

Organized Transnational Crime in the Black Sea Region: A Geopolitical Dilemma?

Lada L. Roslycky LL.M.

Since antiquity, the Black Sea Region (henceforth BSR) has united its littoral States and served as a crossroad; it forms an invaluable cultural, political and economic sea-triangle connecting the nations of the West, Greater Middle East and Eurasia. The dissolution of the Soviet Union and the enlargement processes of the North Atlantic Treaty Organization and the European Union have connected the West to the BSR in an unprecedented manner. The accession of Romania and Bulgaria to the European Union has brought the Black Sea into the European Union's very own backyard. International security interests and concerns are coming to a focal point at the Black Sea, and it has been identified as the new front line for combating threats to international security, the core of which are caused by corruption and transnational crime.[1]

The purpose of this article is to present the Newly Independent States in the Black Sea Region as a security complex where international organized crime is a security threat with a specific character. In order to do so, its relation to frozen conflicts within the Newly Independent States in the Black Sea Region and international energy politics will be considered. In the final section, international regional mechanisms are presented which identify organized crime and corruption as a security threat impeding the democratic proliferation within their territories.

The post-communist inheritance

The Black Sea Region is no stranger to the political criminal nexus nor to organized, transnational crime and corruption (henceforth, transnational crime). Following the collapse of the Soviet Empire, states in the BSR inherited political and social networks and emerged with a common "legacy of a lack of respect for the rule of law, absence of civil society, a large criminal underworld and shadow economy, endemic corruption and a demoralized law enforcement and legal apparatus. This legacy established the necessary preconditions for the development of a serious and sophisticated organized crime problem".[2] Whereas some States have broken free from the former communist or Supreme Soviet grip and have successfully entered the Euro-Atlantic integration process, Moscow's influence on the strategic territories of its former empire should not be underestimated

It is generally accepted that improved security conditions often precede stronger economic and, in turn, social ones. However, as Russia and the West look for a stronger hold on the BSR, it appears that neither side is sure which policies to create in this regard nor how far they are willing to have their policies take them. [3] In fact, combating transnational crime may even contradict existing state policies.

Importantly, parts of the former Soviet *nomenklatura* have been linked to separatism and transnational crime in the BSR. [4] Clearly, the absence of the rule of law within a number of BSR States is a conduit for terrorism and illegal trafficking, albeit the

trafficking of humans, arms, narcotics or butter and chickens. These “soft security” issues threaten the stability and democratic development of the BSR. They affect the territorial integrity of its states as well as the security and economic stability of the region and beyond.

Separatism, imperialism and transnational crime

The ancient Greek name for the Black Sea, Pontos Axeninos, means ‘dark or somber sea’.[5] *Nomen est omen*; today, the naturally beautiful Black Sea Region hosts a number of frozen conflicts and breakaway territories which have transformed into what are quite commonly referred to as ‘criminal black holes’. Moscow may not have only backed separatism resulting in frozen conflicts and breakaway territories in Moldova (Trans-Dniester) and Georgia (Abkhazia and South Ossetia), it has been asserted that these separatist sentiments have actually been “orchestrated, and are being maintained, by Moscow’s policies”. [6] In this respect, Moscow’s involvement in Azerbaijan and Armenia (Nagorno-Karabakh) and growing separatism in Ukraine (Sevastopol, Crimea) should also be considered. For the purposes of this paper, these states are called the Newly Independent States in the Black Sea Region (NISBSR).

Policies aimed at separatism do not promote the region’s stability, the development of poorer states nor the proliferation of democracy. Rather, separatism in the NISBSR has a symbiotic relationship with transnational organized crime and terrorism. [7] Due to the relatively meagre salaries that can be earned legally within these states, the cost/benefit ratio for committing crime is conducive to its proliferation. Inadvertently, the criminalisation and corruption of the populations living inside these territories impedes the rule of law and the state’s *de facto* control over its territory and population.

If the effects of transnational crime in the region were limited to the territories in question, it in itself would not form as great a threat to democracy and freedom as it does today. The concern is that the effects of human trafficking (the modern day slave trade), contraband product trade and illegal arms trade have an international butterfly effect on human, economic, territorial and financial security.

To understand the problem of transnational crime within the Newly Independent States in the Black Sea Region adequately, consideration must be given to the way it promotes separatism and Russia’s territorial and geopolitical interests. The presence and activities of pro-Russian forces inside these territories, including armed forces and political-economic companies such as Gazprom, facilitate the extension of Russia’s power in the region. Of great importance is the fact that the international crime inherent in frozen conflicts and breakaway territories also negatively affects the security within Russia’s legitimate territory and, paradoxically, its interest in resolving transnational crime in the BSR.

Linking up to Energy

The war on terrorism, the war in Iraq and energy wars have created the need for the US and Europe to secure and diversify their energy sources away from Saudi Arabia

and the Persian Gulf. The Black Sea is an ideal conduit by which non-OPEC, non-Gulf oil and natural gas can flow into European markets.[8] Moscow has reacted well to this change and has flexed its muscles towards its neighbours, close by and far away.

The increased dependency on Moscow's energy supplies has inadvertently tied its customers to more than a "questionably democratic" Russian State. Some of the actors involved with 'legitimate' government and big business may be directly involved in organized, transnational criminal activity thereby strengthening criminal networks, corruption and destabilizing internal, regional and international politics.

The nature of Gazprom's character is illustrated by its consideration to offer pro-Russian and illegitimate Transdnistria gas supplies separately from Moldova.[9] Not only has the Russian Security service been linked to the executive of Gazprom, the SBU (Ukraine's intelligence service) has linked Russia's State oil group to an international organized crime group headed by Semyon Mogilevich. In 2003, the US Justice Department identified Mogilevich as the leader of a gang of more than 300 criminals, operating in more than 30 countries, involved in "murder, extortion, trafficking in women for prostitution, smuggling, money laundering, and bank and securities fraud and, in numerous countries, the corruption of public officials".[10] A SBU spokesperson stated: "The probe is part of a broader investigation into suspected money-laundering, smuggling and tax evasion stemming from the Turkmen gas trade. It will further aggravate Kyiv's strained relations with Russia and Gazprom, while highlighting the new Ukrainian government's struggle to overcome corrupt practices." [11]

Regional Governmental Organizations

What role do BSR governmental organizations play to combat transnational crime?

Experts have pointed to the need for BSR States to take on a common approach to deterring terrorism, drugs and weapons smuggling, as well as contraband, illegal migration and trafficking of human beings. [12] Considering this, a number of regional governmental organizations have included into their objectives the fight against international organized crime and corruption.

In 1995, The Organization of Black Sea Economic Co-operation (BSEC) was one of the first Black Sea Regional organizations to identify transnational crime and terrorism as serious threats to the region's economic stability and security. [13] BSEC has a special working group for organized crime. In 2002, the organization created the *Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms*. The agreement does not define "organized crime" nor "terrorism", yet, unlike the *UN Convention on the Prevention of Organized Crime* that targets "serious crime" punishable by a maximum deprivation of liberty of at least four years, the BSEC agreement describes the specific crimes to be prevented, suppressed, detected, disclosed and investigated in cooperation with its members.

In 2005, the Community of Democratic Choice (largely made up of former Soviet and Communist states) followed suit. Its Parties identified the need to “encourage the respect for democracy and human rights and to address the threats to the democratic development of society, which are - among others - corruption, organized crime, money laundering, terrorism in its different forms, the existence of remaining conflicts in Europe and illicit trafficking in drugs, arms and human beings”. [14] It is still unclear which mechanisms will be implemented by the organization, or how.

On 23 May 2006, the Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine took part at the GUAM Summit in Kyiv (Ukraine). Presidents of Lithuania and Poland, Vice-President of Bulgaria, and high-level representatives of Romania, Kazakhstan, and the USA participated, as well as international organizations, such as the OSCE, BSEC and diplomatic missions. Special attention was paid to the challenges and threats of aggressive separatism and extremism, and transnational organized crime. “Unresolved conflicts and the illegal presence of foreign troops and armaments in GUAM States” were also recognized as main obstacles to full-scale democratic transformations and economic development in the region. [15]

Other regional institutions include the Black Sea Naval Task Group (BLACKSEAFOR created to enhance peace and stability in the BSR), and the 2004 Border Defense Initiative (BDI), known also as the “Black Sea Border Security Initiative” launched in Bucharest. BLACKSEAFOR and Project Black Sea Harmony are projects initiated by the Turkish State in 1998 and 2004, respectively. Both aim at diminishing the prevalence of illicit activity on the Black Sea through international cooperation.

Whereas regional and international institutions are in place, and have even created certain basic mechanisms to counteract transnational crime, they have yet to be perfected and coordinated in an effective manner. Their effect must not be limited to nipping organized crime in the bud; it must make the penalisation of the actors involved a reality.

Conclusion

Security problems related to transnational crime in the Black Sea Region are specific in character. The remnants of communist and Soviet networks may at times be used to advance geopolitical motives. Frozen conflicts and breakaway territories encourage the spread of organized criminal activity while simultaneously impeding the democratic development of sovereign states. A better understanding and awareness of the geopolitical ramifications of transnational crime in the BSR will provide legitimate state and non-state actors with the necessary information for the creation of new, effective Black Sea security strategies.

The prevalence of organized crime in BSR business and political affairs is related to the lack of the rule of law and absence of punitive mechanisms in the international community. As a result, the cost/benefit ratio for those committing crime albeit on an individual (unit) or state level remains satisfactory and therefore conducive to it.

One may argue that organized crime is as old as humankind, that what time does not resolve belongs to the world's structure and is therefore not a problem. However, in order to support the rule of law and democratic development in the Black Sea Region, it is not sufficient to simply identify and analyse the key political-criminal activities in the BSR. New approaches to addressing the ancient problem must be considered such as the codification of state supported organized crime, the development of international mechanisms for criminal responsibility or even improved forms of state responsibility. They are requisite for effective strategies and policies aimed at securing the population of the BSR and the international community at large.

Lada L. Roslycky studied at the University of Western Ontario and gained her LL.M. in International Law from the University of Amsterdam. She lived in Kyiv, Ukraine, where she worked for NATO's Public Diplomacy Division as a part of the Young Professionals Program. She is currently an independent consultant and PhD Researcher at the University of Groningen in The Kingdom of the Netherlands.

[1] Asmus R. D. and Jackson B.P., *The Black Sea and the Frontiers of Freedom* in *A New Euro-Atlantic Strategy for the Black Sea Region*, The George Marshall Fund of the United States, Washington, 2004.

[2] <http://www.traccc.cdn.ge/publications/publication1.html> Dr. Louise Shelley *Organized Crime in the Former Soviet Union: The distinctiveness of Georgia*

[3] idem

[4] <http://www.traccc.cdn.ge/publications/publication1.html> Dr. Louise Shelley *Organized Crime in the Former Soviet Union: The distinctiveness of Georgia*

[5] King, C., *The Black Sea: A History*, New York: Oxford University Press, 2004, xi.

[6] Socor Vladimir, *Conflicts and Cooperation: The Wider Context of the Black Sea Frozen Conflicts: A Challenge to Euro-Atlantic Interests* pg. 127

[7] http://www.ceps.be/wp.php?article_id=420 *The EU and Black Sea Regional Cooperation: Some Challenges for BSEC*

[8] Hitchner R.B., *The Sea Friendly to Strangers: History and the Making of a Euro-Atlantic Strategy for the Black Sea* pg 27.

[9] http://www.neurope.eu/view_news.php?id=70821

[10] <http://en.for-ua.com/news/2005/07/28/153021.html> (News / 28 July 2005) 15:30

[11] <http://en.for-ua.com/news/2005/07/28/153021.html> (News / 28 July 2005) 15:30

[12] <http://harvard-bssp.org/publications/?id=146>

IREX report: "REGIONALISM, SUB-REGIONALISM AND SECURITY IN THE BLACK SEA REGION" IREX Black and Caspian Sea Collaborative Research Program "Regionalism, Sub-regionalism and Security in the Black Sea Region" Project Final Research Report 10.11.2004 02:05

[13] BSEC Summit Declaration on Black Sea Economic Cooperation, Istanbul 1992, Statement of the High Level meeting of the BSEC participating States BUCHAREST, 30 JUNE 1995

[14] Declaration of the Countries of the Democratic Community, Kyiv December 2005.

[15] 2006 GUAM Summit Communiqué

http://www.mfa.gov.az/az/guam/2006_CMFA_0522_communique%20eng.pdf