

## A Global Perspective of Transnational Crimes and National Security

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DOI: <https://doi.org/10.56279/MXFZ6491>

### Abstract

*In the wake of globalisation and technological advancement, the world has experienced a very rapid increase both in levels and sophistication of transnational crimes thereby posing security threats to nation states. The world has witnessed illegal activities being carried out without respecting national boundaries or sovereignty. Thus, this study sought to analyse transnational crimes in relation to national security and impacts brought by such kinds of crimes. Challenges that face law enforcement agencies when fighting the transnational crimes are also looked at. The paper concludes that transnational crimes are a security threat to the globe. The study recommends paying more attention to border security, working multi-disciplinarily through bringing onboard all stakeholders and strengthening public-private-partnerships, soliciting technical assistance, strengthening global peace and security initiatives and consolidating regional multijurisdictional taskforces and joint operations.*

**Keywords:** borders, crime, criminal groups, national security, security threats

### 1.0 Introduction

Among the many threats on economic development globally are transnational crimes. This paper analyses transnational crimes in relation to national security focusing on a global perspective. The analysis stems out from the reality that the phenomenon of transnational crimes needs to be discussed both as a crime and as a national security issue. This is because its impacts pose threats to domestic and international security of state nations. Security is one of the prerequisites for sustainable economic development. It should therefore, be well thought despite its continued intensity and

complexity.<sup>1</sup> This paper surveys the threats posed by transnational crimes globally.

## **Methodology**

This study was conducted through library research and literature survey. It was a desk-based research work, which reviewed various sources related to the study. The research involved a review and assessment of various documentary sources containing secondary information related to transnational crime and national security. Those sources included monographs, peer - reviewed journal articles, official reports and documents, text books and international legal instruments.

## **2.0 Findings and Discussion**

### *2.1 The concept of transnational crime in an historical perspective*

Globally, transnational crime has recently featured more prominently and its impacts are felt through wrecking of the world economies and diverse threats to security systems. After the end of Cold War II, the world has experienced a very rapid increase both in levels and sophistication of transnational crime. Generally, every country has experienced this kind of crime to a certain degree because no country, worldwide can consider itself immune to transnational crime. A number of organised criminal groups have continued to emerge and expand their activities across national frontiers, a situation which signifies that crime today has assumed an internationalized character. However, the nature, form and pattern of international crime have drastically changed from traditional to new forms.

The definition of transnational crime as Finckenauer (2005) argues is of great importance because *how* the problem of organised crime is defined is significant in determining how laws are formed, how investigations and prosecutions are conducted, how research studies are done, and, increasingly, how mutual assistance across national borders is or is not rendered.<sup>2</sup>

The concept of 'transnational crime' originates from the *1975 Report of the*

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<sup>1</sup> Mukungu, G.J. (2014). *The Analysis of Data Mining to Prevent Crimes in Tanzania*, (Doctoral thesis). Graduate School of Soongsil University, Seoul, South Korea.

<sup>2</sup> Finckenauer, J. 2005. "Problems of Definition: What is Organised Crime?" *Trends in Organised Crime*, Vol.8, No.3, Spring: 63-83, at 68.

*Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, in Geneva, when the United Nations used the term in order to identify certain criminal activities which transcended national jurisdictions. Such activities include organised crime, corruption and offences involving works of art and other cultural property.<sup>3</sup> However, the interest in transnational crime among scholars and policy makers did not intensify until the 1990s, during the time of significant political and economic development, as the Soviet Union dramatically collapsed.<sup>4</sup> Initially, little consensus was found on what constituted transnational crime and how it should be defined. Due to conflicting views, efforts were made during the *1994 Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems* to create a more precise conception. This early attempt to assess the prevalence of transnational crime was loaded with difficulties. Survey results showed that two states were unable to respond because no distinction was made, in their criminal justice system, between national or transnational crime and almost all 193 responding countries encountered some form of classification problems.<sup>5</sup> However, for the purpose of the survey transnational crime was defined as offences whose inception, prevention and/or direct or indirect effects involved more than one country<sup>6</sup>.

It is said that in 1994 the United Nations made an effort to clarify the concept of transnational crime by establishing 18 categories.<sup>7</sup> These are: money laundering, terrorist activities, theft of art and cultural objects, theft of intellectual property, illicit traffic in arms, aircraft hijacking, sea piracy, hijacking on land, insurance fraud, computer crime, environmental crime, trafficking in persons, trade in human body parts, illicit drug trafficking, fraudulent bankruptcy, infiltration of legal business, corruption and bribery of public officials, and finally other offences committed by organised criminal groups.

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<sup>3</sup> UN Doc. A.CONF. 169/15/Add.1 (1995).

<sup>4</sup> Reichel, P. (2005). *Handbook of Transnational Crime & Justice*. London: Sage Publications, p.3.

<sup>5</sup> Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders, A.CONF. 169/15/Add, (April 1995) p. 5, paragraph 13.

<sup>6</sup> *Ibid*, at p. 4, paragraph 9.

<sup>7</sup> Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders, A.CONF. 169/15/Add, p. 9. 1, 4 April 1995.

According to the United Nations Convention Against Transnational Organised Crime 2000, an offence is transnational if, firstly, it is committed in more than one state, secondly, it is committed in one state but a substantial part of its preparation, planning, direction, or control takes place in another state, thirdly, it is committed in one state but involves an organised criminal group that engages in criminal activities in more than one state, and finally, it is committed in one state but has substantial effects in another state. The more recently agreed international definitions of transnational crime have continued to emphasise as its distinguishing characteristic, the notion that it involves cross - border criminal activity, and violating the laws of more than one country. It is from this approach that Senior (2010) adopts the definition of transnational crime as quoted below:

The concept of transnational crime, used for the purpose of this thesis, will follow the simple notion that, it is a crime that involves cross - border criminal activity, which violates the laws of more than one state. The definition from the Palermo Convention clarifies this as including the commission, preparation, planning, direction or effects of the crime occurring in more than one state. This definition of transnational crime covers a lot of criminal activity ranging from smuggling of illicit drugs to electronic crime, it is almost impossible to create a catch - all list due to its evolving nature. This paper distinguishes international crimes from transnational criminal activities on the basis that the former are egregious crimes prohibited by international law, including treaties and customs, whereas transnational crimes are those acts occurring in, or affecting more than one state, and which are criminalised by the domestic laws of more than one state.<sup>8</sup>

The fact that a variety of criminal conduct features an extra-territorial moment explains why 'penal actions are in many instances no longer confined to one state's territory, but rather involve different jurisdictions and trigger a transnational enforcement of criminal law'.<sup>9</sup>

In view of the historical conceptual definitions above, theoretically and

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<sup>8</sup> Senior, A. (2010). *Organised Crime: Combating an Elusive Transnational Threat*. Unpublished Masters of Laws Thesis. The University of Waikato, New Zealand, p.9.

<sup>9</sup> Gless, S. (2011). *General Principles of Transnational Criminal Law – A European Perspective on the Principle of Legal Certainty*, A paper Presented at the Globalisation of Crime: Criminal Justice Responses Conference August 7-11, Ottawa, Canada, at p.1.

practically there are framework conditions through which transnational crimes operate. Researchers have developed a more general framework that defines the conditions necessary for the transnational crime to thrive and become entrenched in any given jurisdiction. Among them is Sheptycki (2012)<sup>10</sup> who derives from Varese's account on the general theoretical framework that defines conditions such as of "how Mafias move".<sup>11</sup> Sheptycki further comes up with four useful conditions. According to him, those conditions include: first the population of motivated offenders. That is people who have the skills, knowledge and worldview necessary to undertake seriously organised criminal activities. The second condition is the existence of illicit markets in which there must be a reasonably significant demand among the general population for products and services that cannot be obtained legally in order for an organized crime to thrive economically. Thirdly is the state-government's weakness or inability to provide accessible and efficient dispute resolutions. This is partly related to the existence of illicit markets and informal dispute resolutions mechanisms. Fourthly, lack of social trust and low levels of civic engagement create fertile grounds for organisation of crimes.<sup>12</sup>

### *2.2 Transnational crime and national security*

Transnational crimes pose actual and potential threats to national security. All nations are vulnerable to this cross-border menace. The *United States President's Office* acknowledges as quoted:

Transnational organized crime (TOC) poses a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. Not only are criminal networks expanding, but they also are diversifying their activities, resulting in the convergence of threats that were once distinct and today have explosive and destabilizing effects.<sup>13</sup>

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<sup>10</sup> Sheptycki, J. (2012). "Transnational Organised Crime," in Leuprecht, C., Hotaley, T. and Richard, K. (Eds.), *Evolving Transnational Threats and Border Security: A New Research Agenda*, Centre for International and Defence Policy, Queen's University Kingston, Ontario, Canada, pp.65-70.

<sup>11</sup> Varese, F. (2010). *Mafias on the Move: How Organised Crime Conquers New Territory*. Princeton NJ: Princeton University Press.

<sup>12</sup> Sheptycki, *op cit*, pp.66-67.

<sup>13</sup> The US President's Office,. (2011). *Strategy to Combat Transnational Organised Crime: Addressing Converging Threats to National Security*. Washington: The White House, July, p.5.

Deducing from the quotation above, transnational crime endangers national security due to the fact that it is committed by people who operate in a number of nation-states through what appears like a process of transmitting or replicating them beyond national borders with the effect of threatening national security.<sup>14</sup> It should therefore be underscored that transnational crime constitutes an unusual and extraordinary threat to national security, foreign policy and economy of the nations. National security is traditionally perceived as a function of the nation-state's ability to preserve the core values of its society, its territorial integrity and the physical safety of its citizens. The term 'national security' became acceptable and widely used after World War II, especially among the Western Allies, led by the United States.<sup>15</sup> In the context of threats to security, it was always considered mostly as threats from external sources arising from the many rising territorial and politico-ideological conflicts of the Cold War.<sup>16</sup> By this understanding, the responsibility to protect citizens is vested in the state and that the state demands their loyalty. It is from this line of argument that Harold Brown, the U.S. Secretary of Defence from 1977 to 1981 in the Carter administration, expanded the definition of national security by including elements such as economic and environmental security as stated below:

National security then is the ability to preserve the nation's physical integrity and territory; to maintain its economic relations with the rest of the world on reasonable terms; to preserve its nature, institution, and governance from disruption from outside; and to control its borders.<sup>17</sup>

The concept emanates from military and political cohesion, that is to say safeguarding or maintaining national or state sovereignty, which was the most basic foundation of national security during the Cold War era. It was an era where nuclear or ideological threats sounded in high tones. This state

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<sup>14</sup> Pobre, C.P. (2013). "Trends in Security Thought," *National Security Review*, The Study of National Security at 50: Re-awakening, A Golden Anniversary Publication of the National Defence College of the Philippines, pp.11-39, p.26.

<sup>15</sup> Lopez, G.M.J., (2013). "Integrating National Security into Philippine Regional Development Planning," *National Security Review*, *op cit*, pp.40-68, p.44.

<sup>16</sup> *Ibid.*

<sup>17</sup> Brown, H. (1983). *Thinking about National Security: Defense and Foreign Policy in a Dangerous World*, as quoted in Watson, C.A., [\*U.S. National Security: A Reference Handbook\*](#), Contemporary World Issues, New York, 2008, at p. 281.

of affairs is well summed up by Castle (1997) who states as follows:

In the past half-century, the most common (and given the state-to-state contest of the Cold War, the most logical) definition in everyday usage was that of national security. That is, security was measured as a function of the nation-state's ability to preserve the core values of its society, its territorial integrity and the physical safety of its citizens – at least as much as those characteristics were defined by the ruling elite.<sup>18</sup>

In the course of doing so, the state was traditionally expected to protect its internal values from external threats. The main focus was thus on protecting the nation-state against external aggressors.

However, the end of Cold War caused a paradigm shift. New problems emerged and created new insecurities in place of nuclear and ideological threats. So far, the principal threats of the Cold War have largely disappeared, but new threats in new forms have taken place. The post-Cold War era has witnessed new threats that are non-traditional and are no longer only military. For instance, it is argued that issues not typically associated with security in the cold war context were 'securitised', as security expanded from military danger to a broader sense of survival across a number of dimensions.<sup>19</sup> As such, those issues that were basically rated as non-traditional threats to security have recently emerged as important in security studies agenda. One among them is transnational crime. It is argued by Iglesias (2011) that:

After the end of the Cold War and as a consequence of globalization, threats have no longer a pure character extending the concept of security. Global problems, the majority of which are cross-border, like organised crime, terrorism, deterioration of the environment, disputes over natural resources, uncontrolled refugee flows, illegal immigration, poverty and famine have become risks for humanity which seem as important as the traditional military defence. Therefore, some believe that it is necessary to extend the concept of security in multiple sectors and at different levels, and that territoriality and military defence are not the only main

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<sup>18</sup> Castle, A. (1997). *Transnational Organized Crime and International Security*, Institute of International Relations, The University of British Columbia, Working Paper, No. 19, November, p.7.

<sup>19</sup> *Ibid.*, p.1.

In view of the above transnational character, crime has been remarked upon and identified as a worrying trend, posing threats to states, national economies and civil societies. For example, non-state actors can use terrorism not only to promote their political causes, "...nationalist-separatism or religious fanaticism, [but also] terrorists of the 21<sup>st</sup> century are likely to be more determined than ever to cause massive destruction and human carnage to advance their particular causes."<sup>21</sup> These groupings gain strength from their ability to forge linkages across national boundaries. Their activities represent a challenge to national sovereignty and integrity of independent states and threaten the survival of governments. A good example is the Islamist terrorist group *Boko Haram* in Nigeria. It is manifestly a fact that the group destabilises socio-economic and political activities in the country thereby posing serious threats to national security.

Other forms of transnational crimes affect states and their societies in general. Illicit trade, drug trafficking and money laundering reduce governments' capacity to govern, weaken the credibility of financial institutions and undermine social order of nations. Weak states and open societies are especially vulnerable to transnational crimes.<sup>22</sup> Shelley (1995) states that:

Transnational organised crime has been a serious problem for most of the 20<sup>th</sup> Century, but it has only recently been recognized as a threat to the world order. This criminality undermines the integrity of individual countries, but is not yet a threat to the nation-states. Failure to develop viable, coordinated international policies in the face of ever-growing transnational criminality, however, may undermine the nation-states in the 21<sup>st</sup> Century.<sup>23</sup>

It follows from this quotation that transnational crime should not be

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<sup>20</sup> Iglesias, M.A.L. (2011). *The Evolution of the Concept of Security*, Framework Document 05/2011, Spanish Institute for Strategic Studies, Madrid, June, pp.2-3.

<sup>21</sup> Smith, P.J.(2000). "Transnational Security Threat and State Survival: A Role for the Military?" *Parameters, U.S Army War College Quarterly*, Autumn, pp.77-91, p.80.

<sup>22</sup> Emmers, R. (2002). *The Securitization of Transnational Crime in ASEAN*, Institute of Defence and Strategic Studies, Singapore, Working Paper Series No.39, November, p.2.

<sup>23</sup> Shelly. (1995). "Transnational Organised Crime: An Imminent Threat to the Nation-State?" *Journal of International Affairs*, 48:2 Winter, p. 463.



underestimated because it has very devastating effects to the nation-states' security if early warning measures are not taken seriously and effectively. Transnational crimes have various impacts on the globe.

### **2.3 Economic impacts of transnational crimes**

Nation states experience severe economic impacts of transnational crimes. Just to highlight a few indicators, the proliferation of counterfeit products throughout the nations is a clear manifestation that the nations' revenues are affected. Moreover, the increasing of money laundering activities which destabilize the economy is a clear manifestation that the countries' economies are greatly affected. On the other hand, an increasing number of drug traffickers and abusers in countries globally deny the countries of energetic manpower which would be engaged in legitimate economic undertakings. In addition, it should be noted that transnational crime is a barrier to prospected local and foreign investors and international trade in general.

The increasingly emerging transnational crime is also posing security threats in many parts of the globe. For example, the proliferation of small arms and light weapons [SALWs] especially in and around regions bordering war - torn and conflict - stricken neighboring countries, put the world at insecurity angles. Such state of affairs creates fear to the citizens of their own security and that of their property. Normally, where there is penetration of illegal firearms, people do feel insecure due to possibilities of armed robberies and threats of terrorist attacks. Also, the more criminals crisscross the borders, the more the increase of organized criminal syndicates, hence increase in crime rates. This may resultantly ruin the good image of affected countries which eventually become unsafe for both local and foreign investors.

At critical level, transnational crime curtails social welfare of the communities. The fact that at times the governments are denied of their revenues due to criminal activities involved, there is a deterioration of social welfare provision. Impacts of transnational crime are felt at state and regime security levels in particular on governance and rule of law domains. The fact that malpractices are involved in facilitating the commission of cross-border offences such as corruption, it is obvious that it interferes with tenets of

good governance and the rule of law. Moreover, transnational crime has impacts on the area of human rights. Crimes such as human trafficking are a violation of human rights. All in all, governments are forced to allocate hefty budgets in crime detection and prevention instead of development activities.

Diplomatically, transnational crime impacts on nations' relations. Where transnational crime is unmanageable, it affects the diplomatic relations between neighboring countries. Under such situations, the countries' efforts to achieve economic diplomacy may not be realized to the fullest.

#### **2.4 Implications, challenges, and opportunities: The future outlook**

Transnational crime is a current global concern in international cooperation discussions. International initiatives that aim at combating this type of crime are taken worldwide. The main concern is to explore opportunities, challenges and prospects for a safer and more secure future world. Transnational criminal networks are so organised such that no single nation can fight against them alone. Even the supposedly world superpowers such as the United States appreciate this reality. Substantiating this argument, Driscoll (2014) elaborates:

International criminal groups and networks are not constrained by the borders to which states limit the extension of the use of force, jurisdiction, or legislative authority. Prosecutors combating an international criminal group must regularly work in and with several different countries to build a single case. The criminal law enforcement institutions in the United States, however, are not historically designed for this; they have been constructed with the explicit goal of operating within their national boundaries. Therefore, a shift in strategy is required away from U.S. federal and unilateral efforts towards international and multilateral initiatives to combat TOC.<sup>24</sup>

Therefore, international cooperation in law enforcement among various agencies is inevitable. The inevitability thereof buttresses itself from the reality that it is through cooperation among countries that exchange of information can occur, and above all capacity-building, mutual legal assistance as well as joint investigations can be undertaken. Given the

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<sup>24</sup> Driscoll, J. (2014). "Improving U.S. Strategy on Transnational Organized Crime," *International Affairs Review*, Volume XXIII, Number 1, Fall, pp.84-103, 96.

complexities of transnational crimes, no country can stand alone and fight effectively such kind of crimes. This explains why international police cooperation is very important in these days to collaborate in dealing with transnational issues such as these crimes. Despite the fact that international cooperation is inevitable in combating transnational crimes globally, there are many challenges, opportunities and prospects in that regard. Police forces in all nations should rely more and more on cooperation. Driscoll (2014) further emphasizes the rationale for cooperation among nations:

It is fundamentally incorrect to think that any single state can productively combat TOC, regardless of its strength and resources. Moreover, it is often impossible to identify, capture, and prosecute international offenders without the active assistance of foreign governments. This is especially hard to accomplish in a context of lacking multilateral legislation and cooperation, as national laws vary greatly on the treatment of organized criminal groups and drug traffickers specifically...Sensitive issues of sovereignty, state monopoly of the use of force domestically, and legal jurisdiction perpetually complicate such cooperation.<sup>25</sup>

Deducing from the excerpt, what is needed is better coordination, optimal use of resources and constantly learning from one another.

Therefore, international cooperation should enable member states to conduct joint trainings and regular meetings so as to strategies on how to address the transnational crimes. This would enable effective exchange of intelligence, information and evidence as well as joint intelligence-led operations to combat, disrupt and defeat criminal enterprises at global level. It should as well enable the strengthening of state capacity to fight against transnational crimes through technical assistance.

The United Nations, which has the responsibility of maintaining international peace and security, is one of the important avenues through which the international cooperation in prevention and combating of transnationally organized crimes can be realized. It is through this mandate that the UN came up with the United Nations Convention against Transnational Organized Crime signed in Palermo, Italy, in December

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<sup>25</sup> *Ibid.*, p.89.

2000. The signing of this instrument was a major step towards global cooperation to fight international crimes. The signing of this convention was a clear manifestation that the international community was determined to address the transnational organized crimes global challenge with a global response, as so argued by Kofi A. Annan, the former UN Secretary-General:

Criminal groups have wasted no time in embracing today's globalised economy and the sophisticated technology that goes with it. But our efforts to combat them have remained up to now very fragmented and our weapons almost obsolete. The Convention gives us a new tool to address the scourge of crime as a global problem. With enhanced international cooperation, we can have a real impact on the ability of international criminals to operate successfully and can help citizens everywhere in their often-bitter struggle for safety and dignity in their homes and communities<sup>26</sup>.

The purpose of this Convention is to promote cooperation to prevent and combat transnational organised crimes more effectively. The Convention and the protocols thereto are the main tools available to the international community to fight against transnational organised crime.<sup>27</sup> The Convention encourages cooperation among states to assist each other in obstructing the activities of criminal nature, and improving international cooperation in investigation, apprehension and prosecution of suspects. Under the Convention, each State Party is urged to take necessary measures to implement the Convention, including legislative and administrative measures in accordance with fundamental principles of its domestic laws, to ensure the implementation of its obligations under the Convention.

Another avenue is Interpol, which is the International Criminal Police Organization [ICPO], created in 1923 to further cross-border cooperation when it came to combating crimes. Interpol provides a centralized source of assistance and information.<sup>28</sup> The organization operates globally by helping

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<sup>26</sup> See Foreword to the Convention at p. iv.

<sup>27</sup> Those protocols, which supplement the Convention, are Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition.

<sup>28</sup> The Interpol has four core functions:

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to prevent people from committing crimes in one country and using international borders as a barrier to prevent prosecution. It allows foreign enforcement authorities to work together. This is well emphasized by the former Secretary General of the Organization, Andre Bossard who remarks:

...If we are to envisage world-wide international co-operation, we must make provision for co-operation between countries with most widely differing constitutions and political systems, and ensure that co-operation can be maintained in spite of any divergences that may exist between countries at any given point in time.<sup>29</sup>

Most countries in the world are members of Interpol.<sup>30</sup> Tanzania is a member since 19<sup>th</sup> September, 1962. These and other avenues offer opportunities for states to cooperate in fighting against various transnational crimes. The major question is to what extent member states use these avenues effectively?

Although there are positive moves in international law enforcement cooperation, there still remain several pitfalls including:

- a. The scope of international cooperation is currently limited by international agreements and the national law of the state from which information is requested.
- b. There are differing priorities between developed and developing countries. Such differences complicate international cooperation and expand the gap between the two groups.
- c. Addressing such aspects as cyber-crime brings a global concern to both developing and developed countries. It poses problems including limited

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- a. To provide global police communications service. This enables policing authorities from member countries to request and submit information. As a result, policing authorities have an efficient way to share and access information;
  - b. To maintain and update databases that can be accessed and used by international policing authorities. These databases contain information including notices of wanted individuals, alerts of stolen documents, and counterfeiting trends;
  - c. To provide support in emergency situations or with regard to crimes that the organization has identified as priority; and
  - d. To help member countries build and improve upon their policing capabilities. Training programs are often offered to strengthen or educate enforcement agencies on certain issues.

<sup>29</sup> Bossard, A. (1980). "Police Co-operation in Europe," *International Criminal Police Review*, December, No. 343, pp. 282-289, at p.285.

<sup>30</sup> It has 194 members worldwide.

- availability of specialized computer crime units; possible lack of powers to investigate the content of a computer system against the will of the right holder; encryption policies; and verification of authenticity of evidence.
- d. The fact that nation states jealously safeguard their jurisdictions<sup>31</sup> over criminal justice matters has produced a world where criminal justice policies, institutions, procedures and laws vary widely and deeply among many countries of the world. Sadly, this has eventually been a snag to effective repression of transnational crimes.
  - e. Effective international responses are affected by insufficient cooperation among states; weak coordination among international agencies; and inadequate compliance by many states.
  - f. Criminal organizations constrain the regional integration and interdependence of national economies to operate on an international scale and transform their operations into diversified legitimate economic activities.

Despite the above outlined challenges, there are a number of opportunities that maybe used effective in enhancing cooperation at international level. These opportunities include the following:

- a. *Mutual legal assistance*: The UN Convention against Transnational Organised Crime 2000 and its three protocols namely, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their parts, Components and Ammunition provide guidelines for mutual legal assistance between state parties, law enforcement cooperation and the collection, analysis and exchange of information on the nature of organised crime activities. It now remains for state parties to make arrangements on how best they should make use of these readily available opportunities to render legal assistance to each other in a mutual understanding.
- b. *Police cooperation across borders*: Effective police cooperation across borders involves sharing of intelligence, coordinating operations, securing evidence

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<sup>31</sup> The dual notions of national sovereignty and exclusive state jurisdiction over criminal law matters, which continue to be supported by the United Nations Charter and by international law in general, still feature prominently in the development of modern criminal justice systems, whereas national borders are becoming increasingly obsolete and irrelevant to criminal activities.

and targeting suspects.<sup>32</sup> To realise all these at international level, it is inevitable that countries make use of Interpol available services such as the Interpol communication system that is I-24/7. This is an opportunity for member states to enhance or establish regional databases, which are of fundamental importance in fighting against transnational crimes.

- c. *Enhancing capacities and capabilities*: Understandably, transnational crime groups operate largely in network structures and police are more likely to be successful in containing transnational crimes if they can operate with the same level of flexibility and adaptability.<sup>33</sup> Concentration should be directed to developing police forces and services with the requisite capacity to detect and investigate crimes. Law enforcement agencies from developed countries stand a better chance in assisting police forces or services in developing countries to improve and strengthen the capacity of police where expertise and training are known to be poor. As Vy Le., *et al* (2013) note, this will ensure that cooperative policing efforts produce the most effective outcomes for joint investigations.<sup>34</sup> Otherwise the police forces and services in developing countries may be turned into soft targets by the transnational crime groups thereby rendering all efforts by the law enforcement agencies from developed countries, which are said to be well equipped fruitless. It should also not be forgotten that criminals exploit the weaknesses in laws and law enforcement capacity to execute their crimes.<sup>35</sup>
- d. *Global public-private-partnership*: One of the concerns is to consider information technology [IT] as an effective means in preventing and combating transnational crimes at a global level. It must be understood that transnational criminals use the same information technology to plan and realise their activities. This has been possible because they have the ability to identify and make use of security holes in the system very effectively and at many times unidentified. It is high time for law

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<sup>32</sup> Le, V., *et al.* (2013). "Elements of Best Practice in Policing Transnational Organised Crime: Critical Success Factors for International Cooperation," *International Journal of Management and Administrative Sciences (IJMAS)*, Vol.2, No.3, Feb, 24-34, 25.

<sup>33</sup> Godson, R. and Williams, P. (2001). "Strengthening Cooperation against Transnational Crime: A New Security Imperative," in Vlassis, D. and Williams, P. (Eds.), *Combating Transnational Crime: Concepts, Activities and Responses*, Frank Cass Publishers, Oxfordshire, pp.321-355.

<sup>34</sup> Le, V., *et al.*, *op cit.*, p.27.

<sup>35</sup> Shelley, L. (2003). "Organised Crime, Terrorism and Cybercrime," Byden, A. and Fluri, P. (Eds.), *Security Sector Reform: Institutions, Society and Good Governance*, Nomos Verlagsgesellschaft, Baden-Baden, pp. 303-312, p. 309.

enforcement agencies to forge functional partnerships with both public and private system proprietors and administrators in order to seal such security holes.

So far it cannot be denied that the implications of transnational crimes are very serious domestically, regionally and internationally. The fact that they pose national and international security threats complicates the matter when dealing with them. This implies that sustainable and concerted efforts should continually be taken. In view of these arguments, future prospects on addressing transnational crimes globally rest much on the opportunities that are available under the auspices of international cooperation. The success of policing in the digital age will be determined not by how well the security officers understand technology, but by how well they capitalise the opportunities it creates and their willingness to engage with it. To do this effectively they need to lower their flags and engage the digital community more practically.

Moreover, given the trends of transnational crime worldwide, the future world sees the need for effective seizure and utilisation of opportunities that will address transnational organised crimes. This requires the enhancement of international cooperation through law enforcement agencies in the following activities:

- a. improving the implementation of existing relevant conventions, protocols and harmonising the existing legislations;
- b. continuing to promote the conduct of joint international investigations;
- c. establishing memoranda of understanding with non-law enforcement agencies to avoid losing the relationship due to changes of personnel;
- d. continuing to integrate efforts by regional and international organisations with the work of the UN;
- e. improving international relationships in order to structure effective intervention and public awareness; and
- f. exchanging best practices among regions.<sup>36</sup>

### **3.0 Conclusion**

In conclusion, it can be argued that transnational crimes are really an increasing threat to the national security of many countries in the globe.

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<sup>36</sup> We acknowledge to have mainly taken these activities *mutatis mutandis* from Pakes, F., *et al.*, *ibid.*, p.59.



## Transnational Crime and National Security

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Transnational crimes are no longer considered as a problem of criminality alone, but also a phenomenon operating on a wide scale to the extent of harming the overall functioning of societies and politics worldwide.

The rapid internationalisation of crimes is a challenge for law enforcement in the whole world. Transnational criminal syndicates are becoming more and more powerful and universal, and their mobility is growing. They are nowadays adaptable, sophisticated, extremely opportunistic and immersed in a full range of illegal and legal activities around the globe. It has been possible for them to do so because they learn, adapt and take advantage of changes that occur in the societies, be it in improved information and communication technologies or the opening up of financial markets.

Admittedly, transnational crime activities weaken economies and financial systems and they undermine the workings of the free market economy. Due to their illegal activities, transnational crime groups have access to huge amounts of money, which needs to be “washed.” This large-scale money laundering has an impact on the operations of legitimate financial institutions which, in the long run, can go beyond the business sector with negative effects on the investment climate, tax revenues and consumers’ confidence. In undertaking their illegal activities, transnational criminal activities threaten the states’ socio-economic and political well-being. They therefore upset the peace and security of nations worldwide. Now that transnational crimes feature more prominently in the world thereby threatening the security of nation states, the task ahead is how these types of crimes can be addressed effectively. It is clear that the international community is facing a number of challenges, some of which are outlined in this paper. What remains is how to turn those challenges into opportunities.

Efforts therefore, need to be made to address the transnational crimes. These efforts should, however, take into consideration the dynamic nature of the crimes, among others. Noting from the discussion above, international efforts have an instrumental role to play towards preventing and combating transnational crimes. Such efforts will pave a way for effective addressing of the vice. International cooperation is unavoidable because no single nation can stop the daunting flow of transnational crimes around the globe.

#### **4.0 Recommendations**

Basing on what has been discussed in this study, the following recommendations are made: Border security is a tool to combat transnational crime threats. Nation states should strengthen their border security by adequately engaging all law enforcement agencies which have stakes in border security. The agencies should create meaningful linkages and improve information sharing that could enable them to respond rapidly to transnational crime threats. In addition, a thorough situational analysis should be conducted in order to appropriately allocate available resources. It is of paramount importance to improve capacity and capability at the borders so that transnational criminal activities are prevented and combated.

Times of working single-handedly are over. The trend now is that police world over need to work multi-disciplinarily at every level. And before taking action, they must liaise with national and international partners. Since police are not jacks-of-all-trades, they must cooperate with all stakeholders in a globalized environment in order to achieve their goals. Transnational criminal activities touch every section of the global population. Equally importantly, fighting this kind of activities requires combined efforts of all stakeholders. No single entity can tackle transnational criminal problems on its own. Basing on this line of argument, all players at all levels should be taken on board.

The fact that transnational crime challenges tend to be more frightening and alarming for many nation states, technical assistance is highly needed. Such assistance would enhance and strengthen their capacity to prevent, combat and prosecute transnational crime cases. Thus, an effective use of national, regional and international opportunities is of great importance. Much as transnational crime is now emerging as a serious threat to national and international security and stability, global peace and security initiatives should be enhanced and strengthened so that the world becomes a safer place to live in.

By seizing opportunities in terms of regional and international cooperation, nation states should forge and encourage establishment of multijurisdictional taskforces within their geographical locations in order to

combine intelligence and investigative resources from several law enforcement agencies. In order to make this a reality, periodical intelligence-led joint anti-crime operations should be carried out.

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