

# Analysing the European Union's responses to organized crime through different Securitization lenses: can different Securitization approaches lead to different conclusions?

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## Abstract

In the past 30 years, organised crime has shifted from being an issue of little, or no concern, to being considered one of the key security threats facing the European Union, the economic and political fabric of its society and its citizens. The purpose of this article is to understand how OC has come to be understood as one of the major security threats in the EU, by applying different lenses of Securitization Theory (ST). More specifically, the research question guiding this article is whether applying different Securitization Theory approaches can lead us to draw differing conclusions as to whether organised crime has been successfully securitised in the European Union. Building on the recent literature that argues that this theoretical framework has branched out into different approaches, this article wishes to contrast two alternative views of how a security problem comes into being, in order to verify whether different approaches can lead to diverging conclusions regarding the same phenomenon. The purpose of this exercise is to contribute to the further development of Securitization Theory by pointing out that the choice in approach bears direct consequences on reaching a conclusion regarding the successful character of a securitization process. Starting from a reflection on Securitization Theory, the article proceeds with applying a 'linguistic approach' to the case-study, which it then contrasts with a 'sociological approach'. The article proposes that although the application of a 'linguistic approach' seems to indicate that organised crime has become securitised in the EU, it also overlooks a number of elements, which the 'sociological approach' renders visible and which lead us to refute the initial conclusion.

**Key words:** Securitization; organized crime; European Union; linguistic approach; sociological approach.

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Since the 80s, there has been an impressive evolution in the understanding of organised crime (OC), which has come to be viewed as one of the main threats facing the European Union (EU)'s internal security. Over the last 30 years, this understanding of OC as a very serious security threat has gradually become engrained in both EU and national discourses, resulting in a large array of measures, shaping the way Europe deals with this phenomenon. It is currently perceived as one of the main threats facing the European Union, in particular the security and the quality of life of its citizens, as well as the functioning of the internal market and of democratic institutions. Such perception is based on the rationale that organised crime groups have become transnational, operating easily across borders thanks to technological advances, facilitated communication among criminals, improved transport systems, and increased globalization. This rationale is further reinforced by the understanding that the development of the EU's internal market, and the subsequent disappearance of intra- EU borders, has opened the door to the abuse of freedom of circulation by criminals. On this basis, the EU has proposed that member states do not have the capacity to counter such threat individually, and that a coordinated EU-level response is essential to a successful reduction in organised crime. Accordingly, the EU has been stepping up its efforts to counter this phenomenon by expanding its initiatives to cover as many forms of organised crime as possible, including drug smuggling, trafficking of Human Beings, cybercrime, counterfeiting, money laundering, piracy, trafficking in firearms, and smuggling of goods, among others. Such efforts have included the development of Action Plans to tackle drug supply and demand reduction, the approximation of national crime definitions, the adoption of tougher rules against trafficking of people, the promotion of EU-wide standards on freezing, confiscating and recovering organised crime proceeds, the gathering of comparable crime statistics, and the creation of specialised agencies responsible for the coordination of member states' national authorities.

Bearing this background in mind, the purpose of this article is to understand how OC has come to be understood as one of the major security threats in the EU, by applying different lenses of Securitization Theory (ST). More specifically, the research question guiding this article is whether applying different Securitization Theory approaches can lead us to draw differing conclusions as to whether organised crime has been successfully

securitised in the European Union. Building on the recent literature that argues that this theoretical framework has evolved into different and separate strands, this reflection will rest on two diverging approaches - the 'linguistic approach' and the 'sociological' one (Balzacq 2011). As will be further explained in the body of the text, the 'linguistic approach' focuses on the discursive practices of securitizing actors<sup>2</sup>, namely speech acts, which underline the existential nature of threats (Buzan et al. 1998). The 'sociological approach', on the other hand, highlights the characteristics of the contexts in which these discursive practices take place, as well as the daily non- discursive practices of all the actors present in those given contexts (Bigo 2006). The purpose of this exercise is to explore the possibility that different views on how securitization occurs can lead to dissimilar conclusions regarding the success or failure of a given securitization process.

The article starts by discussing, in the first section, the application of ST to organised crime, the existing literature gap in this specific area and the proposed contribution of this piece. The text then proceeds by considering, in the second section, the 'linguistic approach', which points to the idea that there has been a clear shift of the EU from the position of securitization importer to the position of securitizing actor. Applying a 'linguistic approach' will lead us to consider the possibility that OC has been successfully securitized, through an incremental sequence of speech acts. An alternative analysis, however, will quickly reveal a much more complex reality in the third and final section of the article. By contrasting a 'sociological approach' with the 'linguistic approach', a number of non- discursive elements are rendered visible, indicating that there is a discrepancy between the framing of OC as an existential threat and the implementation of that framing, including the routine practices involved in such implementation. The non-discursive elements acquire relevance in the sense that they indicate that the audience at national level has not entirely accepted the securitizing move. From this perspective, the process appears less linear and the successful character of the securitization is put into question.

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<sup>2</sup> According to the Copenhagen School, securitizing actors are those entities which are in a position to produce securitization moves - a claim regarding the survival of a referent object and the need for extraordinary measures to ensure its continuity and tackle an existential threat. Securitizing actors are usually equated with political actors (Buzan et al. 1998).

## **Reflecting on the concept of organised crime and on its potential understanding through the theoretical lenses of Securitization Theory**

One of the theoretical frameworks that has been most widely used in recent years to analyse how objects are framed in security terms is Securitization Theory, as developed by the Copenhagen School. According to the latter, an issue becomes a security problem when it is framed, through security language, “as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure” (Buzan et al. 1998: 24). The Copenhagen School has labelled this security utterance a ‘speech act’, through which a given object is presented in such a way as to be considered to threaten the survival of an object.

As it has become apparent from the growing literature surrounding this framework, ST has been recurrently used to explain how phenomena such as migration, climate change, diseases, energy, borders and terrorism, among other, have come to be understood (or not) as security threats (Léonard and Kaunert forthcoming, Trombetta 2011, Bourbeau 2011, Huysmans 2006). With a few exceptions, however, OC has rarely featured as a case-study for securitization (for exceptions, please see Stritzel 2012, 2007, Jackson 2006). To be more precise, although it is possible to find the concept of securitization referred to in works dedicated to OC, such association is usually loosely framed and does not engage with ST itself (Mitsilegas 2003, Mitsilegas et al. 2003, Emmers 2002).

This literature gap is particularly surprising given how OC features as the number one identified threat to EU internal security - followed by terrorism - (Commission, 2010), and given its characterisation as “undermin[ing] the values and prosperity of our open societies” (Council 2010: 2). Currently, the Area of Freedom, Security and Justice constitutes the second most important objective of the EU (following the maintaining of peace), which focuses on providing those living within the EU with a secure environment (Treaty of Lisbon 2009). Within this context, the fight against organised crime has, thus, achieved an unprecedented level of political priority. Furthermore, the gap in the literature is equally surprising if we consider the attention provided to migration and terrorism in securitization studies and how migration, terrorism and OC have come to be understood as interrelated within an

internal 'security continuum' (Bigo 1996).

The reasons for this gap are manifold, including the difficulty in conceptualising OC, a general lack of interest on the part of International Relations and Critical Security Studies in this empirical field, and the limited success, on the part of these subjects, in exporting ST to other disciplines more traditionally involved in the study of OC, such as Criminology or Law. It is important to underline, at this stage, that there are authors working from an International Relations' perspective who focus on organised crime among other security- related issues. It is the case, in particular, of the rapidly growing literature on the external dimension of Justice and Home Affairs, which explores the responses of EU member states and their neighbours to OC as transnational threat (Longo 2013, Irrera 2013, Carrapico 2013, Smith 2003). Such studies, however, remain considerably limited in number when compared to other security areas. Where the securitization of OC is concerned specifically, studies such as the ones by Stritzel (2012, 2007) and Jackson (2006) have applied ST as an analytical tool to study actors' discursive practices, their framing of OC in a security lexicon and the consequences of such security embedded responses. With the exception of these works, however, limited attention has been paid to the consequences of applying different ST approaches and to the elements contributing to the success or failure of securitization. It is in this space that the present article wishes to insert itself.

Whereas most works still seem to assume that ST corresponds to a cohesive theoretical framework, recent securitization literature has revealed a number of competing understandings of what securitization entails (Balzacq 2011). For the purpose of this article, I will only discuss the two main ones. On the one hand, there is the original interpretation of the Copenhagen School (CS), also known as the 'linguistic approach' that argues that an actor can transform an object into a security threat by discursively framing it in security terms. More specifically, securitization occurs through the issuing of 'speech acts' that highlight the existential nature of a given issue (which is perceived to threaten the survival of a referent object, such as the State for example) and call for the use of extraordinary means to counter such threat (Wæver 1995). The issue is considered to be successfully securitized if the issue comes to be understood as an existential threat and if the proposed extraordinary

measures are accepted by an audience (Balzacq 2011). On the other hand, it is possible to identify a ‘sociological approach’, which emerged as a reaction to the CS’s proposal that securitization is a process solely associated to language. The ‘sociological approach’ defends, instead, that securitization can occur through both discursive and non-discursive practices, such as bureaucratic and administrative routines, usage of technology and techniques (Stritzel 2012, 2007, Huysmans 2011). As a result, this approach claims that the analysis of utterances and their performative nature can only provide a partial view of a securitization process, and that a complete view also needs to include the analysis of the practices following such utterances and of the contextual conditions enabling them (Balzacq, 2011, Balzacq et al. 2010). It also argues that shifting our attention from speech acts to practices (including both discursive and non- discursive) allows us to distance ourselves from the exceptionality of securitization and to focus on the daily routines that are at the basis of how security operates. The considerable differences between these two approaches have consequences for the way we operationalize our analyses of securitization processes, and ultimately, for whether we can consider them to have been successful or not. In order to examine whether ST can help us understand the evolution of OC as a security issue, sections two and three of this article will reflect on the application of these different approaches.

Although some authors working on OC have also discussed whether securitization processes have succeeded or not (Jackson 2006), insufficient attention has been devoted to the methodology employed to reach such conclusion (Balzacq 2011). In particular, little work has been carried out in terms of exploring which criteria or indicators can be used to justify success or failure claims. In view of countering this gap, the article will have recourse to discourse analysis and process-tracing to explore the practices of the different actors in the field, the coherence (or absence of) between discursive and non- discursive practices, the social mechanisms and the turning points in the construction of OC as a very serious security threat. Regarding the indicators specifically, and basing itself on Bourbeau’s work (2011), this article wishes to justify its arguments by identifying institutional and practices’ indicators. The institutional ones regard the way OC is presented by the EU, its relevance within the EU’s agenda, its perceived level of threat, the amount of declarations and official acts that have been enacted on this topic over time, but also

the absence of compliance or cooperation. The practices' indicators focus on whether official acts have resulted in the development of instruments to counter OC, on how these instruments are being used, and whether they are producing results in terms of an increase in the number of arrests.

### **Applying a 'linguistic approach' to the emergence and development of EU counter-organised crime policies**

Following the idea that ST should not be understood as a unitary theoretical framework and that at least two main approaches can be distinguished, the second section of the article proposes to explore the application and limitations of the 'linguistic approach'. Methodologically, it will proceed by analysing the main international and European official documents in the area of OC, by paying particular attention to the justification for the creation of new legal texts and measures.

#### ***An inherited security discourse: the EU as a securitization importer***

We do not need to go far back in time to find a period where Europe did not consider OC to be a security problem. Not only did the majority of European States understand it to be an external issue, they also had very different takes on what OC was (Fijnaut and Paoli 2004). This does not mean that they were crime-free, but rather that they did not conceive OC as being more serious or separate from other types of crime. Most European countries did not feel the need, up until the 1980s, to adopt legislation or specific instruments in this area.<sup>3</sup> How can we, then, explain Europe's shift from not understanding OC as a security threat, to being one of the regions with the highest amount of anti-organised crime initiatives a few decades later (Fijnaut and Paoli 2004: 633- 637)? This first section would like to explore the securitization of OC by the United States, and its subsequent exporting to Europe through the dissemination of norms and rules by international organizations.

OC first became the object of serious political and academic debate in the United States in the 1930s (Woodiwiss 2003). It was mainly regarded as a growing

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<sup>3</sup> In this context, Italy is most certainly an exception, having been the first European country to adopt legislation to counter OC, already in the mid-1960s (Mitsilegas 2003: 56-57).

economic problem, stemming from the existence of public demand for illegal goods. This economic perspective would, however, quickly be replaced by a security one in the 1940s and 1950s, with OC being identified with immigrant-dominated groups, whose goal was understood as the corruption of society: “the tentacles of organized crime reach into virtually every community throughout the country” (US Senate 1951a: 147). This change was very visible in public discourse, with the emphasis on reforming society being substituted with the need for stronger law enforcement and the imagery of warfare against OC (Von Lampe 2001). Between the 1930s and the 1960s, it was possible to observe, in the United States, a securitization of OC, which would lead to its labelling as a very serious security threat, “a serious menace which [...] could wreck the very foundation of this country” (US Senate 1951c: 5). Such securitization process, taking the American society and values as its referent object, would eventually lead to the creation of special governmental bodies: “everywhere throughout the country citizens, [...] have risen up to demand greater vigilance in stamping out crime and corruption” (US Senate 1951b: 2). This process, however, would remain confined to the United States for at least one more decade<sup>4</sup>.

The situation gradually started to change with the United States’ attempts to externalise its concerns, through international organizations, such as the United Nations, or informal intergovernmental fora, such as the G8 (Stritzel 2012). In a first phase, the externalization strategy focused, not on OC groups directly, but on drug use and its perceived societal impact (Woodiwiss 2003). The United Nations’ Conventions in this area (1961, 1971, 1988) were particularly instrumental in the exporting of the securitization of OC, as we can observe a clear shift in the international conceptualisation of OC from an economic and health issue to a security problem (Scherrer 2009). The objective of the 1961 United Nations’ Single Convention on Narcotic Drugs was to protect the health and welfare of mankind by limiting the possession and abuse of narcotic substances, and by encouraging member states to cooperate in view of reducing drug trafficking (United Nations’ General Assembly 1961). Allusions to the latter, however, were unrelated to OC, which was entirely absent from the Convention. The 1971 United Nations’ Convention on Psychotropic Substances, on the other hand, already started to be symptomatic of a

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<sup>4</sup> For a much more detailed account of the securitization process of organised crime in the US, please see Stritzel 2012.



greater concern with organised criminality. By assuming in its preamble a direct correlation between drug abuse and the increase in illicit traffic, the Convention attributed a much greater role to the action against trafficking. When the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders met to discuss crime prevention planning, direct references to OC began to appear, encouraged by reports from US Presidential Commissions (United Nations' General Assembly 1970). The example of powerful networks of criminals engaged in a wide range of illicit activities was proposed to illustrate the evolution of criminality in a fast changing world. This trend would be confirmed during the following congress in 1975, where extensive references to OC activities were made and the transnationality of crime was, for the first time, put on the agenda (United Nations' General Assembly 1975).

These developments paved the way for the 1994 United Nations' Conference on transnational OC, and led to the production of the first international Convention on this topic. Although this text is usually regarded as a turning point in the literature (Beare 2003), the prior escalation in security discourse shows that this was a long-term process, in which different degrees of securitization were gradually achieved. If anything, the 1994 Convention represents formal evidence of the fact that the United States managed to export their conception of OC to the international level, which was accepted by all signatory countries. According to the Naples Political Declaration signed on that occasion, there is little doubt regarding the understanding of OC as an existential threat, "undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms" (United Nations' General Assembly 1994: 1). The success of the securitization process at international level is further demonstrated by the implementation of urgent measures: the strengthening and improvement of cooperation among States, and an expansion of law enforcement powers, presented as the most adequate tool in face of such a powerful challenge (United Nations' General Assembly 1994). Such initiatives were not limited to the United Nations, but were also promoted by a number of other international bodies and organizations, such as the TREVI Group, the G8 and the Council of Europe, which gradually adopted similar agendas in relation to OC (Scherrer 2009, Bunyan 1993).

By the 1980s, this international understanding of OC as a serious security

concern had also started to pervade the European context (European Parliament 2011a). During this period, we can observe a creeping securitization of OC in Europe, with specific countries demonstrating a greater awareness of this phenomenon, influenced not only by the mediatization of the American debate, but also by the activities of organisations such as the Council of Europe and the Trevi Group (Fijnaut 1987; Council of Europe 1985: 96). The Stoffelen Report, published in 1986, on international organised crime, trafficking in drugs and in persons was particularly instrumental in creating awareness of this issue in Europe (Council of Europe 1986). This creeping securitization enabled not only for the sense of urgency in dealing with OC to expand to a new geographical area, but also for the number of securitizing actors to increase as well. Member states, such as Germany and Italy, were increasingly adopting this security concern, which was initially limited to national discourse, but rapidly evolved into attempts to upload it to the EC level (Fijnaut and Paoli 2004; Von Lampe 2001). The heterogeneity in European understandings of OC would gradually start to fade. This process was marked by two important shifts: a change from counter-OC efforts at the national level to the European one (Den Boer 2002), and a move of the European Community (EC) from a position of securitization importer to a position of securitizing actor. As this section will point out, both shifts were mainly induced by the completion of the single market and, subsequently, of the Area of Freedom, Security and Justice (AFSJ).

***The development of a securitization process within the EU: from a securitization importer to a securitizing actor***

Although we can observe an expansion in the securitization of OC from the international level to specific EC member states, this process did not immediately reflect itself at European level. Similarly to the United Nations, it made its way to the EC through a process of association, through drug abuse and its related health risks understood to be “threatening to submerge Europe in the short term” (European Commission 1984: 4). The new trend that emerges during this period is the EC’s perception of the need to demonstrate its support to international organizations active in this area, such as the United Nations and the Council of Europe. Although there was, at the time, no intention of replacing these organizations in the fight against drugs, the EC considered “specific action [...] essential, in view of the fact that the

efforts of the individual Member States to combat illicit drugs have so far failed to produce the desired results” (European Commission 1986: 5). Thus, during the early-1980s, we can observe, not only an acceptance of the securitization of drugs on the part of the EC, but also a timid attempt to contribute to the general securitization process by reiterating international organizations’ discourse. This situation, however, remained limited to the specific field of drugs, as no direct correlation with OC seemed to be established.

In the mid-1980s, we start to see a transition from a health perspective to a law enforcement one: “there is every need to improve and intensify international collaboration, particularly as regards the production and traffic in drugs” (European Council 1986: 6). This transition would mainly be accelerated by the willingness to complete the Single Market, but also by an approximation between the US government and EC ministers, which included the participation of US representatives in EC ministers’ meetings as observers and the training of European police officers by the FBI (Fijnaut 1990). With the expected abolition of internal borders in 1992, preparations were initiated, with the signature of the Schengen Agreement, to ensure that any potential negative externality stemming from the disappearance of frontiers would be compensated for. The logic associated to the compensatory measures assumed that the disappearance of internal borders would inevitably lead to an increase in crime, and consequently, to a greater challenge for law enforcement bodies: “the Commission shares the legitimate concerns of the member states about the need to control drugs and terrorism and is well aware of the role of internal frontier posts in this respect” (European Commission 1985: 12). Such dominant discourse marked the emergence of an internal security agenda, and opened the door to the introduction of the concept of OC in the European lexicon. Examples of such discourse include, for example, urgent calls, from the EC, for more cooperation among member states’ police forces to tackle organised crime (Fijnaut 1987), the proposal to create in 1985 a TREVI working group dedicated exclusively to analysing the threat stemming from organised crime (Bunyan 1993), and the proposal in 1991 to create a European police office (European Council 1991). This functionalist logic would serve as the basis for the process of securitization of organised crime at the EC level:

*“One thing leads to another. This has been a feature of the Community, which is constantly being taken into new areas. [...] I am referring, of course to the consequences of free movement of individuals and the need for joint action, or at least close co-ordination, to combat these various threats to personal security: organized crime, drug trafficking, terrorism” (Delors 1991: 103).*

In 1990, the compensatory measures were further elaborated on with the signing of the Convention implementing the Schengen Agreement, which focused strongly on crime repression and prevention. The Convention was ground breaking, as it paved the way for innovative law enforcement cooperation and stimulated the multiplication of instruments in the area of Justice and Home Affairs (JHA). Although no explicit mention of OC was made in the Convention, it is worth noticing the continued concern expressed with drug trafficking. The first official reference to organised crime in the EC discourse would only be made in 1991, with the proposal to set up a ‘Central European Criminal Investigation Office’, stemming out of Germany’s concern with this phenomenon (Fijnaut 1993); a concern that was rapidly extending to other member states and acquiring emergency contours, “considering the urgent problems posed by international illicit drug trafficking, associated money laundering and organised crime” (Ministerial Agreement on the establishment of Europol Drugs Unit 1993: 1). Furthermore, the Treaty of the European Union formally acknowledged the need for the EU to have a JHA Pillar and to act in the prevention and combat of organised crime, presenting it as a matter of common interest. Such recognition paved the way for the EU to start recurrently addressing the issue of organised crime. A clear example was the transformation of the Europol Drugs Unit into Europol and the continuous enlargement of its mandate, a change deemed necessary in view of the expanding security problem: “Organized crime has developed in Europe and worldwide at an alarming speed. The establishment of Europol is the response of the European Union” (Storbeck cited in Santiago 2000: foreword).

A number of external events also played an important role in the development of the EU’s securitization of OC. It was the case, in particular, of the assassinations of the Italian Judges Giovanni Falcone and Paolo Borsellino, which led national governments to call for the creation, in September 1992, of the first body exclusively dedicated to OC, the Ad Hoc Group on Organised Crime (Fijnaut and Paoli 2004:

633-634). The recommendations of the Ad Hoc Group on Organised Crime and the enthusiastic beginnings of Europol, however, did not seem to be sufficient to push the EU to develop a more cohesive programme to counter this issue. The incentive would come in the form of Veronica Guerin's assassination in 1996, a journalist who would frequently write on Irish OC (Fijnaut and Paoli 2004: 634). The public awareness surrounding the event prompted Ireland, which was holding the Presidency of the Union at the time, to propose the upgrading of the Ad Hoc Group to a High- Level Group on Organised Crime (European Council 1996). The latter was asked to prepare the first EU action plan on organised crime, which contained political guidelines and specific recommendations. Not only did it clearly reinforce the shift from national counter- organised crime efforts to a European one, but also marked a higher degree in the process of securitization through the labelling of organised crime as an existential threat: "Organized crime is increasingly becoming a threat to society as we know it and want to preserve it" (Council 1997: 1). Organized crime was no longer considered as a simple obstacle to the Single Market. Rather, it was equated with having obtained the capacity to economically, socially, and politically destabilize the EU.

Throughout the 1990s, we saw organised crime gradually becoming securitised, leading to the development of counter- organised crime bodies, legal instruments and law enforcement cooperation measures. Since then, the EU's discourse on organised crime has essentially remained unchanged: "organised crime [...] is among the key threats to the internal security of the EU and the freedom of its citizens" (European parliament 2011b). It has mainly continued to develop in the direction of further justifying the prioritization and expansion of EU activities in this area, which it has done so through a number of interconnected paths.

Firstly, it has continued to underline the exponential growth of organized crime activities and the role played by political, economic, social, legal and technological factors in facilitating such growth. The disappearance of internal borders, the drastic globalization of the world economy, the increase in citizens' mobility, the fragmented national criminal legislations, and the fast- developing technological advances are presented as having accelerated the OC disruption of healthy economies, democratic systems and citizen's lives (Council 2000a).

Secondly, this emotionally charged discourse has allowed the EU to continue to justify its advantage as a large and overseeing body in tackling this problem: “the threat of national and international organised crime requires concerted action by the Member States, and by the European Union itself” (Council 2000a: 3). The understanding that OC is not country specific, but represents a European threat, has equally led the EU to focus on developing a common classification of criminal organization. This large definition, which the EU considers essential to approximate member states’ understandings of this phenomenon, as well as their national legislations (Council 1997, Council 1998) has been gradually enlarged with new types of crimes, which is particularly visible in the 2009 Europol Council Decision (Council 2009). Since the 2008 Framework Agreement, the EU has defined criminal organization as a ‘structured association, established over time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years [...] to obtain, directly or indirectly, a financial or other material benefit’ (Council 2008: Art. 1). Within the justification for preferential action at EU level, it has also become clear that there has been a move, from an argument associated to the protection of the single market, to an argument based on the protection of the citizens’ themselves and the completion of the AFSJ: “people have the right to expect the European Union to address the threat to their freedom and legal rights posed by serious crime” (Council 2000a: 1).

Thirdly, this discursive basis has enabled the EU to gradually expand the coherence of its counter-OC efforts through both political and legal instruments. Among the political ones, we can find more consistent programmes, action plans and policy cycles aimed at developing a fully- fledged policy in this area (Council 2010; Council 2000a). Among the legal ones, the EU has adopted an impressive number of Council Decisions, Framework Decisions and Joint Actions to ensure the approximation, and to a certain extent harmonization, of member states’ legislations (Calderoni 2010: 8-9). The EU has also greatly increased the number of bodies and agencies focusing on police and judicial cooperation, which equally contribute to the development of policies in this area. It is the case of the European Judicial Network, Eurojust, OLAF, future European Public Prosecutor and, indirectly, FRONTEX.

Finally, the last path that can be identified is related to a spillover from the AFSJ onto the EU's foreign relations (Longo 2013, Irrera 2013, Carrapico 2013, Smith 2003). The EU is currently exporting its understanding of OC beyond its borders, which it justifies on the basis of the need to cooperate with non- EU countries to ensure the coherence of EU efforts against an ever-more transnational OC: "The development of the area of freedom, security and justice can only be successful if it is underpinned by a partnership with third countries" (Council 2005). As an example, we can recall the EU Action Plan on Common Action for the Russian Federation on Combating Organised Crime (2000).

The application of a 'linguistic approach' has led us to look at how this issue has been linguistically framed in the EU discourse over the years. This analysis pointed to the idea that the securitization of OC has been imported into the EU from the United States and international fora, having gradually become transversal to the main actors in the field. The result of such evolving process has culminated in an existential discourse depicting OC as a common and increasingly dangerous enemy, which has enabled the establishment of specific structures, mechanisms and instruments encouraging internal security authorities to cooperate. From this perspective, one could argue that we are observing a case of successful securitization, in particular given that there is no noticeable resistance to the European Union's mainstream discourse on OC from any audience.

### **Applying a 'sociological approach' to counter-organised crime policies in the European Union**

There are, however, problematic aspects to the 'linguistic approach'. The remainder of the article would like to explore one of the main ones, namely the idea that a focus on the discursive practices of the EU could have the potential to overlook signs of non- acceptance within the securitization process. From a linguistic perspective, the securitization of OC appears to be a fairly linear process of language contagion, where all the actors in the field have gradually adopted the same understanding of this phenomenon as a security threat. However, if we apply a

'sociological approach' instead, elements which were previously invisible become observable. Non-discursive elements, which may indicate a form of non- acceptance of the securitization process and which may render its evolution much less straightforward, become part of the process as well. This third and last section will look at two examples that point to the idea that national audiences have not been entirely convinced by the securitization moves: the absence of practical implementation of the EU's understanding of OC on the part of national governments and an analysis of the lack of cooperation between national governments and Europol. Although both the absence of practical implementation and the lack of cooperation may stem from a range of different factors, such as institutional incompatibilities or diverging work practices, it is expected that a successful securitization process would be sufficiently convincing as to motivate the different actors in the field to attempt to overcome such obstacles. The purpose of both examples is to demonstrate that the lack of acceptance, independently from whether it is active or passive, leads to a difference between what is being communicated through discursive practices and what is taking place in non-discursive practices. Given this discrepancy, can we still consider OC to be successfully securitized in the EU?

### ***Absence of practical implementation***

There is little doubt that the EU's understanding of OC has been accepted, as a very serious security threat by the actors in this field. From EU institutions to national governments, there seems to be a shared willingness and sense of urgency in tackling this issue, which is discursively expressed. However, if we look beyond the discursive dimension, we will notice that the implementation of measures at the local level does not always reflect this understanding. Although comparative studies on the applicability of EU instruments on OC at national level and their effectiveness are still tentative, one can notice three relevant trends: the first one is that most EU countries do comply with EU legislation in this area. The remaining two trends, however, seem to clash with the first one. The second trend points to the idea that there is still a considerable degree of disparity among national legal frameworks (Calderoni 2010). This disparity is most relevant in terms of the type of predicate offences, the length in the continuity of criminal organizations and the variety in penalties. These legal specificities are pertinent, as they become symptomatic of non-acceptance of the



securitization process, causing friction in the development of a common approach to organised crime. This argument does not aim to propose that the difficulty, for example, in approximating national legislations is due to any form of active resistance to the EU's securitization of organised crime, but that a successful securitization would automatically imply a greater impetus towards approximation. The third trend consists in a discrepancy between the objective of OC legislations and their achieved results. Although a considerable number of individuals are arrested every year for criminal offenses, such as drug trafficking or weapon smuggling, if we compare this figure with the number of people convicted for their involvement in organised crime, the latter is surprisingly very low (XXXX 2010).

Thus, if the EU's understanding of OC has been well accepted, how can we explain the existence of such disparities? The answer to this question does not lay in a dispute over the degree of dangerousness posed by OC, but in a disagreement over what the concept of OC signifies. Despite numerous attempts to develop common definitions, the EU's classification has remained extremely vague. Given the degree of difficulty in defining the concept of organised crime and as mentioned in section two of this article, the EU has chosen to focus, instead, on the figure of criminal association. The definition provided by the 2008 Framework Decision on the fight against OC is problematic in the sense that it sheds little light into what constitutes a criminal organization, and even less where the concept of organised crime is concerned (Council 2008: Art. 1) (for the exact definition, please see section two of this article). It provides no specific indication of the level of organization necessary for a group to be classified as such, nor does it refer to how long the association needs to be in existence for. From this perspective, it is not a functional definition, as it opens the door to the inclusion of phenomena a different as the Italian 'Ndrangheta, a group of hooligans or a teenage street gang.

The risk associated to maintaining such a large definition is that the concept might become an empty signifier. There are also legal consequences, in particular for the clarity, precision and legal certainty of the measures adopted (European Parliament 2009, Mitsilegas 2003). In order to be able to operationalize this European definition, national legislators often have had to be more precise by adding their own interpretation. Given that the EU instruments provided them with such freedom, the

end result has been a rather large diversity in the implementation of the concept of OC, which is likely to affect its general understanding. In this first example of a 'sociological approach', although there is no indication of opposition to the EU's understanding of OC as a security threat, the discrepancy between the rhetoric and its implementation has pointed towards the existence of a lack of acceptance (involuntary or not), which leads us to question the successful character of its securitization.

### ***The lack of cooperation between Europol and member states: the case of organised crime reports***

This last part of the third section attempts to provide another example of a situation where non-discursive elements are contributing to the non-acceptance of the OC securitization process, by analysing the lack of cooperation on the side of member states in the development of Europol reports on organised crime.

The idea to create a system of reports on OC in Europe originated in the Luxembourg European Council in 1991. The German delegation wanted to foster the creation of a 'Central European Criminal Investigation Office', which would be able to collect, analyse and exchange information (Den Boer and Bruggeman 2007). The European Council considered this project a priority, although little was mentioned regarding the information to be collected. The reports were kick-started with the Ad Hoc Group on Organised Crime's official proposal to set up a common mechanism for the collection and systematic analysis of information in this area (Council 1993). The purpose of such mechanism was to provide member states with a bird's eye view of on-going trends in OC, enabling them to make more informed decisions concerning their national policies. The data of the first two 'Organised Crime Situation Reports' (1994 and 1995) was gathered through a questionnaire, directed at national administrations, inquiring on the extent of OC in their country (Vander Beken 2006). The Presidency would then collect the received answers and compile them into one single report. However, it became clear from the first report that, not only was there a substantial disparity in terms of the countries' understandings of OC, there was also a large discrepancy in the quality and quantity of national contributions (Van der Heijden 1996). The second report showed little improvement as only six out of the fifteen countries actually provided data for the report.

Member States' initial hesitation in cooperating can be explained by a number of reasons. Law enforcement bodies felt that they were unfamiliar with these instruments and unsure of how these would assist them in dealing with local problems: "when it comes to operational police co-operation, member states prefer to co-operate on a bilateral basis, with us of the 'old boys network' of police officers worldwide" (Den Boer and Bruggman 2007: 11). In addition, the circulation of the reports was, at the time, still very limited, which meant that the large majority of law enforcement institutions was still unaware of their existence. Furthermore, it was not only a question of willingness but of availability, as the structure to collect specific data on OC was not in place in some of the member states. All these elements contributed to a poor turnout in terms of answers to the national questionnaires. If we consider that the reports were, at that time, completely dependent on the quality and quantity of the data supplied by member states, then the final product also reflected this poor quality. Furthermore, given that the figures provided by the countries were directly related to their local administrations and their understanding of OC, it was also clear that they were not comparable. This aggravating factor contributed to preventing the reports from initially acquiring a favourable reputation as reliable instruments, leading to a vicious circle of non-cooperation (Van der Heijden 1993).

Having become aware of this problem, the Council attempted to improve the quality and recognition of the reports by developing a standardized mechanism for the preparation of national answers (Council 1993). Although no strict definition was provided for what OC meant, there was a clear attempt to start moulding member states' understandings of the concept, through guidelines on which phenomena to include in the questionnaires and how statistics should be calculated. Such efforts were built in parallel with the growing perception that a common approach would be highly beneficial to the fight against OC. As a common approach would require a precise overview of the extent of the threat, the harmonization of national methodologies for the collection of information became a priority (Council 1997). For the 1998 report, a cross-checking mechanism was introduced with the purpose of improving the information quality, and by 2000, a set of formal guidelines for the collection, processing and analysis of the information had been put in place (Council 2000b). These efforts yield positive results, as reports shifted from being considered

plain aggregations of national information to being seen as analytical documents, and even full- fledged threat assessments, with added value for member states (Council 2000a).

However, if this shift is mostly visible at the level of European institutions, the same cannot be said about the national level. Despite there being a clear tendency towards the approximation of member states' understandings of OC, and no vocal opposition to the role of the reports in this process, the flow of information has not entirely reflected this trend. National authorities continued to maintain a cautious approach to the reports, often preferring to exchange information bilaterally, with institutions they were more familiar with. In the mid-2000s, the House of Lords estimated that 80% of information exchange was taking place outside of Europol's framework. It is also the case that law enforcement authorities have perceived Europol as a potential competitor and have had little desire to be relegated to the role of secondary actors (House of Lords 2008).

Since 2006, with the introduction of a new model of report, the 'Organised Crime Threat Assessment', there seems to have been a gradual improvement in national contributions (Europol 2011). Nevertheless, the latter continue to be considerably uneven, with some countries handing in 500 page questionnaires and others one-page answers (Brady 2008). Given that data sharing is done on a voluntary basis and often depends on the decision of national police officers, the reports continue to have problematic aspects. This second example, therefore, indicates that the problematic cooperation on the side of member states has also been contributing towards the lack of acceptance of the OC securitization process. It indicates that although there seems to be an apparent acceptance of the reports and their importance for the fight against OC, the national level is not entirely convinced that it should prioritize these documents. Given the evolution in how the reports are perceived, we can consider that the securitization of OC has only been partial.

## **Conclusion**

Despite the key importance that organised crime has come to assume within the EU's security strategy, this is an issue that has rarely featured among

Securitization studies. Unlike topics such as immigration, which are frequently used as successful examples of securitization processes, the EU's approach to organised crime has so far not been denaturalised. Bearing this background in mind, the purpose of this article was two-fold: not only did it aim to expand the Securitization literature by providing an innovative case-study on EU organised crime threat perceptions, but it also proposed to contribute to this literature in methodological terms. Bearing in mind the theoretical developments within the Securitization framework, this article aimed at analysing whether applying different approaches to Securitization Theory could lead to alternative accounts of whether organised crime had been successfully securitized in the EU. The article started by applying a 'linguistic approach' to the case-study, which focused on the discursive practices of the EU and indicated that securitization had been successful. This approach pointed to the existence of a first shift from a counter-organised crime effort at national level to an EU one, and a second shift of the EU from a position as a securitization importer to a position as a securitizing actor. The first part of the text also suggested that securitization could be best understood, not as the result of an actor's move, but as a long-term cumulative process constituted by the different discursive practices in the field. The 'linguistic approach' was then contrasted with a 'sociological approach', reorienting our attention to non-discursive practices and their potential role in the securitization process. By analysing two examples of non-discursive practices, it emerged that the 'linguistic approach' conceals important elements, which are contributing to forms of non-acceptance of the securitization process. As was proposed in the last part of this article, although there seems to have been an approximation of the organised crime understandings, enabling for the emergence of a homogeneous discourse framing organised crime as an existential threat to the EU, there continues to be a disconnect between the rhetorical level and the level of non-discursive practices. This disconnect indicates that the securitization process has not fully managed to convince national authorities of the need to take extra-ordinary measures to counter this phenomenon. It is, therefore, the conclusion of this article that organised crime has only been partly securitized in the EU, pointing to the development of this field as key in the future of this process.



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