

Editorial

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The multiplicity of actors has been one of the major features of the international system at the beginning of the 21st century. Traditional actors in international relations consisting purely of sovereign states have been expanded to accommodate non-state actors. In such a diversified international system that has always been regarded as the unique domain of sovereign states, states have been confronted with “sovereignty-free actors” (Rosenau 1990: 36). Sovereignty-free actors are not only non-state actors of the “upperworld” (Duyne et al 2002) such as non-governmental organizations and multinational corporations largely preserving the causes of peace, development, and stability, but are also transnational criminal actors pursuing political power and economic wealth through illicit means.

Transnational criminal networks are sovereignty-aggressive non-state actors, which have engaged in disruptive, unwelcoming and threatening activities that have been recognised as one of the major sources of global instability and a source of disruptive cross-jurisdictional flows such as illicit movement of people, goods and services. The inability of states to control these illicit flows into, out and through their national territories have led to state mechanisms losing much of traditional functionality. Obligated to comply with “the baggage of statehood—patriotism, politics, accountable governments, human rights, legal structures, international conventions, bureaucracy, diplomacy”, Westphalian states are endangered by transnational criminal actors that have “no national commitment, no transnational laws but their own” (Sterling 1994: 211). With a

pinch of cynicism Robinson (2000: 9) pointed out:

as long as we live in a world where a seventeenth-century philosophy of sovereignty is reinforced with an eighteenth-century judicial model, defended by a nineteenth-century concept of law enforcement that is still trying to come to terms with twentieth-century technology, the twenty-first century will belong to transnational crime.

Old Phenomena, New Opportunities

The problem with contemporary transnational crime, however, is not that it is novel, unstudied, and, therefore, challenging. The use, production and sale of narcotic drugs can be traced back to ancient history. Recorded by Homer opiates were common in Ancient Greece, marijuana was in use over two millennia ago and coca was as much an integral part of societal life as it is in some parts of nowadays Andean South America. Piracy has been a menace to international commerce since as early as the fourth century AD and gradually grew through the centuries becoming particularly rife in the Mediterranean from the 16th through the 18th centuries.

While the historical curve of globalization has often been contested, it is unambiguous that the international system today exhibits a greater impact and magnitude of transnational processes than ever before.

Although crime on a global scale or with international repercussions is by no means a new phenomenon, the 1990s indeed witnessed a significant rise in the scale of transnational crime. The end of the Cold War, the events of 9/11, and the devastating consequences of transnational criminal activities have encouraged new deliberations on the future of war and violent conflicts and on the capacity of states to take control over warfare and security.

Conceptual Twists and Turns

Although the United Nations Conference on Organized Crime (UNTOC 2000) outlines what the term “transnational organized crime” incorporates, it does little to fully capture the variation in group size, organization, or scale of operations characteristic of transnational crime. Back in the 1970s, Reuter and Rubinstein (1978) warn that defining transnational crime would always be a challenge and the Achilles Heel of most of accounts that try to study it. They write, not without some irony, that “most discussions [on transnational crime] end up sounding like debates about UFO: those who have seen one are arrayed on one side, and all of those who have never seen one but dispute the validity or interpretation of the observations are on the other” (Reuter and Rubinstein 1978: 59). Wright emphasises that challenges of defining transnational crime are ingrained in its semantic and empirical qualities. There is “no absolute consensus about the substantive examples that might fall within its scope” (Wright 2006: 203). The challenge is to produce a definition that reflects the complex reality of transnational crime that is typically “hybrid and rarely exists as an ideal type” (Zabyelina 2010: 125). In light of its multifaceted nature, transnational crime can include activities ranging from trafficking in narcotic drugs, psychotropic substances, arms or body parts to money laundering.

One should not confuse the terms “transnational crime” and “international crime”. International crime involves the relationship between and among states, while transnational crime is related to relationships between and among a variety of actors—states, private organizations, individuals regardless of nation-state boundaries. International crimes are criminal acts committed by states against international peace and against humanity. International crimes have been included in the Rome Statute of the International Criminal Court with the reference to such offences as crimes against humanity, crimes against peace, and war crimes. Transnational

crimes are crimes of less threatening for international peace but endangering international cooperation (terrorism, plane hijacking, etc.), international economic and socio-cultural developments (contraband, illegal immigration, coinage offence, or drug trafficking), and well-being of individuals, their property and the universal system of values (human trafficking and trafficking in body parts, pirateering, or pornography) (Zabyelina 2010: 132-133).

There should also be a careful distinction made between the elements of transnational crime that cross borders and those that are predominantly domestic. Longo (2010: 26-27) argues that “transnational” is not referred to criminal actors but to the operational dimension of domestic crime. Perpetrators are located domestically within one jurisdiction and do not cross borders physically. Rather, they opt for cooperative arrangements with criminal networks and organized criminal groups in other states. From this perspective, only committed offences are transnational, whereas criminal actors are predominantly local. It is, however, also possible that perpetrators cross national jurisdictions in attempt to avoid prosecution. In this situation, criminal actors should be considered transnational. The test for transnationalism should be performed on a case by case basis in order to avoid methodological and analytical confusion.

What should also be pointed out is that not all transnational crime is committed by organized criminal groups, nor do all organized crime groups engage in transnational crime. Recent trends in research on transnational crime emphasise that group-based organizational logic is not a prerequisite of transnational criminal activities. Those specializing in cyber-crime and money laundering have particularly emphasised that transnational criminal activities are losing rigid organizational forms. Illicit acts and fraud committed by individuals—“amateur traffickers” (Schloenhardt 1999), “criminal isolates” (Wright 2006: 40), or “loose associations of individuals” (Starita 2007: 6)—should not be discarded as unimportant or less serious offences.

Problematic Disciplinary Boundaries

Transnational crime is one of the phenomena that cannot be sufficiently understood from a single disciplinary background. An interdisciplinary approach in evaluating transnational crime is an opportunity to study a

set of facets of transnational that have not been fully or sufficiently covered before. A combination of analytical and theoretical tools offered by the disciplines of international relations and criminology should be more applicable for the task of redefining risks and ameliorating the weaknesses caused by traditional disciplinary boundaries.

Because orthodox criminology has always been concerned with domestic delinquency and community safety, it substantially lacks knowledge about the international system, in which transnational crime operates. Concerned with perpetrators and victims, criminologists often dismiss studying the role of the state as a facilitator of transnational crime. By studying patterns of delinquency and criminal organizations, orthodox criminological literature often dismisses inquiries about failed states and crime, the nexus between crime and conflict, aspects of foreign and security policies, which deal with transnational crime, political discourses and international legal norms related to transnational illicit activities. In order to understand contemporary patterns of criminality and grasp the cross-border dynamics of criminal activities one would merit from synthesizing perspectives available across social sciences.

Goals and Scope of the Special Issue

The Special Issue accommodates itself in the new and challenging body of interdisciplinary research on transnational crime. It examines the phenomenon of transnational crime within a range of intriguing issues from historical, theoretical, and legal perspectives, providing in-depth analyses of case studies in different parts of the world. Our intention has been to assemble a rigorous and critical collection of interdisciplinary articles, which should provide the basis for both—a more critical understanding of transnational crime and its further interdisciplinary study. In addition, this Special Issue critically approaches recent developments within international relations and criminological theory on transnational crime.

The article by Francesco Strazzari and Fabrizio Cotichia analyses the evolution of European security thinking along the lines of the transformation of the EU's institutional framework from Maastricht to Lisbon. By studying the EU missions to Kosovo and Guinea Bissau, Strazzari and Cotichia assess the capacity of the EU's institutional framework to handle transnational security

challenges. They demonstrate that although the EU has made fundamental progress in developing a Common Foreign and Security Policy, the gap between internal and external security policy domains still remains significant.

Proceeding with the analysis of the policy-making realm, Diego Nieto disentangles the discourse on transnational crime within a grounded sociological approach. For that purpose, the author borrows Foucault's concepts of "biopower" and "biopolitics" in order to explore the formation of political discourses as a performative speech act and their impact on global governance and crime control. One of the article's main contributions is that based on the discourse analysis of the War on Drugs in the United States during the 1950s the author develops several conceptual and methodological skills, with which one could critically understand contemporary discourses on the fights against transnational crime and global terror.

The article on Mexico's Drug War by Jacob Parakilas adopts the model according to which the conflict in Mexico is interpreted as the consequence of violent groups' competition for resources and market opportunities. The author criticises criminological approaches for their exhausting concentration on the study of strategies, interests, and structures of drug-trafficking organizations that limits any attempts of developing a systemic explanation of drug-violence in Mexico. He invites students of drug trafficking and organized crime to reconsider the overall structure of global drug trafficking and policy failures of the Mexican state that, according to his interpretation, have created a persistent marketplace for drugs and drug-trafficking managed by those who can control, manage, and provide violence services.

A legal analysis of maritime piracy is offered by Tom Syring. The article addresses definitional issues of maritime piracy and specifically whether it could be qualified as transnational crime. In this sense, the article contributes to the literature by stressing specificities of maritime piracy and specifying the distinguishing features that make maritime piracy different from other forms of piratical activities. Through the prism of International Law, the author discusses the efficiency of the fight against maritime piracy in the context of Nigeria and Somalia. He argues that it is due to the absence of a functioning government that piratical activities are on the rise. Any success-oriented anti-piracy strategy needs to focus not just on fighting piracy but on a much wider range of immediate issues related to institutional building.

Zbigniew Dumieniński's article is the one that represents a revisionist trend in the literature on human trafficking. He argues that consistent statistical accounts that exist for conventional forms of crime such as property and violence are not reliable for human trafficking. According to Dumieniński, estimations of human trafficking have been continuously abused as one of the favourite strategies of media campaigns and non-governmental organizations. Myths and misinterpretations of human trafficking, he argues, have caused perverse and counterproductive consequences.

Having assembled contributions that cover various aspects of transnational crime, the expectation of the Special Issue is that the publication helps the reader to better understand the multifaceted, fluid and contested nature of contemporary delinquency.

Notes on Contributor

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