

Chapter 11: Cooperation in Counteracting Transnational Crime

Nontyatyambo Pearl Dastile

ORCID iD: <https://orcid.org/0000-0002-7903-9308>

A new mindset is critical for keeping up, staying ahead, and countering transnational terrorism. It starts with each of us, in our respective roles and capacities (Thao & Dowler 2005).

Abstract

The main thrust of this paper is a critical examination of the multifaceted domain of transnational crime, with a specific emphasis on strategies that hold promise for the mitigation and curtailment of such activities. This paper delves into the exigencies of forming countering strategies for addressing the pervasive issue of transnational transgressions. Structurally, the discourse is partitioned into four chronological segments, initially focusing on contextualizing the ensuing argument through John Burton's theoretical prism. The author explores proposed multi-stakeholder interventions before culminating in prescriptive recommendations advocating for the BRICS nations to forge symbiotic alliances with academic institutions and other entities, thereby facilitating sustainable solutions to the pervasive issue of transnational crime.

Keywords: Transnational crime, multi-stakeholder relations, BRICS, Human Needs Theory

Introduction

The critical engagement in countering transnational crime commences with an assertion from Thao and Dowler (2005), articulating the indispensability of a refreshed mindset for the efficacious navigation and confrontation of transnational terrorism. Following this, the abstract elucidates the document's nucleus – the proposition of actionable intelligence and collaboration within the BRICS nations aimed at the attenuation of transnational criminal endeavors. Central to the treatise is the application of John Burton's human needs theory as a lens through which multi-stakeholder interventions' root causatives – denoted as push and pull factors – are analyzed. This theoretical framework facilitates a conscientious evaluation of both global strategies and cooperative mechanisms tailored to combat these pervasive crimes, assessing the evolutionary trends and impacts thereof. The literature review ardently champions the espousal of multi-stakeholder methodologies, emphasizing the limitations inherent in predominantly state-led initiatives, such as the lack of diverse perspectives and the potential for political bias.

Several complex factors have significantly impacted the rapid growth of transnational crime. These factors encompass a range of elements, including the permeability of borders, large-scale population movements, advancements in financial and commercial sectors, and the evolution of communication technologies (Makarenko 2001: 22). These influences have fundamentally transformed our understanding of transnational crime. It is worth noting that political systems and the deteriorating socio-economic conditions prevalent in various regions across the globe, including within the BRICS bloc, have played a crucial role in shaping the landscape of transnational crime. Unlike highly organized criminal activities, transnational crimes lack a rigid hierarchical structure and notably exhibit fluidity, which indicates that new members can be rapidly integrated into the leadership framework. In contrast, existing members can be easily replaced (Makarenko 2001).

Consequently, transnational crime has increasingly been recognized as a significant national and regional security threat. A pivotal aspect of this recognition is the enduring connection between criminal enterprises and terrorist factions, as indicated by Mararenko (2001). Efforts spearheaded by individual countries or state mechanisms have proven inadequate in addressing the challenges of transnational crime within the BRICS nations. This inadequacy has led to a continued escalation in criminal activities, exacerbated by the permeable frontiers of these countries. This situation has facilitated the

growth in acts of violent extremism, terrorism, and other offenses, which, although seemingly minor, have significantly undermined the capacity of these nations to engage in multi-stakeholder collaborations and enhance cooperation within the BRICS coalition.

Mwaniki (2019: 22) critically assesses the counter-terrorism strategies employed in Kenya, highlighting a reliance on militaristic approaches. He contends that such reliance on sheer force proves futile in scenarios where disenfranchised youth turn towards joining militant terrorist groups, thereby embracing the group's culture and violent practices. Once entrenched, this cycle of violence finds its way into various societal structures, including institutions of higher learning, places of worship, and commercial centers (Mwaniki 2019: 4). However, the strategies and multi-stakeholder initiatives proposed by the current discourse cannot be grounded in universal principles for countering transnational crime due to the unique economic landscapes of the BRICS member states. Notably, the existence of 'weak and impoverished states' poses a critical challenge by endangering the livelihoods of citizens, thus rendering them susceptible to exploitation by terrorist entities. This necessitates adopting counter-strategies tailored to each country's specific requirements and conditions (Patrick 2007: 645). The section below delves into the complexities associated with defining the term to develop more precise and sophisticated definitions that align with the strategic goals of BRICS.

Conceptualising Transnational Culture

There are many different definitions of transnational crime, each encompassing a range of illegal activities such as drug trafficking, money laundering, terrorism, and pornography. Therefore, researchers need to consider how this concept is defined carefully. The variation in definitions from one country to another significantly impacts the conceptualization of transnational crime. The specific details and nature of these crimes must be considered when defining each country. Zabyelina (2010: 42) notes that definitions of transnational crime are often broad and all-encompassing, and the lack of clear boundaries and understanding of the severity of transnational crime further complicates matters. As a result, each country's definition is influenced by its unique position and characteristics. Therefore, an overarching definition that delves into the specific characteristics of each criminal activity falling under the umbrella of transnational crime is necessary.

The BRICS bloc member states must each contribute to identifying numerous criminal activities falling under the transnational crime category. Given the fluidity in the definition of this type of crime, these member states must strategize interventions to combat transnational crime. Therefore, any definition should be specific and meaningful, and discussions involving various stakeholders are imperative for rethinking and reconceptualizing the definition of transnational crime.

Zabylena (2020) discusses the challenge of defining transnational crime, noting that the United Nations has repeatedly attempted to establish a global definition since 1975. Despite these efforts, a precise definition has remained elusive. Renewed endeavors in 1994, under the Naples Political Declaration and Global Plan of Action, aimed to reach an internationally agreed-upon definition, with uncertain participation from BRICS bloc member states. Subsequent meetings and conventions, including those led by the United Nations Survey on Crime Trends and the United Nations Convention against Transnational Crime and its Protocols in 2010, highlighted key characteristics of transnational crime. According to Zabylena (2010), transnational crime is marked by systematic or occasional corruption and violence, the investment and manipulation of illicit goods and services, and the pursuit of high economic or socio-political benefits. Van Lampe (2012) also identified five ways to define transnational crime, focusing on aspects such as individual offenders, criminal activities, organized offender groups, and the geographical scope of transnational organized crime (Van Lampe 2012: 179).

The study identified certain advancements in addressing transnational crime. However, it is disappointing to note that some scholars have solely focused on individual offenders in transnational crime, with the field of criminology primarily concentrating on individual characteristics around 2012. Consequently, the conceptual definitions of transnational crime have remained under-researched. It is imperative for researchers delving into transnational crimes to recognize that such crimes cannot be scrutinized from a linear perspective. Albini and McIlwain (2012) highlighted that 'criminal groups are dynamic entities, not static ones, changing with the nature of the criminal acts they commit'. This illuminates the need for a more comprehensive understanding of transnational crime beyond individual traits.

The existing discussion on transnational crime reveals significant disparities and deficiencies in research within the discipline of criminology. Luong (2020) illustrates the stark contradictions in studying this crime within specific regions. Pineda (2022) advocates for 'civil disobedience' to confront

issues of poverty, violence, and statelessness, emphasizing that a nuanced understanding of the underlying issues is crucial in comprehending transnational crime. Limited knowledge of transnational crime within different countries, as mentioned by Luong (2020), may impede efforts to counter transnational organized groups. Ngor (2004) simplifies transnational organized crime as the movement of persons, goods, and services across national jurisdictions devoid of acceptable norms and standards. The following discussion focuses on the Human Needs Theory (John Burton) as one of the theoretical frameworks that may facilitate meaningful cooperation in countering transnational crime.

John Burton's Human Needs Theory (HNT)

Human Needs and Crime

In his 1979 publication, Burton highlights the enduring presence of unresolved political and social-political issues across various spheres of interaction, including family dynamics, educational environments, industrial settings, intercommunal relations, and international affairs. The persistence of wars, revolutions, and transnational crime on a global scale underscores the need for diverse approaches informed by the Human Need Theory (HNT), with tailored solutions required for each country.

Burton's Human Needs Theory (HNT) raises important issues regarding the failure of states to explore alternative frameworks for understanding human conflict. While many countries use broad labels such as terrorism to describe these conflicts, it is crucial to recognize that addressing conflict resolution should prioritize internal tensions that often spill across borders Burton (1979: 2. This emphasis is particularly relevant when examining transnational crime, which demands diverse and adaptable theories to explain its occurrence. The theory argues that when human needs are unmet, transnational crime becomes a viable means to an end for specific individuals. For instance, within the BRICS bloc, South Africa experiences high crime due partly to the government's failure to provide sufficient livelihoods. Therefore, Burton (1990) contends that HNT emphasizes the need for any study of transnational crime or conflict-affected nations to focus on understanding the fundamental human characteristics at play. In this light, Burton's HNT underscores the importance of acknowledging human involvement in all forms of criminal or conflict-related activity.

Contours of HNT

The principle behind the concept of HNT is that ‘human needs are fundamental motivations connected to personal advancement and well-being’ Gallagher (2019: 23). These needs are inherent to all individuals and should be fulfilled regardless of their involvement in a particular country or community. To truly integrate individuals into a community, member states should define human needs by the resources available in the country. When these basic human needs are not acknowledged, many countries resort to excessively punitive measures and incarceration for individuals who break the law. However, these countries fail to realize that without meeting these fundamental human needs, individuals are more likely to turn to criminal behavior, leading to them being labeled as repeat offenders. It is important to note that discussions about human needs (HNT) should emphasize their emergent and non-hierarchical nature (Marker 2003). Human needs are diverse and specific to each country, as highlighted by scholars, academics, and civil rights organizations. Redekop (2002: 164) and Walsh (2016: 286) offer a comprehensive list of priority human needs, which includes safety, belongingness, love, self-esteem, personal fulfillment, identity, cultural security, distributive justice, participation, and freedom.

Griffiths (2013: 63) introduces another dimension: ‘a need for control of one’s respective environments and a need to have prospects’. Cook-Hoffman (2009: 22) asserts that human needs should be linked to ‘issues of identity, including the ability to develop a collective identity, to have that identity recognized by others, and to have fair access to the systems and structures that support and define the conditions that allow for the achievement and building of identity’. Additionally, Burton in Scimecca (1990: 206 - 207) highlights specific needs such as consistency in response, stimulation, security, recognition, distributive justice, the appearance of rationality, meaningful responses, a sense of control, and a need to defend one’s role. Fundamentally, various needs contribute to growth and development.

In her research, Gallagher (2019: 23) highlights the challenge of identifying these needs cohesively, potentially leading to missed opportunities for collaboration and multi-stakeholder relations with other countries. Nevertheless, Burton (1979) acknowledges that there may be commonalities among these needs while also recognizing their specificity and universal nature. Redekop (2002: 164-165) outlines specific met characteristics of human needs, including self-respect, self-esteem, self-confidence, self-recognition, and ultimately, self-actualization. Human needs theorists express concern that specific

ontological and genetic needs will persist regardless of socialization processes and that incompatible socialization can result in frustration Burton J. 1990b, pp. 33-34. In the face of persistent injustices, it should come as no surprise when individuals or groups turn to violence Schmid (2005).

Gallagher (2019:6) contends that discussing human needs must not be divorced from recognizing human identity. Human Needs Theory and Human Identity needs have become a significant motivator for specific ethnic communities. As noted by Wolff (2006: 31), '[A]s ethnicity [and identity] attain political significance, influencing the life opportunities of individuals from diverse ethnic backgrounds, it becomes plausible to mobilise group members to instigate change in contexts characterised by persistent discrimination and disadvantage. Alternatively, such dynamics may also serve to reinforce a valued *status quo*.

In order to effectively reduce the prevalence of transnational crimes, HNT must be integrated with conflict resolution in multi-stakeholder interventions Redekop (2022). Embracing multi-stakeholder interventions and HNT empowers researchers to employ diverse strategies in tackling transnational crime. This approach offers the benefit of exploring alternative methods and generating new insights.

As Cook-Hoffman (2009: 22) points out, using HNT enables scholars to comprehend various forms of violent social conflict more accurately, how it manifests, and potential changes to foster positive peace. Despite its pitfalls, HNT provides alternative knowledge that allows researchers to make predictions and consider different policy options. This underscores the importance of understanding how fulfilling basic human needs can mitigate transnational crime.

Critique of HNT

The HNT model has received widespread recognition for its analytical simplicity; however, Reiman (2002) criticizes its failure to address gender-specific needs. Reiman suggests integrating gender-specific nuances and culture-sensitive approaches into the model to rectify this shortcoming. In some social science disciplines, there has been a tendency to overlook gender, resulting in the silencing of women and the erosion of their agency. Reiman's argument advocates for a multifaceted approach that highlights the visibility of gender-specific needs and encourages researchers and scholars to pose relevant questions rather than make assumptions about transnational crime's gendered

aspects. Arsovska and Allum (2014) express disappointment at the insufficient analysis of women's involvement in transnational crime. Despite the scarcity of gender-specific theoretical discussions, scholars should prioritize identifying and redressing gendered needs when revising the HNT model. While the model may lack nuances highlighted by some scholars, the model allows scholarship interventions that may be specific to address contemporary issues such as the scourge of transnational offending—regional analysis dovetailing into a global analysis enabling trans-disciplinary models to emerge in combating transnational crime. Such enables multi-disciplinary co-operations, as discussed below.

Co-operation in Countering Transnational Crime

The collaboration of multi-stakeholder, multi-transdisciplinary approaches to address transnational crime poses ongoing challenges due to the continuously evolving tactics of offenders and the rapid advancement of technology. Offenders often exploit technological trends that many law enforcement personnel may not be fully familiar with. One example of such sophisticated criminal activity is cyberterrorism, where perpetrators steal through the manipulation of advanced computer systems using scams, forgeries, and counterfeit goods. Many law enforcement agencies lack personnel who are proficient in advanced technologies and computer literacy necessary to combat cyberterrorism effectively. Additionally, developing countries within the BRICS lack the resources to provide law enforcement agencies with the latest technologies to combat cybercrime, in part due to limited state budgets and a lack of political will compared to countries in the Global North.

While addressing this issue, it's important to consider a comprehensive approach. First, countries in the Global North should strengthen their legislation to penalize association with criminal groups and their affiliates. Second, investing in advanced techniques, such as improved surveillance and enhanced undercover operations, is crucial. The third step involves locating transnational gang members who can provide testimony in a court of law and reveal the identities of witnesses involved in transnational crime, with a focus on witness protection. Additionally, criminal law measures should be tightened globally to criminalize participation in transnational crime and address the challenge of offender mobility. To counteract the tendency of offenders to flee across borders, strict passport control measures should be implemented by BRICS country members. Collaboration between nations is essential to implement these strategies through multi-stakeholder interventions. Furthermore, both the

Global North and South should review and enforce their extradition laws and regulations to strengthen bilateral relations.

In a research study conducted by ARLEMP, Thao and Dowler (2005: np), participants acknowledged that operational outcomes will remain unchanged unless we modify our operational practices. They emphasized that continuing with the same law enforcement approaches will yield the same results. Participants unanimously agreed that it is imperative to shift our mindset regarding our understanding of terrorism, which will subsequently improve how we tackle the operational challenges posed by this constantly evolving form of crime. Without a comprehensive understanding of the scope of international terrorism, as well as the motivations, methods, and reach of terrorists, violent extremists, and foreign terrorist fighters in our countries, it becomes challenging to prevent and disrupt potential terrorist attacks effectively. As the literature synthesis in this paper is not exhaustive, the suggested recommendations call for collaborative engagements within the member states as interventions are deliberated.

Recommendations for Network Collaborations within Sectors

Several collaborative initiatives have been suggested to address transnational crimes, with input from researchers and private organizations to the government. The discussions about these proposals, presented in a non-specific order, focus on how effective they could be within the BRICS (Brazil, Russia, India, China, and South Africa) bloc.

Transnational crime impacts all branches of government at the presidential level. Each member state's President must develop policy directives to engage multiple stakeholders. It is crucial for presidential candidates to review current policies and frameworks within government branches. This involves engaging members of parliament and all political parties in shaping enforcement models. This shift requires moving away from traditional policing and selective enforcement and utilizing change agents at the highest level of parliamentary structures. These change agents are crucial in identifying gaps in existing policies and enforcement initiatives, monitoring the revised strategy, and ensuring compliance. During the policy revision phase, it is essential to clearly outline the role of police-led interventions based on collaborations and treaties with other countries.

Countries must invest in highly qualified staff with relevant experience in each parliamentary body, particularly in intelligence-led interventions. As a result, countries lacking political will can consider other BRICS countries' initi-

atives during discussions at bodies such as the Pan African Parliament. Facilitating staff exchanges could enable the transfer of knowledge and skills to intelligence members within the BRICS. The level of engagement among the presidents of BRICS countries has become increasingly important, and the agenda on curbing transnational crime should be a standing item in high-level meetings.

It is advisable to permit multi-stakeholder partnerships, with at least one specified department overseeing identifying individuals involved in transnational crime. Depending on the organizational setups of BRICS parliaments, the governing body headed by the Minister should enhance identification measures to curtail criminal activities that often involve travel. The primary objective of this initiative is to disrupt criminal operations.

It is widely acknowledged that certain countries in the Global South may lack the necessary funding to support this initiative. One of the countries funded by the Global North must set an example for other developing nations. However, not all countries in the Global North have high levels of transnational crime. Collaborating with academics and private entities to conduct statistical analysis can help identify countries at high risk. A collective effort by multinational countries can facilitate the allocation of funds to the most affected countries through donor funding, establishing intelligence capabilities to combat transnational crimes. Moreover, facilitating staff exchanges within these countries can foster knowledge exchange and streamline interventions tailored to each country's needs.

Lawson and Bersin (2020) highlight the failure of countries to form partnerships to counter transnational crimes through border management. They point out that border porosity is a critical factor contributing to the proliferation of transnational crime. The authors also observe that 'Unilateral thinking impedes intelligent management of critical infrastructures such as pipelines or electricity grids, and natural resources such as water systems and habitats that span borders'. Despite policymakers' awareness of this issue, affected countries are hesitant to collaborate, even in the Global South.

The effectiveness of border management has a significant historical context. Many countries in the 19th century did not prioritize strengthening border management as a means to curb transnational crime. It was not until the end of the 19th century that initiatives were taken in Europe, but these interventions did not consider intelligence-led and multi-stakeholder involvement in border management. Instead, the main discussions revolved around deploying security personnel at the borders without adequate intelligence-led training to address porous borders.

As transnational crime increased, the need for bilateral partnerships became apparent, leading to developing strategies and policies to address border porosity and its role in escalating crimes. Government interventions and the use of highly trained operatives have been instrumental in reducing cross-border criminal activities. Progress can also be seen in some countries within the Global South, such as Nigeria and Niger.

Yakubu and Idehen (2021) discuss various forms of border management in these countries, highlighting the complexity of securing borders due to the complexity of the environment and the high volume of activities. Strategies used in Nigeria and Niger include surveillance, patrols, joint control operations, information exchange, and intelligence gathering and assessment. While efforts to revise and improve frameworks and policies are ongoing, they are hindered by the evolving nature of transnational crimes and the methods used by offenders to outpace state-led interventions. Allocating substantial budgets and resources, including providing high-tech training to border patrol officers, is critical to the success of these interventions. Moreover, a heavy reliance on risk management to analyze new trends must be supported by forming multi-strategies to gather intelligence from various sources, ultimately reducing unilateral intelligence-led interventions.

The erection of border walls in certain countries has profoundly affected interactions with neighboring communities. For example, the proposal to build walls between the US and Mexico during the previous administration was widely regarded as a divisive and racially charged move by many, including members of the Trump administration itself and Democratic officials. G7 leaders strongly condemned this approach and also drew dissatisfaction from some Global North countries despite the support it received from others.

An example of another country following a similar path is Saudi Arabia, which constructed the Great Wall under the guise of protecting itself from the terrorist group ISIS. However, it is crucial to emphasize the importance of involving local community structures. Community knowledge and intelligence are integral in identifying and monitoring potential offenders and their meeting places, which often go overlooked.

In a study by ARLEMP authors Thao and Dowler (2005), one participant highlighted the necessity of global collaboration in combating terrorism, stating, ‘One country cannot solve terrorism alone, so we need to work together and understand each other’s cases, risks, and actions.’ The survey participants concluded that breaking networks involved in criminal activities requires a network of cooperation. This emphasizes the critical need for high-level colla-

boration between law enforcement, citizens, and non-profit organizations. However, it was also recognized that the political and community sensitivities present significant challenges to such collaboration.

Intelligence-sharing is crucial in this collaborative effort, yet it faces the obstacle of secrecy prevalent in law enforcement agencies. Breaking down these barriers by fostering transparency and sharing intelligence is essential. Thao (2021) emphasizes the importance of 'Dare to Share' as a valuable lesson for everyone. She highlights our critical role in contributing to the intelligence map and acknowledges the limitations of messaging applications for certain types of information. She asserts the readiness to share and emphasizes the need for robust systems to promptly and securely convey intelligence information. Thao encourages continued dialogue on this crucial matter.

Proactive Investigative Approaches

It is crucial to allocate a sufficient budget to intelligence cooperatives for this approach to be practical. This will require proactive strategies that depart from traditional investigation methods Thao and Dowler (2005: np). By prioritizing improved investigative capabilities and prosecution techniques within states, mechanisms to combat transnational crime can be enhanced. Sharing these strategies with other countries is essential to promote proactive vigilance and early detection of transnational criminal activities. Therefore, it is imperative to bolster community cooperation, which can be achieved through civilian involvement, as police-led intelligence efforts alone are insufficient without civilian participation. Thao and Dowler (2005) emphasize that law enforcement cannot tackle justice pursuits in isolation, especially in terrorism cases. They stress the importance of engaging the community in sharing vital intelligence. Consequently, practical police cooperation should encompass collaboration with government agencies, private sector entities, academia, media, and the broader community.

Community involvement can be encouraged through various means, including compensation and incentives to ensure confidentiality and anonymity. Protecting law enforcement and confident community members for all volunteers working to combat transnational crime is crucial. Although these approaches may be practical, it is essential to emphasize the proactive nature of global networks engaged in transnational crime and the need for offense classifications that prioritize these crimes.

Conclusion

The introductory discourse posits various catalysts augmenting the proliferation of transnational crime, explicitly referencing border porosity, technological advancements, and deteriorating socio-economic conditions within the BRICS realm as pivotal elements. The narrative advances by delineating the non-hierarchical structure peculiar to transnational crimes, illustrating their dynamic nature and the ease of recruitment and replacement within their ranks. This seminal piece attributes the escalation of national and regional security threats to the intricate nexus between organized criminal entities and terrorist factions, and underscores the crucial role of the BRICS nations in countering transnational crime.

Reflecting on the inadequacies of state-centered interventions, the author illuminates the continual expansion of transnational criminal activities exacerbated by ineffective border controls. The critique extends to the military-centric counter-terrorism measures employed, exemplified by Kenya's approach, which sporadically engenders counterproductive outcomes. The groundwork is laid for a nuanced understanding that eschews a one-size-fits-all mentality in favor of localized, country-specific strategies, particularly in regions where state fragility facilitates the exploitation of vulnerable demographics by terrorist operatives.

Recommendations are made for the BRICS bloc member states to prevent transnational crime from thriving due to a lack of political will. The Global South will only attract donor funding if it strengthens its country's initiatives to attract foreign investments. To effectively combat transnational crime, all countries must develop comprehensive definitions based on shared visions and goals. Academics and scholars should play a key role in providing long-lasting conceptual definitions of transnational crime adapted to each country. It is imperative for various stakeholders, including community members, scholars, police, and internal collaborators, to share insights and conceptualize solutions. Therefore, further research should focus on each offense categorized as a transnational crime to identify synergies in combating these crimes and finding long-term solutions. All stakeholders need to come together to address the loss of life resulting from these crimes.

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Professor Nontyatyambo Pearl Dastile
Department of Social Sciences
Faculty of Law, Humanities and Social Sciences
Walter Sisulu University
Mthatha
ndastile@wsu.ac.za