



RE-CONCEPTUALIZING TRANSNATIONAL ORGANIZED CRIME: OFFENDERS AS PROBLEM SOLVERS

Sınırtaşan Organize Suçu Yeniden Kavramsallaştırma: Problem Çözücüler Olarak Suçlular

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Abstract

This paper presents a conceptual framework for the analysis of transnational organized crime which centers on the practical problems offenders face. The framework breaks down the elusive concept of transnational organized crime to categories that highlight differences in the extent and nature of the transnationality of crime and that identify key logistical challenges to cross-border offenders. Conventional wisdom establishes a close link between transnational organized crime and globalization, as a result of which criminals supposedly are free to roam an increasingly borderless world. This paper argues that such a view is over-simplistic. Political borders continue to divide the globe, and perhaps even more so in the aftermath of 9/11; and legal, cultural and language barriers continue to create additional obstacles for the transnational mobility of offenders.

How these obstacles define transnational crime is a matter of the specific nature of criminal activities. This paper presents two classificatory schemes, one distinguishing transnational criminal activities with regard to patterns of cross-border movement, the other distinguishing forms of cross-border mobility. Patterns of cross-border movement vary according to what crosses borders (persons, objects, information) and in what direction (uni-directional, bi-directional, multi-directional). Cross-border mobility, likewise, can take on different forms, for example with regard to awareness space, foraging, operational mobility, and networking.

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A better understanding of transnational organized crime for analytical and policy purposes cannot be achieved without a more focused examination of crime phenomena within these categories.

Keywords: Criminal networks; organized crime; smuggling; trafficking; transnational crime.

Özet

Bu çalışma suçluların karşılaştığı problemler merkezinde, sınıraşan organize suçları analiz etmede kavramsal bir çerçeve sunmaktadır. Bu çerçeve, tanımlanması zor olan sınıraşan organize suçlar kavramını sınıraşmanın boyutları ve doğası arasındaki farkları, sınır aşan suçluların karşılaştıkları temel lojistik sorunları ön plana çıkaran kategorilere ayırmaktadır.

Sağduyu, sonucunda suçluların sınırsız bir dünyada özgürce dolaşabileceğini varsayan globalleşme ve sınıraşan organize suçlar arasında bağlantı kurmaktadır. Bu çalışma bu görüşün çok basite indirgeyici olduğunu ileri sürmektedir. Siyasal sınırlar dünyayı bölmeye devam etmektedir, özellikle 9/11 sonrası bu daha da belirginleşmiştir. Yasal, kültürel ve dil bariyerleri suçluların sınırlar arası hareketliliğini önleyen ekstra engeller yaratmaya devam etmektedir. Bu engeller sınıraşan suçları nasıl tanımlamaktadır sorusu, söz konusu suçun doğasıyla alakalıdır. Bu çalışma iki sınıflandırma düzeni sunmaktadır. Birisi, sınırlar arası geçiş hareketlerinin karakteristikleriyle ilgili olan sınıraşan suç aktivitelerinin ayrımı, diğeri sınırlar arası hareket şekillerinin ayrımıdır. Sınırlar arası geçişlerin karakteristikleri neyin (kişi, eşya, bilgi vb.) hangi yönde (tek yönlü, karşılıklı yönde, çok yönlü) geçtiğine göre çeşitlilik gösterir. Sınırlar arası hareketlilik; farkındalık alanı, yemleme, operasyonel hareketlilik ve ağ kurma gibi çeşitli şekiller alabilir. Analitik ve politika amaçlı olarak sınıraşan organize suçlar bu kategorilerde yer alan suç fenomeni üzerine odaklanan çalışmalar yapılmadan tam olarak anlaşılması mümkün değildir.

Anahtar Kelimeler: Suç ağları; organize suç; kaçakçılık; ticaret; sınıraşan suç.

1. Re-Conceptualizing Transnational Organized Crime: Offenders as Problem Solvers²

According to conventional wisdom 'transnational organized crime' is an outgrowth of 'globalization'. Offenders are viewed as highly mobile operatives freely moving about in an inc-

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reasingly borderless world. Such a view, however, seems over-simplistic and also at times misleading. For a better understanding of the underlying phenomena it appears more fruitful to assume that, all else being equal, political borders continue to divide the globe, and that these political borders, along with legal, cultural and language barriers, continue to create substantial obstacles for the transnational mobility of offenders.

The purpose of this paper is to contribute to a better understanding of the complexities of the phenomena commonly labelled 'transnational organized crime' by providing a systematic overview of the challenges transnational offenders are facing. The concept of 'transnational crime' refers to crime that somehow transcends international borders (Mueller, 1999). The concept of 'transnational organized crime' is even less clear because of the vagueness of the term 'organized' (Finckenauer, 2005; Varese, 2010; von Lampe et al., 2006). What transcends borders can be criminal activities, criminal networks and organizations, the exercise of illegitimate power or a combination of these three basic dimensions of 'organized crime' (von Lampe, 2008). This paper will focus primarily on transnational criminal *activities*, including predatory crimes as well as the provision of illicit goods and services (Naylor, 2003). The way offenders organise themselves, and if and how they exert control over territories or (illegal) markets will be of concern only to the extent it helps to understand the commission of transnational crimes. The scope of this paper is narrowed down further for pragmatic reasons by excluding transnational criminal activities in cyberspace (see e.g. Jenkins, 2001; Holt & Lampke, 2010).

The starting point for the present discussion is the assumption that transnational crimes are not fundamentally different from any other forms of criminal behavior in that offenders exploit opportunities characterised by a lucrative target in the absence of sufficient protection (Cohen & Felson, 1979; Felson, 2011). The international context, however, may influence the way opportunities present themselves. In some respects the 'transnationality' of a crime may work in favor of the offenders, making it easier, more rewarding and less risky to commit a crime, while in other respects, the 'transnationality' of a crime provides extra challenges. From this perspective offenders in general are problem solvers, but transnational offenders face problems that are specific to, or are more salient because of the international context.

Presenting transnational offenders as problem solvers is not an easy task for two reasons. First, surprisingly little empirical information is available about the day-to-day reality of transnational crime. Much of the academic literature focuses on issues of definition and the politicization of 'transnational organized crime' (see Edwards & Gill, 2002; Ruggiero, 2000; Sheptycki, 2003; Woodiwiss, 2003), whereas the information to be found from the available empirical literature as well as from journalistic and autobiographical sources is rather fragmented. Second, transnational crime is highly diverse so that it is difficult to discern general patterns: there are different forms and degrees of 'transnationality' of crime, and the challenges emanating from this 'transnationality' differ greatly by type of crime and geographical location.



In the end, what this paper may accomplish at best is to deliver a fragmentary assortment of data ordered along the lines of a rough and highly tentative classification scheme distinguishing three main aspects: the cross-border movement of offenders, the cross-border networking of offenders, and the cross-border movement of contraband.

2. Types of Transnational Crimes

Classifications of 'transnational organized crime' usually emphasise the ethnicity of transnational offenders, specifically their allegiance to particular ethnically defined criminal groups. These criminal groups are believed to have the mobility to seek out the most lucrative opportunities for crime and, once a crime is committed, to retreat to those places that provide the most protection from law enforcement. It has also been suggested that transnational crime can safely blend into international commerce, communication, travel, and migrant communities (Shelley, 2011; Williams, 2001; Williams & Godson, 2002). Transnational crime appears in a different light when considering the obstacles transnational offenders may face when crossing borders and operating in an unfamiliar and potentially hostile environment. For example, given the tendency to profile suspects, being recognizable as outsiders exposes transnational offenders more readily than domestic offenders to law enforcement scrutiny (van Duyne, 1998, pp. 278-279; Decker & Chapman, 2008, p. 71; Kenney, 2002, p. 106).

Not all forms of transnational crime are equally affected by the issues outlined above. It appears that the variation can be usefully captured by distinguishing transnational criminal activities according to the pattern of cross-border movement. Two of the key dimensions defining a transnational crime are 1.) the nature of what crosses the border, and 2.) the directionality of cross-border movement.

Transnational crime, as understood here, involves the cross-border movement of one or more of the following:

- people
- goods
- information

It has been argued that much of 'transnational organized crime', and in fact much of 'organized crime', boils down to international smuggling activities (Kleemans & van de Bunt, 2002, p. 23). For the most part this means the cross-border transportation of prohibited, controlled or highly taxed goods such as child pornography, stolen motor vehicles, pirated textiles, drugs, protected animals, illegally logged timber, protected cultural goods, arms, embargoed technology, human organs, hazardous waste, gasoline or cigarettes. In the case of human trafficking and human smuggling, people instead of objects are brought across the border. Whether criminals accompany the smuggled goods is a question of the specific modus operandi. However, criminals do cross borders as an essential characteristic of some transnational crimes, namely cross-border predatory crimes. For example, gangs engaged in serial burglary or serial robbery in one country may operate from bases in another country so that they cross the border whenever they go on a burglary or robbery spree (Weenink, Huisman & van der Laan, 2004). Another type of transnational predatory crime may involve

merely the cross-border movement of information, for example certain cases of so-called 419-frauds where victims are enticed to transfer money to recipients abroad solely based on communication with perpetrators by mail, email, phone or fax (Ampratwum, 2009).

The directionality of cross-border movement likewise varies by type of crime. Directionality as understood here refers to the patterns in which borders are traversed in the course of a crime scheme. Smuggling is commonly a uni-directional activity of transporting contraband from source to destination country, perhaps via one or more transit countries. Payment for contraband goods, however, will go in the opposite direction, potentially posing a separate smuggling problem for moving large amounts of cash (Reuter & Truman, 2004, p. 28). In the case of the illegal export of hazardous waste, the cross-border movement appears to be more clearly uni-directional (Massari & Monzini, 2004). Other transnational crime schemes are bi-directional, for example in the case of serial burglars operating from safe home bases. Here, each criminal endeavour is completed only after a border has been crossed once in each direction (Weenink et al., 2004). Certain cigarette-smuggling schemes also involve such a 'hook-shaped' pattern of movement, namely when untaxed cigarettes are officially procured for export to a third country only to be smuggled back to the country of origin for distribution on the black market (von Lampe, 2006). 'Carousel fraud' schemes targeting the system of value-added tax reimbursement within the EU may even develop, as the term indicates, a circular pattern linking a number of fraudulent firms in different countries (van Duyne, 1999; Pashev, 2008). Finally, there are crime phenomena with complex transnational ramifications. The illicit production of synthetic drugs in the Netherlands provides one such example. Dutch ecstasy producers may procure precursor chemicals from suppliers in Eastern Europe and East Asia. The ecstasy is then produced in the Netherlands or Belgium to be smuggled through and into yet other countries for retail distribution (Blickman, Korf, Siegel & Zaitch, 2003).

3. Cross-border Mobility

While the level and nature of the 'transnationality' varies, there seem to be certain kinds of problem constellations that are characteristic of most if not all forms of transnational crime, pertaining to the identification of crime opportunities, the exploitation of these opportunities, and the management of the risks offenders face during and after the commission of a transnational crime.

3.1. Awareness Space

Assuming that crimes are the result of motivated and capable offenders exploiting opportunities, the first major challenge for transnational criminals is to become aware of opportunities that present themselves in the transnational sphere. Such opportunities include lucrative targets not existing elsewhere, such as cultural artefacts (Bowman, 2008; Lane, Bromley, Hicks & Mahoney, 2008) or wildlife (Warchol, Zupan & Clack, 2003), vulnerabilities stemming from lower or absent physical or legal protections, for example potential victims of sexual exploitation (Lau, 2008), or cross-border price differences in legal (e.g. cigarettes)



or illegal (e.g. drugs) markets (von Lampe, 2006; Wisotsky, 1990). Opportunities for transnational crime also include facilitating circumstances such as porous borders and effective means of transportation.

It has been argued that offenders are generally limited to opportunities within their respective “awareness space”, shaped in time and physical space by past activities (Brantingham & Brantingham, 1993, p. 269). An offender “commits crime in the areas he knows” (Felson, 2006, p. 234). This would imply that cross-border mobility of some form is not only an inherent characteristic of, but also a precondition for transnational crime. Indeed, it is easy to imagine how opportunities encountered in the course of legal cross-border movement, such as touristic travel, business travel, migration, study or military deployment abroad, have been at the root of many transnational criminal ventures. For example, there are indications that a direct link exists between the presence of American troops in Indochina in the 1960s and 1970s and the emergence of heroin trafficking routes between South-East Asia and the U.S. (McCoy, 2003, p. 258). Likewise, it seems that tourists discovering cross-border price discrepancies in the legal cigarette market contributed significantly to the emergence of major cigarette black markets in Germany and the UK (Hornsby & Hobbs, 2007; von Lampe, 2002). Media reports, the internet and person-to-person communication, such as within diaspora networks, may also alert potential offenders to the existence of transnational crime opportunities (Chin & Zhang, 2007, p. 37; Clarke & Brown, 2003, p. 209; Decker & Chapman, 2008, p. 119; Gounev & Bezlov, 2008, p. 425).

3.2. Criminal Foraging

The image of offenders more or less accidentally stumbling into crime opportunities in the course of routine activities does not however exhaustively explain ‘transnational organized crime’, or ‘organized crime’ more generally for that matter. There is the notion that sophisticated offenders, at least, are capable of taking the initiative and seeking and creating crime opportunities (Ekblom, 2003, p. 252). Human traffickers, for example, “are said to undertake informal market surveys to identify the most advantageous market, calculating costs, risks and benefits” (Surtees, 2008, p. 48). In a similar vein, Kenney has described Colombian drug trafficking organizations as “learning organizations” that conduct research on crime opportunities by “gathering information about alternative routes and transshipment methods, experimenting with certain alternatives that proved capable of transporting large quantities” (Kenney, 2002, p. 110). This kind of behavior which aims at broadening access to crime opportunities can appropriately be termed “criminal foraging” (Felson, 2006, p. 241).

Some form of foraging is typical for a wide range of crime. However, the cross-border foraging of transnational criminals seems to be an exception to the rule that offenders generally “tend to forage near their homes and other places they already know” (Felson, 2006, p. 263). Of course, the foraging of transnational criminals does not necessarily mean that they are moving in entirely unfamiliar territory. There are what can be called ‘niches of familiarity’ that foraging criminals can take advantage of abroad. Migrant communities are often highlighted as an important support infrastructure for transnational offenders, even

providing some level of protection from law enforcement because of the shielding effects of cultural and language differences (Kleemans & van der Bunt, 2002, p. 25; Paoli & Reuter, 2008, p. 24; Shelley, 2002, p. 4; Williams & Godson, 2002, p. 330-331). Conversely, migrants can operate with some ease in their country of origin (see e.g. Soudijn & Kleemans, 2009, p. 467). Transnational similarities in language and culture as a remnant of colonization have also been found to facilitate the exploration of transnational crime opportunities (Zaitch, 2002, p. 89).

At the same time, there is evidence suggesting that some criminals are indeed willing and able to overcome legal, cultural and language barriers to explore crime opportunities in alien territory. Ko-lin Chin and Sheldon Zhang cite a Chinese police official who claimed that “drug traffickers from Latin America smuggled several kilos of cocaine into China to test the market and see if they can find a local buyer” (Chin & Zhang, 2007, p. 40).

It seems that discovering transnational crime opportunities is for the most part linked to routine, licit cross-border mobility of persons and information, but adventurous offenders may go beyond these established paths.

3.3. Operational Cross-Border Mobility of Offenders

Foraging across borders poses some of the same challenges as the actual execution of transnational crime. But the risks attached to foraging behavior will tend to be comparatively low given that laws are not necessarily violated at this preparatory stage of a criminal venture. The true challenges of transnational crime only present themselves once offenders set out to exploit the opportunities they have become aware of.

There are two challenges in particular that have to be considered separately: 1.) the crossing of international borders and 2.) operating within the context of another country. A third challenge typically encountered by transnational criminals but not inherently linked or unique to transnational crime is coping with great geographical distances. Some cross-border crime involves only walking distances, while crime schemes within countries like Australia, Canada, China, India, Russia or the U.S. can stretch across thousands of kilometres.

3.3.1. Crossing International Borders

As has been pointed out above and will be discussed in greater detail below, few transnational crimes inevitably require offenders to physically cross an international border. However, where offenders do go from one country to another in the execution of a crime, borders pose a major obstacle. In essence, transnational offenders are left with two alternatives: 1.) blending into the flow of licit cross-border traffic, which usually requires the use of genuine or forged travel documents such as passport and visa, and 2.) crossing the border in an inconspicuous and most likely less convenient way outside of regular channels. Both options, it seems, are less readily available today than 30 or 40 years ago. Considerable advances in international law enforcement cooperation have gone hand in hand with technological innovations that greatly facilitate the identification and monitoring of transnational offenders,



while international borders have gained renewed importance. First of all, the number of international borders has increased as a result of the fragmentation of the Soviet Union and Yugoslavia into 22 independent states. Secondly, the overall permeability of borders is likely to have decreased. Efforts to curtail international terrorism and irregular migration have resulted in tightened border control regimes between, for example, the United States and Mexico, and between the EU and its neighbours to the East and South (Baldaccini, 2008; Shamir, 2005). At the same time traditional border controls have been scaled down or removed along certain borders, namely within Europe's Schengen area. But this does not mean that borders are being abolished. Rather, the monitoring and control of cross-border movement becomes "dispersed in a complex fashion across space and time" (Jamieson, South & Taylor, 1998, p. 308; see also Wonders, 2007). As Petrus van Duyne has argued, the borders of modern states generally extend into a dense web of information and control within a country which leaves little moving space except at the margins of society (van Duyne, 1998, pp. 259-260; see also Broeders, 2007). Against this background it is plausible to assume that there is a tendency for transnational offenders to avoid cross-border movement and to seek alternative means for overcoming borders, namely in the form of cross-border networking and communication between localised actors (see Felson, 2011; Hobbs, 1998; Hobbs & Dunnighan, 1998). This point can be illustrated by drawing on three case studies of large-scale cigarette smuggling operations and of how they implemented decisions to establish new trafficking routes in countries they were not familiar with (von Lampe, 2009). The members of the three established smuggling groups had no direct knowledge of the respective countries, nor did they speak the language or had personal contacts there. Instead of acquiring the necessary knowledge and crossing borders themselves, all three smuggling groups chose to recruit individuals who in turn recruited other individuals and businesses with the necessary prerequisites (von Lampe, 2009, p. 33).

The paradoxical assumption that transnational offenders tend to avoid cross-border movement gains credibility when considering the problems faced by offenders who, after successfully crossing the border, are engaging in criminal activities in a foreign country.

3.3.2. Operating within a Foreign Country

Transnational offenders committing crimes abroad tend to be outsiders operating in an alien environment (see e.g. Zaitch, 2002). Because of legal, language and cultural barriers and a general lack of familiarity with the particularities of a country they will be less able than domestic offenders to take full advantage of the legitimate infrastructure, including sectors of great logistical importance for transnational offenders such as public and commercial transportation, telecommunication and banking.

Being an outsider in the country of operation may also translate into increased risks. Behaving in an unconventional way, for example, can draw unwanted attention and may raise suspicion. That is why the Cali cartel reportedly "produced a manual for their US-based operatives that provided practical advice for managing a stash house, including suggestions for cutting the lawn, going to the movies every Thursday night, and other tips on 'how to live

like Ozzie and Harriet” (Kenney, 2002, p. 106). Familiarity with the respective legal system also seems important. Decker and Chapman (2008, p. 140), for example, found that many incarcerated drug traffickers they interviewed had been ignorant of crucial aspects of the substantive and procedural criminal law in the United States, thereby becoming more vulnerable to arrest and lengthy prison sentences.

It can be hypothesized that offenders operating in a foreign country as outsiders are limited in the crimes they can commit (Massari, 2003, p. 65). It is probably not a coincidence that criminals without a social support structure within the country of operation tend to specialise in overt “hit-and-run” crimes like serial robbery and serial burglary that do not require blending into conventional patterns of behavior (Felson, 2006, p. 254; von Lampe, 2008, p. 15).

One strategy adopted by transnational offenders to overcome the difficulties of operating in an alien environment is exemplified by the US-based operatives of the Cali cartel mentioned above that provided permanent anchor points for drug trafficking. Similarly, Colombian drug traffickers are said to have relocated to important transshipment points in Mexico, the Netherlands and West Africa (Ellis, 2009, p. 172; Kenney, 2002, p. 127; Zaitch, 2002, pp. 160-161). African traffickers, in turn, have reportedly taken residence in Pakistan and India, at times registering as students, to procure drugs for drug entrepreneurs based in Europe (Ruggiero & Khan, 2006, p. 481; van Duyne, 1993, p. 14).

A permanent presence abroad may be advantageous for a variety of reasons. It may help a transnational offender to gain a better understanding of the new environment and to grow less conspicuous in the process. Establishing a presence abroad also permits quicker responses to unforeseen circumstances while avoiding the costs of shuttling back and forth between their home country and the country of operation. However, from the available evidence it seems that a transnational offender relocating to another country for the purpose of committing crimes is more the exception than the rule. More commonly, perhaps because it is more advantageous from the offender’s point of view, links are established to individuals already present and well entrenched in the country of operation. These include individuals sharing the same ethnic background as the transnational offenders, members of other migrant communities as well as individuals indigenous to the country of operation (Gounev & Bezlov, 2008, p. 424; Lee, 1999, p. 15; McIlwain, 2001, p. 47; Sieber & Bögel, 1993, p. 80; van Daele & Vander Beken, 2009, p. 57; von Lampe, 2009).

3.4. Cross-border Networking

Establishing, mobilizing and maintaining “criminally exploitable ties” (von Lampe, 2003) across borders may well be as demanding and time-consuming for transnational offenders as the actual commission of cross-border crimes. First of all, there are numerous ways in which cross-border networking can be conducive to transnational criminal activities. Secondly, cross-border networks appear to be fluid and fragile, partly as a result of law enforcement intervention, partly as a result of opportunistic behavior, so that transnational offenders continuously need to invest in building and fostering relationships (see e.g. Desroches, 2005).



3.5. Contingencies of Cross-Border Networking

The need for and the benefit from cross-border networking varies across crime types. For example, while cross-border networking is inherent in the functioning of transnational illegal markets, linking suppliers and customers from different countries (Kleemans & de Poot, 2008, p. 75), cross-border predatory crimes do not necessarily rely on cross-border networks, although predatory crimes, just like market-based crimes, may be facilitated by a support infrastructure in the country of operation (Sieber & Bögel, 1993, p. 80; van Daele & Vander Beken, 2009, p. 57; Weenink et al., 2004). The need for cross-border networking also seems to be dependent in part on the scale of a criminal venture. Research shows a correlation between the size of smuggling shipments and the size and diversity of criminal networks (Gamella & Jimenez, 2008; von Lampe, 2007). In turn, the capacity of transnational offenders to establish criminally exploitable ties seems to be unevenly distributed, depending, for example, on existing social capital, social skills and psychological dispositions (Morselli, 2005; Robins, 2009).

3.6. Target Populations for Cross-Border Networking

Cross-border networking can enable or facilitate crime, and in various ways it can reduce risks inherent in transnational crime, involving different sets of actors in local underworlds as well as in the spheres of legal business and government (McIlwain, 2001). For example, where in the eyes of law enforcement a specific nationality or ethnicity is linked to certain criminal activity, such as Colombians to drug trafficking, transnational offenders may transfer certain tasks to local criminals in order to reduce visibility (Decker & Chapman, 2008, p. 71; Zaitch, 2002, p. 167). Establishing relationships with local criminals may also be necessary to avoid conflicts, namely where criminal groups exert territorial control, while at the same time giving access to the resources of these groups in terms of logistical support and protection from law enforcement (Arlacchi, 1986, pp. 151-153). Analytically this has to be distinguished from the diplomacy between two or more territorially based criminal groups who negotiate exclusive spheres of interest. Despite the media attention alleged 'mafia summits' have received, this seems to be an overrated issue with little influence on the day-to-day reality of transnational criminal activities (Williams, 2002).

Links to individuals positioned within the sphere of legal business tend to provide logistical advantages for transnational offenders. For example, smuggling enterprises transporting contraband goods by air can link up with airline staff, airplane cleaners and luggage handlers at airports to bypass customs controls (Caulkins, Burnett & Leslie, 2009, p. 82; Kleemans & van de Bunt, 2008, pp. 192-193). Similarly, smuggling enterprises using transport by land and sea will seek the cooperation of individuals with a background in boating, fishing, import & export and transportation (Decker & Chapman, 2008, p. 101; Desroches, 2005, p. 45; Kostakos & Antonopoulos, 2010, p. 53; Soudijn & Kleemans, 2009, p. 464).

Establishing relationships with corrupt officials to gain immunity from law enforcement is advantageous though not always necessary for successfully committing transnational crimes (Desroches, 2005, p. 211; Johansen, 2005, p. 201; Kostakos & Antonopoulos,

2010, p. 51). Corrupt relationships are not necessarily initiated by transnational offenders, but also by corrupt officials who systematically extort criminals (Lupsha, 1991). In extreme cases, corrupt relationships can translate into a comprehensive support infrastructure for criminal activities. One example is provided by the West African country of Guinea-Bissau where Colombian drug smugglers are reportedly allowed to use military facilities for transporting and stockpiling cocaine destined for Europe (Ellis, 2009, pp. 191-192).

3.7. Creation of Criminal Network Links

Criminal networking is closely linked to criminal foraging as many crime opportunities only arise with the establishment of particular criminal links. Crucial to understanding 'transnational organized crime', therefore, is understanding how criminal network ties are formed. From a tentative review of the academic and journalistic literature it seems that there are two key questions: 1.) Can criminal network ties be formed without pre-existing social ties? and 2.) Are criminal network ties created only by purposefully seeking out potential co-conspirators or are they also formed opportunistically?

A recurring theme in the literature on 'transnational organized crime' is how embedded criminal networks are in webs of social relations that provide a basis of trust (see von Lampe & Johansen, 2004). Ethnicity is often mentioned in this respect as an important factor in the emergence of transnational criminal networks, although only rarely is the explicit claim made that shared ethnicity rather than anything else is what brings co-conspirators together (Decker & Chapman, 2008, p. 96; see also Desroches, 2005, p. 63). In most cases, it seems, ethnic homogeneity is a superficial characteristic of criminal networks based on family, friendship or local community ties (Bruinsma & Bernasco, 2004, p. 87; Desroches, 2005, p. 121; Kleemans & van de Bunt, 2002, p. 23). Family ties in particular are commonly regarded as the strongest basis for criminal networks. Decker and Chapman, for example, report that many smugglers they interviewed "expressed the belief that they were less likely to be 'snitched out' by relatives" (2008, p. 98). Ritual kinship ties created by fraternal associations with branches in different countries, namely the major outlaw motorcycle gangs (Barker, 2007, p. 130) and mafia associations like the Cosa Nostra and 'Ndrangheta (Paoli, 2003, p. 32), are even more likely to foster the cross-border networking of criminal entrepreneurs. Yet, close bonds of that nature are not necessarily a precondition for the emergence of transnational criminal networks. As anecdotal evidence suggests, relatively weak social ties such as childhood acquaintance or contacts established in the context of legitimate business can be sufficient grounds for criminal cooperation (Antonopoulos, 2008, p. 277; Chin & Zhang, 2007, pp. 37-38; Desroches, 2005, pp. 65-66; von Lampe, 2009, pp. 26-34). Indirect contacts and a reputation for trustworthiness and reliability gained within (legitimate or illegitimate) milieus have also been found to provide a basis for criminal networking (Decker & Chapman, 2008, p. 96; Kleemans & de Poot, 2008, pp. 90-91). At times, contacts are brokered by way of social gatherings functioning as 'gangster conventions', for example, of drug traffickers and international fraudsters (Adler, 1985, p. 77; Kleemans & van de Bunt, 2008, p. 194). This means that for transnational offenders, just like for more localised 'organized criminals', socialising is an important facet of 'organizing crime'.



Finally, there is evidence that criminal networking across borders occurs in the absence of any pre-existing ties. Locations that function as “offender convergence settings” seem to play an important role in this respect (Felson, 2003) in that they bring offenders together with some regularity, thereby increasing the likelihood of criminal network ties forming even between strangers.

An illustrative example is provided by Bruce Porter in his biography of legendary American drug smuggler George Jung. In the late 1960s, long before coming into contact with the Medellín cartel, Jung distributed Mexican marijuana obtained from a local source in Southern California. At some point in time he decided to buy the drugs for a better price directly in Mexico. Jung and two accomplices flew to Puerto Vallarta, rumoured to be “the place to get marijuana in large quantities”. Although they knew little Spanish, possessed no knowledge about Puerto Vallarta and had no initial contact to start with, Jung and his accomplices eventually did succeed in finding a supplier. After three weeks of fruitless socialising they were contacted by a local drug trafficker who had observed them for some time “and wanted to see if they could do business” (Porter, 1993, pp. 69-71).

A more contemporary example for a “convergence setting” seems to be Amsterdam (Caulkins et al., 2009, p. 68; Ruggiero & Khan, 2006, p. 479). The central Amsterdam railway station in particular is reported to be for drug dealers “one of the best places for new contacts” because suppliers of drugs and contact brokers already await incoming trains (Junninen, 2006, p. 157). In their own way, prisons also promote cross-border networking. For example, one could argue that the Medellín cartel owed its success to a considerable degree to the relationship between Carlos Lehder and George Jung which had formed while they served time for unrelated crimes in a penitentiary in the United States (Porter, 1993).

While prisons and other “convergence settings” as well as existing social bonds have purposefully been used by transnational offenders for establishing criminally exploitable ties, some cross-border crime networks owe their existence to chance encounters (Kostakos & Antonopoulos, 2010, p. 49). Criminal networking in these cases falls in the mold of crime opportunities discovered in the course of routine activities. A Chinese drug dealer interviewed by Chin and Zhang (2007, pp. 37-38) provides an illustrative example:

During a tradeshow in Guangzhou, I met a childhood friend who illegally emigrated to Hong Kong years ago and returned as a businessman. He told me how he got rich quickly – dealing drugs. At the time, he was looking for a reliable supply line of heroin from Yunnan. Because of my extensive business contacts, he was wondering if I could help him develop a trafficking route from Yunnan to Guangzhou. ... In an exploratory trip I subsequently made to Yunnan Province, I was able to purchase a small quantity of heroin from Myanmar and brought it to Guangzhou.

This case is particularly interesting as it shows how a criminal network emerges from a combination of the coincidental activation of a dormant social tie and the subsequent purposeful mobilizing of legal business contacts.

4. Cross-Border Transportation of Objects or Persons

Cross-border movement of offenders and cross-border criminal networking are two of three main elements of 'transnational organized criminal activity' highlighted in this paper. The third element is the core behavior defining a particular transnational crime. In cases other than predatory crimes such as cross-border burglary and fraud, some form of smuggling is involved, i.e. the illicit cross-border transportation of tangible objects or persons. This is not to say that smuggling ventures are confined to the crossing of borders. Smuggling schemes may involve, for example, elaborate preparatory work such as concealing contraband within means of transportation, reloading, repacking, relabeling and temporary storage of contraband at transshipment points, and clearing cover loads with customs after crossing the border (see e.g. Decker & Chapman, 2008).

Similar to the cross-border movement of offenders, smuggling occurs in two essential forms: 1.) moving across the 'green border', i.e. outside of regular crossing points, and 2.) blending into the flow of licit cross-border traffic and trade. In both cases the transportation can be by land, sea or air. In the first case, offenders try to conceal from authorities the cross-border movement in order to avoid any form of official scrutiny, whereas in the second case they merely try to conceal from authorities the fact that contraband is being brought across the border. This entails fundamentally different logistical requirements with regard to the means and forms of transportation and the routes taken.

4.1. Smuggling across the 'Green Border'

Smugglers choosing a 'green' land border will tend to prefer areas that are remote, poorly monitored or difficult to monitor, and they will use means of transportation suitable for the terrain. For example in mountainous border regions such as those between Iran and Iraq, smugglers travel on foot or use mules (Murphy, 2002). Smugglers crossing from Egypt into Israel through the Negev desert travel on foot or use camels or jeeps and take advantage of caves along the way to avoid detection (Siegel, 2009). Nearby, between Gaza and Israel, and elsewhere, for example between Mexico and the United States, smugglers dig tunnels as an alternative means for the clandestine movement of contraband across the border (Almog, 2004; Lacey, 2010, October 3).

For smugglers travelling by sea and attempting to evade detection, the counterpart to tunnels are submarines. One case of a failed attempt by Colombian drug traffickers to purchase a Russian military submarine in the mid 1990s is well documented (Adams, 1997, February 23), while cases of actual smuggling operations seem to be confined to self-made submarines, more specifically semi-submersible slow-going vessels with the capacity to transport about 9000 kilograms of cocaine (Forero, 2008, February 6; Kushner, 2009, April 26). Speedboats are an alternative means of transportation on water where offenders try to avoid official scrutiny by reducing the time of exposure to interdiction efforts, by outpacing law enforcement operatives. Fast boats can transport about 2500 kilograms of cargo at speeds of around 100 kilometres per hour (Miller, 2002, April 14; Decker & Chapman, 2008, pp. 69-70).



Smuggling across the 'green border' by air involves the use of aircraft flying below the radar and either landing on irregular landing strips or staying airborne and dropping packages of contraband (Decker & Chapman, 2008, pp. 80-83).

4.2. Smuggling Embedded in Legal Cross-Border Traffic

In contrast to smuggling across the 'green border', smuggling schemes using regular border crossing points tend not to raise any suspicion crossing the border as long as the contraband is sufficiently well concealed. The concealment is done in essentially two forms. One approach is to hide the contraband altogether. The other approach is to conceal the illicit nature of the goods while no secret is made of the fact that goods are transported across the border. In the first instance the smuggling activities are embedded in licit cross-border traffic, for example tourist travel, while in the second instance the smuggling activities are embedded in licit cross-border trade. Apart from different demands placed on offenders, the main difference between these two approaches is that by inserting contraband into the flow of licit cross-border trade, much larger loads can be smuggled at one time. This is easily illustrated using cigarette smuggling as an example (von Lampe, 2007): An individual smuggler can carry up to about 3,000 cigarettes, weighing about 4.5 kilograms, strapped to the body. About 50,000 cigarettes, weighing about 75 kilograms, fit into the trunk of a car. In contrast, a standard 40 foot freight container can hold up to about 10 million cigarettes, weighing about 15,000 kilograms.

Smuggling embedded in licit cross-border traffic can take many different forms, depending on the mode of transportation and the level of concealment, although some variation also exists with regard to the type of contraband, for example gold (Naylor, 2002) compared to protected birds (Wyatt, 2009). In fact, in the case of human smuggling and human trafficking, the cross-border movement itself may outwardly be entirely legal when, for example, student or tourist visa are used (Schloenhardt, Beirne & Corsbie, 2009, pp. 229-230; Surtees, 2008, pp. 52-53).

Illustrative examples of smuggling methods can be found on the websites and in publications of many customs services (see e.g. www.customs.gov; www.zoll.de). Perhaps the most common form of smuggling in terms of the number of incidents is smuggling by an individual crossing the border on foot, by train, plane or ferry. The contraband may be hidden inside the body, under or inside clothing, or inside personal luggage. By swallowing the contraband, usually drugs, gold or diamonds, the highest level of concealment is achieved because the contraband cannot be detected by a normal, nonintrusive search of the person (Cawich, Valentine, Evans, Harding & Crandon, 2009; Traub, Hoffman & Nelson, 2003). Similarly, the detection of contraband hidden, for example, in false bottoms of suitcases, within the film cartridges of cameras, or sewn into stuffed toys may require the use of some form of technology such as x-ray scanners, and may entail damaging or destroying the objects used to conceal the contraband.

Personal vehicles, including bicycles, motorcycles, cars, vans, campers, and vessels like fishing boats, sailing boats and motor yachts, provide numerous opportunities for

concealing contraband in hidden compartments. These compartments exist by design, for example underneath the dashboard of a car, or are created specifically to hide contraband, for example by dividing the gas tank of a car or motor boat. Creating these compartments, hiding the contraband and retrieving the contraband after a successful smuggling run, can become elaborate operations in their own right, at times requiring a high level of expertise and technical skills on the part of transnational offenders (Decker & Chapman, 2008, pp. 75-78; Desroches, 2005, pp. 97-98).

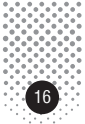
The chances of successful smuggling runs can be further increased by reducing the likelihood of customs inspections. One method is bypassing controls altogether, for example with the help of complicit baggage handlers at airports (Kleemans & van de Bunt, 2008, p. 193) or with the help of diplomats (Naylor, 2002, pp. 149-150). Another method is the use of people who because of their age, gender, religion, or social status may be unlikely to raise the suspicion of customs officers, such as women with small children, older women, catholic priests, orthodox jews or celebrities (Campbell, 2008; Kostakos & Antonopoulos, 2010; Naylor, 2002).

4.3. Smuggling Embedded in Legal Cross-Border Trade

It seems that the most inconspicuous way to move contraband across the border, at least in larger volume, is the integration of smuggling into the legal cross-border movement of commercial goods. Adopting this method requires the offenders to behave like any legitimate commercial enterprise and to have a more or less continuous transnational presence. In combination with the handling of larger shipments this requires the involvement of a larger number of co-offenders and a greater need for transnational coordination and communication (Caulkins et al., 2009, p. 80; Decker & Chapman, 2008, p. 80; van Duyne, 1998, p. 268; von Lampe, 2007, p. 150; 2009, p. 23).

In some cases the smuggling shipments consist exclusively of contraband whereas in most cases the contraband is hidden behind, among or within legal goods, while the accompanying documents always show the entire shipment to consist of legal goods. The shipment has to be cleared with customs and taxes and duties have to be paid on the declared goods. The kind of documents required for the cross-border movement of goods varies depending, for example, on the means of transportation and the kind of cargo, but in general the sender, the carrier, and the recipient of the goods have to be disclosed. This means that a business sending the shipment from one country and a business receiving the shipment in another country have to at least exist on paper, and someone acting on behalf of one of these companies has to interact with customs directly, or indirectly through a dispatch forwarding agent. The integration into legal cross-border commerce can go so far that the entire smuggling operation, including transportation, customs clearance and delivery, is outsourced to legitimate businesses (Caulkins et al., 2009, p. 80; von Lampe, 2007).

Only a small percentage of cross-border commerce is inspected by customs (U.S. Department of Homeland Security, 2009, pp. 56-57) so that smuggling operations can be successful even where no special measures are taken to conceal contraband. However,



some smuggling operations have applied industrial style methods to hide contraband inside cover loads. One example is provided by packs of contraband cigarettes along with small amounts of sand sealed in food tins. The sand ensured that the tins had the weight indicated on the label (von Lampe, 2006, p. 239).

4.4. Smuggling by Mail and Parcel Services

A fourth smuggling scheme available in addition to smuggling across the 'green border' and embedding contraband in the flows of cross-border travel and trade is sending contraband by mail or parcel service. This method is closely linked to the marketing of illicit goods such as cigarettes (von Lampe, 2006, p. 242) and counterfeit medicine (World Health Organization, 2010) over the internet, but is also used as an alternative means of smuggling other items, for example, drugs (Caulkins et al., 2009, p. 83) and endangered species (Warchol, Zupan & Clack, 2003, p. 23). Similar to the use of commercial transportation, smuggling by mail and parcel service requires an infrastructure for receiving shipments in the destination country.

4.5. Strategic Choices Made by Smugglers

There is another aspect to smuggling which is crucial in understanding the practice of 'transnational organized crime': making decisions. Smugglers have to make decisions in the constant game of cat and mouse they play with customs. While customs agencies try to establish patterns in smuggling activities and devise new techniques and introduce new technologies to make borders less easily penetrated, smugglers try to avoid detection by becoming less predictable, increasing their level of sophistication, changing their modus operandi, switching their means of transportation and moving their smuggling routes (Decker & Chapman, 2008, p. 161; Desroches, 2005, pp. 97-98).

Smugglers may also respond to interdiction efforts by changing the scale of smuggling operations. One basic decision smugglers have to make is whether to move contraband in bulk or to break it down into a number of smaller shipments to spread the risk. In drug smuggling, for example, a consignment may be divided among a group of couriers ('mules') with the expectation that only some of them will be caught, leaving the overall operation profitable. In fact, some smuggling enterprises give up 'mules' as bait in order to divert the attention of customs away from the other 'mules' (Caulkins et al., 2009, p. 74; van Duyn, 1993, p. 11). What may be celebrated by customs as a success against smuggling may in fact be a victory for the smugglers.

Conclusion

This paper attempts to provide an overview of the practice of 'transnational organized crime' by systematically examining the challenges of cross-border criminal activity and the problem-solving behavior transnational offenders display in meeting these challenges. Beyond this overview, the specifics of particular types of transnational (organized) crime could not

be discussed in any detail and some important aspects could only be addressed in passing at best. This pertains to the cross-border coordination of criminal activities in contractual and hierarchical relationships, to patterns of conflict resolution between transnational offenders, to the diplomacy between territorially based criminal groups, and to the use of corruption and violence or the threat of violence.

The main emphasis of this paper is placed on three aspects: the cross-border movement of offenders, the cross-border networking of offenders, and the cross-border movement of contraband. Each of these aspects highlights specific restraints to transnational criminal activity which are at odds with common depictions of transnational organized crime as a mirror image of globalized legal business. The classification scheme proposed here also challenges the prevalent categorization of transnational organized crime along ethnic lines. For analytical purposes, to gain a better understanding of why some transnational offenders succeed and others fail, but also for policy purposes, aiming at identifying and exploiting ways to increase the risks and costs of transnational crime, it seems preferable to adopt a nitty-gritty approach with a view to the day-to-day reality of transnational (organized) criminals.

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