

# EURASIA'S ORGANIZED AND TRANSNATIONAL ORGANIZED CRIME

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**JASON D. SÖDERBLOM<sup>^</sup>**

**19 SEPTEMBER 2005**

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<sup>^</sup> Jason D. Söderblom is a Security Analyst and Director of the World-ICE Group – a security and legal consultancy. He also writes for Clive Williams' Terrorism Intelligence Centre. His most recent publications include: Combating Al-Qaeda; Opening the Intelligence Window: Realist Logic and the Invasion of Iraq; Saddam Hussein's Trial: Due Process or Victor's Justice and Risk Analysis in Suicide Bioterrorism.

## INTRODUCTION

Transnational Organized Crime (TOC) poses a threat to all nations. When organized crime escalates, economic development, political independence, the environment and human and global security is threatened. This is not to suggest that organized crime prevents all lawful forms of economic growth but it complicates efforts to promote human security and economic development.

This report describes the current status of TOC in Eurasia. For the purposes of this report Eurasia is Russia, the five countries of Central Asia (Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan), the three former Soviet republics of the South Caucasus (Armenia, Azerbaijan and Georgia) as well as the Ukraine and Belarus.

Only when the cause and effect of TOC and corruption is understood can a coordinated response challenge TOC. To this end, this report examines (i) the United Nation's (UN) newly drafted definition of organized crime; (ii) the source and sub-forms of TOC; (iii) a generic statement on the impact of TOC and (iv) a general overview of Eurasian crime.

### (i) THE DEFINITION OF ORGANIZED CRIME

James O. Finckenauer and Yuri A. Voronin comment that in the United States (US) as in Russia there is no universally accepted definition of 'organized crime'.<sup>1</sup> In a major part this is because Russian law (like US law) provides no legal definition of organized crime. Accordingly the UN definition of organized crime is a much welcomed arrival.

The United Nations Convention against Transnational Organized Crime (UNCATOC) was adopted by the UN General Assembly on 15 November 2000.<sup>2</sup> Article 1 of the UNCATOC defines an "organized criminal group" as 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 established in accordance with this Convention (the UNCATOC), in order to obtain directly or indirectly a financial or other material benefit."<sup>3</sup>

<sup>1</sup> James O. Finckenauer, Yuri A. Voronin, "The Threat of Russian Organized Crime", *U.S. Department of Justice Office of Justice Programs*, June 2001, <[http://www.russianlaw.org/roc\\_doj.pdf](http://www.russianlaw.org/roc_doj.pdf)>, accessed 10 January 2005, p.2.

<sup>2</sup> Conference of the Parties to the United Nations Convention Against Transnational Organized Crime, <[http://www.unodc.org/pdf/ctoccop\\_2004/V0455313e.pdf](http://www.unodc.org/pdf/ctoccop_2004/V0455313e.pdf)>, accessed 8 November 2004.

The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the UN.

<sup>3</sup> United Nations General Assembly, United Nations Convention against Transnational Organized Crime.

Article 2(b) of the UNCATOC states that a “serious crime” means conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.<sup>4</sup> What constitutes ‘serious crime’ is not stated in the UNCATOC.

The crimes of illicit drugs trafficking, munitions trafficking, mass vehicle thefts, trafficking in women and children and money laundering are all likely to satisfy the definition of serious crime. These crimes routinely carry four years or more imprisonment in national courts. Likewise the (illegal) trade in chemical, biological and nuclear weapons technology poses a serious global security threat, and constitutes a ‘serious’ crime.

TOC is not the only participant in illicit activities for there are petty criminals and terrorists that engage in activities stated above, yet TOC is the most organized. What makes TOC more dangerous than other criminality is its highly organized and/or highly entrepreneurial method.

## **(ii) THE SOURCE AND FORM OF TRANSNATIONAL ORGANIZED CRIME**

A legal definition of TOC does not explain its impetus, scale and impact. It has been described in Clausewitzian terms.<sup>5</sup> That is, TOC is primarily about the pursuit of profit as a continuation of business by criminal means.

Through organization TOC develops income streams with the use of bribery, blackmail, using illegal immigrants as sex slaves and with promoting drug addiction. As such, TOC often fosters on-going illicit relationships.

## **(iii) THE GENERIC IMPACT OF ORGANIZED CRIME ON SECURITY AND STABILITY**

The impact of organized crime on security, the economy and civil stability is multifaceted. Five generic points illustrate the negative impacts that flow from TOC, these are:

(i) TOC threatens security and stability by increasing corruption in government and private sector industries and results in a rise in substantial shadow economies that are needed to compensate for the lack of a legitimate market to acquire goods.

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<sup>4</sup> United Nations General Assembly, United Nations Convention Against Transnational Organized Crime.

<sup>5</sup> Antonio Maria Costa, “Trafficking: Transnational Crime and International Terrorism”, *United Nations Office on Drugs and Crime*, <[http://www.unodc.org/unodc/en/speech\\_2002-12-06\\_1.html](http://www.unodc.org/unodc/en/speech_2002-12-06_1.html)>, accessed 10 June 2004.

Authors like Murat Cokgezen claim that low wages paid to public servants in Kyrgyzstan drive them to corruption.<sup>6</sup> In a milieu of corruption TOC will flourish while juridical factors like an ineffective court system exacerbate corruption and the viability of TOC entrepreneurialism as the risk of imprisonment is unlikely.<sup>7</sup>

The correlation between TOC and the so-called 'slippery slide into poverty' is illustrated in Motorola's departure from the Ukraine. Motorola withdrew from the Ukraine as a result of the Ukrainian government's decision to award a licence for mobile phones to Kyiv Star.<sup>8</sup> The Kyiv Star owners are said to include an adviser to President Kuchma, a Cabinet Minister and a Ukrainian with links to organized crime. Understandably Motorola was not willing to heavily invest in a corrupt and criminal nation state.<sup>9</sup>

It is yet to be seen how the Ukrainian President Viktor Yushchenko's initiatives will impact upon organized crime and TOC. In 2005 Yushchenko appointed Yuriy Lutsenko with no-law enforcement background as Interior Minister to fight corruption yet the Ministry itself is corrupt. Therefore, cleaning up governmental, police and judicial corruption will need to occur for corruption and counter-TOC projects to be effective. In July 2005 Yushchenko ordered the disbanding of the country's traffic police – the entire department consists of 23,000 employees – and ordered the replacement of regional police chiefs.<sup>10</sup>

(ii) The scale of TOC coupled with TOC diverting revenue away from public projects means that nation states will lack the resources needed for essential services such as health care, education and security to their citizens.

In Yekaterinburg (Russia) the state is seen as providing poor physical safety to its citizens.<sup>11</sup> Business people turn to the criminal world to provide physical protection for themselves and their families and/or businesses. TOC then begins to take on a facade of legitimacy by serving the community interest and operating as a legitimate and necessary element of society. When such pre-conditions occur then weak state moves towards being a failing or even a failed state.

<sup>6</sup> Murat Cokgezen, "Corruption in Kyrgyzstan: Facts, Causes and Consequences", *Central Asian Survey*, March 2004, 23(1), p.80.

<sup>7</sup> Cokgezen, p.81.

<sup>8</sup> Roman Kupchinsky, "The Case of Pavlo Lazarenko: A Study of High-Level Corruption", *The Ukrainian Weekly*, 24 February, 2002, No. 8, Vol. LXX.

<sup>9</sup> RFE/RL, "The Tractor Driver of the State: 'The Star of Kyiv' (Part 5)", *Radio free Europe – Radio Liberty*, 24 January 2002, Vol. 2, No.3, <<http://www.rferl.org/reports/corruptionwatch/2002/01/3-240102.asp>>, accessed 17 September 2005.

<sup>10</sup> Valentinas Mite, "Ukraine: Yushchenko Orders Law-Enforcement Overhaul", *Radio Free Europe: Radio Liberty*, Tuesday, 19 July 2005, <<http://www.rferl.org/featuresarticle/2005/07/916df47e-0b0e-4845-a18f-24c8d4056b64.html>>, accessed 17 September 2005.

<sup>11</sup> Yuriy A. Voronin, "Organized Crime: Its Influence on International Security and Urban Community Life in the Industrial Cities of the Urals", *Comparative Urban Studies Project Occasional Paper No.17*, March 1998, p. 9.

(iii) TOC and corruption damages, deters and even destroys legitimate businesses. As per the Motorola example provided earlier, Foreign Direct Investment (FDI) suffers where the market lacks market transparency. Violent traits that accompany such TOC operate as a disincentive to lucrative foreign tourism. The IMF economist Paulo Mauro has reportedly estimated that if Russia managed to reduce corruption to levels similar to those in Greece or the Czech Republic, investment would increase by four percent of GDP, and GDP growth rates would rise by at least half a percentage point per year.<sup>12</sup>

The Smart-traveller website established by the Australian Government greets Australian citizens intending to travel with the following warning about Kazakstan:

Robbery, pick-pocketing, purse snatching and assaults occur on public transport, in parks, shopping areas, open markets (including the Green Market in Almaty); restaurants and near major tourist hotels and nightclubs, especially in the Almaty region. There have been reported incidents of car-jacking. Thieves posing as both police and unsolicited 'meet-and-greet' drivers at airports have robbed travellers. Official taxi drivers have identification. There have been reports of foreign travellers being drugged and robbed while drinking in nightclubs and bars in Almaty.<sup>13</sup>

For Tajikistan, the following warning appears:

Australians in Tajikistan should exercise extreme caution... Violent crime, such as armed robbery and mugging, is common in the capital Dushanbe and on international rail services. Criminals are known to target foreigners. Petty crime such as pick-pocketing exists. It is unsafe to travel at night in Tajikistan. Armed groups are known to have erected checkpoints in the past, particularly on the road east of Dushanbe.<sup>14</sup>

The reputation of Eurasian countries as highly criminalised states, even for the low-end petty organized criminal activities discussed above works against their attracting foreign direct investment (FDI) and enticing tourism.

(iv) Destabilization of a region or state often results in security tensions with neighbouring regions/states. In 1993, the Russian mafia smuggled 4.4 tons of radioactive beryllium from the Sverdlovsk region of Russia into Vilnius, Lithuania.<sup>15</sup> The beryllium was mixed with radioactive uranium and Cesium, a few of the essential components for building

<sup>12</sup> Sergei Guriyev, "Confronting Corruption", *Moscow Times*, 28 January 2005, Issue 3094. p.8. <<http://www.themoscowtimes.com/stories/2005/01/28/006.html>>, accessed 10 September 2005.

Paulo Mauro, "Corruption and Growth", *Quarterly Journal of Economics*, Vol. 110, 1995, pp.681–713.

<sup>13</sup> Department of Foreign Affairs and Trade, "Kazakhstan", Smart Traveller, <<http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Kazakhstan>>, accessed 10 September 2005.

<sup>14</sup> Department of Foreign Affairs and Trade, "Tajikistan", Smart Traveller, <<http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Tajikistan>>, accessed 10 September 2005.

<sup>15</sup> Atomic Archive, "Information on Nuclear Smuggling Incidents", <[http://www.atomicarchive.com/Almanac/Smuggling\\_details.shtml](http://www.atomicarchive.com/Almanac/Smuggling_details.shtml)>, accessed 10 June 2005.

Yuriy A. Voronin, "Organized Crime: Its Influence on International Security and Urban Community Life in the Industrial Cities of the Urals", *Comparative Urban Studies Project Occasional Paper No.17*, March 1998, p.17

nuclear weapons. The Russian mafia had organized a buyer in Austria to purchase the beryllium for \$2.7 million who in turn had a buyer in Zurich willing to pay \$24 million.<sup>16</sup>

In March 2004, an Uzbek man arrested in Dushanbe (Tajikistan) was carrying 3 grams of plutonium on him reportedly intended for the black market.<sup>17</sup> The plutonium is believed to have been acquired in Russia. There are serious regional security implications if a dirty or nuclear bomb were to fall into aggressive hands.<sup>18</sup> Such fears will inevitably complicate Russia joining the European Union as well as posing a national security threat.

(v) TOC also results in environmental harm. Louise Shelley, a regular commentator on TOC states that Eurasia's style of TOC is organized around 'immediate' profits. A disregard for the sustainability of Eurasia TOC results in sturgeon being over fished for their caviar and has led to serious environmental and ecological damage.<sup>19</sup>

#### **(iv) EURASIAN (TRANSNATIONAL ORGANIZED CRIME) ASSESSMENT**

Eurasian TOC poses a security concern to regions outside of Eurasia. The US Central Intelligence Agency (CIA) for instance sees Azerbaijan as a transit point for Southwest Asian opiates bound for Russia and to a lesser extent the rest of Europe.<sup>20</sup>

In the South Caucasus, Azerbaijani organized crime traffics munitions into Iran. Georgia is a trans-shipment point for opiates via Central Asia to Western Europe and Russia.<sup>21</sup>

Uzbekistan and Turkmenistan are transit points for heroin precursor chemicals to Afghanistan.<sup>22</sup> Uzbekistan's opiates are taken to Estonia en-route to Finland. In Kyrgyzstan like most of Central Asia, TOC engages predominantly in drug trafficking. One reason to explain such preoccupation with drugs in Central Asia is that unlike the Caucasus, Central Asian states were kept as one-crop economies during the Soviet period. As a result their resident TOC has still not diversified their illicit economies beyond the drug trade. Much of this Central Asian TOC should have been expected. Members of the Central Asia mafias prosecuted in Russia in the later part of the Soviet

<sup>16</sup> Ibid.

<sup>17</sup> CSIS, "Tajikistan Report", *Russia and Eurasia Report*, Vol. 1, No. 3, March/April 2004, p.7.

<sup>18</sup> Ibid.

<sup>19</sup> Louise I. Shelley, "Transnational Organized Crime: An Imminent Threat to Nation-State?", *Journal of International Affairs*, Winter 1995, 48, No.2, p.471.

<sup>20</sup> CIA, "Azerbaijan", *World Fact Book*, <<http://www.cia.gov/cia/publications/factbook/geos/aj.html>>, accessed 4/11/2004.

<sup>21</sup> CIA, "Georgia", *World Fact Book*, <<http://www.cia.gov/cia/publications/factbook/geos/gg.html>>, accessed 4/11/2004.

<sup>22</sup> CIA, "Uzbekistan", *World Fact Book*, <<http://www.cia.gov/cia/publications/factbook/geos/uz.html>>, accessed 4/11/2004.

period were released from prison soon after the dissolution of the USSR. They were released at a time when Central Asia was at their most vulnerable to organized crime.

Moscow and St. Petersburg possess a vastly disproportionate share of the region's capital resources which has led to closer liaison with US and Japanese TOC. There is also evidence that the Russian Mafia has established ties with Colombian drug cartels for the Russian mafia tried to sell a Soviet submarine to the Colombians to help Colombian cartels smuggle drugs into the US.

In central Moscow organized crime is thought to control half of Moscow's real estate.<sup>23</sup> Between 1992 and 1994 the Mafia took control of Russia's suffering banking system. In Lindberg and Markovic's 2001 article entitled "Organized Crime Outlook in the New Russia", they claim that banking executives, reform-orientated business leaders, even investigative journalists were systematically assassinated or kidnapped.<sup>24</sup> In 1993, eight criminal gangs controlling Moscow's underworld murdered ten local bankers.<sup>25</sup>

Belarus with its proximity to Germany is prominent in the trade of stolen vehicles and many casinos allow the laundering of criminal proceeds. In the Ukraine, high ranking members of the Ukrainian military and the state arms-sales company UkrSpetzExport have allegedly sold at least six KH-55 (NATO classification AS-15 Kent) and KH-55SM (NATO classification AS-15B) cruise missiles each to Iran and China in breach of Ukrainian law.<sup>26</sup>

Research has indicated that sixty-five percent of cases of trafficking of women from Ukraine were carried out by organized criminal groups.<sup>27</sup> The trafficking in women and children for the purpose of sexual exploitation is a serious problem. Victims are trafficked from western Ukraine to Bulgaria, the Czech Republic, Germany and Yugoslavia. From the north, victims are trafficked to Estonia, Latvia, Lithuania, and the Netherlands. From the south, women are exported to Germany, Greece, Israel, Italy, Syria, Romania, Turkey

<sup>23</sup> Shelley, "Post-Soviet Organized Crime", *Demokratizatsiya: The Journal of Post-Soviet Demookratization*, Vol II, No.3, Summer 1994, p.346.

<sup>24</sup> Richard Lindberg, Vesna Markovic, "Organized Crime Outlook in the New Russia", <<http://www.search-international.com/Articles/crime/russiacrime.htm>>, accessed 18 January 2005.

<sup>25</sup> Ibid.

<sup>26</sup> Roman Kupchinsky, "Analysis: Kuchma's Ukraine Cruises Back Into The Spotlight", Radio Free Europe – Radio Liberty, Wednesday, 02 February 2005.

<sup>27</sup> Donna M. Hughes, Tatyana Denisova, "Trafficking in Women from Ukraine", *National Institute of Justice*, 2002, p.38, <[http://www.ojp.usdoj.gov/nij/international/programs/ukrainetraf\\_finalreport.pdf](http://www.ojp.usdoj.gov/nij/international/programs/ukrainetraf_finalreport.pdf)>, accessed 10 September 2005.

and the United Arab Emirates. From the east women are often taken to Russia and then trafficked on to other countries.<sup>28</sup>

Such diversity in Eurasian TOC means that efforts to combat TOC cannot occur entirely as a national initiative. Regional efforts at combating TOC are extremely important as Eurasian TOC is more serious than in other regions of the globe for four reasons:

First, profits from TOC in Italy and Colombia stay mostly in those countries. Whereas Post-Soviet Eurasian TOC profits are hidden in foreign banks and invested in foreign economies.<sup>29</sup> Thereby, the high levels of 'capital flight' from Eurasia drain the economy there faster than occurs in other regions of the world. For instance, some reports claim that Russian mafia have poured more than \$4 billion of dirty money into Israel's economy, though some estimates range as high as \$20 billion.<sup>30</sup>

Secondly, organized crime in Italy and Colombia can be described as *sustainable organized crime*. The amounts extorted for protection are certainly criminal but not exorbitant in comparison to Eurasia as they do not force businesses into bankruptcy or with so little profit that there is little incentive to continue trading. Eurasian TOC for these reasons is less disciplined than in other regions of the world.

Third, Eurasia's illicit opportunities are different to those in Colombia and Italy. In Eurasia, nuclear, chemical, biological weapons and related scientific knowledge and equipment are smuggled in and around the region. By 1998 in Russia alone, 46 military generals, and 3,000 officers were to be court martialled on corruption charges and for smuggling in weapons and black market sales of munitions.<sup>31</sup> In October 2001 fourteen federal and local parliamentarians and 302 bankers and twenty-one senior public servants were being investigated for their misuse of public funds.<sup>32</sup>

Fourthly, only Eurasian TOC has occurred in the wake of its collapsed superpower. Unlike Italy and Colombia, the Caucasus and especially Central Asian regions of Eurasia have little experience in democratic governance and capitalist markets. For this reason, attitudinal change seems more difficult to achieve.

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<sup>28</sup> Hughes, Denisova, p.37.

<sup>29</sup> Shelley, p.481.

<sup>30</sup> Robert I. Friedman, *Red Mafiya*, 2000, p.277-78.

<sup>31</sup> Voronin, p.16.

Positive steps toward controlling Eurasian drug related TOC have had only slight success despite an agreement in 1992 between the International Criminal Police Organization (INTERPOL) and specific Eurasian states (involving the Ministers of the Interior of Azerbaijan, Armenia, Belarus, Georgia, Kazakstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine and Estonia) attempting to coordinate the control of illegal trafficking in narcotic drugs and psychotropic substances.

Despite the symbolic signing and ratification of such multilateral agreements, practical enforcement is a problem. Interpol has no executive powers – its role is a liaison and support service for the law enforcement agencies of member states and the UN General Assembly. Interpol agents are not entitled to conduct investigations in the member states or to arrest suspects. Thereby despite regular debate inside of Interpol over police corruption, police throughout Eurasia continue to be bribed or blackmailed.<sup>33</sup> In short, there is no transparent and impartial oversight of the police.

## CONCLUSION

TOC is a multi-faceted-multi-tiered system that is proactive and reactive to opportunities that arise both in domestic and international economies as well as in loopholes or inefficiencies of policing and juridical oversight. TOC creates profit streams by promoting substance abuse and then seeking to supply the market they manufactured. It promotes violence and then seeks to supply the munitions to the warring parties. It spoils capital market development and when severe enough it can threaten global security and simultaneously result in despair of the people living inside the TOC zone of influence.

Eurasian TOC is among the most severe as it does not seek sustainable crime per its environment. Rather it bleeds Eurasians of rule of law and economic take-off.

Local, regional and global initiatives to combat TOC must be attempted. The legal framework of UNCATOC allows this by promoting extradition and legal cooperation. States party to the convention agreed that the international laws therein supersede local law. However, it remains to be seen whether the Eurasian dictators and parliament's possess the political will to combat corruption in policing, military and in the judiciary.

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<sup>32</sup> American Foreign Policy Council, "Corruption as Big a Threat as International Terrorism", *Russian Reform Monitor*, No.879, 26 October 2001.

<sup>33</sup> The ICPO-Interpol General Assembly, meeting in Yaoundé from 21 to 24 October 2002, 71st session:

Resolution No AG-2002-RES-01 Adopting the global standards to combat corruption in police forces/services.

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