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Incapacity, pathology, or expediency? Revisiting accounts of data and analysis weaknesses underpinning international efforts to combat organised crime*

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Abstract: Organised crime saw swift ascent as a security priority for the international community after the end of the Cold War. High political excitement surrounded the subject of organised crime, accompanied by an apparently bottomless demand for calculations of its magnitude and attendant risks. Ensuing decades nevertheless saw concerns repeatedly raised about the limitations afflicting cross-national data and related analysis. To date, debates about the stubbornly weak empirical underpinnings of UN and EU efforts to combat organised crime have tended to attribute the ultimate source of such limitations to either issues of capacity (political or technical) or bureaucratic self-interest, thereby portraying states essentially as either inadequate or an insignificant actors in their accounts. Drawing on insights from scholarship on the rise of the security state and the political exploitation of policy against organised crime, this paper suggests that the role of states in producing and sustaining the weaknesses of such policy may have been unduly discounted.

Introduction

Organised crime rose as a security priority in international circles after the end of the Cold War (Shelley, 1995). The 1990s were dubbed by some the 'decade of transnational organised crime' (Edwards and Gill, 2003: 265), and the issue has clearly proved tenacious, remaining amongst the most prominently-cited security challenges throughout the 2000s (Van Duyne, 2009: 120), even whilst, or possibly because, international agreement about what constitutes organised crime has tended to be limited to very general definitions.[1] Whilst the prioritisation of organised crime policy has been argued to have been accompanied by an 'unquenchable thirst for any sort of actuarial calculations of [its] risk, threat, size, or impact' (Beare, 2003: 161), as outlined in detail below, repeated calls for action to improve the accuracy and ensure the

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[1] See, e.g., the definition of the EU in its Joint Action Against Organised Crime (Council of Europe, 1998), and of the UN Convention against Transnational Crime (2000), Article 2a which is: (a) 'structured group[s] 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 [...] in order to obtain, directly or indirectly, a financial or other material benefit'. According to the latter definition, 'serious crime' denotes 'conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty'.

meaningful measurement of the risk posed have underscored the delays the international community has experienced in establishing the collection of relevant reliable and comparable data.

This paper considers the debates that have emerged over longstanding problems besetting UN and EU data collection and analysis relating to transnational organised crime, taking issue with what have been the two predominant and competing accounts of their weaknesses. To date, explanations have focused primarily on issues relating either to capacity (technical as well as political) or to bureaucratic self-interest. These accounts have in turn been explicitly or implicitly based on 'risk society' and Foucauldian analytical frameworks, respectively, which, as Mythen and Walklate (2006) point out, have dominated the multidisciplinary study of contemporary security challenges over recent decades. However, scholarship on the rise of the security state, on one hand, and on the political exploitation of policy against organised crime, on the other, suggest that a third potential explanation has been unduly neglected in these debates, and it is one that challenges the fundamental disavowal of state power that both of the above analytical approaches have sustained.

Data Troubles in UN and EU fora

Although organised crime in various manifestations has waxed and waned as a concern amongst states in the international arena over time, its rise to the prominence it has achieved over recent decades can be traced back to the mid '70s, when, for the first time since the Second World War, it emerged as a major subject of debate amongst the international community during the fifth UN Congress on Crime Prevention (Bassiouni and Vetere, 1998). As illustrated by the language adopted in subsequent meetings of the international community over the 1980s, organised crime was framed as a threat which had grown in tandem with globalisation, and its perceived features were very much those that would come to be seen as closely related to the end of the Cold War. Although this framing would be presented afresh as unique and novel after 1989, organised crime was already being portrayed as a new international challenge as a consequence of having undergone unprecedented geographical extension and diversification into a wide range of criminal activities, including drugs and weapons trafficking, money laundering, trafficking and smuggling in people, and large-scale tax evasion and insurance fraud (see, for example, UN Secretariat, 1985; UN ECOSOC, 1988).

Greater prioritisation of transnational organised crime in the post-Cold War era has commonly been portrayed in mainstream accounts as a problem-solving response to a threat that had become more significant in measurable terms; at this juncture, organised crime was described as having reached a new level of internationalism, akin to that demonstrated by transnational corporations, dramatically facilitated by the collapse of the bipolar world order, the lowering of economic and political barriers across Europe, and the establishment of weak democracies on the region's borders (see, e.g., Williams, 1994; Shelley, 1995). As characteristically concluded by the 1994 World Ministerial Conference, transnational organised crime was regarded as one of the most alarming challenges to have faced the international community in preceding years (UN ECOSOC, 1994).

From the early 1990s onwards, however, concerns about lack of both data and sensitive evaluation of the challenge represented by transnational organised crime were raised with increasing frequency by international bodies. In 1992, for example, the Economic and Social Council (ECOSOC) of the UN argued that:

> 'in order to determine the appropriate level of law enforcement response, mechanisms to evaluate the gravity of the threat posed by organised crime are needed. The current state of knowledge demonstrates considerable lack of precision in this regard' (UN ECOSOC, 1992: Annex II, VII. Evaluation, Point 49).

At the 1994 World Ministerial Conference held in Naples, states were encouraged to 'collect, analyse and disseminate reliable statistics and information on the phenomenon', with the explicit rationale that 'to recognise and intelligently prevent and combat organised transnational criminal activities, the international community should increase its knowledge of criminal organisations and their dynamics' (UN Secretary-General, 1994). By 1996, frustrations were voiced by the UN Secretary-General about the difficulty of evaluating the significance of the data collected. In his report on the implementation of the Political Declaration and the Global Action Plan against Organised Transnational Crime agreed at the meeting in Naples, he stated:

> 'What is rarely done when dealing with this issue [..] is to provide a net assessment, that is, an assessment of the capabilities of organised transnational

crime on the one side and government and law enforcement on the other' (UN Secretary-General, 1996).

There had been, and would continue to be, numerous such exhortations made at international forums for states to gather and share valid, reliable and comparable data on organised crime, albeit with little detail, however, about how, where, and with what frequency this was to be done. It was not until 1999 that a Global Program on Transnational Organised Crime was launched by the Centre for International Crime Prevention (CICP) of the US-dominated UN Office for Drug Control and Crime Prevention (UNODCCP), with the task of assessing transnational organised crime groups, their 'dangerousness and trends' (see further Woodiwiss, 2005; Nadelmann 1993). In 2001, the CICP was also selected by the UN Commission on Crime Prevention and Criminal Justice to be the organ responsible for establishing a comparative database (a questionable decision, according to some, given the greater expertise and data resources at that time of both Interpol and the World Customs Organisation; see Burnham, 2003: 73). By mid-2001, however, a review by the UN Office of Internal Oversight Services (OIOS, 2001) lay bare serious deficiencies in the management and administrative practices of the UNODCCP, which were found to have prevented the fulfilment of the body's mandates and the proper implementation of some projects, as a result of which the head of the UNODCCP was forced to resign (Blickman, 2001). On top of this unfortunate start, the Global Program on Transnational Organised Crime faced a variety of methodological and political pressures (Van Dijk, 2008). Tellingly, the first and only global report on transnational organised crime produced under the auspices of the UNODCCP to date was in 2010, and no reports on transnational crime were issued at all between 2000 and 2005 (inclusive).[2] The 2010 report, meanwhile, acknowledged many gaps in knowledge about even its most effectively monitored transnational organised crime issue (drug trafficking), whilst the process of gathering information about other 'emerging' types of transnational organised criminality was notably reported to be 'at its earliest stages' (UNODC, 2010: 26).

Europe's Data Woes

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[2] UNODCCP reports on transnational organised crime are archived on the UNDCP website, https://www.unodc.org/unodc/en/data-and-analysis/toc.html (accessed 10 May 2017).

Within Europe, the evolution of data collection on transnational organised crime was marked by similar delays. Official concerns about organised crime had emerged at the regional level in the mid-1980s, as reflected in the establishment of a Working Group on Drugs and Organised Crime by the intergovernmental Trevi forum (Hebenton and Thomas, 1995: 25). The signing of the Schengen Agreement in 1985, which brought with it the expectation of the abolishment of internal controls amongst countries belonging to the European Common Market by 1993, triggered the voicing of concerns that greater freedom of movement would also increase the risks posed by cross-border crime (Guyomarch, 1997: 132-133; see also Fijnaut, 2001: 283). In 1992, the European Ministers of Justice and of Interior/Home Affairs commissioned a report on the state of collaboration against cross-border crime in the region from an Ad Hoc Working Group on International Organised Crime. Whilst Article 30 of the Maastricht Treaty on European Union of 1992 had already committed signatories to establishing a statistical network on cross-border crime (European Council, 2004), the 1993 report of the Ad Hoc Working group underscored the conceptual weakness of the region's commitment in this area and made clear the need for agreement about what exactly 'organised crime' comprised.

In response to the report of the Ad Hoc Working Group, the Council of Europe tasked experts with the development of a common assessment mechanism for the definition and analysis of organised crime within Europe (Van Der Heijden, 1996). A number of EU Action Plans over the 1990s worked towards the establishment of common interpretations of 'organised crime' to facilitate this end. The launch of the 'Millennium Strategy' by the European Council in 2000 nevertheless flagged the continuing of reliable and comparable data collection on the issue. The Strategy's detailed recommendations began with the guideline that the 'validity, reliability and comparability' of data collection on organised crime by member states be improved, including via the establishment of common standards for the collection and analysis of data, and an EU-wide agreement on a 'uniform concept of the topics and phenomena relating to organised crime' (European Council, 2000, pp. 4-5). Again, in 2002, a report by the Council of Europe's Group of Specialists in Criminal Law and Criminological Aspects of Organised Crime pointed to the uneven quality of information about organised crime across the EU, given that not all member countries of the Council of Europe had crime analysis units, intelligence-led policing, a standardised terminology or approach to crime analysis, appropriate training for crime analysts, peer review to ensure the quality of analysis,

or effective co-operation between domestic institutions to facilitate the exchange of data for the purposes of crime analysis (PC-S-CO, 2004: 133-134).

Two years later, whilst the Council promised the emergence of more intelligence-led threat assessments of organised crime (see further Carrapiço and Trauner, 2013), the European Commission acknowledged that the development of comparable data on organised crime was bound to be a complicated and long-term goal (European Commission, 2004). The following year, prompted by the UK during its presidency of the EU, the Council adopted a new criminal intelligence model and launched what were due to be annual organised crime threat assessments (OCTAs). The obstacles to effective assessment continued, however, not least of which were highly variable national contributions to the assessment (Carrapiço and Trauner, 2013). Differences between the questionnaires used for different OCTAs precluded their easy comparison and, absent the clarification of basic concepts used within them, the OCTAs were derided for generating more ambiguity than they resolved (Van Duyne, 2009: 146). A series of powerful scholarly critiques levied at the OCTAs paved the way to their replacement by the Serious and Organised Crime Threat Assessments (SOCTAs) from 2013, which would offer a sophisticated synthesis of harm, vulnerability and threat assessment (see further Vander Beken and Janssens, 2015: 177-178), even if the concept of harm appeared to be promptly abandoned thereafter (Paoli and Greenfield, 2018).[3]

A subsequent study, commissioned by the European Parliament to synthesise the research evidence base across member states in order to enable a robust assessment of organised crime across the region, found that differential modes and foci of data collection across member states continued to hamper meaningful comparison (Levi, 2015). That study identified a number of cross-cutting inhibitors to an EU-wide knowledge based on organised crime: differing national political priorities; distinct national and local practice of data

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[3] In a parallel development, the establishment in 2005 of the Europol Information System (EIS), a centralised criminal information and intelligence database, ought also to have heralded the emergence of a more systematic commitment to addressing the regional comparative crime data problem, but the EIS' launch was marred by controversies and delays, and the system faced problems of interface with other EU databases that gave rise to its own credibility gap (Den Boer and Bruggeman, 2007; McDonald, 2005), just as Europol had itself encountered beforehand (Guyomarch, 1997: 126-7). Two years later, an evaluation of EIS reported that 'very few states are completely ready to operate the system' (Council of the European Union, 2007: 29). The strength of analysis produced at the international level was, again, inevitably compromised by the uneven quality of the data and analysis fed in to central depositories from national sources (Brown, 2008b), and was further hampered by the emergence of institutional rivalries between different data-gathering agencies operating in the international arena (see Brown, 2008a).

collection; divergent national experiences of organised crime levels and patterns; and varying national legal frameworks and traditions (ibid).

Despite the repeated vocalising of concerns within advisory and policy-making forums about the robustness of institutional data collection and analysis, the common agenda against organised crime in the EU was a matter of growing political insistence and, indeed, of 'political excitement' (van Duyne, 1995: 346), long before not only comparable data were available on the issue but also before common agreement on the definition of organised crime, which did not prove easy to forge (Mitsilegas, Monar and Rees, 2003). As scathingly reported by both Scherrer (2009) and van Duyne (2009), data and analysis were fed into international policy-making on organised crime in an eager and uncritical fashion, at least to the extent that they did not contradict the prevalent "political mood", and were facilitated to this end by insular and inadequately trained practitioners that were inappropriately accorded the status and role of 'experts' shaping policy evolution.[4] The first decade of prominence for the international agenda against organised crime was thus marked by a persistent inability to overcome both technical and conceptual obstacles to valid, reliable and comparable data on organised crime.

Accounting for the deficiencies of comparative analysis of crime in the international arena: Institutional capacity, pathology, and expediency

Few policy areas have been associated with so great and so controversial a demand for quantitative evidence as crime (Andreas, 2010; Haggerty, 2001). Yet criminologists have long drawn attention to the many obstacles that lie in the path of efforts to achieve reliable and comparable data on crime, whether quantitative or indeed qualitative, across space and time: from impediments relating to variable levels of institutional capacity to harvest and record data, to institutional pathologies that lead to the under- or over-recording of crime, to political expediencies that can lead states to seek to curtail, suppress or skew data. As regards institutional capacity, difficulties arise not simply from differing approaches to what constitutes crime and its severity –reflecting the way in which interpretations of crime are socio-culturally and politically determined– but also from the disparity of measurement capabilities and, relatedly, techniques and registers, evident across jurisdictions (Nelken,

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[4] It is notable that similar critiques have been applied to cognate policy areas such as the international anti-money laundering regime (e.g., van Duyne et al., 2018; Naylor, 2002).

2010). States have starkly unequal financial capacities to invest in accurate crime measurement and reliable, up-to-date recording systems, and such imbalances inevitably impinge on cross-national criminological analyses (see, e.g., Cameron-Waller 2008: 56). As Van Dijk (2008) has argued, crime data produced by police and judicial authorities are highly inadequate indicators of levels of crime in and of themselves, and better reflect the level of resources invested in such agencies at the national level as well as decisions governing how such resources are spent (see also UNODC, 2008).

Beyond such technical capacity-related obstacles lie the obstructions perversely produced by state bureaucracies themselves. Much has been written about the under-recording of crime produced by the introduction of performance measurement and management regimes to police institutions and their concomitant pressures in a number of jurisdictions over recent decades (e.g., Patrick, 2011; de Maillard and Savage, 2012; Eterno and Silverman, 2012). Conversely, other studies have drawn attention to the inflationary impact of revenue streams on police reporting practices. In the US, for example, such streams have been identified as ranging from bottom-line government funding (Rasmussen and Benson, 1994), to 'need'-based grants for local police departments (Weaver, 2007: 246), to the opening up of asset seizure powers to local and state police departments (Benson et al., 1995).

Beyond obstacles relating to institutional capacity and pathologies are those associated with political expediency. In the international arena, the salience of crime can make data collection a matter of high politics, as arguably illustrated, for example, by declining numbers of national participants in UN Surveys on Crime and the Operation of Criminal Justice, by opposition to efforts of the UN Crime Prevention Program to gather comparative crime statistics, and by resistance towards the establishment of a World Crime Report as had been proposed at the UN Crime Commission in 2005. For Van Dijk (2008: 8-9), such instances are telling of the way that crime statistics have typically been treated as politically potent 'dirty laundry', best kept away from international exposure to avoid negative attention, and it is this fear of national shaming which has acted as the greatest impediment to the development of comparable international data on crime.

Accounting for the Problems of Organised Crime Data and Analysis in the International Arena

Two of the three elements, outlined above, that have been identified as crucial to explaining difficulties that can and have beset efforts international comparative analysis of crime in general - issues of technical (incapacity) and institutional/bureaucratic pathologies – resonate through the debates addressing the limitations of comparative international data collection and analysis in the international arena on organised crime. Amongst the array of explanations that have been given for the various empirical flaws that have been identified as belying efforts to counter serious transnational organised crime, two distinct arguments have dominated. First, that the empirical and, relatedly, analytical weaknesses of anti-organised crime policies have been caused by capacity limitations of states, technical or political; what has been understood elsewhere as a 'risk society approach'. And second, that these weaknesses have been generated by the institutional pathologies of law enforcement bodies themselves; an interpretation associated with Foucauldian critical security scholarship. As will be contended further below, however the prevalence of both these readings of state impotence and failure, on the one hand, and of irrelevance, on the other, has unduly overshadowed a further explanation that has by contrast figured in scholarship addressing the inadequacies of general crime data in the international arena: that *raison d'état* may lie behind the persistent empirical weaknesses of crime policy.

To begin with the technical version of the capacity-based 'risk society' argument, this has often been posed in sympathetic tones, underscoring the financial and technological limits of even the most economically advanced states and their law enforcement agencies, as these have challenged their ability to capture the increasing complexity, breadth and evolution of such a secretive category of crime (see, e.g., Europol 2015, pp. 43-45). An equally prominent but second-level explanation for such deficiencies, however, has essentially been that they are the outcome of political incompetence. In official and practitioner circles, a finger of blame has repeatedly been pointed at certain (usually unnamed) states, whose leadership and institutions stand accused of intentionally resisting full co-operation with international partners in countering organised crime for what their critics argue are reasons of outdated, narrowly-perceived national interest. In the early 1990s, for example, the UN Secretary-General concluded his report on a debate within the organisation's General Assembly on the strengthening of international co-operation against organised crime by chastising states which failed to relinquish 'old-fashioned' notions of sovereignty and independence and thereby

hindered the strengthening of cross-national policing and juridical relations, noting that "a too restrictive interpretation of sovereignty and jurisdiction, more applicable to the world of half a century ago, often constitutes a serious obstacle to co-operation" (UN Secretary-General, 1992). Complaints in the same vein have continued to surface, as exemplified by the following remarks provided by the Commissioner-General of the Federal Police to a Europol publication in 2015:

> 'Too often, there is still reluctance among Member States to exchange information. In some cases, this affects how we describe certain criminal groups, identify specific threats or confront difficulties in organising ourselves on a national level. If we want to progress, we need to abandon these reservations. We need to try to mature as a family of Member States and be more open and frank with each other.' (Europol, 2015: 51)

Along the same lines, scholars from a variety of disciplinary perspectives have also rebuked national decision-makers for failing to appreciate the extent and implications of the transformation of state power wrought by the rise of challenges such as organised crime, and for conceding too little co-operation too late (e.g., Strange, 1996; Rogers, 2000; Nordstrom, 2007).[5]

It is important in this context to bear in mind that the expansion of international co-operation against organised crime was expressly underpinned by the logic that the state could not effectively act alone to meet the highly complex challenges posed by the 'dark side of globalisation' (Heine and Thakur, 2011).[6] Organised crime in particular was framed either as an important link in a 'security continuum', connecting a variety of other threats that were mutually reinforced by official concern about each or, more commonly, as a catch-all 'multi-commodity' which subsumed a range of apparently related crimes, from drug trafficking and illegal immigration to terrorism (Hebenton and Thomas, 1995). This narrative was entirely coherent with gloomy prognoses that had been made just before the end of the Cold War by influential scholars such as sociologist Ulrich Beck in his seminal work *Risk Society* (1992 [1986]; see also Strange, 1988), regarding the risks that would emerge from the growing

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[5] By contrast, for example, Efrat's (2012) study acknowledges the divergent interests of states that shape their level of compliance in international efforts to combat organised crime.
[6] See indicatively: UN ECOSOC (1994a: 2-4); UN Secretary-General (1992); International Association of Penal Law (1990). See also Godson and Williams (2001).

mobility of substances, people and communications around the world. As such, Friman (2003) suggested that, swayed by the heady sense of predictions about the decline of the state being fulfilled, some scholars who might otherwise have questioned the processes and substance of related threat construction became instead its proponents.

By contrast, a second perspective has foregrounded the role of non-state and trans-state security actors –from risk analysts to burgeoning police organisations such as Europol– in steering expectations of the substance and strategies of a changing international security paradigm. The reframing of formerly 'soft' domestic policy challenges as 'hard' or major international security problems after 1989 has attracted sustained enquiry from a range of constructivist and critical security approaches, often with an explicitly Foucauldian concern about the mechanisms of governance from a bottom-up perspective.[7] In so doing, the expansion of policing powers to combat transnational organised crime has been presented as the self-serving outcome of efforts by certain actors to revitalise security discourses in ways that have placed their own interventions in ever greater demand (Bigo, 2006; see also Sheptycki, 2003, 1995; Beare, 2003). Implicitly underpinning this interpretation is the argument that, in the post-Cold War era, illicit markets may well have grown in size but not significance in relation to global trade flows (Andreas and Nadelmann, 2006), and that organised crime was thus more a challenge repackaged and upgraded via processes of securitisation than a new threat materially.[8]

One account of the ascent of transnational organised crime to the status of a global security challenge in the post-Cold War era, for example, has ascribed significant responsibility to those security experts seeking to find new justification and demand for their powers and expertise following the disappearance of the Soviet threat (Castle, 1997; Hebenton and Thomas, 1995). These security professionals have been identified as drivers of the political prioritisation of non-state transnational security challenges such as organised crime after 1989,

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[7] Foucault (1980: 97-100) suggested that power was best studied through an analysis of peripheral bodies rather than of any assumed core, and avoided the notion of a coherent social totality as implied by the concept of the state (an aversion that has been retained by contemporary Foucauldians, as Neocleous (2000) has pointed out). Thus, for example, whilst Foucault argued that within the state a criminal class had been produced over time by deliberate penal 'strategy', he left unidentified that which was responsible for directing this use of punishment (see discussion in Garland, 1990:132-33, 160-170).

[8] As Nelken (1997: 256) points out, however, it is possible to reach the same judgment about the self-serving utility of such discourses for sub-state actors whether or not globalisation is judged to have substantially affected the threat posed by organised crime.

a prioritisation that would in turn serve to inflate law enforcement powers internationally (see further Waever, 2004; Croft, 2010). According to this perspective, the use of questionable figures and opaque methodologies has been a choice that has served such experts and their institutions well, even if it has at the same time reflected a coping strategy on their part towards both the difficult task of measuring the scope and scale of highly complex crime, and the pressures exerted by governments pursuing a quantification fetish (Andreas, 2010; see also Levi, 2014; Mann, 2017).

From the war on drugs, to efforts to counter human trafficking and smuggling, to policies to tackle counterfeit crimes, a range of subsequent studies have identified law enforcement personnel in particular as policy-shaping protagonists within a broader industry of public and private bodies serving the suppression of illegal markets. For law enforcement, it has been pointed out, the creation and manipulation of quantitative evidence relating to clandestine trends has been a matter of considerable self-interest (see, e.g., Andreas, 2010; Beare, 2003; Sheptycki, 2003). Indeed, whilst the mythical nature of many estimates of organised crime put forward, whether by both law enforcement or by the wider industry involved in combatting organised crime, have, as Levi (2015: 392) underscores, been "institutionally useful as 'problem amplifiers to those making claims for more resources, powers and attention."

For some such actors, the relationship between 'what is countable' and resource allocation has at times become a matter of self-preservation. This latter point is illustrated as much by the experience of the US Drug Enforcement Administration –which successfully evaded being subsumed in its turf battle with the FBI during the mid-1990s–, as by those of the UK's Serious and Organised Crime Agency (2006-2013) and Australia's National Crime Authority (1984-2003), both of which fell foul of performance expectations that were tied to resource allocation. As regards SOCA (and its predecessor, the Assets Recovery Agency), moreover, one of the criticisms levied against it was that it had failed to meet revenue-raising targets associated with asset recovery (see further Mann, 2017).

Nevertheless, not all of those who take an explicitly Foucauldian approach consider interests to be driving the convenient definition and weak substantiation of challenges and their solutions. Prominent members of the Paris School deny the existence of any complicity between practitioners to this end; Huysmans (2006: 72), for example, rejects the notion of any

'conspiracy theory' or 'rational calculation of interests' underpinning the production and distribution of knowledge produced by security professionals. Foucauldian scholars also deny the suggestion that the security narratives developed and pursued by such professionals might be shaped by a hegemonic power, and downplay their potential role as agents of the state (Bigo, 2011; Huysmans, 2006). Furthermore, within such literature, reference to the state itself is spurned for validating the concept of 'national interest' or 'national convergence of interests' as enshrined in traditional security theory, which is regarded as having been made obsolete by the ascendance of transnational bureaucracies of judges, police and intelligence agencies (see, e.g., Bigo 2006, 2001).[9]

As Hameiri and Jones (2013) argue, however, scholarly preoccupation with key actors within the field of security has not been accompanied by systematic consideration of the field's broader contexts. More generally, Hameiri and Jones (2015) suggest that longstanding inattention to the relationship between the politico-economic motors behind ascendant 'non-traditional' security priorities in national and international policy, on one hand, and the actors that have scripted such priorities, on the other, has contributed to undue disavowal of the persistent role of the state as a linchpin in that relationship.

The security state problem

Within criminology there has been some recognition that scholarly fixation on the diffusion of state power in the contemporary era and the concomitant rise of non-state or trans-state actors has led to a persistent analytical neglect of the state and denial about its crucial part in governing cross-border flows and co-operation (e.g., Crawford, 2006; Bosworth and Guild, 2008). Above and beyond efforts that have been made to flag the continuing presence of political obstacles on the path to effective law enforcement collaboration at regional and international levels (e.g., Hills, 2009; Loader and Walker, 2006), there have periodically also been more general warnings that assessments of security policy and practice which underestimate state power are premature, given the historical strength of the relationship

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[9] Importantly, the converse cannot be said to be true: statist analysis does not inherently require the whole-scale rejection of constructivist and critical security literature. As Garland has pointed out, to the extent that they address similarly critical perspectives if to different levels of analysis, Foucauldian and state-elite (e.g., Marxist) perspectives could be regarded as complementary rather than as mutually exclusive approaches to the study of power (Garland, 1990: 132-133).

between the state, crime and criminalisation, and policing (e.g., Andreas and Nadelmann, 2006; Neocleous, 2000; Garland, 1990).

Today, the overwhelming paradox must be that 'state denial' (as termed by Weiss, 1998) has become ascendant during the very period in which state power in advanced democracies has been intensifying, both domestically and internationally. What is crucial here is not just that the reach of the state (understood here as institutions and associated powers through which the interests of politically dominant classes are pursued) over society in such jurisdictions has been increasing, but that policies on crime have been core propellants of this development, legitimating the growth of state powers of surveillance, supporting the militarisation of policing, and fuelling the rising use of imprisonment and detention (see, e.g., Coyne and Hall, 2018; Hallsworth and Lea, 2011; Graham, 2011; Bunyan, 2010; Simon, 2007; Andreas and Nadelmann, 2006, 2009; Wacquant, 2009a, 2009b).

With regard to the significance of transnational organised crime specifically, national-level changes have been implemented to laws, policies and practices at all stages of the criminal justice process that have enhanced the powers of the state. In numerous jurisdictions, new offences have been created, police surveillance powers have been broadened and their use expanded, detention periods have been extended, the right to silence has been eroded, the criteria for the inclusion of evidence in trials has been weakened, and the right to trial by jury has been reduced. In some jurisdictions, the possibility of indeterminate sentences being applied has increased, and in others there has been an expansion in the practice of seizing assets believed to be the proceeds of crime (see, e.g., Campbell, 2013; Sentas and Grewcock, 2018). As Campbell (2013: 243) notes in relation to the UK and Irish contexts, for example,

> 'Like the seepage of anti-subversive measures into the 'ordinary' criminal realm, organised crime now drives the erosion of protections for the accused and the expansion of State powers, which may then by employed against less serious criminality.'

There are therefore good reasons to consider the emboldening of the security state in the present era relevant to an evaluation of the weak empirical underpinnings of policy on organised crime in the international arena. As reviewed above, criticism has long been leveled at the inadequacy of pertinent data underpinning cross-governmental policy prioritization of organised crime in international arenas. Although it is not unusual to find that states failed to

respond to such criticisms in a way that would match the proclaimed urgency of the security challenge (Caballero-Anthony, 2008; Tsoukala, 2008), the fact that the same timeframe in which such slow progress was made in establishing rigorous and comparable measurement of organised crime was also one which saw the rise of state powers, gives cause for considering whether these two developments may have been interrelated.

More generally, there is a thread of scholarship that has persuasively determined a variety of governance logics behind international efforts to counter organised crime (extending beyond the control of social, economic and political harms and disruptions produced by such crime itself). In the flow of international agreements, initiatives and statements on organised crime, scholars have evinced symbolic and substantive governance functions pertaining to the activities of the state in domestic as well as international contexts (see, e.g., Manning, 1980: 253, cited in Andreas and Nadelmann, 2006: 246-7; Hobbs and Antonopoulos, 2014: 97; Van Duyne, 1993: 28). As Andreas and Nadelmann (2006: 251) point out, not only has the promotion of the fight against organised crime been shown to have politically useful perceptual effects in boosting the credibility of the state at home and abroad, it has also been deployed to further partisan political interests, including by providing a thinly disguised cover and legitimating instrument to suppress domestic dissent and tighten government power.

In this vein, international efforts to counter organised crime have particularly been associated with the hegemonic goals of US foreign policy: the agenda against organised crime helping the US to police other states by maximising the legitimacy of US leadership and tempering the need for brute force to sustain it (ibid.). In recent years, scholars have pointed, for instance, to the political strategising that appears to account for the selective castigation meted out via US certification systems on foreign government compliance with US counter-narcotics and anti-human trafficking policies (e.g., Friman, 2010; Warren, 2010). Looking further back, the US 'war on drugs' of the 1990s has been characterised as a 'Trojan horse' policy that used the pretext of countering trafficking to justify a massive inflation of essentially anti-communist paramilitary and intelligence operations in Latin America (Bullington and Block, 1990).

Once this body of scholarship is combined with that addressing the rise of the enhanced capacities of the security state and they are together brought to bear on the puzzle of the sustained empirical inadequacies of international policy on organised crime despite the

apparent urgency of developing effective cross-national collaborative measures to combat such crime, the attribution of data failings to either 'misperception' on the part of states (leading to their patchy commitment to improving data collection and analysis), or simply to their manipulation by expedient security professionals, fails to convince. Given this wider context, the negation of the state in present explanations of the agenda's stubborn under-substantiation needs to be reconsidered.

Conclusion: state accountability

The persistent inadequacy of pertinent comparative data and analysis on organised crime, despite the onward march of an international agenda to combat such crime, has to date primarily been explained by reference to either the differential capacity of states and their law enforcement bodies to capture and feed in appropriate information, or to the distortive impact of highly influential bureaucracies on the processing and assessment of relevant information. Dominant explanations have thus essentially portrayed states as either weak or relatively insignificant to the development of related policy in the international arena. By contrast, accounts of the expanding reach of states in the contemporary period suggest that law enforcement actors shaping international efforts to combat organised crime do indeed reflect the interests of the governments they serve. Likewise, whilst differential institutional capacity undoubtedly shapes the extent of state involvement in the international agenda against organised crime, a range of scholarship across different disciplines has drawn attention to ways that the agenda in question has been exploited by strong and weak states alike.

This paper has argued that accounts of the empirical weaknesses of the international agenda against organised crime appear to have starkly underestimated states' hand in the production and sustenance of this weakness. The relationship between policy-making amongst international communities of states, on the one hand, and empirical and expert knowledge, on the other, testifies to the preeminent role of the state as the ultimate arbiter of official discourse and co-operation against organised crime. The tenaciousness of organised crime as an international policy priority, meanwhile, demonstrates that, despite awareness of its inadequate underpinnings, successive governments in a wide range of jurisdictions were sufficiently satisfied with the outputs of a select pool of security experts to engage and invest in the agenda. In so doing, governments effectively chose to privilege and insulate the value of a particular set

of law enforcement expertise from concerns raised by other experts about the robustness of related data and analysis. To identify the ways in which such an empirically problematic policy has convenienced governments, and in turn states, is to draw a connection between flawed and mystified knowledge claims and harsher policies and practices of control and punishment that have been declared necessary in response. Approached thus, the potential for policy against organised crime to amplify the reach of the state appears especially acute; the vehicle overtly proclaimed to be beyond state sovereignty actually presenting an important means of its enhancement.

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