

Fighting Organised Crime as a Security Threat: The Lessons Learnt from the Case of Bulgaria

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Abstract: The article discusses some of the implications of the post-1989 inclusion of the problem of organised crime into the international security agenda. The analysis uses the case of Bulgaria where organised crime was identified and handled as national security threat in late 1990s in conditions of a shrinking social role of the state. This prompted a continuous and all-pervasive institutional and legislative reform with limited results which led to a growing distrust in the Bulgarian institutions.

Keywords: organised crime, security, social policy, state reform, Bulgaria

Since the end of the 1980s an increasing number of states have begun to recognise the problem of organised crime as an internal security issue with an international and even global dimension. This has been largely a politically-driven agenda backed by Western policy makers and some academic literature on the phenomenon of organised crime which is usually explained by the globalisation process and the socio-economic changes that it generated.¹ Although much academic research has since been published on the issue of organised crime, including a number of critical accounts of the concept itself² as well as some comprehensive theoretical and empirical studies³, the impact of the new organised crime agenda in non-Western states has remained under-researched. This article seeks to address this gap in the literature by looking at the case of Bulgaria where organised crime emerged on the political agenda in the 1990s and since then has become one of the most politicised issues in domestic affairs. The interpretation of these developments which is presented here is based on analysis of the transformation of the Bulgarian state in the 1990s and particularly the reforms introduced under the neoliberal programme implemented in that period.⁴ The article suggests that the politicisation of organised crime cannot be solely explained with the rise or rise of this type of criminality

¹ Before the 1990s most countries, apart from the USA and Italy, did not define their underworld as 'organised crime' although in some cases a vibrant underworld existed both under communist and capitalists systems. See Bienkowska 1993; Hignett 2010. When the United Nations and the Council of Europe included crime in their agendas it was addressed primarily as a social and not an international security problem.

² See Ruggiero 2000; Edwards and Gill 2002; Woodiwiss and Hobbs 2009.

³ See Heidenson and Farrel 1991; Ruggiero 1996; Levi 1998; Naylor 2002.

⁴ Brenner *et. al.* 2010.

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in the 1990s, or the external pressure to adopt anti-organised crime policies. It argues that other factors related to the on-going political processes in Bulgaria also need to be taken into consideration. In such an expanded framework of analysis the anti-organised crime policies developed in Bulgaria between 1997 and 2007 can be interpreted as a result of an ideologically driven relocation of policies on crime from the social to the security policy area which may also explain their political exploitation and limited impact.

The expansion of security into areas previously limited to internal state jurisdiction has been tackled by the literature on 'new security' and the politics of 'securitisation'.⁵ In the post-Cold War period security theory underwent a significant revision in which the narrow realist school's focus on the state and its existential threat from war was expanded to include a number of new interpretations. The publication of the groundbreaking work of Buzan (1983) *People, States and Fear* and its analysis of security on multiple levels opened up a new research agenda of redefining security which was particularly timely given radical global transformations in the 1990s. In the new post-Cold War the old security paradigm was seen as obsolete and unfit for dealing with the new global challenges of securing global resources, environmental degradation, and various demographic problems.⁶ From a critical and social constructivist perspective, Booth (1991) also claimed that security should no longer be part of what he called 'the unhelpful dichotomies' of external and internal worlds, and should be 'emancipated' through integrating order and justice, domestic and foreign policy, internal order and external anarchy, utopianism and realism, political and international theory, high and low politics, etc. The 'emancipated' security agenda was to focus on more tangible problems which were previously marginalised in a world dominated by major powers, military build-up and protected national sovereignty. However, the new security agenda has been opposed by the neo-realists and other critics. Hyde-Price argued that its newly identified risks and challenges are in fact more intangible and diffuse than the previous clearly defined external threats, and 'often involve unfocused fears, perceptions of insecurity, and feelings of unease and cannot always be precisely specified.'⁷ Those new risks, as Dorff⁸ pointed out, do not provide a clear ordering of reality where politics can devise a strategy; and, despite the promise to 'emancipate' security politics, they are often linked to political agendas and used for maximising political power similarly to the political use of the traditional military security threats via the process of 'securitisation'.⁹ The new security agenda also

⁵ Wæver et. al. 1993; Buzan *et.al.* 1998.

⁶ Mathews 1989.

⁷ Hyde-Price 2001, 27.

⁸ Dorff 1994.

⁹ The Copenhagen School of Security studies developed the theory of 'securitization' based on the idea that security is merely a 'speech act' rather than an objective reality, i.e. a political actor 'labels' an issue as a matter of security and claims the right to use extraordinary measures to address the issue. In this process certain problems are moved out of the sphere of normal politics and placed in the sphere of emergency politics, which is usually beyond democratic control (in, Buzan et.al. 1998:27). See Campbell 1992; Buzan, et.al. 1998.

poses the hidden problem of ‘othering’ or projecting security anxieties over less powerful actors or outsiders. Following this model, the recent securitisation of ‘organised crime’ – a weakly defined and understood phenomenon in itself¹⁰ – transformed the issue from a domestic concern to a subject of international politics, and given the growing global hierarchy in the international system after the end of the Cold War, the new international anti-crime policy was even more easily pushed towards the so-called ‘supply-side’, or poor countries.¹¹ While the West European countries dealt with the problem by externalising the policy through tightening borders, merging intelligence and policing, and building the European Union’s criminal justice cooperation¹², the Eastern post-communist states were pressured to deal with the problem internally which was often beyond their capacity, as the case with Bulgaria demonstrates.

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The issue of organised crime became part of the Bulgarian government's programme in 1997 when it was first introduced by the newly elected liberal-reformist government of Ivan Kostov (1997-2001). The phrase 'organised crime' had already been in political and popular use in Bulgaria as a result of internal and external developments since 1989. Externally, the policy was shaped by the European Union's Justice and Home Affairs pillar since the mid-1990s.¹⁹ However it also emerged on the basis of pre-existing internal discourse on the problem of rising crime the opinions on which were split along ideological lines.²⁰ Until the mid-1990s the left would still insist that crime is a result of the unfolding economic crisis which exacerbated social inequalities²¹ whereas the 'progressives' or liberals – not only in Bulgaria but across the region of Central and Eastern Europe²² – associated the crime problem with their political agenda of large-scale reform. The newly emerged Bulgarian liberal parties, united within the Union of Democratic Forces (UDF) prioritised what they saw as a 'crime-state nexus' created by the blockage of the economic liberalisation and privatisation imposed by the former communist elites still in power, some of which had directly or through different forms of corruption tapped into state resources. The 'mafia state' idea was widely publicized through the UDF's newspaper *Demokracya* prior to 1997 and which partly served as a unifying factor in the UDF political consolidation.²³ When the UDF won the elections in 1997 under the leadership of Ivan Kostov the new reform platform of the government was rationalised as a policy of 'decriminalisation' of the economy. Kostov promised to 'fight against street and organised crime through a series of economic measures: speeding up the privatisation of state property, lowering the licensing minimum, simplifying the numerous and complex administrative procedures, linking the customs and taxation system in a common system of accountability and control, change of the system of taxation so that the taxes become more tolerable and their avoidance – more difficult.'²⁴ In other words, organised crime was presented as one of the justifications

¹⁸ Andreas and Nadelmann 2006; Crawford 2002.

¹⁹ Longo 2003; Gachevska 2005.

²⁰ The sharp rise of recorded crime in Bulgaria in that period was partly a result of the changes caused by the socio-economic conditions, and partly reflected changes in the crime recording methods (Мантарова, 2000).

²¹ Мантарова 2000.

²² See Hignett 2010; Holmes 2009.

²³ The construction of the 'criminal' (other) elites can be interpreted as part of UDF's party consolidation which was initially based on existential choices than socio-economic interests - such interests could not develop when ninety per cent of the property in the country was state-owned (Krastev 1997).

²⁴ Cited in Василев 1997.

for the ensuing structural reform and the transformation of the welfare state – policies which had been very difficult to push forward prior to 1997.²⁵

There are two major aspects of the new anti-crime agenda in Bulgaria which developed between its official adoption in 1997 and 2007, the year Bulgaria joined the EU. First, the new policies on organised crime were based on a poorly defined and measured problem of ‘organised crime’, and secondly those policies replicated foreign models and relied on external advice. Despite the rhetoric of the criminally ‘captured state’ the policies on organised crime focused on lower levels of criminality, which paradoxically, was exacerbated by the state reform itself. More organised criminal groups had emerged as a survival strategy in times of economic crisis between 1990 and 1997 but it was the cuts to public funding that created a steady flow of criminal labour to the Bulgarian underground. The ‘organised crime’ targeted by Kostov’s policies was essentially the problem of the newly emerged local racketeering groups staffed by some former sportsmen from wrestling and other masculine sports clubs which had to close down after losing their state funding. The ‘wrestlers’ were the first organised criminals, engaged in unregulated forceful businesses of selling protection, who later turned to smuggling, car theft, gambling after being forced out of the protection rackets as a result of their transformation into legal insurance businesses under state regulation.²⁶ The protection business was also manned by former state security service employees who had become unemployed after large-scale state cuts and forced to be entrepreneurial and sell their skills in providing security.²⁷ The international dimension of the domestic crime groups in that period was limited to smuggling (particularly smuggling of petrol to the embargoed Yugoslavia and smuggling of stolen cars from Western Europe) and to some extent extracting profit from international drug networks which were crossing the country as there was a very limited illegal drug market in Bulgaria at the time.²⁸ But whether those groups could be seen as a powerful and structured underworld of organised crime remains doubtful. Statistics from the prosecution office reveal that most of the cases reported by police as ‘organised crime’ are in fact petty drug offences²⁹ and the registered organised crime groups remained small: ‘[I]n Bulgaria there are more than 50 criminal groups, which are composed, on average, of less than 10 members.’³⁰ The cases investigated as organized crime continued to be a

²⁵ The depth of reform was demanded by the IMF as a condition of the new structural adjustment loans provided to Bulgaria after a major economic crisis in 1996-7. The Bulgarian government also had their fiscal sovereignty restricted by a currency board introduced with the same international agreements.

²⁶ Perlez 1995; Nikolov 1997.

²⁷ CSD 2007.

²⁸ CSD 2004.

²⁹ Върховна касационна прокуратура 2000.

³⁰ See Savona and Curtol 2004, 102. Data on criminal gangs differs as it is usually hard to establish the exact membership of a gang. In 2005 the Bulgarian police uncovered 233 criminal groups with 1074 members altogether which meant that there were on average about 4–5 members per group (Bund Deutscher Kriminalbeamter Der Bundesvorsitzende, 2006).

very small per cent of all crime cases.³¹ According to surveys conducted by BBSS Gallup in Bulgaria in 2001 street crime rather than organized crime 'continued to be perceived as the greater danger in comparison with organised crime'.³²

Disregarding the social conditions of crime, the policy which was developed by the Bulgarian governments since 1997 adopted a security perspective. In August 1997, the report of the Bulgarian National Security Service cited for the first time organised crime as 'a threat' to Bulgarian national security and prompted the establishment and parliamentary Anti-Mafia Commission to devise a strategy to deal with the problem.³³ The National Security Concept adopted in 1998 stated that: 'The high level of crime systematically threatens the security of the individual citizens; it destroys the economic welfare and the legitimacy of the state institutions in the region'.³⁴ The security approach was largely influenced by the new anti-crime agenda pushed by the EU, especially after signing of the Pact on Fighting Organised Crime between the EU and its accession states.³⁵ The policy had four main benchmarks as advised by the EU: 1) establishing organised crime as a matter of national security; 2) prioritising the adoption of legislation on organised crime; 3) developing institutional reform on the executive and judicial level to implement legislation; 4) joining international structures of criminal justice and policing cooperation.³⁶

The Bulgarian parliament was urged to prioritise the adoption of legislation on organised crime and corruption, and the relevant institutions – Ministry of the Interior, Ministry of Defence, Ministry of Justice and Ministry of Finance were tasked with the development of closer cooperation to deal with the problem which had not even been measured as there was no definition of 'organised crime' in the Bulgarian penal code at the time. The scope of legislative activity was very wide and in the first two years of the Strategy's implementation Bulgaria adopted 14 laws linked to 'the fight against crime' including a legal definition of 'an organised crime group'. In 1999 Bulgaria adopted a law on money laundering, a law for the control of narcotics and precursors, and a set of laws to counter offences in the financial and tax systems, the customs, and laws against corruption and gambling. Between 2001 and 2003 another 12 new laws related to organised crime and international criminal justice cooperation, along with ten strategies and numerous

³¹ From 300 000 criminal cases registered in 2005, for example, only 1080 have been linked to 'organised crime', i.e. 0.36% (Ibid).

³² UNDP 2000, 94.

³³ Николов 2000.

³⁴ Концепция за националната сигурност 1998.

³⁵ Pre-Accession Pact on Organised Crime Between the Member States of The European Union and the Applicant Countries of Central and Eastern Europe and Cyprus. JHA Council, 28 May 1998 (98/C 220/01).

³⁶ Longo 2003.

programmes for the application of these strategies, were adopted.³⁷ The last three years before Bulgaria acceded the EU as a full member in January 2007 were marked by the most intensive legislative and institutional activities related to ‘the fight against organised crime’, and particularly the complex task of constitutional changes to facilitate the reform of the judiciary.

The institutional reform in the criminal justice system – aimed at increasing the capacity for implementation of the new laws and strategies by the police, the prosecution and the courts seen as crucial for improving ‘the fight against organised crime’.³⁸ Initially the strategy evolved around the development of the Ministry of the Interior’s Department for Fighting Organised Crime which took over organised crime-related investigations from other security structures. In this way, the Ministry of the Interior now had more powers not only over the work of the police but also over the previously separate ‘anti-mafia’ and counter-intelligence services too. Alongside the centralisation of power within the executive branch the crime problem was now separated into two categories, *ordinary crime and organised crime*, which led to the process of separation of powers, responsibilities and resources, between the different departments of the Ministry and local police branches. The reform also affected the institution of the Prosecutor General, and the judiciary particularly through the establishment of independent agencies or inter-institutional commissions to facilitate the coordination of the policy between those institutions and the executive branch. On the lower levels, the institutional reform revolved around a process of ‘institution building’ in the form of staff training and provision of specialised equipment (usually with international involvement), and in some cases it involved direct pressure on staff’s performance and occasional institutional purges.

The Bulgarian institutions were particularly active on developing the international dimension of the anti-crime policy. A number of international agreements on cooperation in the fight against crime were signed – with the US, Germany, the UK, France, Italy, Belgium, Spain, Austria, China, India, Russia, Macedonia, and other countries. Bulgaria also adopted the United Nations Convention against Transnational Organized Crime (2000) and its Protocols on human trafficking, migrant smuggling, and firearms trafficking, European Arrest Warrant and the EU Conventions on extradition. Bulgaria also signed regional anti-crime agreements with Turkey and Romania, and a Protocol of tripartite cooperation for fighting organised and transnational crime with Greece and Romania. Bulgaria was active in international initiatives such as the Southeast European Cooperative Initiative (SECI) for establishing a Regional Centre for Combating Trans-Border Crime in Bucharest, Romania and the Stability Pact Initiative against Organised Crime (SPOC). The Bulgarian police and customs were also active partners in some large-scale international drug investigations. The ‘fight against organised crime’ was also

³⁷ Including an elaborate plan for reforming the judiciary, fight corruption, the adoption of some 5000 pages of the Schengen acquis, anti-drug strategy, a strategy against financial fraud affecting EU interests, and a new National Strategy for Fighting Crime.

³⁸ Костов 1999.

externally funded by EU PHARE programme and its Justice and Home Affairs component which formed about 20–30% of the programme's funds to Bulgaria between 1989 and 2007.³⁹

The scale of the activities of the Bulgarian government on 'fighting organised crime' was impressive but the reports of the EU Commission on Bulgaria's accession progress and the reactions in the Bulgarian press targeted the wide gap between the government's intentions and the persistence of the crime problem. This was also the main official reason why Bulgaria was not included in the first Eastern enlargement of the EU in 2004, and the criticism was based on lack of convictions related to organised crime, and particularly the unresolved 150 murders which had taken place in the period of transition. The perceived discrepancy between activities and results in 'the fight against organised crime' was often framed as an institutional failure, or central government's inability to cope with the problem.⁴⁰ This usually resulted in further modifications and improvements of the government's programme on 'fighting crime' which also failed to convince the EU and the Bulgarian public and re-affirmed the impression of a lack of a strategy and institutional capacity. A public opinion survey conducted in period between 2000 and 2008 showed that the public's perceptions of the police, courts and the prosecution remained or grew more negative when the 'fight against organised crime' was at its height.⁴¹

The new policies on organised crime – centralisation and internationalisation of state institutions while ignoring the social conditions underpinning crime – led to major problems of implementation. First, the separation of crime into two distinct categories, ordinary crime and organised crime and the prioritisation of the latter created the problem of intra- and inter-institutional turf wars. The separation of powers and responsibilities between different departments of the Ministry of the Interior and between the different bodies of the criminal justice system led to clashes of jurisdiction, lack of coordination and subsequent duplication of tasks coupled with a competition for resources. Within the police there was a clash between regional and central police authorities over the issue of centralisation and the undermining of the autonomy and authority of local police.⁴² On inter-institutional level, the responsibility over the failure to secure convictions related to organised crime was shifted between the police, the Prosecutor's office and the courts. But the underlying problem creating the perception of institutional failure was the clash of institutional approaches.⁴³ For the specialised branches of the police, the strategy was

³⁹ Based on data from PHARE project fiches available on EU portal at <http://ec.europa.eu/>.

⁴⁰ See the European Commission, Regular Report from the Commission on Bulgaria's Progress towards Accession.

⁴¹ Most strikingly the negative opinion of the key institution for a functioning democracy – Parliament rose from about 45 per cent 2005 to staggering 88 per cent in 2008 (see Alpha Research 2009).

⁴² Capital newspaper, 11 October 1997 'Шефът на полицията разклати стола под краката си.' Капитал 41, 11/10/1997 ('The boss of the police rocked the chair beneath him,' Capital newspaper 11 October 1997)

⁴³ Centre for Liberal Strategies 2006.

undermining the underworld structures through pro-active policies not all of which led to the collection of good evidence.⁴⁴ The prosecutors, and sometimes the non-specialised police departments, dealt with organised crime as a series of different types of crimes and did not prioritise ‘conspiracies’ to commit crime as their work was primarily reactive and not pro-active. For example, the cases of the 150 murders which were initially suspected to be linked to organised crime, and which the police in Bulgaria were pressured to resolve before joining the EU, were not always dealt with as ‘organised crime’ but as standard homicide cases.⁴⁵ And finally, the courts only worked with evidence provided by investigation and given the changes in the procedures to protect defendant’s rights they often had to terminate cases for insufficient and poor quality evidence. Furthermore, the judiciary did not welcome the political pressure to prioritise organised crime cases because they needed to respond to all types of crime and could not, as an independent institution for administering justice, prioritise certain type of crimes despite their status as a ‘national security’ threat.⁴⁶ During the final pre-accession evaluation of the institutional and legislative reform by EU experts in 2006, the Bulgarian representatives shared their doubts about the merit of these reforms and their limited impact, and explained: ‘The European Union asks us to do this.’⁴⁷

These outcomes of the policy pose some important questions regarding the overall strategy of approaching the problem of organised crime as a security issue. The process started with a political adoption of the ‘fight organised crime’ as a basis for economic and political reforms, and further politicisation through its ‘securitisation’ under external influence, i.e. the classification of organised crime as a security threat and thus: 1) different from other forms of crime, and 2) important enough to justify a large reform and use of key resources. There are two major considerations with regards to these developments: on the one hand, the concept of ‘organised crime’ hid the complex social realities of that type of crime and the fact that it is highly dependent on the provision of criminal labour which initially came as a result of the cuts to public funding, and later by the growing poverty and social inequality. Thus the ‘organised crime’ discourse re-asserted a conservative view of crime and weakened the responsibilities of dealing with its underlying social conditions in which crime continued to exist. This approach was particularly advantageous for the ongoing structural reform, which led to the shrinking of the social role of the state, mass privatisation and cuts to previously state-funded projects. On the other hand, the elasticity of the ‘organised crime’ concept was useful because it had high political potency while in practice the policy can be limited to small number of cases declared to be of a higher importance. The prioritisation of organised crime and its inclusion in the national

⁴⁴ The more pro-active policing sometimes involved borderline human rights abuses as in the case of a 28-day siege of the country house of a convicted criminal when the police eliminated their target using anti-tank rockets when no evidence was found that the suspect was armed (Милев 2004).

⁴⁵ They were therefore investigated by respective local homicide department (Bund Deutscher Kriminalbeamter Der Bundesvorsitzende 2006).

⁴⁶ Centre for Liberal Strategies 2006.

⁴⁷ Bund Deutscher Kriminalbeamter Der Bundesvorsitzende 2006, 28.

security agenda not only moved crime out of the traditional social policy area and into that of security but also allowed for increased 'statist' policies of centralisation of the state institutions, while also linking them to external (international) structures and foreign agendas. In this way the policy was pushed to methods and areas which would avoid clashes with other concerns, and particularly the links between legal-illegal markets or the regulatory role of the state.

In conclusion, the new security agenda of fighting organised crime internationally proved far from 'emancipating' and progressive in the case of Bulgaria. It locked the country into a continuous proliferation of policies with partial results because of the limitations of the security approach. First, it de-contextualised and narrowed down the problem of crime to a 'conspiracy' and thus marginalised alternative and more holistic approaches. And secondly it had a damaging effect on the state institutions, which were under constant pressure to show results in an area where success is hard to achieve. The centralisation and politicisation of the state institutions under 'the fight against organised crime' agenda combined with their reduced capacity to affect the social realities of crime has led to an increased perception of their weakness and disconnection from the electorate. Today there is a persistent conviction among the Bulgarian people that 'organised crime' has now become endemic, linked with all levels of government and justice institutions, which is indicative of the growing disconnection between the ordinary Bulgarians and their 'reformed' state and of a potentially dangerous disillusionment with democratic politics.

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