



## The EU, transnational crime and illegal immigration

**An estimated** 3,600 organized crime groups are active within the European Union.<sup>1</sup> These underground networks are becoming increasingly internationalized and professionalized. They thrive on advancements in technology and communications, on the expansion of transport infrastructure and on open border policies. The G-8 countries and the emerging markets of the BRICS are the preferred outlet markets for narcotics, counterfeits, trafficked humans and illegal immigrants, with the EU and the U.S. as market leaders. Without having the illusion to root out illicit trades entirely, the EU and its member states have been rather successful in curbing these harmful practices. Nonetheless, EU enlargement, rising unemployment and cuts in state services have complicated the combat of transnational crime. This brief outlines the trends in transnational crime and the policy framework of the EU and its member states for combating illicit trades and illegal migration.

### Trends in transnational crime routes

Whether it comes to drug trafficking, human trafficking and migrant smuggling, counterfeit or the illicit trade in arms, twenty-first century criminal networks increasingly resemble well-organized multinational enterprises. They tend to employ individuals from several corners of the world and pursue activities across several national jurisdictions. In many cases, they operate from a sound technological and capital basis. Over the years, organized crime has proven to be highly flexible. Groups are able to quickly adapt their location of bases as well as their operational strategies. Even when it comes to products and services offered, criminal groups easily detect new market opportunities. For example, the current economic crisis has gone hand in hand with a rise in counterfeiting daily consumer goods, including foodstuffs (instead of focusing uniquely on only luxury goods). Another well-thriving sector for organized crime is currently that of profit-driven cybercrime.

While the location of bases indeed tends to be fluid, some illicit trading routes remain more easily diverted than others. In the drugs trade, only a couple of regions produce heroin (Central Asia, China-Laos-Myanmar triangle) or cocaine (Colombia, Venezuela, Bolivia and Peru). In the past decade, the supply routes into Europe for cocaine have nonetheless shown some diversification. Whereas initially the Caribbean was as good as the only hub, West African states have started to fulfill that role as well. And while cannabis resin is indigenous to Morocco, technological advancements have made the

cultivation of plants expand both in Europe and Africa.<sup>2</sup> Labs for the creation of increasingly popular synthetic drugs can pop up pretty much anywhere.

Human trafficking can just as well start anywhere. The United Nations Office on Drugs and Crime (UNODC) globally identified more than 460 different flows between 2007 and 2010.<sup>3</sup> Be it for sexual exploitation or non-sexual forms of forced labor, victims of human trafficking tend to end up within the same region. For Western and Central Europe, around 64 percent of the victims come from inside the region, with crossings into the EU originating for the vast majority in the Balkans. West Africa comes second, with an estimated 14 percent of the origin of total trafficked persons into Europe. In all cases, the internet provides a global and anonymous market space where supply and demand can easily meet.

### **The European drug market**

The profits made by the drugs trade are believed to be the key financial enabler for other criminal activities. The cocaine trade alone is believed to steadily generate around 80 billion euro a year, but respective national market sizes have changed in the past decade. To illustrate, in 1998, the cocaine market in the U.S. was estimated to be four times the size of the European market. By now, they are almost equal in size: the U.S. market share has decreased to around 37 billion euro, while Europe's has increased to around 33 billion euro.<sup>4</sup> The growth in cocaine abuse in the Old Continent is for a large part due to the rise of demand in East and Central Europe. At the same time, supply routes have expanded through the Balkans, creating a vivid market in South East Europe.<sup>5</sup>

Within the European Union, cocaine, ecstasy and amphetamines are the most popular drugs. An interesting feature is the striking geographical difference in drug-specific popularity. Amphetamines are most common in Central and Northern Europe, while ecstasy is the most prevalent stimulant in the South and East of Europe - plus the Netherlands. Cocaine prevails in the South and West of Europe, with the UK, Spain and Italy counting together for two thirds of Europe's cocaine consumption.<sup>6</sup>

Some trends related to drug abuse can be distinguished:

- Cannabis remains by far the most popular drug in Europe. In Central and Eastern Europe, cannabis use has increased substantially in the past decade.
- Indicators show cocaine supply and demand waning, but many analysts believe this to be the result of changes in the operational strategies of criminal groups.
- Heroin use and availability have dropped. However, injections in Greece and Romania have recently interrupted this positive trend - also causing a spike in HIV outbreaks in those EU member states.
- Synthetic stimulants remain popular and "new psychoactive substances" - those that are not controlled under international drug control treaties - keep appearing at a fast rate. In the first half of 2013, EU member states (through the EU early warning system) identified around one new substance a week.<sup>7</sup>

The largest amounts of narcotics still enter Europe through Spain or the Netherlands. Spain is geographically close to both South America as well as Africa and has cultural ties with South America, while the Netherlands is endowed with one of the main ports of Europe and has at its turn cultural ties with the Caribbean.

### **Human trafficking and migrant smuggling**

Despite its economic depression and despite tougher integration and immigration policies, the EU remains a popular place to settle. In 2011, the EU welcomed 1.7 million new immigrants from non-EU countries. Another 1.3 million people migrated from one EU member state to another.<sup>8</sup> This ongoing popularity is easily explained by pointing out:

- The persisting economic differences between European countries and their direct neighbors (Morocco's 2012 GDP per capita is estimated at around 5,400 U.S. dollars, while France's stands at 36,100 U.S. dollars (PPP).
- The fact that sending economies have few jobs for its growing and increasingly educated populations.
- The presence of relatives and acquaintances willing to help in finding potential immigrants a better future in Europe.
- The ongoing high demand for low skilled labor in Europe's ageing society, including in health care, cleaning and catering services.

The significant legal flows are compounded by a substantial influx of irregular immigrants. The largest numbers of irregular migrants enter the EU by air or become illegal through visa overstay. In addition, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (FRONTEX) registered 73,000 detections of attempted illegal border crossings in 2012. This was, however, half the number of detections in 2011 and for the first time since data collection started in a systematic way in 2008, that number remained below 100,000.<sup>9</sup>

For Europe, most irregular migrants come through North Africa or the Balkans. They are often assisted by smugglers offering services such as forging passports and counterfeiting stamps, diplomas and qualifications to obtain student visas. In many cases, immigrants travel without documents to avoid immediate deportation and prefer to send passports and other documents to relatives already in Europe. Services are often paid for through an informal network operating outside the regular financial channels (*hawala*), making transactions hard to trace for those not within the system.

### **EU Strategies to curb illicit trade and irregular immigration**

The European Union and its member states are well aware of the direct and indirect risks transnational crime brings. After all, these dirty flows can negatively impact the growth

of the legal economy and state revenues, while at the same time they tend to leave traces of corruption, conflict and human right violations. Plus, a whole plethora of socio-economic problems goes associated with drug abuse and human trafficking.

The European Commission has few direct tools of leverage in this policy area, but puts efforts in trying to coordinate member states' activities, all of whom are signed up to the relevant conventions of the United Nations.<sup>10</sup> For example, the EU encourages the gathering and sharing of reliable statistics and operational intelligence on criminal networks. Despite the efforts, reliable EU-wide crime figures are still lacking. The individual member states themselves remain responsible for investigations and prosecution (as well as data collection and sharing). Most of them have been relatively successful in curbing transnational criminal activities, due to an emphasis on the rule of law and a national culture intolerant of corruption and underground activities. In addition, almost all member states offer legal protection against human rights violations and, through the redistributive welfare system, a source of income even for the unemployed.

While responsibility lies with the member states, several European-wide initiatives do exist. At the end of December 2012, the EU adopted a European drugs strategy to counter narco-trafficking and drug abuse in order to provide the overarching political framework and priorities for EU drugs policy until 2020.<sup>11</sup> In 2010, the Justice and Home Affairs Council of the European Union agreed on a pact to combat the trafficking in cocaine and heroin, encouraging close cooperation with international partners – especially with the U.S.<sup>12</sup> That year, the EU also started a cooperation program on Drug Policies with Latin America, financed entirely by the EU and valid until end of 2013. The European Commission will also issue a proposal to strengthen the EU response to new psychoactive substances. In 2007, to combat narco-traffickers more effectively at sea by coordinating individual operations, seven EU member states founded a Maritime Analysis and Operations Centre.

The EU's broadest policy framework to combat illegal immigration and human trafficking is set by its "Global approach to migration and mobility".<sup>13</sup> To combat human trafficking the Commission adopted the "EU strategy towards the eradication of trafficking in human beings (2012-2016)" in June 2012.<sup>14</sup> In the context of the upheaval in the Arab world, the EU slightly rebranded its approach towards North African migration. Readmission agreements with authorities of these states have become a central tenet of bilateral talks and efforts to seal off the EU borders being stepped up. To illustrate, in the negotiated draft for the future EU budget (2014-2020), the funds for "Internal Security" and "Migration and Asylum" are set to increase with around 40 percent. Part of this money is earmarked for the implementation of a Common European integrated border management system and a new border surveillance system ("Eurosur"). Measures include:

- Establishing "smart borders" based on biometrics, an entry-exit system and a registered traveler program for non-EU citizens.

- A common information sharing environment providing national, European and, eventually, pre-frontier situational and intelligence reports.
- Deployment of unmanned aerial vehicles to detect vessels operating below radar coverage.

For Europe, the problems of transnational crime are, however, not confined to controlling the situation within or at the EU borders. After all, the human insecurity generated by underground activities in other parts of the world is one of the prime push factors for (illegal) migration. A rather indirect instrument of the EU lies therefore in the conditionality of development assistance. The strings attached are predominantly aimed at taking away the fertile soil on which (transnational) crime and (illegal) immigration flourish. The EU focus in development tends to be on alleviating economic hardship, building strong institutions, countering corruption and strengthening the rule of law.

### **Information sharing and mutual trust are key**

Transnational crime needs transnational counter measures. For all the above mentioned strategies to disrupt criminal networks to be effective, priorities and threat perceptions need to converge. For this to happen, increasing data-sharing facilities is a priority. The sharing of information is likely to encourage an alignment of threat perceptions, which at its turn can lead to new forms of cooperation and a more robust common approach. Also, a more complete picture of the shifts in geographical focus or modus operandi is likely to enhance the capacities to combat illegal activities. But the flip side of data sharing is data protection; hence, mutual trust is a fundamental prerequisite. For the moment, different views on privacy, threats and burden sharing persist both between European states themselves as well as between the EU and other international partners. The revelations about United States access to phone records and internet-based communication (PRISM) as well as the fear for corruption within data-sharing systems, are unlikely to contribute to the trust-building that is necessary for the effective combat of transnational crime.

### **Written: 30 July 2013.**

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<sup>1</sup> "EU serious and organized crime threat assessment 2013", European Policy Office (EUROPOL), March 2013, Available at <https://www.europol.europa.eu/sites/default/files/publications/socta2013.pdf>.

<sup>2</sup> "The role of the EU in promoting a broader transatlantic partnership", European Parliament Study (DG External policies of the Union), February 2013, p. 20. <http://www.europarl.europa.eu/committees/en/afet/studiesdownload.html?languageDocument=EN&file=91214>.

<sup>3</sup> "Global Report on Trafficking in Persons 2012", UNODC, Vienna/New York, 2012, [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

<sup>4</sup> "The Transatlantic cocaine market", UNODC, April 2011, [http://www.unodc.org/documents/data-and-analysis/Studies/Transatlantic\\_cocaine\\_market.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/Transatlantic_cocaine_market.pdf).

<sup>5</sup> "Report of the International Narcotics Control Board for 2011", International Narcotics Control Board for 2011, Publishing and Library Section, UN office, Vienna, 28 February 2012, p. 65.

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<sup>6</sup> "The Transatlantic Cocaine Market", UNODC, April 2011, Available at:

[http://www.unodc.org/documents/data-and-analysis/Studies/Transatlantic\\_cocaine\\_market.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/Transatlantic_cocaine_market.pdf)

<sup>7</sup> European Drug report 2013: trends and developments, European Monitoring Centre for Drugs and Drug Addiction, Luxembourg: Publications Office of the European Union, 2013,

[http://www.emcdda.europa.eu/attachements.cfm/att\\_213154\\_EN\\_TDAT13001ENN1.pdf](http://www.emcdda.europa.eu/attachements.cfm/att_213154_EN_TDAT13001ENN1.pdf).

<sup>8</sup> Data EUROSTAT, Migration and migrant population statistics,

[http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_population_statistics).

<sup>9</sup> "Annual Risk Analysis 2013", Frontex, April 2013,

[http://www.frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2013.pdf](http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf).

<sup>10</sup> The UN Convention against Transitional Organized Crime, the UN Convention against Corruption, the UN Convention against Illicit Traffic in narcotic Drugs and Psychotropic Substances, the UN Global Plan of Action to Combat Trafficking in Persons, the UN Conventions on Terrorism, the UN Convention on the Law of the Sea (especially article 19) and the UN Millennium Development Goals.

<sup>11</sup> "EU Drugs strategy (2013-2020)", 29 December 2012, [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF).

<sup>12</sup> "European pact to combat international drug trafficking – disrupting cocaine and heroin routes", Justice and Home Affairs Council, Luxembourg, 3 June 2010,

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/114889.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114889.pdf).

<sup>13</sup> "Global approach to migration and mobility", European Commission, 18 November 2011,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF>

<sup>14</sup> " The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016", European Commission, 19 June 2012, [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0286:FIN:EN:PDF)

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