. On the contrary, the dire situation forced many citizens of those countries to earn money from illegal activities since salaries were not enough to maintain their lives (Lupsha, 1996, p.25).

The current problem of transnational crime, criminals and organizations is the product of diverse factors, but academics tend to agree on one key reason: the adverse effects of rapid globalization. Rapid globalization is triggering organized crime activities (Mittelman and Johnston, 1999, p.105). For instance, Held and McGrew claim that “International crime has been created by the increasing level of international interaction, which has been one of the defining characteristics of globalization” (Held and McGrew, 2002, p.6). Globalization has brought prosperity, not only to Russian criminal organizations, but also to all of the major transnational criminal groups around the world. International organized crime groups are assisted by the technology of many multinational corporations (Guymon, 2000, p.53). TOC groups have the tendency to smuggle goods with high profit margins (Mittelman and Johnston, 1999, p.106).

Globalization and the disappearance of borders have created an openness in world markets and political systems that facilitates the spread of weapons of mass destruction, the coordination of international terrorist attacks and the operation of transnational crime (Krahmann, 2005, p.15). Loose border and custom controls, easy accessible markets, large scale privatization, absence of legal protection, authority gaps, and the absence of law enforcement mechanisms are all considered as basic reasons which encourage the emergence and sustainability of TOC groups (Jamieson, 2001, p.381; Mittelman and Johnston, 1999, p.111).

Today, people, goods and capital are traveling and crossing borders very easily. This situation creates a favorable environment for the border crossing of illicit substances (Fijnaut, 2000, p.122). The internationalization of the monetary and banking system is another factor encouraging the globalization of crime. Illegal money can nowadays be relatively easily transferred to a foreign country with no or little taxation and control

(Fijnaut, 2000, p.122). The rapid development in the communications sector also helps transnational crime activities. For example, speedy transfer of funds is now possible for smugglers (Fijnaut, 2000, p.123). Technological innovations in communications, computing, and transportation sectors facilitate the transportation of illicit goods (Mittelman and Johnston, 1999, p.109; Broude and Teichman, 2009, p.798). The rise in the number of the immigrants associated with the globalization of the economy is also claimed to be an important cause of the proliferation of TOC activities (Small and Kevonne, 2005, p. 5).

The post-cold war era has also stimulated globalization and hence indirectly to trans-border crime events. Some academics argue that “the collapse of communism and the disintegration of the Soviet Union have led to a weakening of institutional structures and a loss of social and ideological benchmarks in eastern Europe” (Boutros, 1994). In developing countries, “the unraveling of the social fabric, the marginalization of certain social groups, and the erosion of moral values has also led to an unprecedented development of TOC” (Boutros, 1994). The fall of communism has weakened the effectiveness of the border police and ministries of internal affairs of the Cold-war successor states in Central Asia (Shelley, 1995, p. 466). The collapse of the Soviet Union, and the increasing cross-border mobility of criminal groups, continuing growth in transnational trafficking of drugs, the construction of continental trading blocks (such as NAFTA and the EU), the legacy of deregulation in international currency markets, developments in information and communications technology are factors motivating illegal transborder activities (Edwards and Gill, 2002, p.254).

Transnational crime groups are not only affected by globalization movements. As an outcome of their widespread working fields, transnational criminals need the support and cooperation of other crime groups, especially in the drug business. Consequently, drug trafficking has inspired many cooperative arrangements between different criminal organizations. For instance, drug traffickers in Russia have formed partnerships with groups in the Golden Crescent (the region which includes Afghanistan, Pakistan and Iran) via Central Asian contacts (Guymon, 2000, p.65). Cooperation between the Russians and Sicilians in the heroin trade began in 1985. Interpol Poland reported in

1992 that Russian criminals had agreements with German and Dutch cocaine traffickers and the Cali cartel groups from Colombia. Russian organized crime also works with Asian organized crime in heroin smuggling operations. The Japanese TOC group, Yakuza, has cooperated with the Sicilian Mafia in Australia (Guymon, 2000, p.67). Sicilians traded a share of the heroin market in New York for a share of the cocaine market in Europe. Chinese criminals work with both the Russian mafia and Japanese Yakuza. The Triads cooperate with Medellin cartel members in money laundering operations in Europe. The Cali Cartel has an alliance with the Sicilian Mafia to coordinate global activities, and the heroin trade in Europe has become a cooperative venture involving Turkish, Bulgarian, Kosovan and Czech criminal groups (Guymon, 2000, p.68).

The proliferation of TOC groups has also led them to behave as legal organizations; hence these groups form alliances and hold summits. In 1990, a summit gathered in East Berlin, including mafia groups as well as Russian mafia leaders operating abroad (Guymon, 2000, p.66). French intelligence reports state that a 1994 gathering of businessmen from Russia, China, Japan, Italy and Colombia was in fact a summit of representatives of the world's leading organized crime syndicates. Two similar summits took place after 1994 on chartered yachts in the Mediterranean (Guymon, 2000, p.67).

The collapse of the USSR resulted in the establishment of weak states in the region that can not satisfy the needs of society. This environment allows illegal groups to supply materials using illicit ways (Caccarelli, 2007, p.23). The economic instability of states in Central Asia has also caused the enhancement of clans that act as a competitor to the state and its institutions (Caccarelli, 2007, p.23). Powerful clan type illegal organizations are influencing the selection of a president who can best protect their benefits. The clans have thus become the most powerful source of authority (Caccarelli, 2007, p.25). Another factor is weakened border control, especially subsequent to the withdraw of Russian troops from the Afghan border in 2005 (Caccarelli, 2007, p.26). Without the USSR's strict control of the region, the lack of authority is fulfilled by illegal groups. Another main factor is governmental restrictions on various goods and

services, despite the global demand. Another reason is the lack of a protective body which can both manage and secure the ongoing illegal activities like the governing body of the underworld (Serrane, 2002, pp. 16-20).

2. 5 Smuggling Industries Working as Transnational Organized Groups

TOC groups have a tendency to get involved in fields where the risk is low and the profit is high (Jamieson, 2001, p.378). Drug smuggling, arms trading, human trafficking, the illegal sex trade, money laundering, and wholesale intellectual property rights are the most-preferred sectors for illegal activities (Broude and Teichman, 2009, p.797). The operation fields of TOC groups have been constantly expanding, with TOCs now expanding into money laundering, nuclear technology, human organ trading, the transportation of illegal immigrants, vehicle theft and trafficking, cyber crimes and internet frauds, trafficking in stolen art, smuggling of industrial goods, and technological espionage (Boutros, 1994; Small and Kevonne, 2005, p.9; Shelley, 1995, p.464). These transnational criminal groups are sometimes involved in smuggling quite everyday legal goods such as foodstuffs, tobacco, alcohol and meat (Fijnaut, 2000, p.121). Stranislawski notes the following activities of TOC groups:

“Money laundering, terrorist activities, theft of art, theft of intellectual property, illicit traffic in arms, air hijacking, sea piracy, hijacking on land, insurance fraud, computer and environmental crime, trafficking in persons trade in human body parts, illicit drug trafficking are all considered as TOC activities” (Stranislawski, 2004, p.157).

Well-known TOC groups, such as the Russian Mafia, Colombian Cartels, Chinese Triads and Jamaican Yardies are involved in trafficking events worldwide (Edwards and Gill, 2002, p.254). The drug network illustrates the collaboration of three of the most important TOC groups: the Colombians, Italians and Eastern and Central Europeans. Apart from those, Chinese Triads, Japanese Yakuza and Nigerian groups also participate (Shelley, 1995, p.473). When transnational crime involves political

activities, connection and cooperation with terrorist organizations is almost inevitable (Fijnaut, 2000, p.122).

Caccarelli claims that Central Asian economies are weak and unstable, so organized group barter drugs for other illegal materials such as arms (2007, p.27). In this scheme, Afghanistan is the key source for drug smuggling (Caccarelli, 2007, p.28). According to statistics from the United Nations Office of Drug and Crime, Afghanistan opium cultivation increased by 59% in 2005, which on its own supplies 92% of world drug demand (Caccarelli, 2007, p.28). For TOC groups, after making huge profits from the abovementioned activities, the following step is legalizing the illegal money. To this end, money laundering allows organized crime groups to invest the proceeds of their illicit activities in legitimate businesses. Drug traffickers alone are estimated to launder nearly \$250 billion per year (Guymon, 2000, p.65).

2. 6. The Legal Status: International and Regional Agreements Preventing TOC

The UN Convention against TOC entered into force on 29 September 2003. By ratifying the Convention, States commit themselves to adopting a series of crime control measures, including the criminalization of participation in an organized criminal group, money-laundering, corruption and obstruction of justice; extradition laws, mutual-legal assistance, administrative and regularly controls, law-enforcement, victim protection and prevention measures (http://www.unodc.org/unodc/press_release_2003-07-07.html). From 2001, however, the TOC agenda was upstaged by an urgent emphasis on international security, with securitization becoming more important than law enforcement (Dorn, 2004, p.545). The United Nations Convention against TOC (CATOC) is the main international instrument aimed at combating organized crime. CATOC establishes “an obligation upon signatory states to criminalize participation in organized criminal groups and then requires states to make the relevant offenses liable to sanctions that take into account the gravity of the offenses” (Broude and Teichman, 2009, p.843).

Another UN Convention, against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, deals with only one type of organized crime. This convention recognizes the link between the drug trade and other organized criminal activity (Guymon, 2000, p.69). Following the signing of the convention in 1988, a Financial Action Task Force was created in 1989. In 1988, the Group of Ten countries formed the Basel Committee on Banking Regulations and Supervisory Practices, and the Council of Europe now has a draft convention on money laundering. In 1990, the European Community adopted the European Plan to Fight Drugs (Shelley, 1995, p. 487).

The United Nations Convention against Transnational Organized Crime is the first international instrument of its kind. By ratifying the document, nations commit themselves to adopting a series of measures that include criminalizing participation in a criminal group, Money laundering laws, extradition laws, mutual legal assistance, specific victim protection measures and law enforcement provisions. Since its introduction in December 2000, the Convention has been signed by 147 countries (IASOC, 2001, p.112)

The Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime provides for domestic criminalization of money laundering, cooperation in investigation and prosecution and confiscation of the proceeds of crime (Guymon, 2000, p.70). Other initiatives against TOC are (Guymon, 2000, pp.71-72) as follows:

- The Basel Declaration of Principles of 1988 applies to central banks in 12 countries, requiring greater disclosure of large or otherwise suspect transactions and assistance in investigations. The main principle is to know your customer.
- The Financial Action Task Force (FATF), formed by the G-7 in 1989 to discuss improved methods to combat money laundering, has formulated the Forty Recommendations on money laundering.
- On December 1997, OECD member states, alongside five other non-OECD nations, signed the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. This criminalizes acts such as

promising or giving a bribe to public officials, and conspiring or aiding in such acts.

- Interpol acts as a coordinating body among domestic law enforcement entities as a store of information about criminal activities, and a source to enhance cooperation between police forces.

Besides international agreements, regional small-scale steps are influential initiatives combating illegal working groups. For instance, The Crime Prevention and Criminal Justice Division co-sponsored a seminar with the Organization for Security and Cooperation in Europe and the UN International Drug Control Program for Central Asian states in 1995 on drugs and crime in the region. The same year, 1995, the Asian Crime Prevention Foundation established a working group on extradition and mutual assistance (Guymon, 2000, p.80). Also in 1995, the EU and twelve Middle Eastern countries formed the Euro-Mediterranean Partnership, which includes a political and security agreement for the purpose of cooperating in dealing with transnational crime, money laundering and human trafficking (Guymon, 2000, p.81).

The first multilateral cooperation in the region surrounding Turkey was The Organization of Black Sea Economic Cooperation (BSEC). The Organization labeled transnational crime as a threat to the region's economic stability and security in 1995 (BSEC, 1995). In 2002, BSEC members signed an agreement called BSEC Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms. The Black Sea Naval Task Group (BLACK-SEAFOR) and the 2004 Border Defense Initiative (BDI) are other legal instruments created against organized crime activities in the region, aiming to enhance international cooperation and prevent smuggling of illicit materials (Lupsha, 1996, p. 27). In 1997, Moldova, Romania and Ukraine signed statements on cooperation in combating organized crime (Guymon, 2000, p.80). These developments suggest that the fight against TOC is strengthening in Turkey. In the coming section I explore the relationship between TOC and states.

The importance of fighting trans-border crimes can be justified in the following way: "the fight against Transnational Organized Crime is not just a fight against crime, it is a

battle for justice, liberty and democracy” (Jamieson, 2001, p.385). This highlights the need to combat organized crime through international co-operation, since an integrated co-coordinated approach is necessary to combat TOC (Guymon, 2000, p.54). Preventing illegal activities requires a range of methods. One of the most effective ways is claimed to be expanding legal instruments. An international convention codifying the illegality of major activities under international law and providing multinational legal assistance can also encourage national, bilateral, multinational, regional or piece-meal international cooperation (Guymon, 2000, p. 55). In the current world structure, wealthier countries pool their resources to provide technical assistance to less developed countries. To avoid such co-ordination failures, a new international convention should be generated with the consensus of both developed and developing countries. It would need to be supported enduringly and collectively (Guymon, 2000, p. 101). The most prominent example of earlier attempts at this is International Legal Instrument of the UN Convention against TOC. This convention has been a quite effective legal amendment to prevent the actions of illegal groups. However, in addition to this, international institutions like the OSCE, EU, G8, OECD and UN should play more active roles. Likewise, criminal law, civil law, economic regulations, industrial management and fiscal policies should be redesigned according to international standards, and a transparency policy needs to be developed as the dominant regulatory framework to prevent transnational crimes (Jamieson, 2001, p.385). Another method is to incorporate the control of organized crime activities into the movement advancing free trade (Guymon, 2000, p. 87). Such a multilateral agreement would be a better tool for finding and prosecuting the heads of criminal organizations (Guymon, 2000, p. 88).

One example of international co-operation against TOC is the help given by the USA to Russia in order to secure its redundant nuclear plants by means of the Nuclear Cities Initiative (NCI), Initiatives for Proliferation Prevention (IPP), and the International Science and Technology Center (ISTC). These programs are intended to enhance the security throughout the nuclear complex and create alternative nonmilitary jobs for nuclear weapons-related workers who might otherwise be driven to sell their nuclear knowledge or to steal weapons-related materials and components (Frost, 2004, p. 406).

Other US initiatives include building fences around nuclear facilities and improving export control regimes to prevent nuclear-related TOC activities (Lee, 2003, p. 96).

TOC can also be deterred by strengthening expected sanctions and hardening other types of regulations that affect crime so that a state becomes a relatively less attractive environment for criminals. When states design their crime control policies, they take into account the policies of other states (Broude and Teichman, 2009, p. 812). That is, interacting states are interested in reducing the amount of local crime production. As a result, they tend to adopt crime control policies that are harsher than those other states have adopted so each state has tended to operate in isolation from one another (Broude and Teichman, 2009, p. 835).

The potential long term benefit of international cooperation is to allow states to adopt policies that are mutually beneficial. In this way, states can achieve cooperation without formal legal mechanisms. The best policy would be to agree upon a set of maximum criminal standards that cannot be exceeded.

“Such agreements would allow states to maintain predefined optimal levels of crime and crime control in different issue areas, without imposing externalities on each other, and without wasting resources that could be redirected to other social ends” (Broude and Teichman, 2009, p. 836).

When there is lack of international collaboration, TOC is likely to relocate. For instance, a Kenyan government report pointed out that sex tourism has moved to that African state from Asia as a result of the different legal sanctions between the two regions (Broude and Teichman, 2009, p. 826). Broude and Teichman offer Regulatory Market Formula to prevent TOC (2009, pp. 829-830);

“A regulatory market’s competitive pressures created by a decentralized international market for crime control can increase the efficiency of domestic crime control policies and permits governments to adopt policies that are tailored to the preferences of their specific constituencies”.

Some other effective methods to combat against TOC are as follows (Small and Kevonne, 2005, pp. 8-10):

- Transnational police cooperation
- Multilateral assistance treaties with other nations
- Establishment of a non-traditional organized crime unit focusing on transnational crime
- Creation of a special unit to handle money laundering investigation
- Information sharing and collaboration between local public institutions such as the Drug Enforcement Administration (DEA) and US Customs
- Assignment of personnel to national agencies to work on transnational crimes

To be successful, organized crime prevention activities should include certain characteristics. First of all, they should be location-specific, activity specific and time specific, and all factors must be measured comparatively against levels found in other jurisdictions (Small and Kevonne, 2005, p. 12). Besides this, departments within government, domestic law enforcement agencies, law enforcement agencies from different countries, domestic and foreign criminal intelligence agencies, law enforcement and national security or foreign intelligence agencies, police forces, private sector companies and associations should cooperate and enhance their coordination in the fight against TOC groups (Small and Kevonne, 2005, p. 13).

International legislative harmonization to combat crimes in the areas of banking, security law, customs and extradition should help reduce the opportunities for criminal activity and minimize the infiltration of transnational organized crime groups into legitimate businesses (Shelley, 1995, p. 486). International covenants against transnational crime must be adopted at the national level as well as the level of regional and international organizations (Shelley, 1995, p. 487). Fijnaut lists the following factors (2000, p. 124):

“The equal distribution of wealth among the community, prohibition of political and economic conflicts, effective judicial mechanisms and instruments, trustworthy and effectuous authorities,

cooperation among states and transparent system are all going to support and encourage diminishing the criminal sectors”.

It is also important to highlight the necessity of feasible and dissuasive penalties (Auserwald, 2007, p. 556). The effect of punishment may deter criminals. International cooperation and information sharing between relevant institutions in states can help prevent crimes or capture the criminals to deter criminal groups (Auserwald, 2007, p. 558) as seen in the cooperation between the People’s Republic of China and Taiwan. These two countries reached an agreement to prevent cross-border crime in which both sides agreed to extradite criminal suspects (Lo, 2009, p. 301).

Legal instruments are vital elements in dealing with transnational organized crime, but their content and functionality are also important. An effective convention includes the recognition of the threat and the need for cooperation, a definition of international organized crime and the activities of TOC groups, transparency in regulations against money laundering, and the establishment of information sharing (Guymon, 2000, p. 90). The Eighth UN Congress on the Prevention of Crime and Treatment of Offenders in 1990 called for greater international coordination in the fight against TOC. In 1994, the UN convened a World Ministerial Conference on TOC in Naples, Italy. The result was the Naples Political Declaration and Global Action Plan against TOC; an attempt to spur further development of international cooperation in combating organized crime (Guymon, 2000, p. 91). The convention regulates legal amendments against organized criminal groups, money laundering, corruption and obstruction of justice. Combating money laundering requires accurate and transparent bank record systems. The human trafficking issue requires standardizing of the production, issuance and verification of passports and other international travel documents. To prevent trafficking of people, international cooperation is essential. This cooperation assures control of measures against traffickers (UN Convention, 2000).

Scholars have developed a theoretical program for preventing trans-border crime. According to Holt and Boucher, transnational crime and criminal organizations have to be first recognized as a threat to international peace and security (Holt and Boucher,

2009, p. 28). As a second condition, there must be cooperation between peacekeeping operation services and a panel of experts (Holt and Boucher, 2009, p. 28). Thirdly, the objective investigations of a panel of experts should be financially supported (Holt and Boucher, 2009, p. 28). Finally, the UN has to develop strategies and methods to fight against organized activities, and to meet the needs of societies in these regions to prevent criminal activities (Holt and Boucher, 2009, p. 29).

International groups are also coming up with some different programs. For example, the twenty-five recommendations made by the G8 Ministerial Conference on Terrorism in Paris remain the principal focus of G8 co-operation against terrorism. The G8 have collaborated, for instance, in taking some of the points forward in the UN:

“General Assembly adopted a resolution on terrorism which prevents the abuse of the right of asylum by terrorists as called for by the Paris Summit, UN Ad Hoc Committee made good progress in developing a convention on terrorist bombings, the principle of which was drawn up by the G8, to work together to encourage and assist countries which have not yet implemented the existing international conventions on terrorism to do so, to compare domestic legislation on terrorist fundraising with the aim of promoting international cooperation against this problem” (Wrench, 1998, p. 42)

There are also several agreements that have been reached at regional and international levels which are discussed in the next section.

2. 7. TOC as a Security Concern

Internationally, there has been a shift in the conception of threats, so that illicit arms trafficking, uncontrolled refugee migrations and international crime organizations are now accepted as primary global threats (Krahmann, 2008, p. 392). For instance, former US president Bill Clinton called TOC the “chief danger” (Mittelman and Johnston, 1999). International crime and criminal groups do not only exploit international actors and resources; they are also harmful for national defense mechanisms (Krahmann, 2005, p. 19). The need to protect their national interests has pushed states to establish

cooperation and make non-state actors get involved in the decision making process (Krahmann, 2005, p. 23). One group of scholars claims that

“Since the new threats are able to transgress national boundaries, states within the transatlantic region are increasingly required to cooperate or draw on non-state actors such as international organizations to combat them” (Krahmann, 2005, p. 23).

New threats such as transnational crime are more likely to affect the security and interest of states in the transatlantic region to different degrees (Krahmann, 2005, p. 23). Hence, the changing concept of threat forces 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. One group from academia holds the view that “the International organizations through which they act remain the dominant actors of security; two in particular are key in this regard - NATO and EU” (Webber, Croft, Howorth, Terriff and Krahmann, 2004, p.25). One of the most solid attempts has been implemented by NATO. Their first attempt at collective security was in 1992 with the preparation of the Conference on Security and Cooperation in Europe, now labelled as OSCE. Before this conference, NATO was well-know for its role of ensuring security in the complex environment emerging in Europe (Webber, Croft, Howorth, Terriff and Krahmann, 2004, p.10), and being one of the key international agents in building security governance in Europe. NATO can achieve this because, first, it has the necessary organizational and military infrastructure and linkages with the non member states. Secondly, NATO has broadened its political purposes and it has authority over a range of security-related issues. Third, the alliance has affirmed its position as an upholder (Webber, Croft, Howorth, Terriff and Krahmann, 2004, p.14). However, NATO is not the only international organization trying to sustain international security. The CSCE, the European Community, the Western European Union and the Council of Europe are also working for the establishment of global security in Europe (Webber, Croft, Howorth, Terriff and Krahmann, 2004, p.10).

Obviously, transnational crime groups have detrimental effects. The worst is an assault on the three pillars of state sovereignty: the control of borders, the monopoly on the use

of force for law enforcement, and the authority to tax economic activities within state borders (Guymon, 2000, p.61). Organized crime groups also undermine the rule of law, international security, the world economy and the concept of the nation state (Shelley, 1995, p. 465), the political structure, the stability of the world economy, social order of the countries, democratic institutions, the rule of law, civil society and human rights (Shelley, 1995, p. 467). Money laundering, corruption of key officials in economic and customs positions and misuse of banks, stock exchanges, venture capital opportunities and commodities markets, all undermine the financial security of world markets (Shelley, 1995, p. 470). Stranislawski notes that countries' political stability, state regimes, national security, legal systems and police forces are all affected by the activities of TOC groups. Additionally, TOC groups use physical violence to gain control over ordinary citizens (2004, p.160). Lupsha also mentions that illegal activities, such as human and arms smuggling, have the potential to affect economic and political conditions across countries. These activities also have negative effects on national security (1996, p. 25).

Besides the direct negative effects of TOC, there are also secondary and tertiary effects. Violence, drug trafficking, gambling, prostitution, and the spread of AIDS, as secondary consequences, directly alter the quality of life. Illegal monopolization of markets, which increases the costs of consumer goods so citizens pay more for food, housing and medical services, create tertiary outcomes (Shelley, 1995, p. 471). Local and regional organized crime in Asian countries penetrates, interferes with and jeopardizes the business sector and is harmful to US interests. A specific example of this sort of harm is the crime of intellectual property theft, including software piracy (Fickenauer and Kolin, 2006, p.41).

2. 8. TOC and the Role of the State

Conventional wisdom holds that states and transnational crime are intertwined since, without the co-operation of governing authority, sustaining illegal business would be difficult. For example, forming close relations with the state bureaucracy is essential for

distributing and transporting illegal substance. This encourages illegal relations between organized crime groups and bureaucrats (Mittelman and Johnston, 1999).

The ruling political elite in some states often reap the benefits of crime. For instance, in North Korea, the central government is actively engaged in the production and exportation of illicit drugs. Another example is Guinea Bissau, where cooperation between the local military and South American drug cartels has created an ideal transit route for drugs into Europe (Broude and Teichman, 2009, p.816). Afghanistan opium production was sheltered by governmental protection when Afghan warlords became involved in production and trafficking (Broude and Teichman, 2009, p.817). Mexico, Costa Rica, South America, Colombia and The Netherlands are considered to be major source countries of drugs, while Korea, Russia and Nigeria are important source countries for prostitution. Mexico is involved in illegal immigration while Russia is associated with money laundering (Small and Kevonne, 2005, p. 10).

TOC undermines the rule of law and the legitimacy of democratic government through its corruption of individuals and the judicial process. Their presence within legitimate state institutions undermines political stability because their goal is to further their own criminal interest. TOC groups can also include corrupt high-level government officials, who can significant security threats through their trafficking in nuclear materials (Shelley, 1995, p. 468).

Organized crime is able to emerge where the weak state can not guarantee public order (Caccarelli, 2007, p. 33). In other words, where a weak state exists, the clans in that region become rivals to state power and authority, and often are able to capture control of the state (Caccarelli, 2007, p. 34). This is termed the Crime-State Nexus. Weak state institutions also result in a narco-state, a damaged economy and a chaotic social situation (Caccarelli, 2007, p. 34). Scholars like Fiorentini and Peltzman, Heyman, Smart and Farer agree that mostly a state's regulations, demands and restraints cause organized criminal actions (Fiorentini and Peltzman, 1997, p. 7; Heyman and Smart, 1999; Farer, 1999, p. 251). When corruption in the rule of law begins, the number of organized crime groups rises (Serrane, 2002, p. 15). For instance, in Turkey, several

government cabinets, and sometimes the military itself, have formed secret alliances with illegal groups. This occurred to prevent the proliferation of left-wing groups in the 1970s and Kurdish separatists in the 1990s. However, this gave power the supported criminal groups to manage illegal trafficking in the country (Paoli and Fijnaut, 2006, p. 320).

2. 9. Conclusion

Transnational organized crime is a phenomenon frequently on the agenda since the 1990s. TOC activities involve several countries and members working as smugglers, traffickers, gangs or organizers. When we compare the level of impact of transnational organized crime with other organized crime, it is possible to notice outstanding differences, in particular the numbers of people involving, the level of profit and the geographical extent of criminal activity. TOC groups engage particularly in drug smuggling and arms trading, human trafficking, the illegal sex trade, and money laundering. The most generally agreed properties of TOC groups are their ethnic structure, top-down command chain, long term existence, use of violence, and criminal exploitation of technological developments. TOC groups invest in the most profitable sectors because profit-making is their priority. Leading TOC groups are Italian mafia families, Colombian groups, and groups emerging from the ex-Soviet Bloc territories, with Russian groups being the leading ones. Globalization, technological innovations in traveling and communication sectors, including widespread use of the Internet, permeable borders, and weaknesses in state authority are the highlighted reasons of the expansion in transnational criminal activities. However, the more TOC becomes a global threat, the more states are taking individual and, increasingly, coordinated precautions. States and the international community are preparing legal instruments like regional and international conventions, and developing bilateral or multilateral legal assistance.

Chapter III

ACTIVITIES OF TRANSNATIONAL ORGANIZED CRIME: A CLASSIFICATION

3.1. Introduction

The chapter also includes of the organized crime working fields which are; human smuggling and trafficking, drug, arms smuggling and blackmoney laundering. These working fields are chosen because in these fields the number of illegal groups and people involves are the at the peak compared with other sectors. The illegal money earning from these fields are also the highest againg comparing with other field. In every section, I aim to draw a general picture of the smuggling business. This general picture includes the definitions of the concept, causes and current routes in the smuggling business and regional or international agreements signed in to prevent the smuggling activities. The illegal sectors human smuggling and trafficking, drug smuggling and blackmoney laundering are the parts which I tried explicitly touched on. The arms smuggling, organ smuggling and nuclear smuggling sectors are also included but briefly mentioned.

3. 2. Human Smuggling

Organized crime group activities are widespread in human smuggling and trafficking sectors. Hence, it is imperative to understand the definitions of international organizations about this topic to analyze the transnational organize crime and their working fields. UN Protocol to Prevent, Suppress and Punishing Trafficking in Persons, especially Women and Children define trafficking as:

‘Trafficking in Persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of person, by means of threat or use of force of other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over other 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 organs’.

The definition of UN Protocol to Prevent, Suppress and Punish Trafficking in Persons highlight the exploitation of people in trafficking and also UN Protocol against the

Smuggling of Migrants by Land, Sea and Air is stressing illegal entry of person. The definition of human trafficking and smuggling should be perceived as professional actions and the product of well-organized groups because of their complex and trans-border structuring (İçduygu and Toktaş, 2002, p. 29).

The Palermo Protocol which was signed in Palermo Italy 2003 covers the regulations in governmental level to combat against trafficking and smuggling. The Protocol explains the issue as the UN Protocols mentioned above (<http://untreaty.un.org/English/notpubl/18-12-a.E.doc>).

The International Migration Organization's definition of human trafficking and smuggling includes slavery, kidnapping and working under coercion (İçduygu and Toktaş, 2002, p. 48). Human trafficking acts are described as a transnational organized group activity (Öztürk and Ardor, 2007, p. 80).

“Human smuggling is commonly understood as the process in which a person physically participates for gaining illegal entry into a country. There are a variety of reasons that initiate that person to set off his illicit attempt but his final goal is no more than making a decisive intent for migration to the receiving country. Hence human smuggling is the prerequisite process that leads to the fulfillment of one's intent for illegal migration. Human smuggling is the means and illegal migration is the goal” (Fickenauer and Ko-lin, 2006, p.96).

The issue of smuggling and trafficking has been one of the most related fields where the organized crime groups can evoke and spread. In order to give a complete account of the subject, different definitions, legal amendments, the social and economic view of the subject are studied.

Salt claims that smuggling and trafficking can create different and opposite group of ideas (Salt, 2000, p. 43). There are some key differences between smuggling and trafficking. The wide variety of terms forces the researcher to identify these terms. Smuggling can be defined as assisting people who give their consent to illegal border-

crossing. In contrast, trafficking can be defined as forcing people into illegal border-crossing against their will (Kızılsümer, 2007, p. 124). In other words, human trafficking can be described as mobilizing people without their consent with the aim of taking illicit advantage, whereas in human smuggling it is not possible to talk about coercion, because smuggling is mostly concerned with voluntary border crossing (İçduygu and Toktaş, 2002, p.28). Trafficking can occur even where a border was crossed legally and the trafficked person's presence on another national territory is lawful. There is no need for exploitation to have occurred for smuggling to take place. The relationship between the smuggled people and the illegal smuggling group continues only until the illegal border crossing action is completed. By contrast, in trafficking, the trafficked persons are exploited by the human traffickers after crossing a border (Kızılsümer, 2007, p.124). In this thesis, the two terms are used in the light of these explanations.

3. 2. 1. Legal Documents about Human Smuggling in the International Field

As far as the negative sides of smuggling and trafficking are detected, the amendments about this topic are enhancing in the literature. International organizations are the leading force in making laws to prevent both human smuggling and trafficking.

Treaties in Table 3.1 aim to prevent and combat trafficking in human beings, while guaranteeing gender equality and to promote international cooperation on action against trafficking in human beings (Kızılsümer, 2007, s. 115). Besides, UN Security Council Resolution 1325 emphasize that “it is clear that unless women's social, economic and political rights are enhanced and respected, human development towards peace is hampered” (Corrin,2005,p.551).

Table 3-1 The Prominent International Agreements

1949	The 1949 Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others
1959	European Convention on Mutual Assistance in Criminal Matters and Its Additional Protocols
1979	Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),
1990	European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime

1997/ 2000	Committee of Experts on Criminal Law and Criminological Aspects of Organized Crime / The Group of Experts on Criminological and Criminal Law Aspects of Organized Crime
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol),
2000	Protocol against the Smuggling of Migrants by Land, Sea and Air
2008	Council of Europe Convention on Action against Trafficking in Human Beings

Source: This table is prepared by the author.

The 1994 resolution by the Commission on Human Rights prohibited the exploitation of women by prostitution. In December 2000, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women came into force. The Optional Protocol specifically allows individuals or groups of individuals to submit communications on violations of their rights under this Convention to the Committee on the Elimination of Discrimination against Women. Article 8 “establishes an inquiry procedure that allows the Committee to initiate a confidential investigation by one or more of its members where it has received reliable information of grave or systematic violations by a State party of rights established in the Convention” (Kızılsümer, 2007, p. 118).

The UN Convention against Transnational Organized Crime was followed up by The Ad Hoc Committee of Human Trafficking was according to the decision of the UN Secretary General (Kızılsümer, 2007, p.119). It complemented the UN Trafficking Protocol by enhancing the protections provided. The UN Protocol is the first comprehensive legal instrument that defines trafficking in persons and provides a multidisciplinary approach to the problem, including prevention, protection, prosecution and cooperation. On April 2004, “the UN Commission on Human Rights appointed a special rapporteur to focus on the human rights aspects of victims of trafficking, especially women and children” (Commission on Human Rights, 2004). This aimed to investigate relevant illegal activities and offer new policies to combat human trafficking. The rapporteur is responsible for preparing annual reports, including recommendations for protecting the human rights of trafficking victims. The rapporteur recommends ways to combat and prevent forced marriages, and to impose criminal

sanctions on women involved in prostitution. The main duties of the international rapporteur are thus to research, report, review and recommend (Mattar, 2008, p.1409).

In 1998, Sweden became the first country to apply the 1997 Hague Declaration by appointing a Rapporteur on Trafficking in Women in Sweden. The Rapporteur is charged with recording the number of trafficking events and publishing annual reports. The Netherlands government also created an independent rapporteurship office in 2001. The Netherlands rapporteur deals not only with trafficked women but with all persons, producing annual reports to help the government in creating new policies. In Romania, a National Agency against Trafficking in Person has begun collating annual statistics on human trafficking, in order to collect, store, process and analyze the data on human trafficking and submit this information to the Ministry of Administration and Interior. In the Czech Republic, the duty of reporting Human Trafficking events falls to the Minister of Interior, and since 2007 the ministry has also been acting as a rapporteur. The responsibility of the ministry is to review the general situation and suggest possible solutions. The USA, like Sweden and Czech Republic, has an agency of reporting. The agency both reports on human trafficking events to the government and also monitors government policies for combating human trafficking. The United States is also researching human trafficking activities occurring outside its national borders and publishing both general human rights reports and a trafficking in persons report. The US Trafficking in Persons Report has also the part which investigates the situations in foreign countries about trafficking and also the states predicated on the amendments and imply the regulations immediately (Mattar, 2008, pp. 1372-1391).

The US Trafficking in Persons Report (TIP)¹ allocates countries to three main categories. The first category includes countries that follow international standards in combating human trafficking. The second category includes countries which are in the process of reaching international standards in combating human trafficking. The third group includes the countries whose governments fail to fully comply with the standards

¹ This is the annual report published by the United States of America, which monitors the trafficking of human beings. The report is the collective work of U.S embassies, government officials, NGOs and international organizations. **You've explained this in the text already haven't you?

and who also show no efforts to achieve them (Mattar, 2008, p. 1376). TIP reports also record whether the countries are applying national action plans or establishing a national committee to implement such a plan (Mattar, 2008, p. 1378).

“The OSCE Action Plan recommends substantive actions related to investigation, law enforcement, prosecution, prevention, protection, and assistance and specifically emphasizes the importance of giving effect to, monitoring, and implementing these actions” (OSCE, 2003, http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf).

The Action Plan also covers

“follow-up and coordinating mechanism, and recommends that OSCE participating states consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements” (OSCE, 2003, OSCE, 2003, http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf).

The reporting mechanisms include national reporting, state reports submitted to international bodies, and international reporting by international organs (Mattar, 2008, p.1359).

The role of National Rapporteur was established by the Hague Declaration on April 26, 1997. This duty of this rapporteur is researching and creating solutions to the problem of human trafficking, especially of women and children (Mattar, 2008, p. 1360). For example, in the Netherlands

“it is an independent institution, with its own personnel, whose mission is to ensure the monitoring of anti-trafficking activities. It has the power to investigate and make recommendations to persons and institutions concerned and makes an annual report to the Parliament containing its findings and recommendations”(OSCE, 2003, http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf).

The Convention on the Elimination of all Forms of Discrimination against Women states that “State parties shall take all the appropriate measures including legislation, to suppress all forms of traffic in women exploitation of prostitution of women” (CEDAW, www.un.org/womenwatch/daw/cedaw/text/econvention.htm).

It was published by the Office of the High Commissioner for Human Rights in 2002 to direct states to protect and expand human rights, and improve anti-trafficking laws, policies and programs (Mattar, 2008, p.1398). The guidelines also suggest that states should share information about research results on human trafficking, as well as possible solutions anti-trafficking strategies (Mattar, 2008, p.1398).

Besides the international organizations’ efforts, some scholars have suggested new systems to prevent smuggling and trafficking. One of them, Elke Krahmman, highlights the inability of central authorities to prevent human trafficking and proposes a ‘security governance’ system. This would involve both public and private actors in the security system to secure their needs and interests (Krahmann, 2005, p.11). A similar suggestion is made by Friesendorf. He argues that governments should involve NGOs, the private sector, and international organizations in the process of combating human trafficking. According to this approach, human trafficking can be better prevented with the cooperation of transnational actors, well-prepared government arrangements directly dealing with problem, and by ensuring an adequate information network system between the actors involved in the prevention process (Friesendorf, 2007, p. 384). Feminists also consider legislative changes as a necessary initial step to combat the trafficking of women. Whilst countries tend to consider trafficking and smuggling as a security problem, such feminists assesses the situation as a human rights violation instead of a security problem, emphasizing the importance of the violation of women’s rights (Corrin, 2005, p.545).

Regarding Turkey in particular, it developed a key role as a transit country for smuggling and trafficking during the 1990s, although there was already evidence of its involvement in the 1980s. Illegal migration routes from the Middle-East to Europe mostly use Turkey as the first stepping stone (İçduygu and Toktaş, 2002, p.27). The

resulting flows have affected Turkey and forced the country to put into practice some national and international laws to prevent this adverse situation. To this end, the Grand National Assembly (TBMM) approved the first amendments to combat human trafficking at a national level in the history of Turkey on August 3, 2002 (Öztürk and Ardor, 2007, p. 91). According to the definition of Turkey's Convention against Transnational Organized Crime, trafficking includes the following actions: "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" (Kızılsümer, 2007, p. 140).

When the international definition of human trafficking is compared with the definition in Turkish Criminal Law, the main difference is that sexual exploitation of women by traffickers and their punishment in Turkish legal system is missing. (Öztürk and Ardor, 2007, p.91). However, Turkey's attempts are not limited to these particular laws. In addition, new institutions have been established. For example, the National Defense Force to Combat Human Trafficking, under the control of the Foreign Ministry, arranged the National Action Plan to Combat Human Trafficking. The National Defense Force is supported by the General Directorate of Safety, the Gendarmerie, and the Head of Security, Anti-Smuggling and Organized Crime, and the Head of Foreigners, Borders and Asylum (Kızılsümer, 2007, p.139). Additionally, Turkey and the United States have prepared a joint project to prevent human trafficking, to increase penalties for traffickers, and to protect immigrants. So far, under this project, the United States has spent 600,000 and Turkey has spent 100,000 US dollars (Öztürk and Ardor, 2007, p.98).

Besides the national and bilateral responses outlined above, Turkey has also joined international organizations to combat smuggling and trafficking. One of them is the International Organization of Migration (IOM), which Turkey joined on November 30, 2004 (Kızılsümer, 2007, p.139). Turkey has also signed the following international agreements: the 1904 International Agreement for the Suppression of the White Slave Trade, the 1910 the International Convention for the Suppression of the White Slave Trafficking, the 1933 International Convention for the Suppression of the Traffic of

Women of Full Age, and the 1949 Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, All these agreements prohibit the forced labor of women (Kızılsümer, 2007, p.116). According to law 227 (3) of the Turkish Penal Code, a person who helps illegal entry across national borders, or a person who helps illegal exit will be prosecuted (Kızılsümer, 2007, p.140). The law of the Ministry of Labor and Social Security states that people who give work to the foreigners that do not have work permits will be punished (Kızılsümer, 2007, p.142).

The Foreign Ministers of eight North and Baltic Countries have established The Northern Baltic Task Force Against Human Trafficking, which aims to prevent human trafficking by sharing data between states (Kızılsümer, 2007, ss. 126-127). Three main ways to prevent sex trafficking are listed as prevention of victimization, prosecution of offenders and protection of and assistance to victims (Goodey, 2004, p.31). The Protocol aims to combat smuggling by the prevention, investigation and prosecution of offences, and by promoting international cooperation among the States Parties (UN Covention,2000,http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf). The Palermo Treaty aims to eliminate differences between national legal systems by setting common standards for domestic laws (Palermo Treaty, 2000, http://www.unodc.org/pdf/newsletter_2001-02-28_1.pdf). According to the Palermo Treaty, governments are responsible for punishing organized crime groups, adopting measures against money laundering, providing for extradition, protecting witnesses, tightening cooperation in the search for suspects, preventing the creation of organized crime groups, and developing new protocols to prevent TOC (Palermo Treaty, 2000, http://www.unodc.org/pdf/newsletter_2001-02-28_1.pdf). In addition, the contracting governments are encouraged to share information about routes, carriers and means of transportation of smugglers, methods of smuggling groups, and to check travel and identity documents (Palermo Treaty, 2000, http://www.unodc.org/pdf/newsletter_2001-02-28_1.pdf).

3. 2. 2. Motivations for Human Trafficking and Smuggling

The UN Special Rapporteur on Violence against Women suggests a number of reasons for the rise in trafficking (Corrin, 2005, p.547; UN High Commissioner for Human Rights, 2002):

- The enormous profitability of exploiting women as prostitutes
- The feminization of poverty in the victims' home countries
- The official policies of international development banks and lending organizations that encourage the development of tourist sector services
- The lack of an effective international regime for collecting data, producing and sharing information and penalizing organized international traffic networks

It is claimed that communist regimes in the East European countries caused a lag in the development of these countries. Their closed economy models induced poverty, poor health, low educational achievement and vulnerability to external shocks. These devastating economic conditions led to the emergence of prostitution as a business, which expedited the development of the illegal industry of trafficking women (Corrin, 2005, p.546; Aiko, 2002, pp. 32-35; Kızılsümer, 2007, s. 115). Low incomes, and poor economic conditions triggered human trafficking and smuggling in these countries (Öztürk and Ardor, 2007, s. 83). The collapse of women's economic conditions in the post communist period caused a 'feminization of poverty,' which created markets for sex trafficking in which the main commodity were women's bodies (Goodey, 2004, p.27). This development had been generally attributed to the lack of educational and professional opportunities during the transition period to a market economy, and also to the traditional roles forced on women in the rural areas, such as child care responsibility. Such women saw prostitution as a way to survive or to escape from this detrimental situation (Goodey, 2004, p.28).

According to feminist analyses, the economic transition period and the militarization movements in Central and Eastern European countries caused an increase in trafficking

of women as a business. Such studies argue that soldiers generally expect women to be brought for them either from local areas or even from other countries. This mentality, and the ease of transporting women from countries like Albania, Bosnia and Herzegovina, Kosovo and the Ukraine, also led to the expansion of such trafficking (Corrin, 2005, p.550). Another aspect was the increased demand from Western countries for prostitution services from ex-communist countries. Overall, “feminization of poverty and the secondary position of women in those countries are the effect which provoked women for prostitution” (Corrin, 2005, p.543).

In terms of size and growth, human trafficking ranks third in the list of the world’s most dangerous crimes (Öztürk and Ardor, 2007, p. 80). Despite national and international prevention efforts, the numbers of smuggled and trafficked people are still extremely high. Every year, various estimates are made by different organizations. According to these estimates, not only the numbers of people involved in these activities are rocketing, but also the amount of money they have to pay for this business is escalating. The primary reasons motivating human traffickers are that this business requires relatively low effort yet provides high profits, and is a simpler task compared to some other criminal sectors (such as drugs and weapon trafficking) (Öztürk and Ardor, 2007, pp. 85-86).

According to The International Labor Organization’s figures, the total income of trafficking per year, including internal and external sectors, is over 32 billion US dollars (ILO, 2005, p.10). The US Department of State estimates that nearly 10 billion US dollars per year is earned by human traffickers (US Department of State, 2005, pp.13-14), while the profit from trafficking and smuggling is roughly 5-7 million US dollars per year. The cost of illegally migrating to Turkey for one person is nearly \$990, and for those who use Turkey as a transit country the additional cost to their final destination is around \$2,800. Depending on conditions and destination, clients of smugglers pay between about US \$1,000-7,000 (İçduygu and Toktaş, 2002, pp.30-33). The approximate amount paid by illegal immigrants to reach western European countries though Turkey is 1,660 US dollars (İçduygu, 2004, p.298).

The IOM estimates that the women traffickers' incomes in Turkey alone in 2005 was 360 US million dollars, a total gained from only 469 trafficked women. From this, it is estimated that trafficking women worldwide is worth nearly 3.6 billion US dollars (Amnesty International, 2006). According to another study it is possible for TOC groups to earn 7 billion US dollars per year from human trafficking (Kızılsümer, 2007, s. 114).

3. 2. 3. Origins, Routes and Destinations in Human Trafficking and Smuggling

In 2001, most trafficked women in London's Soho district came from either Albania or Kosovo. Women trafficked into Kosovo in the 2000s came from Moldova (53%), Romania (23%) and the Ukraine (13%). The majority of women were arrested in Glasgow in 2003 were mostly illegal immigrants from Kosovo, Moldova, Poland, Romania, Thailand or Yugoslavia, (Corrin, 2005, p.554). For the EU in general, Albania, Bulgaria, Moldova and Romania are the main source countries of trafficked women (Friesendorf, 2007, p.382). The most commonly used trafficking routes run through Moldova, Romania and Ukraine in the south, and Romania, Serbia, Bosnia-Herzegovina and Croatia in the north of continental Europe. A secondary route begins in Kosovo, Albania, Macedonia and Montenegro, and continues through Italy and other Western European countries (Corrin, 2005, p.550). The existence of these routes is supported by evidence from International Organization for Migration (IOM) research. According to its 2006 study, human trafficking victims were mostly from Moldova, accounting for 33.3% of victims, followed by Ukrainians and Russians at 24% and 13%, respectively (IOM, 2006).

Regarding Turkey in particular, other research reveals that the illegal migrants using routes through Turkey belong to different ethnic groups, mostly coming from Iran, Iraq, Pakistan, Bangladesh, Sri Lanka, Nigeria and Somalia. They tend to enter Turkey through Van province, which they see as their penultimate stop before moving on into Europe (İçduygu and Toktaş, 2002, p.32-33). Support for this comes from the number of illegal migrants arrested at Turkey's border with Greece. According to official

figures, the commonest nationality has been Iraqis, accounting for 31% of arrestees in 2004. They were followed by Iranians and Pakistanis, accounting for 20% and 10%, respectively. The others were citizens of Afghanistan, Bangladesh, Palestine, India and Turkey (İçduygu, 2004, p.298).

3. 2. 4. Human Smuggling in Figures

As trafficking is an illegal activity, the entire sector operates underground. Hence, it is very hard to confirm the rate of expansion and keep accurate records of trafficking cases. Besides, trafficked women are usually unwilling to act as witnesses against traffickers because of intimidation and fear of reprisals, which makes the situation even harder to analyze (Goodey, 2004, p.28).

Nevertheless, many organizations publish estimates. According to the US government, between 600,000 and 800,000 people are trafficked per annum (US Department of State, 2005, p.6; Kızılsümer, 2007, p. 11). However, the International Labor Organization (ILO) estimates that far more, approximately 2.4 million people, are trafficked each year (ILO, 2005, p.10). Besides this, every year nearly one million people are involved in the trafficking sector for working in house-keeping, fabric worker and prostitution sectors (Öztürk and Ardor, 2007, p. 80).

There are also many estimates for regions or individual countries. For instance, statistical data released on March 31, 2004 by China's National Police Administration, indicates that 2,345 illegal immigrants were arrested in 2003. Among these, 1,001 were unemployed, 894 were working as prostitutes and 428 were illegally employed. 2003 was the first time that illegal female immigrants outnumbered illegal male immigrants. Apart from those working in the sex industry, 840 female immigrants were unemployed (Fickenauer and Ko-lin, 2006, p.72). Women in PRC get in touch with human trafficking groups in order to enter Taiwan. These women mostly depart from the coastal areas of Fujian Province and are carried by mainland Chinese fishing boats out to sea. Human smuggling groups pay 2,100 to 3,000 US dollars to the fishing boat owners for every smuggled woman. After arriving in Taiwan they are hidden before

being sold in auctions. The price to buy a woman at auction is estimated to be around 3,600 to 6,000 US dollars (Fickenauer and Ko-lin, 2006, p.74). According to United Nations Children's Fund (UNICEF)'s research, 53 African countries face a human trafficking problem, while 34% of trafficked people from African countries end up in Europe, with 26% going to the Middle East (www.bbc.co.uk, 2004).

In Brazil, the ILO estimates that more than 25,000 persons are forced to work against their will (www. bbc.co.uk, 2006). In Bosnia and Herzegovina, it was reported that 66 people were victims of human trafficking in 2005 (State Coordinator, 2006, p.30), and Germany reported 642 trafficked people in 2005 (Bundeskriminalamt, 2006). In 2000, it was estimated that 50,000 persons, mostly women and children, are trafficked into the USA annually, although this number since decreased to between 18,000 and 20,000 in 2003. By 2008, the number of trafficked people to the USA had fallen to between 14,500 and 17,500 (Mattar, 2008, p.1407).

According to IMO Reports, the number of smuggled and trafficked people in the Mediterranean basin between the years 1998 and 2002 was 16,425 (İçduygu, 2004, p.298). Regarding Turkey, the total number of illegal immigrants from Bulgaria to Turkey between 1995 and 2001 was 4,997, whereas the total number of illegal immigrants from Romania to Turkey between 1995 and 2001 was 12,651. The total number of illegal immigrants to Turkey in 1995-2001 was 322,438 (İçduygu and Toktaş, 2002, p.34). The number of illegal immigrants captured at Turkey's border with Greece was 11,000 in 1997, but this rose to 29,000 in 1998, 47,000 in 1999, and 94,000 in 2000. However, the number then slowly declined to 92,000 in 2001, 84,000 in 2002 and less than 50,000 in 2003 (İçduygu, 2004, p.297). According to the Turkish authorities, the number of people arrested as illegal immigrants was 1,155 in 2001 and 1,157 in 2002, but only 187 in 1999 and 850 in 2000 (İçduygu, 2004, p.302). Nearly 90 % of smugglers arrested in Turkey are Turkish citizens, but also there have also been Iraqis, Iranians, Greeks and Bangladeshis involved in the smuggling business within Turkey (İçduygu, 2004, p.302). The IOM figures for trafficked people in Turkey were 469 in 2005 (IOM, 2005). In 2004, the General Directorate of Safety estimated the

number of traffickers at 227, and the number of victims at 239 (Emniyet Genel Müdürlüğü, 2004).

Table – 3.2: The number of illegal immigrants in arrested in Turkey 1995 – 2009

Year	Number of Illegal Immigrants
1995	11,362
1996	18,804
1997	28,804
1998	29,426
1999	47,529
2000	95,514
2001	92,362
2002	82,825
2003	56,219
2004	61,228
2005	57,428
2006	51,983
2007	64,290
2008	62,459
2009	34, 345

Source: Turkish Republic Ministry of Interior

In 1995, the number of illegal immigrants in Turkey was 11,362 but this number increased to 94,514 in 2000, before decreasing a little to 92,365 in 2001 (Keser and Özel, 2008, p.77). According to the records of the Turkish Republic Ministry of Interior, the total number of illegal immigrants in Turkey between 1995 and 2004 was 522,708. Fluctuations in the number of illegal immigrants in Turkey can be followed from the table 3.2. It shows us that there has been a decrease in the number of people attempting to cross borders illegally due to the positive affects of legal agreements

between states. New prevention methods, especially border checks and controls appear to be deterring illegal border crossing attempts.

3. 3. Drug Smuggling

According to UNODC (2010) estimates, between 155 and 250 million people worldwide used illicit substances at least once in 2008. Cannabis users formed the largest group of between 129-190 million people, followed by amphetamine users, then cocaine and opiate users (UNODC World Drug Report 2010, p.12). The main drug markets are North America and Europe. North America, for instance, is the largest cocaine market, with close to 40% of the global cocaine-using population. Drugs are mostly produced in developing countries, mainly in Asia and Latin America (UNODC World Drug Report 2010, p.16), so they have to be smuggled from these production centers to consumer markets. The various smuggling routes are examined below.

The main route for Afghan opium passes through Iran, Pakistan and the independent republics of Central Asia (Land, 2008). Iraq is the most important transit zone, widely used by traffickers in the Gulf Region (Land, 2008). The major source of heroin is also Afghanistan. After it arrives in Western Europe, primarily the Netherlands and Belgium, drugs are fabricated and are distributed to various western and eastern European countries (Paoli and Fijnaut, 2006, p.321). The same method for production and allocation applies to cocaine and hashish (Paoli and Fijnaut, 2006, p.321). Heroin is also produced in the Burmese part of the Golden Triangle (Myanmar, Vietnam, Laos, and Thailand), before flowing into the international market via either Thailand or the PRC. Since gaining access to heroin resources in Southeast Asia, Taiwanese drug organizations have partly replaced the Hong Kong gangs' role in Taiwan. These groups currently traffick heroin to Australia, Japan and America, so their criminal activities have extended to the international community. Consequently, Taiwan's law enforcement authorities now maintain connections with their counterparts in other Asian countries (Fickenauer and Ko-lin, 2006, p.71). Amphetamines, are mainly produced in the PRC and smuggled into Taiwan, Japan, the Philippines and other Asian countries (Fickenauer and Ko-lin, 2006, p.36).

Another important drug supplier of the Middle-East is Iran (Land, 2008). After the collapse of the Soviet Union, Russia and East Europe became a transition route, supplying the drug demand of Western Europe (Paoli and Fijnaut, 2006, p.321). The UN is particularly pessimistic about the future conditions of Armenia, Azerbaijan and Georgia, since their region shares long borders with Iran, Russia and Turkey with access to the Black and Caspian Seas, all of which play vital roles in global drug trafficking (Land, 2008). Another major route for the illegal drug trade is from Pakistan through Africa, Israel, Eastern Europe and Latin America. In this route, drugs originating in Pakistan are delivered to the port of Mombasa (Kenya), where they are added to tea cargos before being re-shipped to Haifa (Israel) via Durban (South Africa) (Shelley, 1995, p.473). Spain, meanwhile, is a gateway for smuggling Moroccan hashish into Europe Paoli and Fijnaut, 2006, p.316).

Regarding Turkey in particular, Istanbul is considered a bridge between Asia and Europe, with important land and sea ways. The province of Van in Eastern Turkey also has a strategic position because it is the region through which much heroin enters Turkey. These factors give Turkey's territory a transnational role in drug smuggling (Keser and Özel, 2008, p.79) for carrying Afghan heroin into Europe (Bovenkerk and Yeşilgöz, 2004, pp.585-601).

Cocaine originating from South America is smuggled to Hong Kong by couriers secreting the drug on their body or in luggage and sometimes by swallowing the drug. Another method of smuggling cocaine is to send it by post or courier, falsely declaring it as some innocuous item (Fickenauer and Ko-lin, 2006, p.93).

3. 3. 1. The Profile of Drug Smuggling in the World

For any TOC group, illegal funds are necessary for the empowerment of the organization, to supply basic needs and sustain its further activities (Stranislawski, 2004, p.158). Hence, such groups involve themselves in drug trafficking to increase their revenues. The total profit generated from drug trafficking in the USA and Europe

alone is estimated to be around US\$122 billion per annum, and this number is estimated to be increasing. Drug producers earn more than the gross national product of three-fourths of the 207 world economies (Guymon, 2000, p.64). Interpol estimates the annual turnover of drug trafficking at US\$500 billion (Edwards and Gill, 2002, p.255). It is suggested that organized crime groups earn more than US\$500 billion dollar per year just from drug trafficking (Stranislawski, 2004, p.157).

Despite these alarming statistics, according to UNODC (2010), there have also been several encouraging developments in global cocaine and heroin markets in the last few years. The global area under opium poppy cultivation declined to 181,400 hectares in 2009, which represents a 23% decline since 2007. In line with declines in the area under cultivation, worldwide opium production fell from 8,890 metric tonnes in 2007 to 7,754 in 2009, and potential heroin production decreased from 757 metric tonnes in 2007 to 657 in 2009. The global area under coca cultivation declined to 158,800 hectares in 2009 (5%), by 13% since 2007, or by 28% since 2000 (UNODC World Drug Report 2010, p.12). In line with this, estimated global cocaine production fell from 1,024 metric tonnes in 2007 to 865 in 2008. Global fresh coca leaf production fell by 4% in 2009 (UNODC World Drug Report 2010, p.12). Although there are uncertainties around coca yields and production efficiency, the available data is considered to be sufficiently robust for researchers to assert that global cocaine production has declined considerably since 2004 (UNODC World Drug Report 2010, p.12).

In contrast to heroin and cocaine, only very broad estimates are available for production of cannabis and amphetamine-type stimulants (ATS) since the production of these drugs is more decentralized. UNODC (2010) predicts that, in 2008, between 13,000 and 66,100 metric tonnes of herbal cannabis were produced, , and between 161 and 588 metric tonnes of amphetamine type drugs. Lastly, the organization's 2008 estimate for the manufacture of drugs marketed as ecstasy ranges from 55 to 133 metric tonnes (UNODC World Drug Report 2010, p.13).

Even though some cannabis resin and ecstasy are also smuggled between different parts of the globe, most of the global trafficking involves cocaine and heroin. Trafficking is carried out in two ways. Either international travelers carry small quantities in their luggage (such as cannabis from the Golden Triangle and Cambodia) or larger consignments are smuggled by sea routes under the control of TOC groups (Fickenauer and Ko-lin, 2006, p.93).

UNODC's 2010 report indicates that global cocaine seizures have stabilized over the last few years. In particular, seizures have declined in North America and Europe, but have risen in South and Central America. On the other hand, trafficking through West Africa increased swiftly between 2004 and 2007, before appearing to decline in 2008 and 2009. Opiate seizures (both opium and heroin) continue to increase, while morphine seizures declined in 2008. According to the same report, the largest seizures continue to be reported from countries neighboring Afghanistan, particularly Iran and Pakistan (UNODC World Drug Report 2010, pp. 13-14). Tracking ATS seizures, on the other hand, is more difficult, since there are several products involved that appeal to diverse markets, including amphetamine, methamphetamine and ecstasy. Nevertheless, UNODC claims that global seizures of amphetamine and methamphetamine remained stable through 2005-2009. Global cannabis herb seizures increased 23% between 2006 and 2008, especially in South America, while global cannabis resin seizures increased by a staggering 62% in the same period, particularly in the Middle East, Europe and Africa (UNODC World Drug Report 2010, pp. 1-15).

3. 3. 2. Legal Documents about Drug Smuggling in International Field

Drug crime drains the economy, degrades government legitimacy and causes increased levels of corruption by government officials (Guymon, 2000, p.64). It also causes lost productivity, and imposes strains on state budgets for health care and law enforcement (Guymon, 2000, p.65). Drug control has been on the international agenda for more than a century. Initially, the Chinese opium epidemic in the early twentieth century spurred rigorous international action, primarily through a series of treaties passed over several decades. These treaties, in particular the 1961 Single Convention on Narcotic Drugs, the

1971 Convention on Psychotropic Substances, and the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, define the international drug control framework (UNODC World Drug Report 2010, p. 16). The international protecting agency of these treaties is the UNODC unit of the UN.

Among these treaties, especially the 1998 convention was formulated to transfer action against international trafficking from the national level to the international. The convention included money laundering and illicit trafficking in precursors and critical chemicals in the sphere of drug trafficking activities. It also invited its signing parties to introduce these chemical offences in their national legislation. The main objective of the Convention was to create and consolidate international cooperation among law enforcement authorities and supply them with the legal guidelines. These are (United Nations International Drug Control Program (UNDCP), 1997, P.169):

- To interdict drug trafficking effectively;
- To arrest and try drug traffickers;
- To deprive traffickers of their ill-gotten gains.

In England, legal amendments against drug trafficking started with the 1971 Misuse of Drugs Act, and penalties for trafficking were increased de jure by the 1995 Controlled Drugs (Penalties) Act. It suggests 12 to 14 years imprisonment for drug trafficking and a one million pounds sterling fine (Dorn, 2004, p.538). Additionally, if the ARA (Assets Recovery Agency) has reasonable grounds to suspect that a person's income is derived from crime, it can assess them for income, capital gains, corporation, and inheritance taxes (Dorn, 2004, p.539). In March 2009, the UN committed itself to the elimination or significant reduction in the global illicit drug supply and demand by 2019, and emphasized that research, data collection and analysis were essential to support the efforts required to attain that goal.

3. 4. Arms Smuggling

It is not very likely that the illegal arms trade can be carried out without political support. Thus, today, there are ties between smuggling and corruption, just as in the past. Arms smuggling is not only a phenomenon of the twenty-first century. Arms smuggling in the Arabian peninsula, for instance, has deep historical roots which can be traced from historical records. For example, the official records of the Ottoman Empire reveal that illicit arm sales occurred in the peninsula. Researchers have found many documents indicating that British and Italian citizens conducted these activities (Sapan, 2006, p. 86). Aside from foreigners, people with power in the region, such as Mubarek al-Sabah and Casım al-Sani also played intermediary roles in arms smuggling processes (Sapan, 2006, p. 86). There are also archive documents about some Ottoman army officials who turned a blind eye to arms smugglers (Sapan, 2006, p. 87).

3. 4. 1. The Status of Arms Smuggling in International Arena

The Ottoman Empire took several strict measures to stop arms smuggling. The General War Unit (Umum Erkan Harp Dairesi) of the Ottoman Empire gave strict orders to its provinces to control borders tightly and take extra security measures around its arsenals (Sapan, 2006, p. 88). Governors of sea borders were also ordered to check ships thoroughly. (Sapan, 2006, p. 88), the number of personnel in strategically critical locations was increased (Sapan, 2006, p. 88), and the Ottoman Ministry of Justice (Adliye Nezareti) increased punishments as a deterrent (Sapan, 2006, p. 89). Ottoman authorities have also passed a law that large cargo ships could only load and unload in major ports, so as to closely monitor and control the high volume of arms smuggling (Sapan, 2006, p. 90).

3. 4. 2. Routes of the Illegal Arms Trade

According to Ottoman archive documents, arms were smuggled by sea from the Arabian peninsula to several ports in Europe. This is especially apparent in the message sent by the head official of the Tuleyfe district to the state of Syria on 26 February

1910. It explained that arms were transferred from Red Sea ports in carriages and distributed all around the region of Hedjaz (Sapan, 2006, s. 84). The head official of Salat district sent a very similar message to his counterpart in Syria (Sapan, 2006, s. 84). Beirut, Chunye, Sayda and Trablussam were known as places where arms were traded illegally. These arms entered the Hedjaz region via the Red Sea ports of Yenbu, Rabig, Jeddah and El-Vecih. (Sapan, 2006, s. 84). Akabe, Kerek, Djibouti and Musavva were major arsenals of the Ottoman era and consequently were ideal locations for smugglers. Interestingly, in the twenty-first century, the Ethiopian border, the Masqat region of Kuwait, Qatar and Bahrain are still considered to be among the most active arms smuggling regions of the world (Sapan, 2006, s. 85).

3. 5. Nuclear Smuggling

The proliferation of nuclear materials constitutes an international crime against global peace. Yet, there is only one international agreement which explicitly explains the status of nuclear smuggling as an international crime. This is the Convention on the Physical Protection of Nuclear Material (Guymon, 2000, p.63). The Nuclear Smuggling International Technical Working Group (ITWG) was established in 1995 to prevent illegal nuclear trafficking, and it organized a transnational working group (Smith, Kristo, Niemeyer and Dudder, 2008, p. 416). US nuclear security policy focuses on controlling border crossings and checking the dissemination of military nuclear know-how. Related to this, the US trains and equips NIS customs officials at airports and customs posts (Lee, 2003, p.104).

Iran, Iraq and North Korea, and Al-Qaeda and Islamic Jihad have been the countries and groups most determined to have nuclear weapons, and are the main customers of nuclear smugglers (Guymon, 2000, p.62; Lee, 2003, p.98). In 1995, Russia signed a protocol to sell uranium enrichment material to Iran, and again in 2000 Russian Ministry of Atomic Energy planned to sell nuclear equipment to Iran. However, these two agreements were postponed because of pressure from the USA (Lee, 2003, p.98). The main nuclear smuggling techniques are seen as interspersing materials with legally

tradable radioactive isotopes, using false documents, concealing in metal cargo, and shipping in diplomatic luggage (Lee, 2003, p.103).

Since 1991, a number of nuclear smuggling cases have been observed. In 1994, there were only 46 known incidents of nuclear trafficking worldwide, but the illegal trade of nuclear materials seemed to be growing slightly (Frost, 2004, p.400). 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 (Lee, 2003, p.100). Another study indicates that the number of illegal nuclear trafficking cases was more than 650, involving 82 states in total in between 1995 and 2004 (Smith, Kristo, Niemeyer and Dudder, 2008, p. 416). For example, in 1998, Turkish customs officers seized 5.4 kilograms of uranium 235 and 7.1 grams of plutonium powder from eight men who were asking 1 million US dollars for the material. Three were from Kazakhstan, one from Azerbaijan and four from Turkey (Guymon, 2000, p.63).

There are a number of factors underlying the rise in nuclear smuggling, especially since the fall of the USSR. Firstly, the collapse of The Soviet Union caused an economic crisis in the region, and the open border policy of successor states increased the smuggling of nuclear, radioactive or fissile materials (Frost, 2004, p.400). The deprived economic conditions of workers played a significant role since majority of workers in nuclear plants were living under hard conditions, paid low wages and suffered a poor quality of life. Those conditions encouraged workers to steal and sell nuclear materials (Lee, 2003, p.97). Secondly, there was an enormous quantity of former USSR missile material stored outside of weapons, with lax physical security and accounting systems at many nuclear weapons enterprises and depressed economic situation of employees in parts of the nuclear complex, low payment and safety net are the effects which cause the increase in nuclear smuggling events. Thirdly, countries such as North Korea, Iran and the Al-Qaeda organization have been putting great efforts into acquiring nuclear weapons to increase their military capabilities (Lee, 2003, p.95).

3. 6. Blackmoney Laundering

Money laundering is the process by which one conceals the existence of an illegal source or illegal application of income and disguises that income to make it appear legitimate (Broude and Teichman, 2009, p.823). Blackmoney, in general, is defined as cash or real estate gained by illegal action (Şen and Yalçın, 2007, p.68). The definition of the Vienna Convention defined blackmoney as “all kinds of movable or real properties that have an economic value or intangible value which are gained by criminal activities”. The Strasbourg Conference defined earnings obtained by any criminal activity as blackmoney (İpek, 2000, p.4). According to Turkish criminal law (5237), which came into force in 2005, blackmoney is money gained by crimes requiring one year or more penalty of imprisonment .(Şen and Yalçın,2007, p.70). From these various definitions, we can say that there are several key features to accept earnings as blackmoney. First, the money should be gained from an illicit activity and the revenue should be more than expected. At the same time, smugglers must try to legitimize the illicit revenue to protect its value (Akar, 1997, p.5).

The famous smuggler Al Capone had a role in the coining of the term ‘laundering’ by opening laundry rooms to launder the illicit money which he made from bootlegging (Öztürk, 2003, p.145). The analogical similarities between money laundering and laundry itself have encouraged people to see connections between these two terms (İpek, 2000, s.13). However, it is also claimed that the Watergate scandal was the first incident that led to the coining of the term ‘money laundering’ (Çelik, Koçağra and Güler, 2000, p.6). The Turkish organization FATF (Financial Action Task Force on Money Laundering) defines money laundering as any action “to hide or change the rights of a good, its nature, source, position or movement although knowing that the goods are resulting from a crime” (EGM KOM Daire Başkanlığı, 1998, p.63).

It is estimated that is the worldwide total value of blackmoney is nearly 1 trillion US dollars (İpek, 2000, p.34), and that efforts to legalize this money may cause a global economic crises. Such a crisis could involve rapid hikes in inflation, an inability to construct or sustain concrete monetary policies, an overvaluation of local currencies and

hence loss of competitive capacity of domestic goods, an increase in the informal economy and a widening gap in income distributions (İpek, 2000, p.35). Besides, blackmoney is used by terrorist organizations. For all these reasons, countries try to fight against blackmoney.

3. 6. 1. Means and Methods of Money Laundering

There are lots of different ways of transferring illicit money into the legal economy. The most used method is smurfing. This involves regularly depositing small amounts of money in a bank. Another method is cooperating with financial institutions to prevent the reporting of actions like money transfersd (Şen and Yalçın, 2007, p.74).

Şen and Yalçın also list a number of other methods (2007, pp.77-79):

- opening accounts under a false name
- benefiting from the legal companies
- using fictitious companies
- transferring illegal money to countries where the tax liability is low
- transferring illicit money with the help of workers repatriating money to their families
- fictitious importing and exporting
- transferring money through pornographic telephone lines
- collecting a patient's insurance who are selling their insurance policies to charge the hospital in money transferring
- using games and lottery tickets, opening a casino
- taking advantage of off-shore banking
- transferring money to countries where there are no tax audits.

3. 6. 2. The Economic Market of Blackmoney

Statistics related to the economic value of blackmoney may be speculative due to the illegal and underground character of blackmoney. Nevertheless, the Wall Street Journal

estimates nearly one trillion US dollars, while the American Senate suggests between 500 billion and one trillion US dollars. The US Federal Reserve estimates the volume of global black money to be about 420 billion US dollars (İpek, 2000, p.6). These figures can be better understood by a comparison. For instance, one trillion US dollars is equal to the current annual defense budget of the USA, or equal to on the total spent on oil by all Western countries in a year (İpek, 2000, p.6).

It is estimated that the total value of blackmoney laundered in Turkey is approximately 50 billion US dollars (İpek, 2000, p.6). Turkey's transit position in several smuggling cases has led researchers to increase their estimates of the amount of illegal money involved (Şen and Yalçın, 2007, p.91).

3. 6. 3. International Agreements and Organizations Regarding Blackmoney

In Europe, the rise in both TOC crime and criminal funds has led to the conclusion that blackmoney is harmful for the economic development of European countries and their existing system (Öztürk, 2003, p.159). The first international amendment about combating blackmoney was made in 1980 with the Council of Europe's Committee of Ministers' 'Recommendation on measures against the transfer and safekeeping of funds of criminal origin' (Akar, 1997, p.28). The EU took up the issue after the creation of the common market. The Strasbourg Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of November 8, 1990 came into force as the first attempt. More recently, the union repeated similar rules in the Warsaw Convention: Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism in May 16, 2005.

Another European initiative is the 1990 Council of Europe Convention. The Convention aims to facilitate international co-operation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. The difference between this and the Vienna Convention is its wide ranging strict rules for combating black money (Şen and Yalçın, 2007, p.84). The Council of Europe prepared a Directive

on 10 June 1991 concerning the prevention of the use of the financial system for the purpose of money laundering. This directive includes amendments like the following (Şen and Yalçın, 2007, p.85):

“the conversion or transfer of property derived from criminal activity for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity in evading the legal consequences of his action; the concealment or disguise of the true nature, source, location, disposition, movement or rights with respect to, or ownership of, property, knowing that such property is derived from criminal activity or from an active participation in such activity; the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an active participation in such activity; participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counseling the commission of such actions.”

A truly international attempt is the Basel Core Principles, signed by Belgium, the Netherlands, Luxembourg, Canada, France, Germany, Italy, Japan, Sweden, Switzerland, England and the USA in 1988. The main aim of the principles is to combat money laundering in the banking system (Şen and Yalçın, 2007, p.82). The 1988 Vienna Convention is also labeled as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This convention aims to standardize all national penalty systems in a common one worldwide. The convention also covers issues such as production, allocation and sale of illicit drugs, the organization, management and finance of drug trafficking and the blackmoney gained from these illegal businesses (İpek, 2000, p.51).

In 1989, the G-7 countries established the Financial Action Task Force on Money Laundering (FAFT) system. FATF was established as an inter-governmental body whose purpose is the development and promotion of national and international policies to combat money laundering and terrorist financing. This institution has 28 members, including Turkey (Başak, 1998, p.13). This system offers various recommendations to combat laundering of illicit money. The task force’s reports especially highlight the necessity for revising the banking system and creating efficient anti-money laundering policies (Akar, 1997, pp.35-40).

Interpol aims to enhance cooperation between police forces in different countries and also catch people committing money laundering crimes. Europol is another organization aiming to destroy TOC, including money laundering. Apart from these international organizations, there is also EGMONT, the Group Financial Intelligence Unit supported by the USA and Belgium, which aims to prevent money laundering at an international level (Şen and Yalçın, 2007, pp.81-89). Other international institutions dealing with anti-money laundering include the UN. Its first step concerning this issue was to draw up the 1990 UN Model Treaty on Mutual Assistance in Criminal Matters.

In Southeast Asia, many collaborative efforts have take place among different states. I will examine a selection of these efforts below to show how collaborative and well coordinated inter governmental effort would function effectively to combat against TOCs and blackmoney.

The first case involves the PRC, Hong Kong, the USA and Canada. The PRC government secured the cooperation of the other countries in the process of arresting a certain Mr.Yu and extraditing him to the PRC. The police in Hong Kong and Macao confiscated Yu's assets so that he could no longer launder money in the USA and Canada. The Yu case demonstrated effective intergovernmental cooperation between China, Hong Kong, Macao, the USA and Canada (Lo, 2009, p.302).

The PRC also collaborates with the Philippines to fight against trans-border crime syndicates involving Chinese, Taiwanese and Hong Kong criminals. For example, in March 2004, the Fujian province in mainland China police force anti-drug bureau cooperated with Filipino police (Lo, 2009, p.303). The PRC has also been forging close relations with Russia and Japan to combat cross-border crime. For example, in April 2001, the PRC police cooperated with their Russian counterparts to destroy two cross-border kidnapping and smuggling syndicates (Lo, 2009, p.305). In June 2006, PRC and Shenzhen police sent a delegation to cooperate with the Toronto police on a homicide case involving a mainland Chinese (Lo, 2009, p.305). The Lai case has had important implications for cross-border crime and state autonomy, in which the PRC's perspective

is that Canada has been providing a safe haven for its corrupt officials (Lo, 2009, p.306).

In the fight against money laundering, the Taiwan Bureau of Investigation shared intelligence with foreign states in seven cases during the first half of 2003. In October 2003, about 400 officials, experts and executives attended an international conference on security technology. The Taiwan government realized the importance of cooperation with foreign states such as USA, Canada, Japan, Germany and Vietnam to prevent trans-border crime. In March 2002, Taiwan and the USA signed a judicial assistance agreement paving the way for the joint anti-crime cooperation (Lo, 2009, p.310). Transnational criminal networks often use Hong Kong as a transit point for illegal activities, such as drug trafficking and money laundering. In April 2001, the Hong Kong police seized cannabis worth 31 million US dollars from a car in Kwun Tong and arrested three men, after receiving intelligence from Thailand's drug enforcement agencies (Lo, 2009, p. 312). In another case, the Hong Kong Court of Appeals revealed that the Independent Commission against Corruption (ICAC) had been working with American and Russian law-enforcement agencies to smash a money laundering scheme in 2000 (Lo, 2009, p. 312).

3. 7. Conclusion

Human smuggling and trafficking, illegal drugs and arms smuggling, the organ trade and blackmoney laundering are the main crime sectors operating in several countries. The illegal movement of goods, services and people are harmful for the economic and political stability of countries. Conventions like the UN Palermo Protocol, and the Council of Europe Convention on Action against Trafficking in Human beings both aim to prevent human trafficking and smuggling which is proof of the will to combat TOC activities. Poor economic conditions, unemployment and political instabilities in their home countries are motivating or forcing people to emigrate, thus stimulating human smuggling and trafficking.

Drug smuggling and addiction (between 155 and 250 million people affected) are a growing problem. Afghanistan, Taiwan, Vietnam are major sources of drug production, while the European countries and United States are important consumers. The Convention on Psychotropic Substances and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances are legal documents approved by many states, including Turkey, with the aim of disrupting the drug trade. Illegal material smuggling and its consequences have also been noticed by several states, leading to an increased willingness to take the necessary precautions, detention and control, as can be understood from the international agreements outlined in this chapter. Blackmoney laundering is the key way in which illegal profits are transferred into the legal economic system. These transfers can be handled in several ways. However, this has some harmful economic effects, forcing states to take legal measures against money laundering.

Chapter IV

TRANSNATIONAL ORGANIZED CRIME ACTIVITIES IN THE REGIONS OF EURASIA

4. 1. Introduction

In this chapter, I focus on the countries that are affected by TOC groups located in Eurasia in order to analyze how the EU in particular is affected by these activities. The countries discussed here are subject to TOC activities in many ways. For instance, some of them are hubs for TOC groups, while some others are only transit countries. There are also several countries that TOC groups use for both of these purposes. For the purposes of this chapter, I ignore countries in Africa and America since the EU is mostly affected by TOC activities in Eurasia. I will firstly scrutinize countries in continental Europe and later continue with countries in Asia.

4. 2. Continental Europe

Transnational organized crime groups carry out their activities in several countries of continental Europe. Europe is the destination country for illegal and illicit smuggling of goods and materials and human trafficking. In Austria, TOC groups based in Albania and the former Yugoslavian republics are involved in many illegal activities. These include pimping, drug trafficking and burglary. TOC groups from other Central and Eastern European states (CEECs), Russian crime gangs, the Italian Camorra and Cosa Nostra are also active in illegal business in Austria.

In Belgium, Most gangs operate internationally, though with their main connections with the Netherlands, Germany, Russia, Ukraine and Turkey. These groups also have contacts with Italian mafia organizations and Colombian drug cartels (Bruggeman, 1998, p.88). The Chinese triads, Colombian cartels, Turkish clans and some Russian gangs are active in the Italian peninsula. Italian gangs are involved in drugs, extortion, public corruption, trafficking in arms, illegal disposal of toxic waste and money laundering. Italian criminal groups have also gone global. Three major Italian mafia groups, La Cosa Nostra from Sicily, the Camorra from Naples and Ndrangheta from Calabria, earn nearly 110 billion US dollars per year (Bruggeman, 1998, p.90). These groups are active in drug trafficking through America and Western Europe, training of other ethnic based organized crime groups, money laundering, loan sharing,

counterfeiting, extortion, and infiltration of legitimate business and corruption of government officials (Guymon, 2000, p.59).

In Luxembourg, Italian, Chinese and ex-Yugoslavian gangs are thought to be active in this relatively small country, while in the Netherlands, around fifteen international gangs have been identified that are primarily responsible for introducing hard drugs into the country. Groups from France, the Netherlands, Romania, Italy, Switzerland, Turkey, Cape Verde, Venezuela, Colombia, Germany, Brazil, Morocco, the USA and Canada are all active, while the Colombians dominate the drug trade in Portugal. Organized crime groups in Spain have linkages with Colombia, Morocco, Portugal and Argentina. In Sweden, money laundering is carried out predominantly by Iranian gangs. Human trafficking is carried out by Russian, Iraqi, Iranian, Ethiopian and Somalian gangs (Bruggeman, 1998, p.90). In the United Kingdom, drug trafficking is the main activity. British gangs are involved in car theft, armed robbery and forgery. Turkish TOC groups are responsible for around 80% of heroin imports into the U.K (Bruggeman, 1998, p.91).

4. 3. The Balkans

The geographic position of the Balkan region is crucial as a pan-European corridor in all directions. This vital strategic position creates many opportunities for the expansion of transnational organized crime in the region (Velkova and Georgievski, 2004, p.281). With the fall of the Berlin wall, economic instability, corruption and the lack of stable institutions and functioning legislation encouraged the development of a very profitable trafficking sector in the region (Stateva and Kozhouharova, 2004, p.111). Free movement of goods, services and people encouraged the expansion of business beyond national borders. This was also triggered by the embargoes and sanctions applied against the Federal Republic of Yugoslavia (Velkova and Georgievski, 2004, p.281). Visa free movement, resulting from the annexing of regional countries to the EU, allowed criminal groups to run end-to-end supply chains, The huge market opportunities in Western Europe, and lower penalty applications in other countries have

also encouraged the expansion of the car theft business through other European (Gounev and Bezlov, 2008, p.424).

According to Paul W. Jones of the US State Department, the most dominant sectors in which TOC groups are active in the Balkans are trade, energy and organized crime (IASOC, 2001, p.114). Jones stated that

“What most holds the region back are organized crime and corruption, post-conflict issues and weak economies burned by the remnants of communist-style central planning and a top-down method of governing. Groups that traffic in persons, drugs, and weapons are well-entrenched in the region and quite powerful. Such groups pose a threat to these young democracies” (IASOC, 2001, p.114).

In the Balkans, it is easy to find linkages between states and organized crime groups. The legitimate state authorities aim to get support from armed militias or mafia organizations to keep their power, which empowers these illegal groups and makes them a threat to the state authority (Jamieson, 2001, p.377). Western officials estimate that 46% of Bosnia’s economy, for instance, is composed of black-market industry which has created a “wealthy criminal class” with political power that should not be underestimated (Jamieson, 2001, p.382). Organized crime groups in Kosovo and Albania, meanwhile, have effective control over Afghan heroin smuggling. It is estimated that groups in Kosovo transport nearly 50 kilograms of illicit drugs into the Italian market per day (Jamieson, 2001, p.383).

In Bulgaria, adverse economic conditions in the 1980s and 1990 made it extremely difficult for women to get manufacturing sector jobs. Women were left in an inferior condition of increasing poverty. Those are considered to be the two main reasons that pushed such women into the trafficking sector (Stateva and Kozhouharova, 2004, p.112). The most basic methods chosen by traffickers for acquiring women are kidnapping, abduction, tricking them regarding a false job opportunity, or being sold by family members (Stateva and Kozhouharova, 2004, p.112). Although these women’s rights are violated by trafficking to the highest degree, until 1999, most attempts to

struggle against this problem were carried out by non-governmental organizations, especially by women's groups aiming to highlight the sufferings of trafficking victims. For instance, the Anmus Associations Foundation (AAF) has spent lots of energy trying to attract government attention until then, even though AAF's research has proved that Bulgarian women were being sold in western European countries, such as France, Italy, Belgium, Holland and Germany. NGOs like AAF have pressured the Bulgarian government both to prevent human trafficking and support the rehabilitation of women rescued from the traffickers (Stateva and Kozhouharova, 2004, p.113).

Not until 1999-2003 did the Bulgarian parliament introduce effective legal sanctions to prevent human trafficking, in a process supported by both government and non-governmental institutions. In 2002, new legal amendments came into force, such as a law against trafficking in human beings and the criminalization of trafficking. The Law against the Illegal Trafficking in Persons came into force in May 2003 (Stateva and Kozhouharova, 2004, p.110). However, it is not only in Bulgaria that women suffer from the trafficking problem. According to the US State Department's research (2002), more than 175,000 women are trafficked from Balkan and former Eastern bloc countries, mostly coming from Albania, Kosovo, Russia, Lithuania, Romania, Bulgaria, China, and South-East and West Africa (Stateva and Kozhouharova, 2004, p.111).

Women are not the only group that are trafficked although the women trafficking sector is particularly profitable. Another trafficked group is vehicles. According to a 2006 research report from Europol, approximately one million vehicles were stolen, 450,000 were never recovered, with a total value of nearly 6.75 billion Euros (Gounev and Bezlov, 2008, p.411). In 1992, vehicle theft in Bulgaria increased 224% due to the effects of unstable political conditions and economic changes that caused a rapid acceleration in illegal business (Gounev and Bezlov, 2008, p.415).

4. 4. Eurasia

Leading organized crime problems in Asia are drug production and trafficking, the trafficking of women and children, human smuggling, the connections between

organized crime and politics and official corruption, and the penetration into the legitimate system by organized crime groups (Fickenauer and Ko-lin, 2006, p.28). The American authorities consider TOC activities in the region as a more serious problem than their Asian counterparts, believing the problem of drug trafficking, human smuggling, trafficking in women and children for the purpose of prostitution or forced labor, arms trafficking and money laundering to be very serious obstacles to the development process of Asian states (Fickenauer and Ko-lin, 2006, p.28).

Most smuggling activities start from Middle Eastern countries, with illicit materials then being transferred to western countries. During these trips, smugglers prefer to travel through comparatively more secure regions (Firat, 2006). Examining the geographical conditions of Eurasia, it is easy to notice that the northern side of this region (Turkmenistan, Russia, Ukraine, Belarus and Romania) is a very long route with quite harsh weather conditions. Further, because this route includes several countries, it means more borders to cross. Such geographical conditions are unattractive for smugglers. At the same time, the Iran-Iraq-Syria-Mediterranean route is currently perilous because of the ongoing chaos in the region. Therefore, amidst all these complications, routes through Turkey, are considered preferable as there are fewer borders to cross, and Turkey's land borders and Aegean coastline directly adjoin western territory (Firat, 2006). The most frequently used routes in smuggling into western European markets are (Keser and Özel, 2008, p.75)

- Land Route: Afghanistan or Iran-Turkey-Bulgaria-Italy, or Macedonia-Bosnia-Austria-Germany-Holland-Denmark;
- Sea Route: Lebanon or Syria-France, or Black Sea-Bulgaria-Romania-Poland

4. 4. 1. Turkey

As already mentioned, smugglers prefer to use Turkey as a transit country because they can travel a long way without any border pass, and because the Turkish mainland lies like a bridge between the illegal material producer countries in the East and the consumers in the West. At the same time, stolen vehicles are smuggled out of Europe to

other parts of the world, through container ports in Portugal, Spain or Italy (Bari, Ancona, and Brindisi) into Greece. The only land border crossing takes place at the Bulgarian-Greek border, has not had customs control since the beginning of 2007. From Greece vehicles can either be imported into Bulgaria or be transited to other Balkan countries (Macedonia and Albania) (Gounev and Bezlov, 2008, p.427). 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 (Gounev and Bezlov, 2008, p.427). These vehicles are transferred first to Turkey and then onward to the Middle East. The other major destinations are countries of the former Soviet Union (Gounev and Bezlov, 2008, p.427).

The research indicates certain of Turkey's borders are particularly important for the import of illicit materials (Keser and Özel, 2008, p.77). Those entry points for illegal smuggling are listed below:

- Armenia/Georgia border: Iğdır, Kars-Digor-Tuzluca, Ardahan- Posof, Artvin-Sarp
- Iranian border: Little Ararat Mountain/Doğu Beyazıt, Van/Özalp/Başkale, Hakkari/ Yüksekova
- Iraqi border: Hakkari/Şemdinli-Çukurca, Şırnak/Uludere
- Syrian border: Şanlıurfa/Şuruç-Mert village, Akçakale village, Hatay/Yayladağı-Güverççi village, Altınözü-Turfanda-Avut tepe villages, Hatay/Kar beyaz village, Reyhanlı, Saman Mount, Adana-Karataş region, Gaziantep/İslahiye-Karababa region

Research suggests that the mostly used exodus points are as follows (Keser and Özel, 2008, p.77):

- Antalya-Kaş-Meis
- Muğla/Datça-Simi island
- Bodrum/Kos island

- Aydın-Didim-Kuşadası coast/Sisam island
- Edirne-Pazarkule-Karaağaç
- Trakya-Meriç-Sufli
- Trakya/Kumdere/Paşaköy-Karpuzlu-İpsala-Enez region
- İstanbul Atatürk Airport

4. 4. 2. Russia

According to the Russian Security Services' investigations, in 1999, organized crime groups in the country controlled 70,000 members of the army, fifty percent of the economy, one-third of banks, and 1,500 state-owned companies. There were nearly 110 TOC groups in the country with connections to 40 other countries (Jamieson, 2001, p.381). Although these figures are considered to be very high, it is claimed that in the former USSR organized criminal groups, rent-seeking oligarchs, were much more active and robust (Lupsha, 1996, p.24). Thus, previously, corruption in state services was much more extended when compared to present day Russia (Lupsha, 1996, p.24). The system of bureaucratic patronage in the former Soviet Union, also engaged in transnational crime and criminal activities (Shelly, 1999).

Russian TOCs are not necessarily organized around family ties, ethnicity or centralized command. They do not have an overall control figure or body, although the Russian mafia has its godfathers (*vory v zakone*) who act as leaders (Guymon, 2000, p.57). These mafia groups engage in extortion, theft, forgery, armed assault, contract killing, swindling, drug-running, arms smuggling, prostitution, gambling, loan sharking, embezzling, money laundering and black marketing on an international scale. The Russian mafia trafficks in anything and everything: drugs, metals, weapons, nuclear materials, even body parts. TOC groups also involves in financial fraud and money laundering both national and international level (Guymon, 2000, p.58).

The development of international operations by the Russian Mafia was facilitated by the presence of Red Army troops and large immigrant communities abroad (Guymon, 2000,

p.59). Azerbaijan, Georgia, Moldova and Ukraine still have economic and political problems derived from being former USSR satellites. They fail to respect to the rule of law, have weak civil societies and unstable economies captured by criminal organizations. The mafia groups are able to intervene in both economic and political life, and are corrupting bureaucrats (Shelly, 1999).

4. 5. Asia

In the PRC, crime groups, criminal organizations, criminal syndicates bearing triad characteristics, and foreign-based triad gangs are found. In Taiwan, there are organized gangs, Jiaotou (large, well organized, territorial crime groups), Juho (small, loosely-knit, territorial crime groups). In Hong Kong, there are triad societies and organized crime groups formed by PRC Chinese. In Macau, there are triad societies transplanted from Hong Kong and organized crime groups formed in the PRC. Japan has the Yakuza, organized crime groups formed in the PRC, and organized crime groups formed by Koreans. In the Philippines, there are Filipino crime syndicates and Chinese drug trafficking groups. Thailand has the Jao pho, the United Wa State Army and various other organized crime groups formed by foreigners. Finally, Chinese organized crime groups are working in Cambodia (Fickenauer and Ko-lin, 2006, p.32). They penetrate into legitimate sectors, become involved in politics, and receive protection from local authorities, which means that official corruption is a widespread phenomenon (Fickenauer and Ko-lin, 2006, p.23). Chinese men and women are trafficked abroad every year, so that the arrival of large numbers of undocumented Chinese laborers and sex workers is a major concern (Fickenauer and Ko-lin, 2006, p.23).

The value to Triad gangs of people smuggling has been estimated 3.2 billion US dollars per year, arms trafficking at 3 billion US dollars per year, trafficking in stolen cars, boats and electronics at 4 billion US dollars per year, drug production and trading at 200 billion US dollars per year (Guymon, 2000, p.60; Fickenauer and Ko-lin, 2006, p.22). In 2004, the Commissioner of Customs and Excise proposed at the 10th World Customs Organization Asia Pacific Heads of Customs Administration Conference that improved

intelligence exchanges and combined operations should be strengthened against cigarette smuggling. This proposal was accepted by Australia, the PRC, Fiji, Malaysia, New Zealand, the Philippines, Singapore and Vietnam (Lo, 2009, p.315). In 2004, an anti-cigarette smuggling operations conference was held in order to consolidate the international network against cigarette smuggling (Lo, 2009, p.315).

In Taiwan, organized crime has penetrated into the legitimate business and political arena. Taiwanese authorities have been connected with traditional organized crime activities such as gambling, prostitution, loan sharing, debt-collecting, extortion, kidnapping for ransom and gang violence (Fickenauer and Ko-lin, 2006, p.23). In particular, transnational production and distribution of pirated CDs and DVDs are an important activity for the three major criminal gangs surveyed in Taiwan (Fickenauer and Ko-lin, 2006, p.23), although they are also involved in heroin and sex work. Taiwanese law enforcement authorities (Fickenauer and Ko-lin, 2006, p.24), complain that they are frustrated in dealing with the human smuggling issue because the PRC authorities are not cooperative and judges in Taiwan are reluctant to apply the country's anti-organized crime laws to the human trafficking networks.

Vehicle crime and smuggling, human smuggling, cross-border organized crime involving China and Macau, money laundering, drug trafficking, debt-collection, triad monopolies, bus routes, fish markets, street markets, wholesale markets, entertainment centers, parking services, fake VCD sales, prostitution, illegal gambling and extortion are the major areas where Hong Kong based TOC groups are active (Fickenauer and Ko-lin,2006,p.24). The Hong Kong Monetary Authority is working closely with international organizations and foreign governments in their fight against terrorist financing. The Hong Kong financial authorities, for example, have cooperated with Japan and Switzerland to combat transnational money laundering (Lo, 2009, p. 315).

In Japan, rather than local people, the smugglers come from different countries, mostly from China, Shanghai, Fiji and other Northeastern countries (Fickenauer and Ko-lin, 2006, p.25). Japanese TOC groups operate their illegal business in gambling, prostitution, amphetamine trafficking, and extortion from legitimate businesses

(Fickenauer and Ko-lin, 2006, p.25). The Japanese Yakuza operates in the real estate sector and manages casinos and brothels alongside loan sharking, blackmailing and illegal arms trading activities. The Yakuza is known to be operating in Costa Rica, Sao Paulo, Honolulu, Los Angeles, San Jose, San Francisco and other spots in the Pacific region. Methamphetamine is one of the Yakuza's chief exports from Asia, while guns are one of its main imports (Guymon, 2000, p.61).

The Filipino officers are most concerned with high profile crimes, such as drug trafficking, kidnapping for ransom, hijacking, bank robbery, prostitution, illegal gambling, firearms smuggling and amphetamine trafficking (Fickenauer and Ko-lin, 2006, p.26). Two leading crime problems in Cambodia are drug production and trafficking and human trafficking. Drugs that produced in neighboring countries are trafficked into Cambodia (Fickenauer and Ko-lin, 2006, p.27).

The most well-known organized crime groups in Thailand are Jao Pho (godfather) and the United Wa State Army (Fickenauer and Ko-lin, 2006, p.27). Jao Pho is believed to be responsible for the manufacturing and trafficking of millions of methamphetamine tablets within Thailand for local consumption. Thailand also has a well-established sex industry, and it is a source, transit and destination country for trafficking of women (Fickenauer and Ko-lin, 2006, p.27).

4. 6. Conclusion

TOC activities and groups have been increasing and spreading worldwide. Through looking at different criminal activities, this chapter has shown that different ethnic groups are emerging out of their original countries and becoming involving in illegal business sectors internationally. For instance, Chinese, Colombian, and Turkish crime groups are working in Italy; Italian groups are involved in Luxembourg; and Iranian groups are leading the black money sector in Sweden. Illegal groups from the Balkans, Middle East and Asia are smuggling drugs and arms, and carrying out human trafficking. Crime groups from other countries are also collaborating with local groups so that they can distribute their illicit goods more easily, like Spanish TOC groups establishing co-operation with Colombian or Moroccan groups. The motivations of the smuggling sector in these regions are directly related to the collapse of the Soviet bloc regimes causing economic instability and corruption, which created a fertile environment for the growth of illegal activities. The subsequent free movement of goods, services and people in the EU is another factor which has accelerated the spread of TOC activities and groups.

Chapter V

TRANSNATIONAL ORGANIZED CRIME IN RESPECT TO TURKEY - EUROPEAN UNION RELATIONS

5. 1. Introduction

This chapter explores the effects of TOC activities on Turkey and its relations with the European Union in order to understand how these two powers struggle against such illegal activities. The chapter firstly gives information about the smuggling sectors in the EU, then about the legislative changes and improvements. The next section analyzes the political effects of organized crime on Turkey and EU relations, focusing on the Organized Crime Threat Assessment Report, The Progress Reports of Turkey, and reports by the Department of Anti-Smuggling and Organized Crime. of the information from these reports helps to understand the current situation of various organized crime groups, both in Turkey and in the EU.

5. 2. The Treatment of Transnational Organized Crime in the EU

The EU's definition of TOC groups highlights two points: their illegality as organizations, and their illegal activities. The activities of groups illegal have been on the agenda of in Europe since the 1970s, and their activities and governmental level counteractions have strengthened, especially since 1990s (Paoli and Fijnaut, 2006, p. 308). TOC groups are primarily involved in the illegal smuggling business. Illegal migration is widespread, both in the European continent and from other underdeveloped countries into Europe. The most popular route for immigration is from Eastern and South-Eastern to Western Europe. However, the common routes like Ukraine–Slovakia–Czech Republic–Ukraine–Slovakia–Austria, and the Balkan Route (Turkey–South and Eastern Europe–Western Europe) are no longer the only main migration routes as it was a couple of decades before (Jandl, 2007, p.299). The classical routes are changing and illegal immigrants' preferred destination countries have diversified (Jandl, 2007, p. 300). In 2003–2004, for instance, Moldova, Pakistan, Russia, Ukraine and Iraq were the most popular source countries (Jandl, 2007, p.300). 2004 was also the year in which the number of captured illegal immigrants declined compared with PRC, Turkey and India. Unlike African immigrants, numbers apprehended at borders increased from 1,905 to 2,825 in 2004 (Jandl, 2007, p. 301). In the 1990s, 20–25% of illegal border

crossings involved human smugglers but this proportion rose to 70% in 2003 (Futo and Jandl, 2004, p.78). The number of arrested human smugglers in the Central and Eastern European countries was 3,737 in 2003, but 4,307 in 2004 (Jandl, 2007, p.303). This increase does not only apply to illegal immigrants or smuggled people. The number of people who deal with the smuggling business in regular jobs are also accelerating. The primary reason for this is that the human smugglers' help is a vital facilitating factor in border-crossings (Jandl, 2007, p.304). Their experience in this business and their information about the surrounding area are necessary to cross borders successfully. The second reason is the diversification of developments in border controlling techniques. Thirdly, the capacity of smugglers to help illegal immigrants is quite limited, but demand is very high, so this situation has created a demand for more smugglers (Jandl, 2007, p.304).

The most common methods for border crossing used by human smugglers are carrying immigrants in containers or using fake documents (Jandl, 2007, p.305). In the Czech Republic, Hungary, Austria, Poland and Slovakia, since their accession to the EU, the level of irregular immigration has declined, or else the number of apprehended people has increased (Jandl, 2007, p.306). Immigrants aiming at border-crossings or their human smugglers most frequently change the passports to those of other legal citizens (Jandl, 2007, p. 306). Other documents like identity cards, residence permits, border stamps, visas, registration certificates, driving licenses, green insurance cards, false diplomatic documents, and forged refugee travel documents can be supplied for illegal border-crossers (Jandl, 2007, p.307). In the Czech Republic in 2004, the number of detected illegal border-crossings made using illegal documentation was 712. In Hungary, between 2,000 and 2,500 illegal documentation acts were exposed. The number of document fraud also increased in Austria, Slovenia, Romania and Ukraine by approximately 22 %. In Slovakia, the number of recorded document abuses was 680 in 2004 (Jandl, 2007, p.307).

EU members have changed to travel with a "one-stop system," but this initiative has also been exploited by human smugglers because it involves a decline in control policies and has allowed an acceleration of human smuggling both at external and

internal border crossings (Jandl, 2007, p.311). In 2000, the number of irregular immigrants through EU member borders was estimated to be around 400,000–600,000 (Jandl, 2007, p.310), while the number of border arrests in Armenia, Azerbaijan, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, Serbia-Montenegro, Slovakia, Slovenia, Turkey, Ukraine and Kosovo in 2000 was nearly 270,000, in 2001. In 2002 it fell to 238,000, and 189,000 in 2003 it was 157,000 and in 2004 it was 145,000 (Jandl, 2007, p.295). This indicates a downward trend in the number of arrests in many EU or neighboring countries. Turkey's border arrest numbers, however, have not been decreasing as fast as other central and east European countries, especially the ones who became EU members in 2004 (Jandl, 2007, p.296).

New border control standards, improvements in the political, economic and security situations of immigrant source countries, changes in migration and visa policies have forced smugglers to create new methods in border crossings. These new arrangements and the developing abilities of smugglers decrease the chance of getting arrested at a border crossing (Jandl, 2007, pp.289-299). For example, illegal immigrants coming from central and eastern Middle East are first transferred to Mediterranean and Aegean regions, then in small boats to Greece. They may also transfer to Italy in big ships, which allows their transit onto other EU countries (Keser and Özel, 2008, p.77).

5. 3. International Collaboration between the EU and Turkey in the Struggle to Fight Transnational Organized Crime

Turkey has been seen as a country where criminal groups, legal system defenders and politicians have close relations and cooperation. In particular, the 1996 Susurluk accident has become a symbol of this, and presented as proof of the so-called 'Police-Mafia-State Triangle' . This structure works in cooperation with the mafia, political groups, parliamentary members and police officers. After the Susurluk accident and public revelations of these corrupt relations, Prime Minister Mesut Yılmaz declared that the state had been taken over by organized crime (Jamieson, 2001, p.382). According to the constructivist theory; the more democratization in one country means the more

peaceful and co-operative foreign policy behavior. Highly democratized countries have tendency to prefer peaceful methods of conflict resolution, are committed to public opinion, establishment of check and balance system (Oğuzlu, 2004, p.96).

“A more democratizing state would take the utmost care to develop co-operative relationships with other democracies wherever they are located ...a more democratic Turkey would in turn adopt a more compromising style, a more multidimensional process and more EU-oriented outcomes” (Oğuzlu, 2004, p.96).

EU integration processes and amendments have brought positive sanctions to central and eastern European countries combating corruption. As a result, it has been possible to observe a reduction in corruption in these new member states (Velkova and Georgievski, 2004, p.282). In this context, Turkey’s negotiation process with the EU is expected to play an instrumental role in speeding up the democratization of the institutions and legal framework of the country.

The issue of illegal immigration directly affects relations between Turkey and the EU. The number of estimated immigrants is approximately 2.7 million people. One of the EU’s reservations about Turkey is the unstable economic and political conditions of Turkey’s neighbors, especially Middle – East countries. Since EU membership became a priority for Turkey, its authorities have been trying to solve TOC problems such as trafficking and smuggling to fulfill the EU membership criteria (Kaya, pp.14-15). Since 2005, Turkey has focused on illegal migration, trafficking and smuggling problems to find solutions at a government level. Turkey is in a region where human trafficking and smuggling groups are very active. The country is trying to avoid the image being a source country of illegal activities by accelerating legal amendments in the context of EU integration. The EU expects the candidate states to make necessary arrangements, increase border controls, implement the Schengen Arrangement and complete other preparations to prevent illegal migration, smuggling and trafficking of persons. The EU accession process helps Turkey to prevent illegal trafficking and smuggling and increase Turkey’s prestige internationally (Kaya, p.16-17). However, adequate financial support to prevent illegal migration cannot be obtained at the moment because full

membership status has not been gained (İçduygu, 2003, p.67). The reason for illegal migration in the Middle East is mainly the economic and political environment. It is estimated that Turkey's EU membership and the resulting internal economic and political stability will have a positive effect on its neighbors (Kaya, p.19).

Combatting organized crime, human trafficking and smuggling are the EU's priority, hence it is attempting to increase border controls which are currently insufficient (Kaya, p.20). Illegal immigrants tend to contact smugglers in other countries, which turns this activity into a transnational organized criminal enterprise (Kaya, p.19). Thus, If Turkey can block illegal migration in the Middle-East, or at least take some preventative actions, this will help the EU to enhance control over their territory. This will enable Turkey to obtain more support from the EU as a reward of its success in combating TOC (Kaya, p.20).

The general situation regarding TOC activities has forced both the EU and Turkey to activate legal instruments to prevent such activity. The key 2005 Convention started from early 1990s, although the first political statement was at the 1997 Strasbourg Summit. The first plan against organized crime, the 'Action Plan to Combat Organized Crime,' came into force, emphasizing that organized crime was becoming a threat to society (Paoli and Fijnaut, 2006, p. 312). In 1997, the DAPHNE program and the Joint Action Plan calling on EU members and The Hague Ministerial Declaration on European Guidelines, were signed to combat trafficking in women.

The next step was the signing of The Treaty of Amsterdam in 1999 under Title VI. Also in October 1999, the Commission developed an EU-wide strategy to prevent and fight trafficking, and the same year the STOP Program was launched by NGOs. After those initial steps, other important developments took place. In December 2000, the European Commission produced a proposal for a Council Framework Decision on combating trafficking in human beings (Goodey, 2004, p.30). EU member states recognized that short-term residence permits, housing, welfare payments, education, employment, health care, specialist victim support and counseling services, restitution and state

compensation, protection of witness privacy and witness protection packages were all basic necessities for victims of trafficking (Goodey, 2004, p.31).

In 2000, EU members signed the legal instrument against Trafficking for Sexual Exploitation, and the legal instrument for Protection for Children against Sexual Exploitation in 2001. After those treaties, EU members recognized the necessity for legal protection of trafficked persons, especially women and the 2005 Convention was signed (Gallagher, 2006, pp.172-173). The aim of this convention is complete the missing parts of the UN Protocol, as is mentioned in the Convention: “intended to enhance the protection afforded by the Protocol and develop the standards contained therein.”

The goal of the 2005 Convention is to protect the human rights of victims, to ensure effective investigation and prosecution of traffickers, and to promote international cooperation. the convention is much more liberal than the previous UN protocol in terms of protecting the rights of trafficked persons (Gallagher, 2006, p.176). the EU convention offers physical, social and psychological assistance, accommodation, medical treatment, translation and interpretation services, and information assistance for victims of trafficking (Gallagher, 2006, p.177). The convention represents the rights of victims as no any other amendments have done before. As a result, convention states have started to consider trafficking as a human rights violation, which is still a developing idea. It also defends the basic rights of victim of trafficking before deportation (Gallagher, 2006, p.187).

Annual reports, such as the Prevention and Control of Organized Crime: A European Union Strategy for the Beginning of the New Millennium, include recommendations for further pan-European work based on data analysis (Messko, Dodovsek and Kesetovic, 2009, p.59). In this direction, EU members have implemented the EURODAC Fingerprint Database system to recognize asylum seekers to prevent further illegal border crossings after receiving asylum from one EU member state (Jandl, 2007, p.308). Bosnia-Herzegovina’s use of visas for Iranian citizens and a more tightly controlled policy for Turkish citizens have caused changes in classical migration routes. Serbia’s

more controlled visa policy for Chinese immigrants has also caused Chinese immigrants to seek alternative methods to enter the EU. Meanwhile, the easing of travel restrictions between Southern and Northern Cyprus has motivated illegal cross-borders (Jandl, 2007, p.309).

The EU is also trying to find solutions to illegal trafficking at an international level. Its 1997 Action Plan to Combat Organized Crime and the 1999 European Council Tampere Summit are the outcomes of proposals to combat illegal group activities (Paoli and Fijnaut, 2006, p.324). Another step in preventing organized crime was the Pre-Accession Pact on Organized Crime, signed by new member states in 2004 (Paoli and Fijnaut, 2006, p. 324). The Europol Convention was adopted by the Council Act started to operate until 1998. Europol is charged with combating trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings and motor vehicle crimes (Guymon, 2000, p.74). The Organized Crime Outlook (OCO) project is a part of joint EU and Europol action plan to combat and prevent organized crime. Three countries participated in the pilot phase of the project: Belgium, Sweden and Slovenia. The goal of the OCO project is to develop a methodology that will determine what social trends encourage organized crime (Messko, Dodovsek and Kesetovic, 2009, p.61).

The EU-BOMBCA agreement covers arrangements to enhance border controls and infrastructure, and airport controls. Training courses for employees are a part of this program (Caccarelli, 2007, p.29). Another effort is the creation of Drug Control Agencies (DCA) by UNODC in Tajikistan and Kyrgyzstan, helping these countries in fighting against transnational crime groups (Caccarelli, 2007, p.29). Whilst these countries lie far from Europe, according to Caccarelli, if the EU wants to protect and maintain its security and safety, then intervention in the ongoing chaotic situation and illegal activities in such regions is essential for the EU. Accordingly, the rule of law should be enhanced in Central Asia to prevent illegal activities that affect Europe (Caccarelli, 2007, p.35).

At the same time, new EU member states are trying to harmonize their combat strategies towards TOC with EU approaches. To this end, for instance, the Czech Republic has adopted a common transit regime, a new computerized transit system (Open Society Institute, 2002, p.181), and laws about employment conditions for police and customs as improvements to prevent corruption (Velkova and Georgievski, 2004, p.286). In December 1998, the Inspectorate approved the Integrity Action Plan, which minimizes customs regulations, introduces transparency, automation of customs procedures, improves personnel policy, management responsibility, control mechanisms, morality and organizational culture, and recruitment procedures to minimize the likelihood of recruiting corruptible staff, as well as a code of ethical behavior, expert training, and increased pay and communication (Open Society Institute, 2002, pp.181-182).

In other examples, Estonia has established an Internal Control Department to monitor the implementation of its Anti-Corruption Act and Investigation Division. The state started to apply the four-eye control system. Hungary set up its Central Investigation Office in 2000, working as a customs and financial watchdog (Velkova and Georgievski, 2004, p.287), while in 2000 Lithuania implemented some amendments like the provision of special equipment for customs offices and terminals, more effective control of customs offices' work, the establishment of an Intelligence and Analysis Unit, approval of a Code of Ethics of Customs Officers and signing a cooperation agreement with the ISI to fight customs crime.

Turning finally to Bulgaria, in 1998, 86% of foreign cigarettes imported into Bulgaria were imported illegally, reaching 90% in 2001 (Centre for the Study of Democracy, 2000, p.43). as a result, in the 2000s, the government introduced some reforms in its customs system, appointed a Director of Customs Administration and established an Internal Control Department within the Customs Agency. The Customs Agency in Sofia opened a 24-hour hotline to facilitate reports on corruption to satisfy the demands of the EU (Velkova and Georgievski, 2004, p.289). As a result, the Bulgarian Customs Department fired 102 officers because of proven breaches of customs legislation (Velkova and Georgievski, 2004, p.287).

5. 4. An Analysis of OCTA Reports

Organized Crime Threat Assessment reports are the core product of the intelligence effort led by Europol. OCTA seeks to build up a threat assessment of present and anticipated new trends in organized crime in the EU area. OCTA reports are based upon accessible information and the expertise of its reporters to enable policy makers to take the proper actions to counter predictable threats. OCTA is claimed to have a forward looking approach to fighting organized crime in a proactive manner. As a result, OCTA is expected to allow the EU to build up necessary measures to counter organized crime via linking high level officials and policy makers with practitioners and law enforcement agencies that actively combat organized crime in the field (OCTA, 2006, p.3). In this section, I will explore Europol's OCTA reports from 2006 to 2009.

5. 4. 1. OCTA Report 2006

OCTA report 2006 was the first such report published by Europol. This report starts with an analysis of the features of organized crime groups in the EU. According to the report, these organized crime groups have international connections, are organized in a hierarchical group structure, integrated into legitimate business, professionalized, and use violence to achieve their goals. The report stated that organized crime activities in the EU were increasing.

The 2006 report points out that drug smuggling, human trafficking, illegal migration, fraud, Euro currency and goods counterfeiting, intellectual property theft, money laundering were the most witnessed organized crime sectors in the EU at that time. Organized crime groups found that running their illegal business was relatively easy since they were able to falsify documents, move and communicate easily with the help of technological improvements. Globalization and invisible borders, and exploitation of financial means also supported organized crime.

Looking beyond Europe, the report found that in the former Soviet Union, Middle East and African countries, stolen car smuggling was widespread. Money laundering activities, currency counterfeiting were also seen as common illegal activities.

The 2006 report also looked at OC activities in specific EU states and regions. In Finland, the crime culture demonstrated similarities with the crime structure in Estonia. In Sweden, it was possible to identify the influence of ex-Yugoslavian and ethnic Albanian OC groups. In Poland, the Czech Republic, the Slovak Republic, Slovenia and Hungary, homogenously structured OC groups mostly used violence. Spain was affected by South American originated OC because of its cultural and economic links with the region. Italy and Greece were affected by the Balkan region's crime culture. Germany's crime system was shaped by groups from Turkey, Italy, Serbia and Montenegro. These differences among EU nation states demonstrated that every nation was affected by OC at different scales, but that none of them could isolate themselves from its proximate regions and the *modus operandi* of these regional OC groups. The report asserts that Turkish organized crime groups were the leading source of heroin in the EU, but collaborating with other groups on the so-called Balkan Route. At a regional scale, whilst Southwest Europe mostly struggled with illegal migration and drug trafficking, South-East Europe faced heroin smuggling and human trafficking activities. North-East Europe, on the other hand, faced smuggling of highly taxed products. The OCTA report also indicates that OC groups in the EU have heterogeneous structures, loose networks integrated into the legitimate sectors, and that they aimed to influence governmental bodies through using violence.

The conclusion of the 2006 report was that external factors can give power to the organized crime groups and support their activities. the report recognized that OC activities pose a threat to democracy, and to the economic and political stability of EU societies. Finally, it was clear that criminal activities had distinctive characters in different areas of the EU.

5. 4. 2. OCTA Report 2007

As in the previous report, OCTA Report 2007 first examined the features of OC groups. According to the report, OC groups were being empowered by their internationalization, their members' nationalities are diversifying, and their influence on legitimate business structure was also growing. OC groups were not acting by themselves but were trying to cooperate with other OC groups inside or outside their countries to be more effective, to diversify their operating sectors, and ultimately to achieve their goals. OC groups tended to amalgamate into legitimate business to facilitate their illegal activities. OC groups were finding new locations to launder profits earned through from illegal sectors, in particular through restaurants, bars, supermarkets, other shops and construction firms. Achieving their aims depends on the ability of people they work with. Hence, they mostly prefer experts or professionals, both to hide their activities and launder their money.

Organized crime groups are described in the 2007 OCTA report according to their features. The first character is to have an international dimension. The report highlights the change in the international dimension of OC groups, in particular an increase in the number of non-indigenous or foreign people in OC groups. The second character of OC groups is their structures. Groups were no longer acting alone, but rather preferred to join forces with the aim of enhancing efficiency and increasing the probability of success. The third feature is the need for specialization. As also stated in OCTA 2006 Report, OC groups had to work with expert teams in the money laundering business to realize their criminal activities. The report lists the fourth characteristic as using political influence and power to corrupt policy makers. Top level administrations, politicians and businessmen were groups that OC groups hoped to establish close relations with. The fifth feature was using violence. The 2007 Report claimed that continuous violence was an essential defining characteristic of OC groups. Physical and physiological violence was used within OC groups, and against other OC groups and members of the non-criminal community. OC groups' sixth feature was taking counter-measures to hide their communication methods, and the identities of their members.

They used fake identities, frequently changing their phone numbers or addresses. Fake information was also used for trafficking humans or illegal immigrants, misusing credit cards or getting loans from banks.

According to OCTA 2007, there are different kinds of OC group typologies in the EU. The first is *EU-based groups* with members and leaders from EU countries. They use specialists to conduct criminal activities, and corruption as a means to implement their illegal activities. *The non-EU based groups* are the ones whose members and leaders are non-EU citizens. The group itself can also exist outside the EU. Like the EU-based organized crime groups, these may integrate themselves into legitimate business sectors, and use high level corruption and violence. The last type is the *intermediary situations* with two different parts. The first is called the “second generation group,” whose members are disconnected from the countries where they carry out their illegal business. The second part is labeled “EU-based groups” with a strong international aspect, acting in the international area without ignoring their relations within the EU.

The 2007 Report states that organized crime groups and their illegal activities have negative consequences. For example, technological developments causes disparity of borders and enhance cross-border internet crime and internet theft. Technological dependence is a factor which that allows the organized crime groups to expand their exploitation of the system. The open border policy of the EU also creates the chance for trouble-free mobilization, and illegal commodities can easily be transported between member states. Organized crime groups were also exploiting the financial sector by money laundering operations. at this time, organized crime groups mostly smuggled stolen vehicles, chemical precursors, humans and imitation products. The report found that the increase in trade volumes, mobility of people, improvements in technology, the internet network, electronic banking systems and sophisticated communications methods were all factors obstructing the control of such criminal activities.

In terms of regional activities, South-East Europe did not have a stable political environment, making it vulnerable to illegal activities. Specifically, it was a key region where through which cocaine, cannabis products and illegal immigrants were

transported into Europe. The North–East region was the destination for Afghan heroin, cannabis and hashish from Morocco and cocaine from South America. The North–Western, or Atlantic region, because of its seaports and airports, provided entrances and exits for illegal substances to and from the EU. The 2007 report particularly focused on drugs brought into the EU. The Union faced the problem of cocaine arriving from West Africa, heroin from SouthwestAsia, cannabis from West Africa, counterfeit goods from China, and trafficked and smuggled people from Eastern Europe, Asia and Africa. All these problems caused the establishment of a criminal hub in Europe.

5. 4. 3. OCTA Report 2008

As before, OCTA 2008 starts with the features and the varieties of OC groups, stating that there has been no change since the previous report. Drug trafficking, illegal immigration and trafficking of human being, fraud and counterfeiting are stated as the main activities of OC groups. According to the report, in the EU area, the illicit drug sector is controlled by Colombian OC groups, who cooperate with Moroccan drug smuggling groups for cannabis smuggling. Heroin arrives from Afghanistan, in smuggling dominated by Turkish organized crime groups via Balkan routes. Meanwhile, Bulgarian and Romanian OC groups control the EU market in synthetic drugs. These were also the leading groups in the human smuggling business at this time, although Albanian groups were trying to control the illegal immigration market to increase their own profits.

The 2008 Report indicates that thousands of Africans were trying to enter the EU illegally. African OC groups were also involved in smuggling people from East, South and Southwest Asia. Chinese organized crime groups organized illegal immigration from the PRC to EU. The Black Sea region, especially Odessa, Istanbul, Constanta and Varna were the favored ports for illegal international transportation. Fraud is another focus of OCTA report 2008, covering intellectual property rights issues and tobacco, liquor and gasoline smuggling. The report saw fraud as a threat to economic stability. When OC groups enter the fraud sector, they enable themselves to transfer their illegal activities into legal sectors such as construction and transport. Counterfeiting is another

related illegal activity, and also harmful for the economy according to the 2008 Report. More specifically, currency counterfeiting, led by Italian, Lithuanian, Bulgarian and Polish OC groups, was particularly affecting intellectual property rights, health and safety, economy, science and technology. Forging document, especially for human smuggling and trafficking, was another prominent type of counterfeiting. OC groups aimed to work just like legitimate firms; instead of stealing goods, they sought to offer what is forbidden to the people. The report stated that factors increasing the effectiveness of OC activities were the expansion of international smuggling routes, cooperation with other organized crime groups, easier border crossing, gaining control over black markets and illegal labor, and developments in technology.

In 2008, the North-West region (Atlantic region) was found to be important for the import and export of smuggled commodities. The Netherlands was Europe's center of heroin and cocaine and Belgium the center for ecstasy. In this region, Turkish OC groups were developing significant powerful connections. Colombian groups were also involved in the drug business, whilst Moroccan groups were active in hashish. The Chinese organized crime groups were also appearing in the region. The UK and Ireland were preferred destination states for illegal immigrants.

The North-East Region (Baltic Sea Region) of the EU was affected by Russian, Belarusian and Ukrainian OC activities. Differences in national legislation and law enforcement were helping OC actions, of which illegal immigration, drug smuggling and property crimes were the most commonly encountered activities. Estonian OC groups were cooperating with Lithuanian groups in drug smuggling in order to sell in the Finnish market. Meanwhile, Lithuanian groups had established contacts with Russian OC smuggling groups, while Polish and Latvian organized crime groups ensured the security of illegal cross-border shipments. The 2008 report stated that the South – East region had only recently caught up with EU criminal trends because the effects of the Soviet Bloc had lasted so long. The Soviet era's stricter social and economic circumstances encouraged OC in the region, maintaining the existence of such OC groups in modern Europe. Drugs and stolen vehicles were the most smuggled materials. Ethnic Albanian organized crime groups were prominent in the South-East

region, with drug smuggling being the leading sector. Romanian and Bulgarian OC groups mostly dealt with drug smuggling, trafficking of humans, counterfeiting, and credit card fraud. Bulgarian group members were mostly Turks and Roma. Turkish OC groups were mostly involve in heroin smuggling, leading to a strengthening of these groups. The enlargement of the EU, the effectiveness of the Balkan route, and privatization processes were the key factors stimulating organized criminal activities, states the 2008 Report. The South – West region was experiencing problems such as cocaine and heroin trafficking and trading, kidnapping, and domestic burglaries. Portugal’s OC group members mostly came from Africa and South America. The Iberian Peninsula was important in transferring cocaine from Latin American countries, and the Iberian Peninsula was fostering the EU’s cocaine market. Meanwhile, Moroccan groups were enhancing their position in the cannabis market. Spain was receiving illegal immigrants from Latin America, Ecuador and Colombia, with the key departure points from North Africa being Morocco, the Western Sahara, Mauritania and Algeria.

5. 4. 4. OCTA Report 2009

The latest report, OCTA Report 2009, inquired into the criminal hubs, finding that they had not changed in the previous couple of years. The North–West criminal hub was the core for heroin, cocaine, synthetic drugs and cannabis products. The South–West criminal hub was noted for cocaine, cannabis, trafficking of humans and illegal immigration activities. The North–East criminal hub was a smuggling area for illegal immigrants, tobacco, counterfeit goods and synthetic drugs. The Southern criminal hub was claimed to be the “trade center” for cocaine, cannabis products, illegal immigrant, and counterfeit cigarettes and Euros. The South–East criminal hub was involved in synthetic drugs smuggling, counterfeit Euros and credit card fraud. The report noted that the regional group structures described in previous years were still the same. However, the 2009 report noted that the West African region was becoming influential in OC activities. Morocco was acting as a transit area for cocaine trafficking, transferring illicit goods into the Iberian Peninsula, while the Gulf of Guinea was the center for cocaine transfer. According to the 2009 report, drug trafficking in the EU revolved around four main products: heroin, cocaine, cannabis and synthetic drugs. As before,

the key source for heroin was Afghanistan; the source for cocaine was South America; the source for cannabis was Morocco; and the source for synthetic drugs was Eastern Europe.

Human smuggling and trafficking continued to be important illegal activities in the EU according to the report. Romanian, Bulgarian and Nigerian OC groups mainly coordinated this illegal transportation. Albanian OC groups were also involved in human trafficking, including sex workers, forced laborers and child workers. Illegal immigrants mainly came from Asia, Africa, Eastern Europe, Latin America and Middle East, according to the report.

Fraud and counterfeiting retained their importance, with technological developments, including the spread of the internet, facilitating the counterfeiting business. The report reports that 500,000 counterfeit Euro notes were confiscated, with 400 people being charged because of such counterfeiting activities. The report also mentions the group typologies of the OC groups, dividing them into two main categories: non-EU based, and EU-based.

The general finding from these OCTA reports is that OC groups have been spreading across the EU region and increasing their activities. Consequently, the reports conclude that TOC is both a real economic and political threat to the EU. The reports also indicate how illegal groups operate in several European countries by integrating with non-European groups. For law enforcement, this creates a more complicated network system to deal with. The reports highlight drug smuggling, human smuggling and women trafficking as the most popular, profitable, in demand and long-lived illicit cross-border activities. Overall, the general picture presented by OCTA reports is quite similar to that from Turkish Police reports. Hence, both the EU and Turkey perceive TOC as a threat and emphasize the necessity of cooperation and collaboration in order to stop such illegal activities.

5. 5. An Analysis of Turkey's Progress Reports

For Turkey, becoming a full EU member state has been a key priority since the 1950s, although the integration required by the membership application process has been hard to follow. Nevertheless, EU integration has held a vital status for Turkey. Since the establishment of the republic, Turkey's anchor has become the West, along with western democratization, enlightenment and progress, and Turkey has been trying to catch up with the modernization of western countries. Through the EU, these western countries have created a union offering several advantages for member states, like free trade and movement within a borderless zone, and common defense and security policies. Given Turkey's strategic geographical location, EU membership would improve Turkey's economic and political position, both in the region and globally.

Since its establishment, the EU has continuously revised their membership criteria and procedures. In the last five years, the EU has added some new criteria for the candidate countries. Only when a candidate fulfills these obligations can it gain the right to be a full member. This candidature process is tough and requires a lot of legal and constitutional amendments. The candidate has to revise all its legal procedures in accordance with the EU's legal system. The EU also checks the candidate country's status through annual reports that critique the country's progress. Since 1998, these reports have evaluated Turkey's progress and deficiencies. The organized and transnational organized crime headlines are proliferating. Organized and transnational organized crime are gaining their special paragraphs and explanation of condition which is a proof of the acceleration of their importance.

When Turkey's first progress report was published, international organized crime was not mentioned because, at this time, this issue was not on the EU's agenda. Instead, restructuring held more importance. However, the 1999 report included the Susurluk accident that exposed the emergence of a network linking organized crime groups, the state and the Turkish police force. The report highlighted the relations and interactions between these groups as an unwelcome in the membership process. The 1999 report explicitly focused on international organized crime in Turkey, describing Turkey as a

transit country. According to the report, the Edirne border post was the preferred entrance point for illegal groups because Greece was seen as the first step for illegal immigration into the Europe, whereas the number of illegal immigrants entering Bulgaria was quite low. In June 1999, Greece and Turkey held negotiations on preventing illegal immigration. Turkey joined the Budapest Process against illegal immigration and collaborated with the Office for International Migrations regarding training. In 1998, the number of illegal immigrants in Turkey exceeded 40,000. These immigrants came mostly from Pakistan, Bangladesh, Sri Lanka, Afghanistan, but above all from Iraq. In 1999, Turkish Parliament approved a law to combat illegal organizations and organized crime. The law aimed to enhance the powers of surveillance of the security services, allowing police and gendarmerie to monitor and record the movements and activities of people through a court order. The new amendment also defined organized crime in detail. These provisions helped Turkey move closer to the EU criteria in that field.

The issue of money laundering was regulated by Law 4208 of November 1996 on the Prevention of money laundering, supported by a regulation stating that “financial institutions are liable to prosecution if they fail to report suspicious transactions”. As part of an international initiative, Turkey has signed 44 bilateral agreements on collaboration to combat organized crime and drug smuggling. Turkey also participates in the OECD Financial Action Task Force (FATF). These developments are evidence of an increased determination that the struggle against organized crime should be strengthened, especially regarding the trafficking of human beings. The drug trafficking issue is another matter which has been criticized in EU progress reports. Turkey has turned into major trafficking centre, especially for drugs coming from Afghanistan, Iran and Central Asia, as well as becoming a centre for refining opium. Against this, Turkey signed an agreement on cooperation in combating drug trafficking with India in 1998. The progress report advises that the Turkish authorities should expose the hidden laboratories and act against the trafficking chain more effectively. Implementing these demands will require more police cooperation with EU member states, and exchange of information. In addition, Turkish legal instruments need to be made compatible with

international police cooperation practices, particularly in connection with controlled delivery.

Progress Report 2000 did not highlight much information about organized or transnational organized crime. Turkey ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and was implemented in February 2000. However, Turkey was criticized for not signing any of the Council of Europe Conventions in this domain, i.e. 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. It recommended that various state institutions needed to collaborate better to enhance the efficiency of customs checks, particularly exit checks. As regards migration, more effort was needed to decrease the number of illegal migrants trying to reach Western European countries via Turkey.

The 2001 report also mentioned transnational crime, specifically blackmoney and smuggling issues. It noted that, on 27 September 2001, Turkey signed the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, as well as the Council of Europe Civil Law and Criminal Law Conventions on Corruption. Turkey also participated in the monitoring of anti-corruption measures as directed by the OECD Working Group on Bribery in International Commercial Transactions. Meanwhile, the Directorate General for Public Security of the Ministry of the Interior provided a training session on the prevention of forgery of documents, aiming to avoid illegal border crossing, with 553 Turkish officials being trained between November 2000 and May 2001. On the other hand, the report also found that Turkey needed to properly strengthen its legislation on money laundering, in force since August 1999, and ensure compliance with the recommendations of the Financial Action Task Force.

The report had serious concerns about illegal migration flows in Turkey, which were steadily increasing. The authorities acknowledged the existence of 94,514 illegal

immigrants in 2000, compared to just 11,362 in 1995. In the first five months of 2001, the number of illegal immigrants was 29,684, representing a 28% increase compared to the previous year. According to Government statistics, the authorities arrested 850 members of organized gangs of traffickers in 2000. The report again labeled Turkey as a destination and transit country for the trafficking of human beings. In particular, women and girls, mostly from Romania, Russia, Ukraine, Moldova, Armenia, Azerbaijan and Georgia, were being trafficked to or through Turkey. The report noted that Turkey had not yet managed to set minimum standards for the prevention of trafficking and had not yet adopted legal statutes concerning trafficking in human beings. The report also criticized Turkey for a lack of progress in the ratification of international instruments pertaining to combating illegal migration, in particular 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. On the other hand, an agreement between Turkey and Greece on co-operation on combating crime, focusing on organized crime, drug trafficking and illegal migration, entered into force in July 2001 to increase cooperation in fighting organized crime activities.

According to the report, Turkey had progressed in the fight against fraud and corruption, by signing the Council of Europe 1999 Civil Law and Criminal Law Conventions in September 2001. The Ministry of Interior established Anti-Smuggling Department. 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, and in June 2001, the Family Research Institution of the Prime Minister's Office was designated as the National Focal Point for contacts with the EMCDDA. Meanwhile, the Turkish International Academy against Drugs and Organized Crime (TADOC) was established by the Ministry of Interior to develop projects to prevent drug smuggling and to support training in the suppression of illicit manufacture of drugs, drug abuse and drug trafficking. As for money laundering, in September 2001 Turkey signed the 1990 Council of Europe Convention on Laundering, Search, Seizure

and Confiscation of the Proceeds from Crime, and in May 2001 a needed amendment to the Act on Banks, offering training programs in the area of fight corruption and money laundering, came into force.

Turkey has progressed on the fight against fraud and corruption, by signing the Council of Europe 1999 Civil Law and Criminal Law Conventions in September 2001. The Ministry of Interior represented a Central Anti-Smuggling Department. In the area of drugs, a number of successful operations have been fulfilled and trafficking groups have been abolished. 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 EMCDDA. The Turkish International Academy against Drugs and Organized Crime (TADOC) has been established by the Ministry of Interior in respect of developing projects preventing the drug smuggling and of supporting training on the suppression of illicit manufacture of drugs, drug abuse and drug trafficking. As for money laundering, Turkey has signed in September 2001 the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. In May 2001 the Act Amending the Act on Banks offering the training programs in the area of fight against corruption and money laundering came into life.

According to the report, regarding the fight against organized crime and the fight against fraud and corruption, procedures were needed to allow the ratification of the Council of Europe 1990 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 suggests 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 order to begin to comply with the *acquis* in the area of the protection of the financial interests of the European Communities, Turkey should first and foremost align its legislation with the 1995 Convention on the Protection of the Financial Interests of the European Communities and its Protocols”.

In the area of drugs, the report pointed out that Turkey is 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 has been in existence since April 2001. In the report, Turkey is 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 Psycho-tropic Substances. It recommends the establishment of a ‘mini-Dublin Group’ in Ankara on drug-related subjects. Turkey is also requested to develop a national drug strategy, in line with the EU Drug Strategy 2000-2004, and it is advised to consider the appointment of a National Drug Co-ordinator. In order to strengthen actions against money laundering, the report suggests 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 legal financial system for the purpose of money laundering.

The 2002 Progress Report again mentioned transnational smuggling and blackmoney issues. According to the report, Turkey had not ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime or the Council of Europe Civil Law and Criminal Law Conventions on Corruption that it had signed on 27 September 2001. Turkey is also criticized for not being a member of the Council of Europe Group of States against Corruption (GRECO). Turkey was also criticized for not signing the Additional Protocol No 12 to the ECHR on the prohibition of discrimination, and also for not having civil or administrative law provisions against discrimination. On the other hand, the report noted that Turkey had signed the 1969 UN

Convention on the Elimination of All Forms of Racial Discrimination in April 2002, and that in August 2002 it had signed the Optional Protocol to the UN Convention on the Elimination of Discrimination against Women. The report listed some further expectations regarding transposition and implementation of Community anti-discrimination policies.

Unlike money laundering, the 2002 report found that Turkey had progressed in the fight against illegal migration. The number of law enforcement staff working in border provinces and at busy border checkpoints had increased, and Turkey had provided training programs to staff at border checkpoints and on detecting forgery of visas and travel documents. Turkey also established 24-hour control checkpoints for observing east to west movements through Turkey, checking of transportation cargoes was enhanced, and cooperation with neighbouring countries including training sniffer dogs to detect humans hidden in ships and cargoes were other prevention methods combating illegal migration. 2002 was also the year of signing, although not ratifying, international conventions relating to the combat of illegal migration and trafficking in human beings, in particular the 2000 UN Convention against Transnational Organised Crime and its three protocols.

In August 2002, Parliament adopted two amendments to the Penal Code, which made smuggling and trafficking in human beings criminal offences, although the report considered that heavier penalties were needed for crimes designated as having an organizational structure. The authorities arrested 1,155 members of organised trafficking groups in 2001. Of those arrested, 134 were foreign nationals. According to Turkish sources, around 102 million dollars worth of smuggled goods, including fuel oil, drugs, cigarettes and motor vehicles were captured in 2001. Regarding the drugs issue, 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). The National Focal Point was transferred from the Family Research Institute to the Department of Anti-Smuggling and Organised Crime at the Ministry of the Interior, to be based at the Turkish International Academy against Drugs and Organised Crime (TADOC).

As for administrative capacity, the report noted that revision of the national drug strategy was accomplished under the co-ordination of the Family Research Institute in order to comply with the EU Drugs Strategy. However, money laundering issue was one issue in which Turkey made no further progress in 2002. The Turkish Financial Intelligence Unit (FIU), the Financial Crimes Investigation Board, investigated 279 files in 2001 but only 156 files in 2002. In 2001, 30 legal cases were opened but this decreased to just 3 in 2002. In May 2002, Turkey joined the GUMSIS (Security System Project for Customs Checkpoints), to control 10 land border gates and 1 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. Turkey was collaborating with the Southeast European Co-operative Initiative (SECI) in Bucharest about customs related problems, especially to prevent crossborder crime and corruption, through the Undersecretariat for Customs. Turkey intensified its efforts to conclude administrative co-operation agreements on customs related matters with EU Member States and non-European countries.

The 2002 report requests Turkey to increase its efficiency in the fight against illegal migration and trafficking in human beings through greater collaboration with EU members and third countries. As well as signing new co-operation agreements with member states on the issue of illegal migration, the report notes that Turkey also needs to implement them. Regarding police co-operation and the fight against organised crime, Turkey is asked to subscribe to the 2000 UN Convention against Transnational Organised Crime (Palermo Convention) and its three Protocols. The report criticizes Turkey for not strengthening its overall fight against organised crime, specifically regarding the Code of Criminal Procedure.

In 2002, the drug issue was still problematic area for Turkey. The report suggests that Turkey reexamine its national policy on drugs and begin negotiations for accession to the EMCDDA. Turkey is asked 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 Drugs and Psycho-tropic Substances, and ratify the 1972 Protocol Amending the 1961 Single Convention on Narcotic Drugs. The report acknowledges that Turkey has been a member of the Financial Action Task Force on Money Laundering (FAFT) since 1991 to prevent money laundering, but makes the criticism that Turkey did not ratify the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, and needed to develop legislation promoting international or mutual assistance, such as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Agreement on Illicit Traffic by Sea Implementing Article 17 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The report asks Turkey to implement the relevant international and bilateral conventions, and notes that it still needs to approve the first Additional Protocol to the European Convention on Extradition. However, the report accepts that Turkey has progressed in its fight against illegal migration and has improved its collaboration with the European Union.

The 2003 progress report found that, while Turkey remained a transit and destination country for illegal immigration, the trend of illegal migration via Turkey had decreased. The authorities reported that 82,825 illegal migrants were apprehended in 2002, as compared to 92,362 in 2001. According to Turkish authority reports, there was an increase and diversification in illegal migration 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, with the Turkish National Police training its staff in the fight against fraud and document forgery. In 2003, 1,989 persons with forged documents were not prevented from entering the country.

Turkey subscribed to the 2000 Convention against Transnational Organized Crime (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. The Turkish Penal Code had already been changed in August 2002 to corresponding to the two Protocols in the

Palermo Convention, although the third Protocol on firearms was not signed in 2003. 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 report found that there was greater acknowledgement of the implications of trafficking of human beings, and more trafficking-related arrests were made, with the Turkish authorities arresting 1,157 members of organised trafficking members in 2002. Six trafficking cases and 14 victims were tried in Turkish courts against a total of 17 suspects as of August 2003. Turkey also introduced a training program for judges and officials of the Ministry of the Interior concerning anti-trafficking. 600 judges and prosecutors were trained in combating human trafficking in the course of 2003. Additionally, an inter-ministerial task force against trafficking in persons was founded in October 2002 through the efforts of the Ministry of Foreign Affairs. The Turkish International Academy against Drugs and Organized Crime (TADOC) also implemented training programmes for law enforcement offices, with the number of trained personnel reaching 5, 224.

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. In 2002, Turkey was invited 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 Drugs and Psycho-tropic Substances. The 2003 report reminded Turkey of the need for the ratification of the EU Agreement on Precursors, the appointment of a National Drug Co-ordinator, and the establishment of a mini-Dublin Group in Ankara. As in 2003, the report criticizes Turkey regarding money laundering, claiming that Turkey needed 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 recorded the creation of the Coast Guard Command at the entrance point of Aegean and Mediterranean territorial waters against illegal migration.

The number of coast guard boats was increased from 52 to 83, and the number of personnel from 2,726 to 3,396. In 2003, 937 prosecutions were brought concerning smuggling illegal migrants. The number of illegal migrants fell from nearly 83,000 in 2002 to 56,000 in 2003. In 2002, 1,157 Turkish and foreign organisers of illegal migration were captured in 2002, but only 937 in 2003. Meanwhile, 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 organised crime. Turkey also signed mutual police cooperation agreements with Poland, Germany, Finland, and South Africa.

According to the 2004 progress report, the number of captured organized crime group members was 143 in the first seven months, whereas in 2003 it was 1,149, 99 victims were recovered and the number of suspects was 149 in the first three months of 2004. A National Action Plan on Combating Trafficking in Human Beings was implemented. In the fight against human trafficking, the Ministry of Interior and the Gendarmerie signed agreements with an NGO, allowing a shelter for victims of trafficking in Istanbul to begin work. Meanwhile, a Memorandum of Understanding was signed with Belarus in July 2004 to strengthen collaboration in fighting against trafficking of human beings. Turkey ratified the EU-Turkey Agreement on Precursors and Chemical Substances Frequently used in the Illicit manufacture of Narcotic drugs or Psychotropic Substances in April 2004, and the agreement was approved in August 2004. Turkey joined the Major Donors Group of the United Nations Office on Drugs and Crime in 2004, having already signed in 2003 an agreement with Pakistan on combating drug smuggling. The report noted that Turkey's police operations were successfully preventing drug trafficking activities, and 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 2004 report advised Turkey to reach related agreements with third countries. The report

also highlights The Joint Action Programme on Illegal Migration between the EU and Turkey and recommends Turkey to accomplish the work needed on drawing up the National Action Plan to implement the migration strategy adopted in 2003. The report had some criticisms regarding the struggle against organized crime, highlighting the lack of co-operation and co-ordination between various law enforcement authorities responsible for combating organized crime. The report suggests that Turkey should draw up a national strategy to combat organised crime. Turkey's geographic position carries it to transit country position about the drug trafficking business. Turkey's observer status in EMCDDA was welcomed, but the report pointed out the need for a national drug co-ordination 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 is also repeated in the 2004 report.

2005 Progress report recorded that Turkey was working towards joining the activities of the Centre for information, discussion and exchange, aiming to prevent illegal immigration, although the 2004 report had claimed that Turkey had still not completed the implementation of the 1996 Act on Prevention of Money Laundering. According to the report, 54,810 illegal migrants, and 955 criminal organisers were apprehended in Turkey in 2004. The report indicated that Turkey needed to develop its national strategy against organised crime, although Articles 79 and 80 of the Penal Code, 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 Turkish authorities' struggle against organized crime groups and group members were continuing and that the National Task Force on Combating Trafficking in persons was holding regular meetings. In February 2005, Turkey approved its counter-trafficking program in co-operation with the International Organisation for Migration (IOM). With the support of the program, 103 trafficking victims were repatriated. In 2004, the number of recorded trafficking victims was 239,

and the number of traffickers was 227. Turkey also signed protocols on police collaboration and information change in the field of trafficking in persons with Georgia and Ukraine. The report found that Turkey had made some progress in the fight against money laundering, with a new criminal code that imposed imprisonment on criminals involved in blackmoney laundering. However, the report criticized the fact 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 still failed to establish a mini-Dublin Group in Ankara. On the other hand, it acknowledged that National Police Forces and other law enforcement authorities were using new investigation techniques in their struggle against drug trafficking .

The 2006 Progress report recorded the number of illegal migrants in 2005 at 57,428, but the report indicated that Turkey needed to work harder to prevent illegal immigration. The report also found that little progress was achieved in combating against organized crime, although Turkey approved some key international conventions on police co-operation, which the EU appreciated. However, the report suggested that Turkish police forces 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. On the other hand, it noted that the government was trying to collaborate with the International Organisation for Migration to prevent human trafficking, and that a Counter-Trafficking Programme had been executed. In 2005, the number of recorded trafficked victims was 256, and 125 traffickers were arrested. However, the report was still not satisfied with preventive efforts, saying that Turkey still needed to increase its administrative capacity for combating human trafficking. Turkey's initiatives regarding money laundering did not satisfy the EU because Turkey 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 was not much progress either. Turkey still had 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, which was criticized by the report. Finally, the report found that information gathering systems needed to be revised according to the criterion of the EMCDDA.

The 2007 Progress Report recorded the number of illegal migrants at 51,983 in 2006. It noted that Turkey had adopted a national strategy against organised 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. Regarding trafficking, the report recorded that 422 traffickers were arrested in 2006, and that 246 people identified as trafficking victims were repatriated. In 2006, the report acknowledged, Turkey signed agreements against human trafficking with Kyrgyzstan and Moldova, demonstrating a commitment to international cooperation to combat human trafficking. Regarding drug smuggling, Turkey successfully prepared a national strategy in line with the EU Drug Strategy and the EU Drug Action Plan 2005- 2012 and Turkish national police forces continued their anti-drug operations. In 2006, Turkey sent its first national report to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). However, in 2006, Turkey again failed to establish its mini-Dublin Group in Ankara.

According to Progress report 2008, the number of illegal immigrants in 2007 was 64,290 while the number of arrested traffickers was 308. The report found that, in the fight against organized crime, some progress had been achieved. A new law was prepared for witness protection, and a law against cybercrime was adopted. Regarding trafficking in human beings, the task force on combating human trafficking started to work in local administrations, and the system of information gathering was standardised. Turkey also began to implement a national strategy parallel to the EU drug strategy and the EU drug action plan for 2005-2012, and the action plan (2007-2009) was brought into force. Turkey also agreed to join the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Overall, the report accepted, the Turkish police was more successful in their operations against drug smuggling. 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 irregular migration. The number of arrested illegal immigrants in

2008 was 65,737, while the number of smugglers was 1,305. The number of Turkish citizens among those arrested was 1,235.

According to the 2008 report, Turkey successfully collaborated with various police forces, signing bilateral agreements on police cooperation with Lebanon (in November 2008) and with Spain (in April 2009). However, the report notes, Turkey was not as successful in fighting organized crime as expected. Turkey implemented its witness protection programmes, and a Department for Witness Protection was 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. The human trafficking issue was one of areas in which Turkey made progress. Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings in March 2009. In 2008, the number of traffickers was 253 and the number of victims was 120. The 2005 amendment of the Penal Code brought tougher punishments for human trafficking, and increased the number of cases against traffickers. In 2008, a total of 273 suspected traffickers were prosecuted. The National Task Force on Combating Human Trafficking's meetings continued, coordinated by the Ministry of Foreign Affairs (MFA). However, Turkey was still criticized for not having a statistical system for monitoring human trafficking, and had still not ratified the Council of Europe Convention on Action against Trafficking in Human Beings, or adopted the second National Action Plan on Combating Human Trafficking, still pending after two years. On the other hand, the fight against drug smuggling had progressed, in that provinces such as Aksaray, Edirne, Kırıkale, Kırklareli, Kütahya, Osmaniye, Sakarya, Sinop, Tunceli, Yozgat and Kastamonu had all approved action plans. However, the agreement concerning the participation of Turkey in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) has not been approved. The 2009 report suggested further developments were needed regarding prevention of the drug trade.

Table 5. 1. Number of Arrested Illegal Immigrants, Turkey (1999 – 2009)

Years	Number of Illegal Migrants
1999	47,529
2000	94, 514
2001	92, 363
2002	82, 825
2003	56, 000
2004	54, 810
2005	57, 428
2006	51, 983
2007	64, 290
2008	65, 737
2009	34, 345

Source: Compiled from EU Progress Reports for Turkey between 1999-2009

As can be seen from this section, regarding the fight against TOC groups and activities, the EU progress reports for Turkey explain the developments and the deficiencies of Turkey according to the criteria of European Union. The reports emphasize that Turkey is developing and trying to integrate 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 the efforts of Turkey are criticized as being insufficient, 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 blackmoney into Turkey's legal system; the the state has become more transparent; new stronger laws are being implemented by the police and gendarmarie forces; and there has been a concerted attempt to create a new awareness in civil servants and the public regarding the struggle against TOC at every level. From this, we can conclude that Turkey will be able to strengthen its efforts against TOC by integrating itself fully with EU norms.

5. 6. An Analysis of the Turkish Republic's Department of Anti-Smuggling and Organized Crime Reports

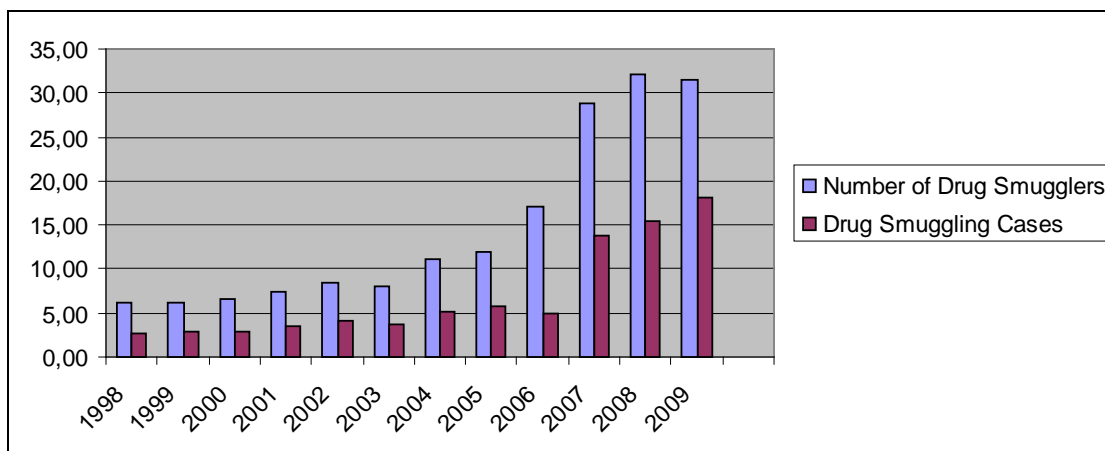
The Turkish Police Force publishes an annual report in which they highlight drug smuggling, financial, organized and transnational organized crimes in Turkey. The reports also investigate their methods, and provide suggestions for preventing these crimes, as well as recording relevant Turkey's legal amendments and conferences. The Turkish police force is the organ which is directly responsible for preventing crime and its consequences, such as monitoring and stopping smuggling activity. By reporting trends in such criminal cases over the years, the reports help track changes, whether improvements or deteriorations in criminal activities.

When the Minister of Interior published the first report on Smuggling and Organized Crime in Turkey, it described organized crime as a threat to public safety and security. The report also analyzed the routes that smugglers were following, finding that the most common routes were the Balkan route, the Northern Black sea route, and the Eastern Mediterranean route. Like the EU progress reports, this report concluded that Turkey was playing a significant role as a transit country for smuggling and trafficking.

5. 6. 1. Drugs

During the 1960s, various Lebanese groups started to deliver heroin to the European markets that they produced in Marseille, France. This is considered to be the period in which transnational organized crime started to mushroom. Turkey was also affected by the growth of illegal drug smuggling, since Turkey was and is a transit route to main illegal drug markets. This situation forced Turkey to combat the problem. The Ministry of Interior, the Foreign Ministry, the Ministry of Finance, the Ministry of Health, Ministry of Agriculture and Rural Affairs, and Undersecretariat of Customs all took collective responsibility to prevent illegal drug smuggling.

Figure 5. 1. Number of Arrested Drug Smugglers and Drug Smuggling Cases, Turkey (1998 – 2009)



Source: Compiled from the Ministry of Interior's Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

Records indicate that Afghanistan produced 2,100 tons, and Pakistan produced 25 tonnes of opium in 1999, making them key source countries for opium production. In 1999, Afghanistan produced 4,581 tonnes of opium, meeting 79% of world demand alone. However, at this point, the Taliban regime banned the opium production as a result of international pressure. The Iranian citizens are the leading group in smuggling business in Turkey, with 46 % of intercepted heroin coming from Iran in 1998. This did not change much in 1999, with %25 of intercepted heroin again coming from Iran. 16 % of arrested smugglers were Iranian. In 2000, opium production diminished by nearly 91%, and in 2001, only 185 tonnes of opium was cultivated in Afghanistan. Poppy plant cultivation areas in Afghanistan were reduced by 19%; opium production fell by 6% to 8,200 tonnes in 2007 and 7,700 tonnes in 2008. From these figures, considering the fight against opium and opiate trafficking, it is clearly that Turkey has been making sincere efforts in international cooperation, and increasing its capacity to fight against narcotics more effectively.

The 2001 report also analyzes the drug routes affecting Turkey, determining them as the Balkans, Northern Black sea and Eastern Mediterranean routes. The Balkan route passes through Afghanistan, Iran and Turkey. However, after passing through Turkey, the route follows two different paths. The first, Northern path, goes through Bulgaria,

Romania, Hungary, -Austria and Germany into other European states. The second, the Southern path, goes through Turkey, Greece, Italy, Albania, Macedonia, and Bosnia-Herzegovina to Europe. The Northern Black Sea route follows two different paths. The first goes from Afghanistan through the Central Asian Republics, Russia, Ukraine, Belarus, the Czech Republic and Poland. The second route goes from Afghanistan through Iran, Azerbaijan, the Caucasian republics, Russia and Ukraine to Western Europe. The East Mediterranean Route runs from Pakistan through the Indian Ocean, the Red Sea, the Suez Canal, the Mediterranean and Cyprus into Europe. Turkey's anti-smuggling operations successfully forced criminals to change from the Balkan route to the Northern Black Sea route by creating a 'Secure Way' along the former route. In 2000, 2,952 drug smuggling cases were recorded, and 6,527 people arrested. In 2001, the number of cases increased to 3,544, and the number of people arrested to 7,493. Of these apprehensions, 67% occurred in Van and the Hakkari frontier. The drugs captured at those frontiers mostly came from the eastern neighbouring countries of Turkey, from which criminals were aiming to deliver drugs to the European continent. The records demonstrated that 44% of drug smugglers were of Iranian origin.

Overall, according to the The Anti-Smuggling and Organized Crime Departments reports, the number of drug smuggling cases and people arrested have both increased since 1998, with the number of drug smuggling cases exceeding 30,000 by the end of the 2005-2006 period. Developments in border controls, investigative technologies, like trained dogs, and the sanctions of international agreements like the International Action Plan Meeting About Synthetic Drugs and the International Attempts Conference about Heroin, Chemicals and Money Laundering, organized in 2004, all contributed to successful arrests of criminals and increases in recorded drug cases. Drug smuggling is motivated by price differences between producer and consumer countries. International conferences were held in 2002 to discuss ways to prevent drug smuggling, especially targeting the spread of Afghan based drug production. For example, in February 2002, the American Combat against Drug Services organized a conference labeled the Drug Strategy Conference of Southwest Asia, which Turkey also attended. Other international meetings included a workshop in March 2002 in Romania on Containment Operations, and another in May 2002 in Istanbul on the Operation of Orient Express in

December 2002. All were supported and attended by Turkey, with the aim of preventing drug smuggling.

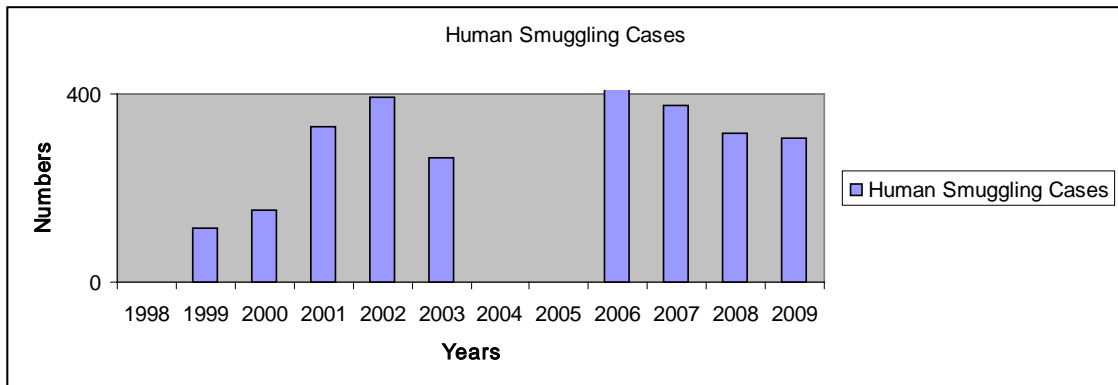
5. 6. 2. Human Smuggling and Trafficking

The definition of human smuggling is one subject covered by the report. Its definition describes smuggling as the transportation of humans by an illegal organization by using illicit ways. Methods of illicit entry are using fake passports through airports, using small boats across sea borders, crossing land borders on foot or by using animals, and using fake identity cards to pass border checkpoints. According to the report, human smuggling is stimulated by differences in economic conditions, terrorist activities, easy profits for smugglers, demand from would-be migrants, and political instability. Those conditions discourage people from remaining in their own countries.

The report notes that the main routes for human smuggling go from eastern countries via Turkey, Bulgaria, Romania, Macedonia, Austria and the Czech Republic or Slovakia to Germany or Austria. Another route starts from the Middle East before passing through Turkey, Bulgaria, Greece, Macedonia, Albania and Italy to Central and Western Europe. The third route goes from the Middle-East via Turkey to South and West Europe. Illegal border crossers use Turkey mostly as a transit country. Their target destinations are Eastern and Western European countries, especially Austria and Germany. Smugglers mostly enter Turkey from Iğdır, Kars, Ardahan and Artvin, Ağrı, Van, Hakkari, Şırnak, Şanlıurfa, Hatay, Adana, Gaziantep borders. The most preferred exit borders are Antalya, Muğla, Aydın, İzmir, Balıkesir, Edirne and İstanbul.

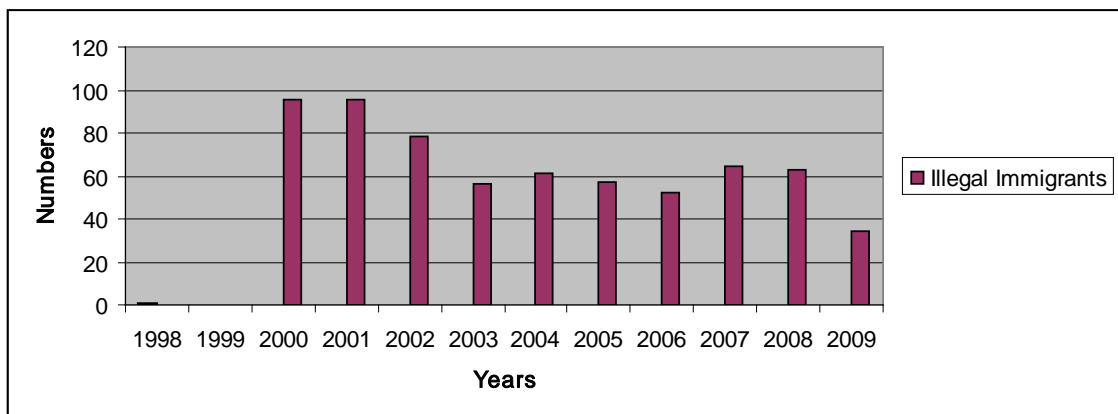
The report lists various factors encouraging smuggling: unstable political conditions and low quality of life at home and the desire for better economic circumstances of migrants; the desire of smugglers to earn large amounts of money; and the financial aid provided to immigrants who seek asylum in Europe. Prevention of human smuggling requires international cooperation, although a reduction in inequality, discrimination, poverty and disparity between states might also help reduce the number of human smuggling cases.

Figure 5. 2. Arrested Human Smuggling Cases , Turkey (1998 – 2009)



Source: Compiled from the Ministry of Interior's Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

Figure 5. 3. Arrested Illegal Immigrants, Turkey (1998 – 2009)

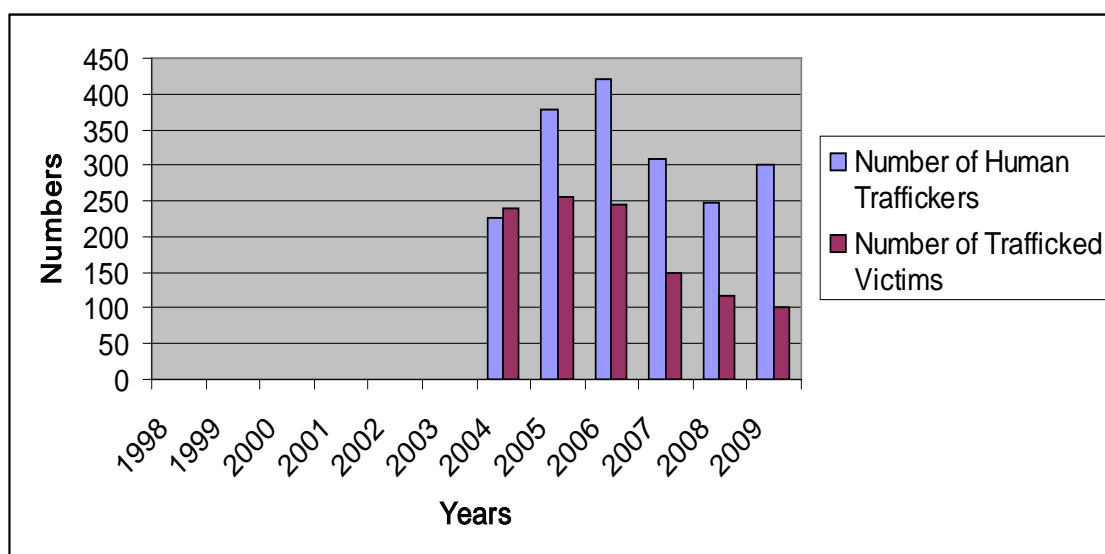


Source: Compiled from the Ministry of Interior's Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

The report notes that, in Turkey, unstable economic, social and political conditions help organized groups gain power. Illegal transportation groups cannot successfully carry their goods without the help or collaboration of state departments. Hence, OC groups attempt to have close relations with bureaucrats. To deal with this problem, the Turkish legal system has added penal code 4422, The Law of Combat against Organized Crime Groups (Çıkar Amaçlı Suç Örgütleriyle Mücadele Kanunu). Human smuggling is punished according to Labor Law 1475, Turkish Penal Code 504 and Passport Law 5682 hence the absence of laws against human smuggling. After 2004, Turkish sources

began to separate the human trafficking issue from human smuggling. Accordingly, after the 2004, Moldovans, Kirgizistanis, Azerbaijanis and Russians were listed as the nationalities most likely to be victims of trafficking specifically. The people arrested as traffickers were most commonly Turkish citizens.

Figure 5. 4. Human Traffickers and Captured Trafficking Victims, Turkey (1998 – 2009)



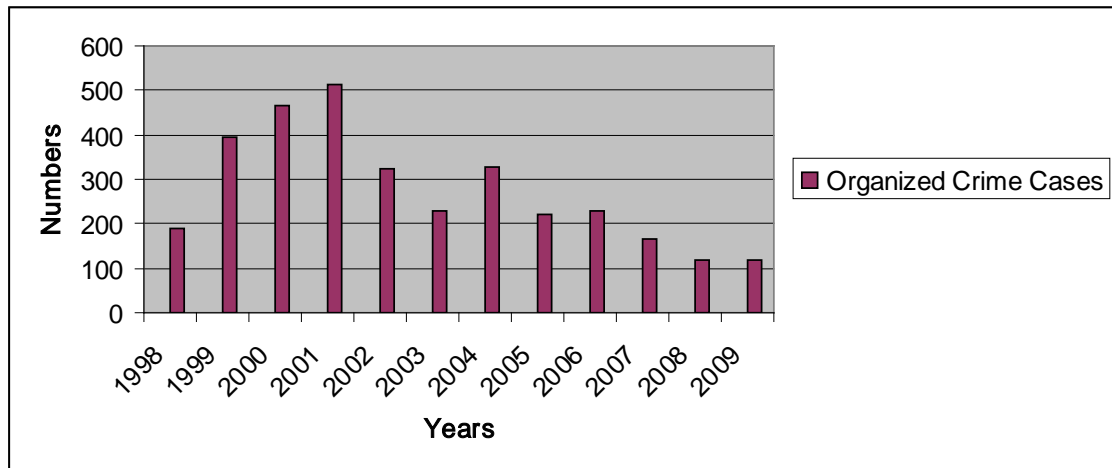
Source: Compiled from Ministry of Interior’s Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

5. 6. 3. Organized Crime

According to the Anti-Smuggling and Organized Crime report, the definition of organized crime covers earning money from crime, the permanency criminal activity, the hierarchical system of the criminal organization, using violence, blackmoney laundering, and integration into the legitimate public and private sectors. Technological improvements, ease of movement and lack of classic border control all encourage organized groups to collaborate in international operations. This integration of organized groups also forces countries to cooperate at an international level because the criminal activities of these groups have become a threat for national security worldwide.

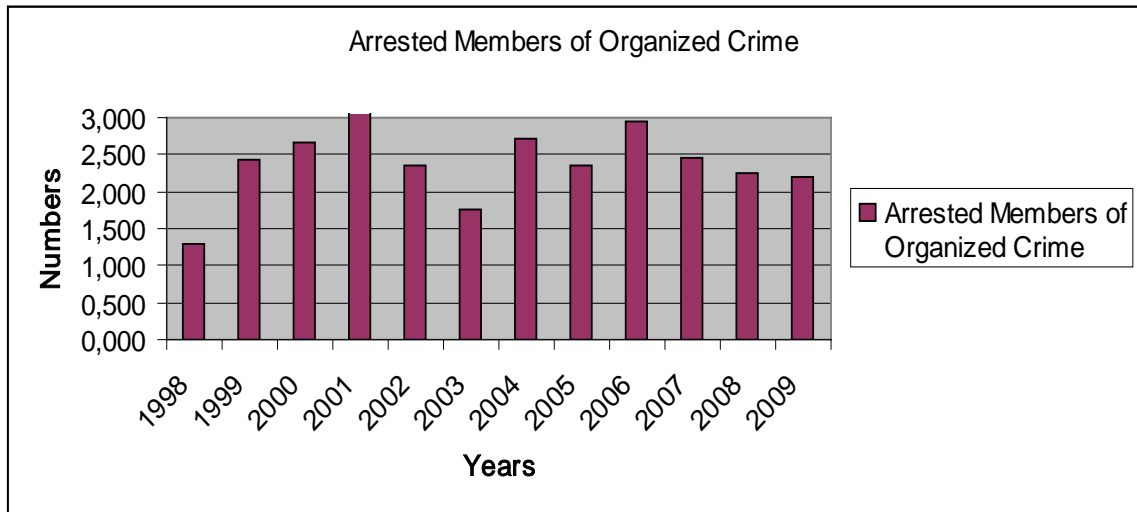
The number of organized crime cases and the number of arrests remained stable, with the demand from would-be migrants being determined by similar economic, social and political factors as before. In Turkey, the demand for smuggled goods mostly came from people from Urfa, Maraş and Elazığ, with smugglers originating from Antalya, Muğla, Aydın, İzmir, Balıkesir, Edirne, İstanbul, Ankara and Adana. The motivation for organized crime groups was the scarcity of materials to be smuggled. The continuing demand convinced illegal groups to continue supplying such goods by using illicit ways.

Figure 5. 5. Organized Crime Cases Turkey (1998 – 2009)



Source: Compiled from Ministry of Interior The Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

Figure 5. 6 Number of Arrested Members of Organized Crime Groups (1998 – 2009)



Source: Compiled from Ministry of Interior The Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

During this period, Turkey also made various international agreements to prevent organized crime, like the EU Action Plan against Organized Crime in 1997. The European Commission provided 1,610,000 Euros for the project of 'Empowerment of Combating Organized Crime'. The aim of the project is to strengthen the legal forces and police departments that are struggling in the face of the expansion and strengthening of transnational organized groups. Another development was the Turkey-EU Financial Cooperation, coordinated by Our Presidency for The Project for Enhancing The Fight Against Organized Crime (TR02-JH-06), aiming to strengthen the functioning of the democratic system within the norms of law in general, and in particular to improve the efficiency of judicial units and the police and gendarmerie that comprise the law enforcement units of the Ministry of Internal Affairs that is fighting organized crimes. In Turkey, organized crime groups carry out a majority (64%) their activities in Adana, Ankara, Aydın, Antalya, Balıkesir, Bursa, Gaziantep, İçel, İstanbul, İzmir, Kayseri, Kocaeli and Samsun. The members of organized groups have mostly low levels of educations: 50% have a primary school qualification, 40% secondary school or high school qualification.

In Turkish organized crime groups, citizenry (hemşericilik) relations are quite effective. In order to hide by not drawing attention to their illegal smuggling business, organized crime groups try to integrate themselves into legal markets by. They mostly try to form close relations with society's establishment to increase their power and prestige. Turkish organized groups have some significant features. The core members of the groups mostly are relatives, tending to adopt a unique group manner, while under the appearance of legal business they try to create a good impression, try to strengthen their relations with state, and create bubble companies at national and international levels. even their opposite pose they earn money from drug business, respectful relations with the state authority, trying to have a supreme authority, protector or a father image in public relations by bringing people who have problems together, mostly they carry and use guns. The regional connections and networks are quite strong and effective as the binding ties of organized groups. Integration into the legal business world, conserving the cultural values of the public and protecting poor people are some of the activities of illegal groups and group members to create a positive image in the eye of the public.

Today, the power of organized crime groups is a reality accepted by the international community. In Turkey, the struggle against organized crime really started in the 1990s, as seen by Turkey signing various agreements at national and international levels, and supporting international and regional legal documents against organized crime activity. Turkey co-operated with UNDCP to celebrate June 26th as the Day of Combat Against Drug Addiction, and tried to create a social network to discourage this crime. In 2000, Turkey's first international institution, the Turkish Academy of Drug and Organized Crime (TADOC), was established. TADOC focuses on educating and informing the public about drugs and drug addiction. It also supports the implementation of national and international laws against drug smuggling, becoming the research centre of source in drug smuggling, creating qualified national staff to increase the level of public awareness, and coordinating national and international education programs against drug smuggling and other organized crime.

Transnational organized crime activity is rapidly increasing due to the influence of technological developments. The risk of jeopardy motivates countries to cooperate internationally, as do illegal criminal groups as they are equally aware of the necessity for collaboration. Identity and passport fraud, bubble companies, blackmoney laundering, foreign exchange smuggling and arms smuggling are some examples. In this case, the complex structure of TOC forces legal institutions to share work while combating structuring. According to the 2006 reports, key factors encouraging organized crime activity were ideological structuring, regime changes, political authority or vacuums, economic instability, bribery, lack of education, unemployment, migration, weakening of moral values, geopolitical conditions of the country, earning money, effects of international illegal activities, and absence of a check and balance system.

According to the report, various international legal instruments were created to reduce the global threat of transnational organized crime. Crossborder crime was on the agenda of several countries and perceived as a serious matter jeopardizing stability and security. The UN Single Act of 1961 against Drug was signed by 40 members; the UN Convention against the Smuggling of Drug and Psychotropic Material was signed by 89 countries in 1988, including Turkey. These steps were followed by the Palermo Agreement (UN Convention against Transnational Organized Crime), signed by 124 countries, focusing on the importance of international cooperation against cross border crime.

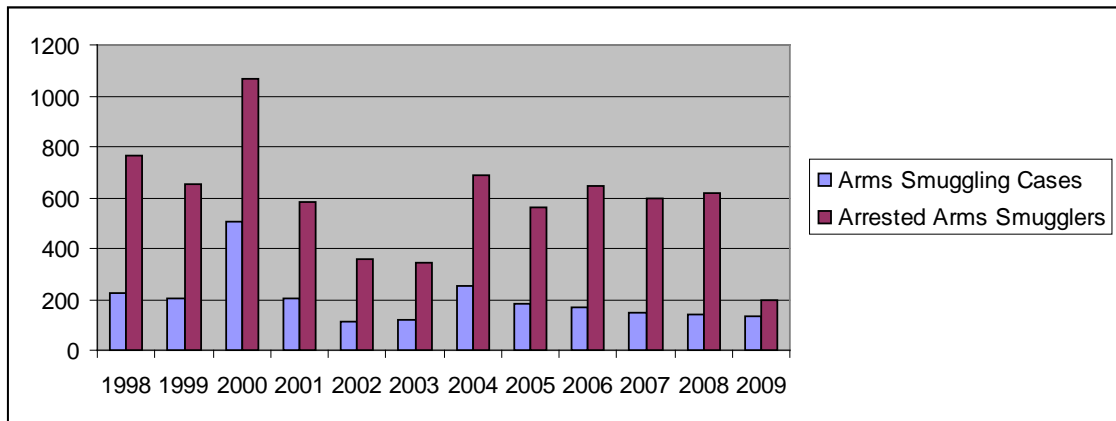
The Council of Europe also introduced various legal amendments, in particular the 1957 Extradiction of Criminal Offences and the 1959 European Convention on Mutual Assistance in Criminal Matters. The Strasbourg Convention (Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime) was also adopted in 1990. International organizations such as Interpol, the Commission on Narcotic Drugs, the International Narcotic Control Board, the Pompidou Group, the Subcommittee on Illicit Drug Trafficking and Related Matters in the Near and Middle East, the Heads of National Law Enforcement Agencies, the Financial Action Task Force, the UN International Drug Control Programme, the Economic Cooperation

Organization Blacksea Economic Cooperation, the Commission on Crime and Criminal Justice, the Police Education Institute and the South East Cooperation Initiative are further examples of important regional or international cooperation.

5. 6. 4. Arms and Nuclear Smuggling

The report indicates that levels of arms smuggling rates did not vary much, finding that Turkey’s Black Sea and South-East regions were leaders in arms smuggling. The report notes that illegal arms smuggling causes significant economic deficits worldwide. According to the EGM Reports, the annual profit of arms smugglers was 800 billion US dollars.

Figure 5. 7. Arms Smuggling Cases and Arrested Arms Smugglers, Turkey (1998 – 2009)

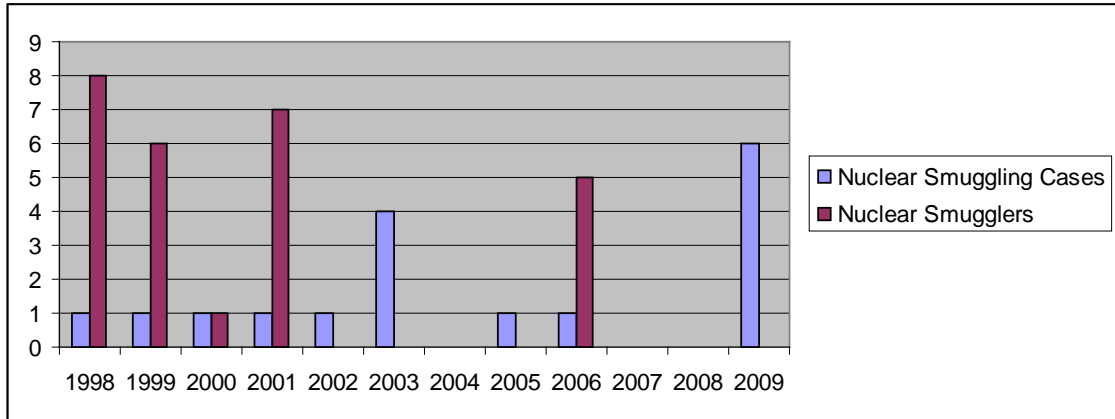


Source: Compiled from Ministry of Interior The Department of Anti-Smuggling and Organized Crime
<http://www.kom.gov.tr/Tr/>

The reports record that there have been no or few cases of nuclear smuggling in Turkey, as this illegal business is still quite new. In Turkey, the Institution of Turkish Atomic Energy Authority (Türkiye Atom Enerjisi Kurumu) is responsible for all nuclear materials, and the Turkish Atomic Energy Authority (TAEK), TUBITAK and MKEK are the institutions working to prevent any future increase in nuclear smuggling in Turkey. Turkish Criminal Law No. 1998, the Law on The Prohibition of Smuggling and

Its Pursuit (Kaçakçılığın Men ve Takibine Dair Kanun) deals with nuclear material smuggling.

Figure 5. 8. Nuclear Smuggling Cases and Arrested Nuclear Smugglers, Turkey (1998 – 2009)



Source: Compiled from Ministry of Interior’s Department of Anti-Smuggling and Organized Crime

<http://www.kom.gov.tr/Tr/>

The Ministry of Interior’s Department of Anti-Smuggling and Organized Crime reports constitute the general picture of illegal activities that start at a national level but spread to other countries, and also activities originate outside Turkey but also influence it. These include human smuggling and trafficking, drugs, arms and nuclear smuggling among organized crime groups’ activities. Variations in the rate of arrests of illegal group members show that there has been a recovery in the rate of arrests of illegal organizations, members, smugglers and cases. Legal statutes and accompanying sanctions are supporting border controls, police investigations, as well as increasing cooperation with other states and police departments. In 2004, 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 Turkey 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. The same year, a new criminal 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 declines in the number of organized criminal cases and a rise in arrests of illegal groups, members and smuggled or trafficked people.

5.7. Conclusion

The reports discussed in this section show that Turkey remains a transit country for the transfer of illegal goods, services and materials into the EU. Even though Turkey has tried to conform to EU criteria, EU progress reports still find reasons to criticize Turkey's performance. Turkey's efforts include increased border controls, changes in migration and visa policies, strengthened legal instruments, as well as improved police links and information exchange with foreign police departments. According to the progress reports, Turkey succeeded in reducing the number of arrests from 2000 onwards as a result of the efforts listed above. Looking forward, Turkey's EU membership may help the EU to reduce illegal immigration by bringing greater stability to the Middle East (Kaya, p.19). Arrests for arms smuggling activities increased after 2000, due to the political instability caused by the intervention of US forces in the region. On the other hand, nuclear smuggling cases or arrests showed no increase, probably because this sector has only recently appeared in Turkey, and nuclear materials are difficult to smuggle. Because the customers of illegal nuclear materials are mostly terror organizations or states, prevention will not be as easy as for other smuggled goods.

CHAPTER VI
CONCLUSION

6. 1. Conclusion and Findings

In the new world order after the collapse of the Soviet Union and the end of the Cold War era, international and regional cooperation and collaboration started to accelerate, and becoming a member of the most effective international organizations like NATO, the United Nations and the European Union became a matter of self-preservation in the new multi-polar world. The United Nations, NATO and the European Union are examples of the new era's political character which involves mutual assistance and interdependence. The globalization process is the major trigger for states' recently increased willingness to collaborate against global threats such as transnational crime, terrorism, epidemic diseases, pollution, poverty, famine and climate change. Whereas these were low priority issues during the realist era, they have now become important problems, requiring international collaboration. In short, globalization requires states to search for globalized solutions.

Aspects of globalization, such as the disappearance of borders, innovations in technology, and increases in mobility not only intensify relationships between states; they also strengthen the connections between organized crime groups. Effective collaboration between organized crime groups facilitates the illegal transportation of materials such as drugs, arms, women, children, nuclear materials and blackmoney. Illegal groups are strengthening themselves by taking advantage of cooperation at a global level, feeding off unstable economic and political conditions. Consequently, legal authorities have to foresee this danger and cooperate at international and regional levels against TOC groups.

The European Union is a project founded on values of human rights, justice, equality, democracy, freedom, rule of law and preserving peace and stability, and the integration and cooperation of states (Kaleağası, 2004, p.3). However, the realization of these goals depends on abolishing security threats. 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 been raised to a new strategic position. The agreements between Turkey and European Union, Council of Europe, United Nations can thus be seen as evidence of a mutual willingness to prevent transborder crimes. In this respect, the European Union and Turkey have to choose collaboration and cooperation to block transnational crimes in Eurasia.

Even though there are still some disagreements about the exact definition of organized crime and transnational organized crime, the common features such as co-operation of more than two people, delegation of tasks, continuity of criminal activities, hierarchical group structure, international, use of violence, commercial and businesslike structures, involvement in money laundering, using politics and media and gaining public approval to realize their goals are generally accepted as definitional by United Nations member states. The main factors encouraging international organized crime groups are seen to be loose border and custom controls, easily accessible markets, large scale privatizations, absence of legal protection, authority gaps, and absence of law enforcement mechanisms.

Organized criminals are active in a wide range of sectors, but in this thesis I have considered just a select few, particularly human smuggling and trafficking, drugs, arms and nuclear smuggling, and blackmoney laundering. Illegal transportation methods, the profitability of this activity, and the number of smuggled people and organizers are increasing. For instance, it is estimated that the annual global earnings from drug smuggling was 429 billion US dollars, which is then used to finance other illegal group activities (EGM, 2009, p.65), according to the records of the Department of Anti-Smuggling and Organized Crime. This department also highlights the necessity for international cooperation in order to block transnational criminal group activities.

Examination of Turkey's EU Progress Reports has shown that Turkey is working to fulfill the conditions of EU membership in the area of combating organized crime. In fact, transnational crime prevention was not originally one of the issues to be discussed in the application process but EU, nevertheless, has been monitoring developments in

Turkey concerning this issue. Turkey has signed various agreements concerning human smuggling, police cooperation with Europol, blackmoney 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 at a local level. That is, although Turkey organized crime prevention efforts have progressed, its performance does not yet completely correspond to EU criteria. Overall, EU reports find that Turkey is developing itself and trying to integrate itself into the EU's legal system, with the aim of preventing TOC activities and reverse its current role as a transit country in illegal smuggling routes. As the reports discussed here make clear, there has been a noticeable reduction in the number of arrested immigrants at borders, and increases in police force successes in arresting drugs, arms and nuclear smugglers. Thus, Turkey can be located as a country in a developing position that will become stronger when it has integrated itself fully into the EU.

Turkey's integration into the EU may also enhance the EU's political and economic presence in wider Eurasia (Ergür, 2005, p.71). Specifically, Turkey's membership will help primarily to solve various security and securitization problems that the EU faces from that region (Nas, 2005). As Turkey is a developing regional power, the EU may also gain a stronger alliance through Turkey's EU membership in respect of solving global level problems. On the other hand, any decrease in the possibility 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 in other regions of Eurasia. Preventing of this unwanted outcome will require further harmonization of legal systems, mutual assistance, cooperation and exchange of information between the EU and Turkey (Yalçın, 2007, p.178).

ANNEX

Annex Table 1. Number of Illegal Organized Crime Activities and Arrests, Turkey (1998 – 2009)

Years / Illegal Activity Type	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Number of Drug Smugglers	6,121	6,209	6,527	7,493	8,350	7,934	11,109	11,979	17,127	28,734	32,101	31,524
Drug Smuggling Cases	2,737	2,857	2,952	3,544	4,147	3,736	5,164	5,714	4,850	13,692	15,433	18,073
Organized Crime Cases	191	393	466	514	323	230	328	221	228	167	118	119
Arrested Members of Organized Crime	1,294	2,420	2,676	3,770	2,358	1,755	2,717	2,344	2,957	2,463	2,239	2,200
Human Smuggling Cases	-	115	152	331	394	263	-	-	3078	375	317	305
Illegal Immigrants	-	-	95,524	95,365	78,757	56,219	61,228	57,428	51,983	64,290	62,459	34,345
Arms Smuggling Cases	227	205	507	206	114	117	255	185	165	144	139	134
Arrested Arm Smugglers	762	650	1064	579	359	341	691	560	647	598	619	196
Nuclear Smuggling Cases	1	1	1	1	1	4	-	1	1	-	-	6
Nuclear Smugglers	8	6	1	7	-	-	-	-	5	-	-	-
Number of Human Traffickers	-	-	-	-	-	-	227	379	422	308	248	301
Number of Trafficked Victims	-	-	-	-	-	-	239	256	246	148	118	102

Source: Compiled from the Annual Reports of Department of Anti Smuggling and Organized Crime, Turkish Ministry of Interior, 1999-2009

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