



RESEARCH ARTICLE

# The external dimension of the EU's fight against transnational crime: Transferring political rationalities of crime control

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## Abstract

The article constitutes the first comprehensive review of the EU's export of crime control policies and 'aid to internal security' across regions over the last 15 years. Drawing on both International Relations and criminology, it develops an analytical framework to identify the political rationalities and technologies of crime control that the EU attempts to transfer across the Eastern and Southern (extended) neighbourhoods. By scrutinising 216 projects aimed at combating transnational crime beyond Europe's borders, spanning law enforcement, border security, criminal justice, and the penitentiary sector, the empirical analysis is geared towards detecting and systematising the ways of thinking and doing crime control that the EU seeks to promote and export. Moreover, it investigates the 'action at a distance' whereby it does so. It is argued that in shaping third countries' ability to criminalise, police, indict, convict, and punish, the EU is simultaneously defining its own security actorness, specifically consolidating its role as a 'global crime fighter'.

**Keywords:** EU Security; Transnational Organised Crime; Crime Control; External Dimension of Justice and Home Affairs; EU Neighbourhood

## Introduction

Two decades of EU security strategies frame transnational organised crime<sup>1</sup> as one of the main threats to European security. Cooperation against this threat has propelled the growth of European criminal law, EU crime policy, and police and judicial cooperation in criminal matters.<sup>2</sup> Yet the perception that transnational organised crime originates predominantly outside the EU and threatens to infiltrate Europe from abroad has gradually made the fight against this threat a key objective for EU foreign policy and external action as well.<sup>3</sup> Aspiring to become a significant actor in the fight against transnational crime at the international level and in third countries has led the EU to develop a role as a 'global crime fighter'.

<sup>1</sup>The article refers interchangeably to transnational crime, transnational organised crime, and organised crime. EU terminology seems to have somewhat changed over time (see Nicholas Dorn, 'The end of organised crime in the European Union', *Crime, Law and Social Change*, 51:2 (2009), pp. 283–95), and our task is to trace and explore the EU's own understanding of these concepts rather than defining it a priori.

<sup>2</sup>Valsamis Mitsilegas, 'The external dimension of EU action in criminal matters', *European Foreign Affairs Review*, 12:4 (2007), pp. 257–497.

<sup>3</sup>Helena Carrapico, 'The external dimension of the EU's fight against organized crime: The search for coherence between rhetoric and practice', *Journal of Contemporary European Research*, 9:3 (2013), pp. 460–76.

Crucial ways in which the EU and its member states have sought to mitigate transnational organised crime include shaping processes of Europeanisation and globalisation of criminal law, as well as the promotion of international cooperation on crime control. First, the 1998 EU Joint Action on organised crime is seen as the first major attempt to provide for the harmonisation of criminal law at the international level and to translate the concept of organised crime into law.<sup>4</sup> Second, the EU and its member states have been highly involved in fostering the emergence of global regimes by developing multilateral standards in international fora like the United Nations (UN), Council of Europe (CoE), Organization for Security and Co-operation in Europe (OSCE) – often inspired by norms and principles originally developed inside the EU itself.<sup>5</sup> The 2000 UN Convention against Transnational Organized Crime (UNTOC) was to some extent modelled after the EU 1998 Joint Action;<sup>6</sup> similarly, the 2000 UNTOC Protocol on Migrant Smuggling was proposed and drafted by Austria and Italy.<sup>7</sup> International cooperation also included operational support: suffice it to mention the portfolio of joint projects with the United Nations Office on Drugs and Crime (UNODC) expanding from US \$3.6 million in 2004 to US \$131 million in 2017.<sup>8</sup> Third, and most important for this article, the EU has influenced countries in its neighbouring regions to adopt its Justice and Home Affairs (JHA) *acquis* and international conventions, prompted police and judicial cooperation in criminal matters, and disbursed resources in the context of programmes and initiatives for criminal justice reform, border management, technology transfer, and capacity-building of internal security and judiciary actors.

Drawing on both International Relations (IR) and criminology,<sup>9</sup> this article argues that, in its fight against transnational crime in third countries and globally, the EU diffuses not only policies, norms, and instruments, but also ‘*rationalities of crime control*’. In other words, we develop an empirically grounded governmentality-inspired analysis attentive to the EU’s attempts at transferring broader worldviews, interpretations and discourses about crime and social control, as well as assumptions about the ordering principles of social life. We argue that these *rationalities*, understood in the Foucauldian sense as moralities, epistemologies, and idioms of political power grounded upon knowledge,<sup>10</sup> have a constitutive power in that they shape the mentalities and practices of beneficiaries of security assistance. By replicating its own ethos in its neighbouring regions, the EU in turn aims to construe itself as a global actor in the international security arena. Operationalising ‘political rationalities of crime control’,<sup>11</sup> we ask: How does the EU problematise ‘transnational (organised) crime’ as an object of governance in its (extended) neighbourhood,<sup>12</sup> and how is this object rendered governable through particular political technologies of

<sup>4</sup>Valsamis Mitsilegas, ‘The European Union and the implementation of international norms in criminal matters’, in Marisa Cremona, Jörg Monar, and Sara Poli (eds), *The External Dimension of the European Union’s Area of Freedom Security and Justice* (Brussels: P. I. E. Peter Lang, 2010).

<sup>5</sup>Mitsilegas, ‘The European Union and the implementation of international norms in criminal matters’.

<sup>6</sup>*Ibid.*, p. 252.

<sup>7</sup>Anja P. Jakobi, *Common Goods and Evils? The Formation of Global Crime Governance* (Oxford, UK: Oxford University Press, 2012).

<sup>8</sup>See: {<https://www.unodc.org/brussels/en/news/facts.html>} accessed 14 June 2019.

<sup>9</sup>See Didier Bigo, ‘Rethinking security at the crossroad of International Relations and criminology’, *The British Journal of Criminology*, 56:6 (2016), pp. 1068–86.

<sup>10</sup>Nikolas Rose and Peter Miller, ‘Political power beyond the State: Problematics of government’, *British Journal of Sociology*, 43:2 (1992), pp. 173–205.

<sup>11</sup>See also Michael Merlingen, ‘From governance to governmentality in CSDP: Towards a Foucauldian research agenda’, *Journal of Common Market Studies*, 49:1 (2011), pp. 149–69.

<sup>12</sup>We take (extended) neighbourhood to denote both the area of the European Neighbourhood Policy (ENP), that is, the Eastern Partnership (EaP) and Southern Mediterranean, as well as the wider peripheries – Central Asia and Sahel/Lake Chad and the Horn of Africa. This categorisation of geographic regions reflects the EU’s own. This is not to say that such a geographic categorisation should not be questioned, but the task of mapping EU external action against crime according to the EU’s own funding lines (see section 2 on research methods and data) has required us to retain these categories.

crime control? Thus, we investigate rationalities of crime control empirically by exploring the *technologies of crime control* through which rationalities are practically translated and expressed, namely the ‘complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions’.<sup>13</sup> In particular, we focus on the *policy instruments*<sup>14</sup> of EU aid and assistance directed at building the internal security apparatuses of beneficiary third countries.

The following section outlines our analytical frame, in which we go beyond a functionalist approach on which policy transfer theories frequently premise. Accordingly, we rather develop a poststructuralist analytical framework that combines IR and criminology. Our methods, in section 2, are geared towards detecting and systematising *what* political rationalities and technologies of crime control that the EU attempts to transfer to third countries, and the ‘action at a distance’ whereby it does so – but not whether these attempts are ‘successfully’ adopted, adapted, resisted, or rejected. Our analysis, in section 3, is organised according to the most prevalent political technologies of crime control we found the EU to employ and export *across* regions, delving into types of aid to policing and law enforcement, border security, criminal justice, and the penitentiary sector. Section 4 reflects on these various ways and modalities through which the EU aims to govern transnational crime ‘at a distance’ through third countries by networking, mentoring, and outsourcing, and highlights some noteworthy trends in crime governance that emerged from our data. To conclude, we present the presentation of our main empirical findings and aim to elucidate EU external security actorship against transnational (organised) crime. In doing so, the article makes both an empirical and theoretical contribution. Empirically, the article constitutes the first comprehensive review of the EU’s export of crime control policies and ‘aid to internal security’ across regions and over a time span of 15 years. In terms of theory, it develops an empirically grounded analytical framework to understand the EU’s export of crime control rationalities and technologies: arguing that through attempting to shape third countries’ ability to criminalise, police, indict, convict, and punish, the EU is simultaneously defining its own security actorship, specifically consolidating its role as a ‘global crime fighter’.

## 1. Transferring political rationalities of crime control

While the literature on cooperation on criminal matters and internal security *within* Europe is broad and interdisciplinary (including criminology, law, political science, and IR), scholarly work on the increasingly central role of these issues in EU external relations (often referred to as the ‘external dimension’ of EU JHA – hereafter ED-JHA) has developed almost exclusively within a delimited niche of EU studies.<sup>15</sup> We seek to contribute to the literature on ED-JHA in two ways. First, the ED-JHA research on policy areas and sectors has been dominated by a focus on EU migration policy and, increasingly, EU counterterrorism policies; scholarly attention to EU policies for fighting transnational organised crime has been instead remarkably scarce.<sup>16</sup>

<sup>13</sup>Rose and Miller, ‘Political power beyond the State’, p. 273.

<sup>14</sup>Pierre Lascombes and Patrick Le Galès, ‘Introduction: Understanding public policy through its instruments: From the nature of instruments to the sociology of public policy instrumentation’, *Governance: An International Journal of Policy, Administration, and Institutions*, 20:1 (2007), pp. 1–21; Thierry Balzacq, ‘The policy tools of securitization: Information exchange, EU Foreign and interior policies’, *Journal of Common Market Studies*, 46:1 (2008), pp. 75–100.

<sup>15</sup>See Adriana Ripoll Servant and Florian Trauner (eds), *The Routledge Handbook of Justice and Home Affairs Research* (London, UK: Routledge, 2018); Florian Trauner and Helena Carrapico, ‘The external dimension of EU Justice and Home Affairs after the Lisbon Treaty: Analysing the dynamics of expansion and diversification’, *European Foreign Affairs Review*, 17:2/1 (2012), pp. 1–18; Sarah Wolff, Nicole Wichmann, and Gregory Mounier, ‘The external dimension of Justice and Home Affairs: A different security agenda for the EU?’, *Journal of European Integration*, 31:1 (2009), pp. 9–23.

<sup>16</sup>Exceptions are: Carrapico, ‘The external dimension of the EU’s fight against organized crime’; Francesco Strazzari and Fabrizio Cotichia, ‘High stakes, low strategies: The European Union and the fight against transnational organized crime in state-building missions’, *Interdisciplinary Political Studies*, 2:1 (2012), pp. 8–23; Thomas Renard, ‘Partners in Crime? The EU, its Strategic Partners and International Organised Crime’, European Strategic Partnerships Observatory (ESPO) Working

Second, studies of geographical foci have focused on one country/region or another, while comparative endeavours remain marginal.<sup>17</sup> We instead pursue a comparative study with the aim of understanding to what extent the EU's crime conceptions and responses vary across geographical regions. In our endeavour to contribute to the abovementioned strands of literature, we follow a path of interdisciplinary contamination. Indeed, we outline the theoretical perspectives that have typically been favoured by the ED-JHA literature – namely policy transfer/diffusion, external (security) governance – however, forwarding an argument about going beyond the functionalist angle of these theories by combining IR and criminological perspectives on power.

The policy transfer and norm diffusion literature has shed light on the ways institutional templates and organisational forms travel from one context to another.<sup>18</sup> The 'European approach' to fighting transnational organised crime itself developed in a way that was shaped by dynamics of convergence and divergence *vis-à-vis* definitions, operational models, institutional design, and policies on criminal matters conceived in the United States.<sup>19</sup> As the 'European security model' for combating transnational crime acquired its own capacity for outward propulsion, the concept of transfer has been broadly used to analyse the EU's counter-crime strategies and policies towards third countries. Encompassing both 'hard transfer' (rules, procedures, and policy paradigms) and 'soft transfer' (styles, 'ways of doing things', shared beliefs, and norms), Heather Grabbe has identified five mechanisms whereby the EU has sought to induce change in the domestic policy of Enlargement countries:

- (1) Models (provision of legislative and institutional templates);
- (2) Money (aid and technical assistance);
- (3) Benchmarking and monitoring (evaluation of performance on EU priorities);
- (4) Advice and twinning (secondment of civil servants from EU member states in ministries and public administration);
- (5) Gate-keeping (access for candidates to negotiations and further stages in the accession process).<sup>20</sup>

As Enlargement was seen as a successful case of policy transfer, the EU applied the same template when attempting to transfer its JHA *acquis* and crime control policies to the Western Balkans<sup>21</sup> and ENP countries.<sup>22</sup> Namely, it has used positive and negative incentives such as visa

Paper No. 5 (Madrid: Fundación para las Relaciones Internacionales y el Diálogo Exterior, 2014); Judith Vorrath and Verena Zoppei, 'Africa-EU relations on organized crime: Between securitization and fragmentation', in Ripoll Servant and Trauner (eds) *The Routledge Handbook of Justice and Home Affairs Research*, pp. 323–35.

<sup>17</sup>See, for example, Renard, *Partners in Crime*, on 'strategic partnerships'.

<sup>18</sup>Whereas diffusion has been defined as a process by which the 'prior adoption of a trait or practice in a population alters the probability of adoption for remaining non-adopters' (David Strang, 'Adding social structure to diffusion models: An event history framework', *Sociological Methods & Research*, 19 (1991), pp. 324–53 (p. 325)), to explain how multiple actors would embrace a similar conduct or action, the concept of transfer seems to better contour the objects 'in circulation' (policies, administrative arrangements, institutions, and ideas). As the notion of transfer has enabled much research on the transnationalisation of policymaking, it has been largely used to study cases of converging policy models and similar forms of problem solving in different sociopolitical and legal contexts. See David P. Dolowitz and David Marsh, 'Learning from abroad: The role of policy transfer in contemporary policy-making', *Governance*, 13:1 (2000), pp. 5–24; Strang, 'Adding social structure to diffusion models'.

<sup>19</sup>Francesco Strazzari and Alessandra Russo, 'A US mainland and a EU archipelago? Convergence and divergence on transnational organized crime', *European Security*, 23:4 (2014), pp. 529–45; Carrapico, 'The external dimension of the EU's fight against organized crime'.

<sup>20</sup>Heather Grabbe, 'Europeanization goes East: Power and uncertainty in the EU accession process', in K. Featherstone and C. M. Radaelli (eds), *The Politics of Europeanization* (Oxford, UK: Oxford University Press, 2003).

<sup>21</sup>Florian Trauner, 'EU Justice and Home Affairs Strategy in the Western Balkans: Conflicting Objectives in the Pre-Accession Strategy', CEPS Working Document No. 259 (Brussels: Centre for European Policy Studies, 2007).

<sup>22</sup>Algeria; Armenia; Azerbaijan; Belarus; Egypt; Georgia; Israel; Jordan; Lebanon; Libya; Moldova; Morocco; Syria; Palestine; Tunisia; Ukraine. See Sandra Lavenex and Nicole Wichmann, 'The external governance of EU internal security',

liberalisation and aid conditionality to push third countries to cooperate in areas such as border security, irregular immigration, and counter-narcotics. Additionally, EU Common Security and Defence Policy (CSDP) missions came to play a crucial role in the transfer of policing and rule of law models for fighting transnational organised crime.<sup>23</sup>

Building on the policy transfer concept, the literature on EU external governance has explored the way the ‘extension of [EU] internal rules and policies beyond formal membership’ takes place and the conditions under which such policy transfer is effective.<sup>24</sup> The external governance of EU internal security, scholars have argued, is characterised by ‘multilevel governance’ and ‘intensive transgovernmentalism’ involving mainly subcommittees and police and judicial expert networks,<sup>25</sup> deemed by some to represent a ‘depoliticisation’ of external JHA cooperation.<sup>26</sup> Transgovernmental network governance encompasses operational cooperation (information exchange, joint investigations, standard setting, capacity-building), and the role for JHA agencies such as Frontex and Europol through bilateral agreements is growing. Despite the fact that networks are typically a horizontal cooperative form of governance, however, Sandra Lavenex and Nicole Wichmann argue that JHA cooperation with third countries is characterised by EU domination rather than participatory governance.<sup>27</sup> For instance, ‘the EU is contributing to exporting the founding pillars of the global drugs prohibition regime to neighbouring countries hegemonically’.<sup>28</sup>

However, the above-mentioned theories assume a functional relationship between counter-crime measures and the threat posed by transnational organised crime: in this vision, EU policies are merely coordinated responses to common security threats in its neighbourhoods, in line with broader international policy convergence in combating transnational organised crime. The ways in which certain categories of crime are constructed as shared (or even universal) problems for the EU and third countries, or the fact that certain crime control models are selected for transfer while others are de-selected, are not issues that policy transfer or norm diffusion theories consider. Explanations of crime policy convergence lean towards instrumental and effectiveness-driven rationales and focus on ‘diffusion triggers’ such as externalities and incentives, with EU external (security) governance understood as a functional extension of a more or less effective regulatory regime.<sup>29</sup> As such, these theories seem to be premised on two assumptions that we intend to challenge: on one hand, transfer, diffusion, and external (security) governance seem to be presented as inherently progressive processes conveying modernisation and liberalisation;<sup>30</sup> on the other, power appears to be understood narrowly as the power to incentivise, leverage, and change the institutions, policies, and practices of third countries.

Instead, we argue that the EU’s fight against transnational crime generates not only regulative but also constitutive attributes of power: by defining criminal acts and providing models for enforcing criminal laws and policing, the EU polity’s actorship is ever more clearly defined.<sup>31</sup>

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*Journal of European Integration*, 31:1 (2009), pp. 83–102; Sarah Wolff, *The Mediterranean Dimension of the European Union’s Internal Security* (Basingstoke, UK: Palgrave, 2012).

<sup>23</sup>Isabelle Ioannides and Gemma Collantes-Celador, ‘The internal-external security nexus and EU police/rule of law missions in the Western Balkans’, *Conflict, Security & Development*, 11:4 (2011), pp. 415–45; Michael Merlingen and Rosa Ostrauskaite, ‘Power/knowledge in international peacebuilding: The case of the EU police mission in Bosnia’, *Alternatives: Global, Local Political*, 30:3 (2005), pp. 297–323.

<sup>24</sup>Sandra Lavenex and Frank Schimmelfennig, ‘EU rules beyond EU borders: Theorizing external governance in European politics’, *Journal of European Public Policy*, 16:6 (2009), pp. 791–812; Sandra Lavenex, ‘The power of functionalist extension: How EU rules travel’, *Journal of European Public Policy*, 21:6 (2014), pp. 885–903.

<sup>25</sup>Lavenex and Wichmann, ‘The external governance of EU internal security’.

<sup>26</sup>Wolff, *The Mediterranean Dimension of the European Union’s Internal Security*.

<sup>27</sup>Lavenex and Wichmann, ‘The external governance of EU internal security’, p. 98.

<sup>28</sup>*Ibid.*, p. 95.

<sup>29</sup>Lavenex, ‘The power of functionalist extension’.

<sup>30</sup>Mark Evans, ‘Policy transfer in critical perspective’, *Policy Studies*, 30:3 (2009), pp. 243–68.

<sup>31</sup>Berman even argued that, since the late 1990s, the whole process of European integration has been shaped by police and judicial cooperation, through which ‘new sites at which statecraft seeks to perform and thus to reclaim sovereignty have



Furthermore, we aim to show that the 'EU counter-crime model' travelling to third countries may promote the circulation of specific categories and labels of deviance and dangerousness as well as new rationales and instruments of social and criminal control. Accordingly, we maintain that what we are witnessing is not simply the attempt to transfer a set of policy responses but rather the travelling of political rationalities and technologies of crime control. In other words, while drawing on the conceptual scaffold of policy transfer, we aim to make the case for the transfer of something broader than a policy, an institutional and/or normative model: that is, *ways of thinking and doing security and crime control*. Hence, we outline the concept of 'transfer of rationalities of control' to contend that what the EU seeks to transfer is not merely a policy, administrative arrangement, institution, or idea.<sup>32</sup> Rather, what might actually travel from Brussels to the different neighbourhoods are specific *forms of governing* resulting from acts of criminalising, policing and punishing. In order to develop these lines of argument, we draw on both criminological scholarship and concepts stemming from Critical Security Studies (CSS).

Criminology reminds us that 'crime control policies' and 'crime control models' are not merely variables or sets of norms and institutions to be transferred, but rather culturally and historically engrained modes of social control. David Garland<sup>33</sup> introduced the notion of 'governmental rationality' to the analysis of crime control: 'rationalities of crime control' are ways of thinking of crime and its governance that are practical and forged in the business of problem solving (rather than theoretical or discursive); and they are products of the institutional setting in which they emerged. Thus, we understand 'rationalities of crime control' to denote ways of governing crime 'underpinned by coherent systems of thought, [with] different kinds of calculations, strategies and tactics linked to each'<sup>34</sup> that delimit a field of governance in a practical, technical and programmatic way by 'shap[ing] what is and is not thinkable, reasonable, practicable and doable'.<sup>35</sup> Further, 'political technologies of crime control' are 'the practices and devices through which political rationalities are operationalized and implemented in actual governance programmes and activities'.<sup>36</sup>

Criminological governmentality analyses brought attention to the changing crime control rationalities in Western societies: noticing a shift from social and legal forms of reasoning to economic rationalities in crime control; and a change from a welfarist to a neoliberal or 'new' penology.<sup>37</sup> Those deemed unable or unwilling to govern themselves responsibly were no longer to be rehabilitated and socially included, but excluded, criminalised, and 'governed through crime'.<sup>38</sup> Such new rationalities of crime control have for instance entailed actuarial risk management ways of thinking,<sup>39</sup> shifting the post hoc ordering logic of criminal justice towards

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emerged'. Jacqueline Berman, '(Un)popular strangers and crises (un)bounded: Discourses of sex-trafficking, the European political community and the panicked state of the modern state', *European Journal of International Relations*, 9:1 (2003), p. 52.

<sup>32</sup>See the definition of transfer provided by Dolowitz and Marsh, 'Learning from abroad', p. 5. On the export of the EU's counter-crime policy model, see Francesca Longo, 'The export of the fight against organised crime policy model and the EU's international actorness', in M. Knodt and S. Princen (eds), *Understanding the European Union's External Relations* (London, UK: Routledge, 2003, pp. 156–71.

<sup>33</sup>David Garland, "'Governmentality" and the problem of crime: Foucault, criminology, sociology', *Theoretical Criminology*, 1:2 (1997), p. 184.

<sup>34</sup>Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge, UK: Cambridge University Press, 1999), p. 24.

<sup>35</sup>Michael Merlingen, 'From governance to governmentality in CSDP: Towards a Foucauldian research agenda', *Journal of Common Market Studies*, 49:1 (2011), p. 152.

<sup>36</sup>Ibid.

<sup>37</sup>Malcolm Feeley and Jonathan Simon, 'The new penology: Notes on the emerging strategy of corrections and its implication', *Criminology*, 30 (1992), pp. 449–74.

<sup>38</sup>Nikolas Rose, 'Government and control', *The British Journal of Criminology*, 40:2 (2000), p. 336; Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford, UK: Oxford University Press, 2007).

<sup>39</sup>Feeley and Simon, 'The new penology'; Garland, "'Governmentality" and the problem of crime'.

pre-emptive and anticipative rationalities of managing ‘pre-crime’.<sup>40</sup> It was also argued that crime has increasingly become the problem through which other (social, political, economic) problems are understood and acted upon;<sup>41</sup> one prominent example being migration which is increasingly governed through crime in Europe and the West – termed ‘crimmigration’ and ‘crimes of mobility’.<sup>42</sup> Yet, due to the ‘division of labour’ between criminology as a discipline of the ‘inside’ and IR as a discipline of the ‘external’,<sup>43</sup> criminologists have generally not seen foreign policy as their domain of study. Therefore, they have overlooked the broader trend whereby crime control has become an increasingly salient component of EU external policy and action across regions. Put differently, while criminologists have theorised broader developments in rationalities of crime control within the US and Europe, they have not explored empirically nor conceptually how (or what/which) European rationalities of crime control are translated into EU external policy and action – nor how they are sought transferred to third countries and regions. In this article we aim to go beyond a meta-theorising that often characterises governmentality scholarship to develop empirically grounded conceptual arguments: mapping, detailing, and exploring how the EU is governing (organised) crime ‘through’ third countries – thereby seeking to understand the rationalities of crime control in EU external policies. To do this, we further draw on the notions of securitisation/policy tools and instruments from CSS.

Unlike criminologists, scholars of CSS and EU studies have long been attentive to the tendency of internal security increasingly driving EU external policy. However, they have not conceptualised this in terms of criminalisation and crime control but rather as securitisation and security policy – research agendas that differ slightly and have distinct intellectual roots. Exploring how the EU aims to tackle ‘unconventional security threats’ through ED-JHA, Thierry Balzacq noted that security problems may sometimes originate with little discursive design, arguing that securitisation might best be understood by ‘focusing on the nature and functions of policy tools used by agents/agencies to cope with public problems, defined as threats’.<sup>44</sup> Securitisation tools/instruments, which are ‘empirical referents of policy’, embody a specific image of the threat and the practices through which it should be tackled, have their own political economy, and shape social relations in decisive ways.<sup>45</sup> Thus, each instrument constitutes ‘a condensed form of knowledge about social control and ways of exercising it’: revealing a ‘(fairly explicit) theorization of the relationship between the governing and the governed’.<sup>46</sup> Further, Balzacq identified three broad types of policy instruments of securitisation in ED-JHA: regulatory (for example, action plans), incentive (for example, development aid), and capacity instruments (for example, information exchange).<sup>47</sup> However, while Balzacq elaborated on regulatory and capacity instruments, he granted incentive instruments relatively little attention – something we seek to remedy with this article by scrutinising EU aid to internal security and crime control.

By considering crime control policies as embedded in broader logics of social control, the criminological literature allows us to interpret the fight against transnational organised crime not as a policy sector but as governance instruments and techniques. Combining criminological analyses with the CSS notion of policy/securitisation instruments further enables us to

<sup>40</sup>Lucia Zedner, ‘Pre-crime and post-criminology?’, *Theoretical Criminology*, 11:2 (1997), pp. 261–81.

<sup>41</sup>Simon, *Governing Through Crime*.

<sup>42</sup>Katja Franko Aas and Mary Bosworth (eds), *The Borders of Punishment: Migration, Citizenship, and Social Exclusion* (Oxford, UK: Oxford University Press: 2012); Ana Aliverti, *Crimes of Mobility: Criminal Law and the Regulation of Immigration* (London, UK: Routledge, 2013).

<sup>43</sup>Ian Loader and Sarah Percy, ‘Bringing the “outside” in and the “inside” out: Crossing the criminology/IR divide’, *Global Crime*, 13:4 (2012), pp. 213–18.

<sup>44</sup>Thierry Balzacq (ed.), *Securitization Theory: How Security Problems Emerge and Dissolve* (London, UK: Routledge, 2011), p. 15.

<sup>45</sup>*Ibid.*, p. 16.

<sup>46</sup>Lascoumes and Le Galès, ‘Introduction: Understanding public policy through its instruments’, p. 1.

<sup>47</sup>Balzacq, ‘The policy tools of securitization’; Balzacq (ed.), *Securitization Theory*.

conceptualise the ways through which political rationalities and technologies of crime control are sought to be transferred by the EU. Thus, as opposed to a functionalist understanding, we do not see policy instruments as neutral but rather as practical translations of specific broader political rationalities<sup>48</sup> that may also produce effects independently of their initial aims (living ‘lives of their own’)<sup>49</sup>. By structuring policy and action according to their own logic, policy instruments enable governance ‘at a distance’.<sup>50</sup> We contend, then, that the EU has developed its own rationalities of crime control through its evolving legal and institutional structures in the counter-crime field – which necessarily in practice is an amalgamation of those of its member states. In this article, we exactly explore the contours of the external dimension of these gears, offering empirical grounds to advance our conceptual take.<sup>51</sup> Indeed, our data collection and analysis are intended to detect and systematise political rationalities and technologies of crime control formulated and enacted by the EU *vis-à-vis* third countries. However, it will be up to future studies to explore whether and the extent to which the political rationalities and technologies of crime control detected in our study are localised by recipients of internal security aid.

## 2. Research methods and data: Exploring the material dimension of crime control policies

The way the EU problematises ‘transnational (organised) crime’ as an object of governance and renders this object governable through particular political technologies is explored through two data collection steps. First, our analysis draws on a review of EU counter-crime strategies and policies targeting third countries. However, EU official strategy documents tend to say little about the nature and extent of ‘transnational (organised) crime’ in third countries: the concept most often figures as an ‘add on’ to a list of security threats which appears to change according to the EU’s overall security agenda. Since it is difficult to understand the content of the EU’s concept of ‘transnational organised crime’ by looking at official strategic documents, we instead focused our analysis on the material and practical dimension of crime control policies. To that end, we mined the available action fiches and action documents implementing both regional and national action programmes which the EU financed through different funding lines<sup>52</sup> over the last 15 years (2005–19). Action fiches are typically about thirty-page documents containing elements such as the project’s objective, funding line, timeframe, aid and implementation modalities, analysis of the context/country situation, complementary projects, description of the project’s actions and activities, expected results, and implementing partners. By mining and reviewing several thousand pages of action fiches and action documents (and when these were lacking, website contents), we compiled a database of EU missions and projects with the objective of fighting transnational crime in the (extended) neighbourhoods. Our database encompasses a total of 216 projects: 57 in Eastern Europe, 10 in Central Asia, 74 in the Middle East and North Africa (MENA), and 75 in Sahel/Lake Chad and the Horn of Africa. In terms of EU ‘internal security aid’, these projects amount to a total of almost €2.4 billion: €877.5 million in the East, divided between €805 million in EaP area and €72.5 million in Central Asia; €1.5 billion in

<sup>48</sup>Rose and Miller, ‘Political power beyond the State’.

<sup>49</sup>Lascoumes and Le Galès, ‘Introduction: Understanding public policy through its instruments’; Balzacq, ‘The policy tools of securitization’.

<sup>50</sup>Rose and Miller, ‘Political power beyond the State’.

<sup>51</sup>Focusing on EU rationality and EU actorness does not mean we see this as a unitary field. We recognise that EU crime policy is a fragmented field shaped more by some member states and EU institutional actors than others – and our empirical analysis will show that some member states are also more central in exportation and implementation of their crime control models through EU policies.

<sup>52</sup>This includes both intergovernmental CSDP, and the Commission-run external policy instruments: European Neighbourhood (Partnership) Instrument (ENPI/ENI), Development Cooperation Instrument (DCI), European Development Fund (EDF), Instrument contributing to Stability and Peace (IcSP), and Emergency Trust Fund for Africa (EUTF).



the South, divided between €925 million in MENA, €414 million in Sahel/Lake Chad and €169 million in the Horn of Africa. CSDP missions are not included in the above numbers, most of which have *annual* costs of €15–30 million. All projects/missions were coded as to whether they explicitly (that is, sectors of intervention) and/or implicitly (that is, objectives and activities) contained components of law enforcement/police, justice, prison, border security, or alternative development. This gave us a clearer understanding of the evolving patterns in terms of what types of crime the EU prioritises combating, how and why. In spite of our systematising and coding these projects, our database cannot be quantitatively processed, nor does it deliver a statistical representation of the ED-JHA: our focus was not on quantification but rather on tracing broad trends and patterns of EU action addressing third countries in the counter-crime field. Still, while mining and collecting data, we realised that project information is dispersed and fragmentary (for example, action fiches/documents do not seem to be available for some projects, but we were able to retrieve narrative descriptions from their respective websites – although such descriptions are not always either up-to-date or exhaustive in terms of technical details including on the amount of funding). In spite of these gaps in our database, our efforts hinge on the assumption that action fiches and action documents are more revealing than official strategies in illustrating how the EU renders ‘transnational (organised) crime’ governable in different contexts. As a matter of fact, EU discourse on the fight against transnational organised crime appears to be part and parcel of global regimes of prohibition, enforcement, and surveillance<sup>53</sup> the construction of which over the last five decades has been paving the way for multilaterally negotiated and internationally accepted frames.<sup>54</sup> In other words, while these frames have recently come under contestation (creating frictions even within the transatlantic community), for a long period it is possible to trace a rather consensual global counter-crime discourse on criminalisation and punishment<sup>55</sup> within which EU discourse flowed.

It should be noted that, by mapping projects related to ‘transnational organised crime’, we are simultaneously constructing our own conception of it as a research object. As such, we included projects that, although related to JHA matters more broadly, deal with ‘transnational organised crime’ as a ‘moving target’. This entails, for instance, including projects on counterterrorism (CT) and countering violent extremism (CVE) in our mapping as the EU regards terrorism as a crime and favours a criminal justice response to it.<sup>56</sup> We also included projects on migration and border security when these projects included components on crime (for example, fighting illegal migration, migrant smuggling, and cross-border crime prevention). This is because, as noted, the EU is increasingly governing migration ‘through crime’<sup>57</sup> and is criminalising activities that it perceives as related to migration in its efforts to halt it –including even humanitarian search and rescue operations and NGOs.<sup>58</sup> We did not, however, include those EU projects on migration in third countries that did not include elements of criminalisation and crime control (for example, job creation). As such, we might have got a skewed picture as many EU projects are aimed at ‘root causes’ of (irregular) migration and as an extension could be interpreted as a form of crime prevention or perhaps pre-emption. However, ‘root-causes projects’ target migration and not explicitly crime which is our research focus, and were therefore excluded.

<sup>53</sup>Dave Bewley-Taylor and Michael Woodiwiss, *The Global Fix: The Construction of a Global Enforcement Regime* (Amsterdam: Transnational Institute, 2005); Peter Andreas and Ethan Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations* (Oxford, UK: Oxford University Press, 2006).

<sup>54</sup>Volha Charnysh, Paulette Lloyd, and Beth A. Simmons, ‘Frames and consensus formation in international relations: The case of trafficking in persons’, *European Journal of International Relations*, 21:2 (2015), pp. 323–51.

<sup>55</sup>Jakobi, *Common Goods and Evils?*

<sup>56</sup>Javier Argomaniz, ‘A rhetorical spillover? Exploring the link between the European Union common security and defence policy (CSDP) and the external dimension in EU counterterrorism’, *European Foreign Affairs Review*, 2:1 (2012), pp. 35–52.

<sup>57</sup>Aas and Bosworth, *The Borders of Punishment*.

<sup>58</sup>Cetta Mainwaring and Daniela DeBono, ‘Criminalizing solidarity: Search and rescue in a neo-colonial sea’, *Environment and Planning C: Politics and Space*, available at: {DOI:10.1177/2399654420979314}.

The following sections are organised not by geographic region but rather by the most prevalent forms of political technologies that we found the EU to transfer *across* regions. We argue that identifying the political technologies of crime control (that is, the material/practical expressions of crime control discourse) by empirically exploring the policy instruments of EU ‘internal security aid’ helps us elucidate the EU’s broader rationalities of crime control.

### 3. Political technologies of crime control

The EU’s counter-crime policies in its (extended) neighbourhoods appear to be inspired by multiple political technologies of crime control, as testified by our database: interventions and programmes variously deal with reforming, assisting, and establishing cooperative formats with recipients’ law enforcement and police actors, border security and customs officers, and criminal justice institutions such as judiciary and penitentiary sectors. In addition, some of them promote information/data sharing on crime risk and criminal events, but few of them are based on notions of crime prevention through development and support to alternative livelihoods.<sup>59</sup> The following subsections are organised by the most prevalent types of EU responses to transnational crime in terms of number of projects and resources allocated.

#### *Policing and law enforcement*

Law enforcement and border security represent the most frequent components of EU crime-fighting projects across the regions under consideration. Police cooperation and police/security sector reform respectively are addressed in one-third of the projects coded for the ENP-South region, one-third of the projects coded for the ENP-East region, nearly half of the projects coded in West Africa, and more than half of the projects coded for the Horn of Africa (while this component has not been traced for Central Asia). A number of CSDP missions also have mandates to reform, advise, equip, and train the civilian security sector and law enforcement agencies: EUNAVFOR MED Sophia, EUBAM Libya, EUNAVFOR Atalanta, EUPOL COPPS, EUBAM Rafah, EUCAP Mali, EUCAP Niger and EUCAP Somalia, SSR Guinea Bissau, and EUAM Ukraine. Many of these projects/missions also include components on border security and/or justice (see next sections).

In the Southern (extended) neighbourhood, the number of law enforcement projects and funds allocated to them has increased substantially over the years. The earliest project recorded in our database is the rather small scale (€5 million) EuroMed Police project, running since 2005 and focused on training and capacity-building for North African internal security forces (police, *gendarmerie*, border guards and customs) and sharing information and intelligence with EU JHA agencies (that is, Europol, Eurojust, Frontex). Whereas such an expansive spending trajectory is not univocally appreciable in the Eastern (extended) neighbourhood, it is worth noting that three of the projects for which the EU has assigned the biggest budgets in the Eastern Neighbourhood relate to law enforcement sectors.<sup>60</sup>

In terms of threat conception/type of crime targeted, some police capacity-building projects have moulded their objectives to fit the overall EU security agenda as well as the purpose of the funding line supporting them. For example, the Interpol-implemented West African Police Information System (WAPIS) was initially conceived to fight drug trafficking as part of the IcSP-funded flagship Cocaine Route Programme (€50 million) referencing counterterrorism as well; yet its current phase is instead funded by the EUTF and aims to ‘fight against irregular migration, migrant smuggling and trafficking in human beings’. Indeed, the Southern (extended)

<sup>59</sup>But several projects not included target ‘fight root causes’ of irregular mobility, and could thus be interpreted as a form of prevention – or perhaps pre-emption – of illegality, see section 2.

<sup>60</sup>Support to rule of law reforms in Ukraine: PRAVO – Police, Public Prosecution, Good Governance, Support to Police reform in the Republic of Moldova, and EUAM Ukraine.

neighbourhood appears to have hosted EU-funded actions featuring different security concerns depending on the timeframe: in the early/mid-2000s, drug trafficking was the main crime-related concern in EU-Africa relations as new cocaine trafficking routes were discovered running from Latin America through West Africa to Europe.<sup>61</sup> Terrorism seems to have largely replaced narcotics as the primary security threat, with ‘organised crime’ and drug trafficking reconceptualised in functional terms as financial supply lines for terrorism.<sup>62</sup> Off the Horn of Africa, the EU has dedicated considerable efforts to fighting maritime piracy. The 2015 ‘migration crisis’ and launch of EUTF diverted police cooperation projects, shifting their focus to the containment of mobilities (fighting illegal migration, migrant smuggling, and human trafficking).<sup>63</sup> CSDP missions seem in part to have followed a similar path: while one of the first CSDP missions with a counter-crime mandate in Africa was launched in Guinea-Bissau in 2008 to enhance the police’s counter-narcotics capacities, three successive CSDP missions launched in the Sahara-Sahel region – EUCAP Niger since 2012, EUTM Mali since 2013, and EUCAP Mali since 2015 – all feature counterterrorism and counter-crime mandates. Whereas the mandates of the Mali-based civilian mission have shifted somewhat from comprehensive state-building towards more focus on intelligence-led policing and border security, the Niger-based mission explicitly targets migrant smuggling.<sup>64</sup>

Irregular migration, human trafficking, and migrant smuggling have been the target of the vast majority of law enforcement projects that we coded also for the Eastern neighbourhood, largely before the latest so-called ‘migration crisis’: indeed, this focus reflected the post-Enlargement human flows across Eastern and Central Europe and the Balkan route.<sup>65</sup> In the Eastern neighbourhood, interdiction has invested both peoples and goods (from tobacco, weapons, or drugs to stolen vehicles, counterfeited products, and documents, etc.) at the same time and has been presented as a compensatory measure to facilitate trade and cross-border mobility as well as visa liberalisation action plans. On the other hand, the conflict in Ukraine has been accompanied by an increasing problem of internally displaced people and refugee flows which has been underway since March 2014 (the referendum in Crimea) and has intensified alongside the military escalation in the Donbass. It is against that background that the EU launched its ‘Support for Migration and Asylum Management in Ukraine’ (€27.2 million, 2017–20) and, in parallel, funded the project ‘Helping Belarus Address the Phenomenon of Increasing Numbers of Irregular Migrants’ (€7 million), among other measures to construct a number of migrant accommodation centres to be administered by the Ministry of Interior and State Border Committee.<sup>66</sup>

<sup>61</sup>UNODC, *Transnational Organized Crime in West Africa: A Threat Assessment* (2013).

<sup>62</sup>Vorrath and Zoppi, ‘Africa-EU relations on organized crime’, p. 331.

<sup>63</sup>Although migration has been dealt with as a security issue in EU external relations for a long time, migration to the Canary Island from about 2006 accelerated security cooperation with West African coastal countries – notably Senegal and Mauritania. See Sergio Carrera, *The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Immigration in the Canary Islands* (Brussels: Centre for European Policy Studies, 2007).

<sup>64</sup>See also Eva M. Stambøl, ‘The rise of crimefare Europe: Fighting migrant smuggling in West Africa’, *European Foreign Affairs Review*, 24:3 (2019), pp. 287–308; Eva M. Stambøl, ‘EU initiatives along the “cocaine routes” to Europe: Fighting drug trafficking and terrorism by proxy?’, *Small Wars & Insurgencies*, 27:2 (2016), pp. 302–24.

<sup>65</sup>Namely, Justice, Liberties, and Security – Improving border and migration management in the Republic of Moldova; Readmission-related assistance – Improving infrastructure and capacity to deal with irregular migrants and to reduce irregular migration flows through Ukraine.

<sup>66</sup>It should be recalled that even before the 2013–14 crisis, and although Ukraine had seen a decrease in the numbers of arriving and transiting migrants in the first decade of the 2000s, the EU has injected considerable resources in the country to boost its detention capacity. As a matter of fact, Ukraine has been the focus of a concerted, multi-million-euro effort by the EU to strengthen external border controls and stem the flow of irregular migrants, in spite of international observers’ concerns about Ukraine’s compliance with human rights international standards *vis-à-vis* asylum seekers and members of vulnerable groups are protected. In 2011, €30 million were allocated to build nine new detention centres in Ukraine, reportedly with the aim of locking up ‘readmitted’ migrants sent by EU countries (Chiara Loschi and Alessandra Russo, ‘Whose enemy at the gates? Border management in the context of EU crisis response in Libya and Ukraine’, *Geopolitics* (2020), available at: {DOI: 10.1080/14650045.2020.1716739}.

While law enforcement actions typically aim at interdiction (the strengthening of surveillance, interception, and identification capacities at border crossing points), such projects also promote intelligence-led policing across the Southern and Eastern (extended) neighbourhoods, especially through equipment and infrastructure provision and procurement. These initiatives thus involve transferring security technologies and techniques to third countries' police forces, training them in criminal intelligence analysis, forensics and digital forensics, and supporting integrated criminal databases. This appears to be the case across different sections of the (extended) neighbourhood, as seen, for example, in the Eastern Partnership Cooperation Programme and Support to Police Reform in Moldova (which was complemented by a Comprehensive Institution Building programme through which the EU has assisted the Ministry of Interior in developing and implementing the Intelligence-Led Police concept as well as funded the enhancement of forensic laboratories). Interestingly, EUNAVFOR MED Sophia has a pilot project entailing a 'Crime Information Cell' designed to 'open a new chapter' in operational cooperation between CSDP and JHA actors and potentially serve as a model for other CSDP missions. Alternative policing approaches, in contrast, are less evident: there are fewer instances of community or proximity policing (that is, EU4 Security, Accountability, and Fight against Crime in Georgia – SAFE). In the Southern (extended) neighbourhood, these mainly seem to be part of either CSDP mission training or border community projects implemented by European development agencies (the Deutsche Gesellschaft für Internationale Zusammenarbeit-GIZ, in particular). This also holds true for Ukraine (EU Advisory Mission for Civilian Security Sector Reform in Ukraine and IcSP-funded Support to Police Reform in Ukraine implemented by the Swedish Police through the Swedish International Development Cooperation Agency).

While the same types of policing employed and exported by the EU are found across the Southern and Eastern (extended) neighbourhoods (interdiction, intelligence-led policing, community policing), one dimension seems to show variance: namely, the focus of EU-funded projects to bring investigations and prosecutions into compliance with the rule of law. In that respect, a number of projects are supported in the Eastern neighbourhood calling for/aimed at reconciling the enhancement of public order with the protection of human rights as well as developing accessible, accountable, and transparent law enforcement systems with guaranteed democratic control and civilian oversight. In the (extended) Southern neighbourhood, fewer police projects seem to have this as their primary goal (but CSDP missions do include this within their mandates). Furthermore, many projects in the East point to the professionalisation and/or demilitarisation of the police, border guard service and Ministry of Internal Affairs. Conversely, in the South there is a general trend towards the militarisation of the fight against crime (that is, deploying/training the military, not the police, to fight terrorism and transnational crime), and the specific policing model most frequently promoted is the French/South European military police or *gendarmierie* model.<sup>67</sup> This empirical analysis shows that the political technologies of crime control sought transferred by the EU focus on allegedly technical capabilities of flows interception, interdiction, and surveillance, or 'hard' and short-term police capabilities instead of holistic 'good governance' based on the rule of law.<sup>68</sup> This testifies to a rationality of pre-emption of dangerousness and interception of illicit flows *before* arriving to Europe (that is, pre-crime) more than to ameliorating crime through social inclusion. This finding is reinforced by the central role increasingly given to border security as a technology of crime control.

<sup>67</sup>This also has to do with the fact that many of these countries are French ex-colonies and have inherited their policing and *gendarmierie* models from colonial times, as well as the implementing partners (see following section).

<sup>68</sup>See also Ioannides and Collantes-Celador, 'The internal-external security nexus'.

### **Border management and security**

The other component clearly characterising EU crime-fighting projects in its (extended) neighbourhoods is border management and security.

In the Eastern neighbourhood, the majority of interventions indeed appear to be moulded after the prism of border security: the focus on Integrated Border Management (IBM) ostensibly permeates a number of projects and initiatives, in accordance with the cooperation agenda established in 2009 by the EaP.<sup>69</sup> Within that framework, visa liberalisation has been offered to Eastern partners as an incentive for pushing forward reforms in the Justice, Freedom and Security area, including border management and border security. The focus on territorial control/confinement and mobility containment was reiterated in the Regional East Strategy Paper (2014–20) and Multiannual Indicative Programme (2014–17), with the EU pledging in the latter to intervene and invest so as to ensure ‘support for migration management systems, border management, security sector reform and law enforcement cooperation’. Indeed, these commitments bear witness to the fact that, especially since 2014, police cooperation and border management have been confirmed as focal sectors of EU support via the ENI; however, it is worth noting that a number of bilateral and regional projects had already made explicit that cross-border crime prevention entailed a special focus on irregular migration even before the ENI.<sup>70</sup> The EaP IBM Panels Meetings, in line with the EaP Roadmap, confirmed this nexus between border management and the fight against illegal migration, human trafficking, and smuggling. Yet, in the Southern (extended) neighbourhood the link between the securitisation of migration flows and the expansion of the border security component within EU crime-fighting projects is much more evident: not only has the number of border security projects including a focus on migration and mobility-related crimes increased, but the average amount of resources allocated to each project of this kind has skyrocketed.

With the emergence of migration routes from Senegal to the Canary Islands and from Morocco to Spain in the mid-2000s, Spain started intensive cooperation with Senegal, Mauritania, and Morocco through bilateral agreements and the Spanish Guardia Civil began to train local coast and border guards. These initially Spanish-led border efforts were later taken over by the EU.<sup>71</sup> Frontex now supports the Senegalese coast guard (including financially). This Senegalese force still co-patrols together with the Guardia Civil, and the land border policing project has been expanded into ‘GAR-SI’ (€41 million under EUTF), which builds and trains *gendarmerie* units to patrol border areas in all G5 Sahel countries (Burkina Faso, Chad, Mali, Mauritania, and Niger). Indeed, it was after the launch of the EUTF in 2015 that border security really seems to have become a focal sector for EU aid, and project funds have increased drastically. In North Africa, large-scale border projects are both regional<sup>72</sup> and

<sup>69</sup>The transfer of the IBM template to third countries also inspires the Border Management Programme in Central Asia (BOMCA), which was launched in 2002 and aims to combat human and drug trafficking and facilitate migration and trade in Central Asia, where the EU’s counter-crime endeavour seems to be funnelled towards border management and counter-narcotics. As a matter of fact, BOMCA has been anticipated by and combined with the Central Asia Drug Action Programme (CADAP). CADAP and BOMCA’s respective mandates and missions have been organised according to a principle of functional division of labour, the first being focused on demand reduction while the former prioritises supply reduction.

<sup>70</sup>Readmission-related assistance (Improving infrastructure and capacity to deal with irregular migrants and to reduce irregular migration flows through Ukraine) and EUBAM-flanking measures (2007–11), €35 million; Justice, Liberties and Security – Improving border and migration management in the Republic of Moldova (2008–11), €10 million; Support for Border Management Sector Policy in Ukraine (2010–14), €66 million; Eastern Partnership cooperation in the fight against irregular migration – supporting the implementation of the Prague Process Action Plan (2013–15), €1 million; and Reinforcing the Capacities of the Government of Georgia in Border and Migration Management (2013–17), with particular attention to the Georgia-Turkey border.

<sup>71</sup>See Carrera, *The EU Border Management Strategy*.

<sup>72</sup>See, for example, ‘Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking’ (UNODC, €15 million) and ‘Border Management Programme for the Maghreb region’ (€55 million).



bilateral.<sup>73</sup> Interestingly, two of these border projects in Maghreb and Libya, totalling €146 million, are implemented by the International Centre for Migration Policy Development (ICMPD) together with the Italian Ministry of Interior. A similar trend can be observed in the extended Southern neighbourhood, where most projects targeting border security are launched bilaterally: in Mauritania (three projects totalling €33 million); in Chad (two projects totalling €13.5 million); in Mali (one €29 million project); in Niger (two projects totalling €91.6 million); and in Burkina Faso (one €25 million project). Given the large amount of projects and funds allocated to border security for crime control purposes we interpret this as the main technology of crime control – which again testifies to a rationality of crime control as interception/containment of illicit flows.

### **Criminal justice and the penitentiary sector**

Against the background of ‘pre-emptive’ and ‘interceptive’ crime control technologies that appear to rest on the empowerment of police officers and border-guards across the Eastern and Southern neighbourhoods, the judiciary and penitentiary seem to have received much less EU attention and aid, and also display a degree of differentiation. Overall, four broad types of projects can be identified.

Our first category encompasses transversal support to justice reforms wherein the reference to criminal law is residual (that is, EuroMedJustice). In the Eastern (extended) neighbourhood, these projects are premised on the perspective of advancing the targeted countries in terms of rule of law and human rights protection through legal and judicial development. This is the case for several bilateral projects in all of the EaP countries (with the exception of Belarus) as well as Kazakhstan and Kyrgyzstan; as a matter of fact, the only regional project is the ‘Support to the Rule of Law and Justice in the Eastern Partnership’ (2018–23), jointly financed and implemented with the CoE (the Council repeatedly acts as the implementing partner for judiciary projects in the Eastern neighbourhood). In the Southern neighbourhood, such comprehensive justice reforms efforts enjoyed particular support in the aftermath of the Arab Spring, bilaterally by the Support for Partnership, Reforms and Inclusive Growth (SPRING) programme and ENI in 2011 in Tunisia (€25 million), 2012 in Libya (€10 million), 2014 in Morocco (€75 million), and 2017 in Algeria (€9 million), Jordan (€30 million), and Lebanon (€17 million). In the Eastern neighbourhood, it is precisely in the framework of such wide-ranging justice-reform-oriented initiatives that the penitentiary component is embedded. There are some exceptions worth mentioning, namely two minor projects in Central Asia (‘Civil society oversight mechanisms for children and women detainees’, Kyrgyzstan, aimed at preventing torture and ill-treatment in the criminal justice system, and ‘Social-Economic and Cultural Rights of prisoners and Ex-prisoners in Tajikistan’). In the South, however, very few projects on prisons were found, the only examples being Morocco (€5 million, 2014–17) and Algeria (€34 million, 2007 and 2017), whereas in Sahel/Lake Chad or the Horn of Africa the penitentiary sector is an incidental component of broader criminal justice projects.<sup>74</sup>

A second category comprises projects specifically focused on criminal law (and often coupling judiciary and penitentiary components). For example, one project in Armenia and a series of three consequential projects in Georgia, operating from 2008 to 2015, supported the transition from punishment and repression to societal protection, crime rate reduction, alternative punishment systems, and the rehabilitation of offenders via reform of the criminal justice sector. One project in Kazakhstan aimed at ‘enhancing criminal justice through support to reform of the penal process and of the procedure for enforcing judicial acts’.

Thirdly, we have judiciary projects targeting a specific type of crime. In the Southern (extended) neighbourhood, these tend to be regional or multi-country projects whose

<sup>73</sup>See, for example, a €40-million border project in Morocco intended to ‘manage migration flows’, a project of €90 million in Libya on ‘integrated border and migration management’.

<sup>74</sup>See, for example, the €30-million project ‘Support for Justice and Security in Niger to Fight Organised Crime, Smuggling and Human Trafficking’ (AJUSEN).

implementing partner is usually the UNODC. In the MENA region, three projects focus on counter-radicalisation, foreign fighters and/or terrorism, and support the rule-of-law compliance of the countries' respective investigations and prosecutions, while one focuses on countering migrant smuggling and human trafficking and one on cybercrime. In the Eastern neighbourhood, in case of crime-specific projects (all bilateral ones), corruption (together with money-laundering) seems to be the major concern.

Fourthly, there are broader counter-crime projects with a judiciary component. In addition to two isolated projects in Moldova and Georgia, respectively,<sup>75</sup> this category is interestingly represented by a few (regional) projects in the extended neighbourhoods focused on the field of counter-narcotics. For example, in West Africa, one project jointly implemented by UNODC and the Economic Community of West African States (ECOWAS) aimed to develop a Regional Action Plan to address the growing problem of illicit drug trafficking, organised crime and drug abuse in West Africa (2008–14) and included as one of its components the implementation and revision of regional and national legal frameworks. Another example is 'CrimJust', jointly implemented by UNODC, Interpol, and Transparency International and aimed at enhancing criminal investigations and criminal justice cooperation (especially information exchange) as part of the Cocaine Route Programme. In Central Asia, CADAP has entailed cooperation with the Ministries of Justice; on the other hand, the demand-reduction health-focused component (drug use prevention and addiction treatment) has always been intended to balance the local securitarian approach. A similar endeavour to reconcile security and health in the field of counter-narcotics seems to have been undertaken by a recent, neighbourhood-wide project to be implemented by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).<sup>76</sup>

As this section has shown, the EU seems to deploy specific political technologies of crime control for each of the abovementioned sectors of intervention. For example, both border security and police projects include technologies of legibility (identification technology such as biometrics, intelligence sharing), and interception (stop and check).<sup>77</sup> Against the background of sector-specific political technologies of crime control, this comparative study has allowed us to map the perimeters of broader political rationalities of crime control. The main rationality seems to reassert the dissolution – or better, dislocation – of modern territoriality and the creation of kaleidoscopic legal and political spaces. Although logics of rehabilitation have recently made reappearance in the East, the EU's main political rationality of crime control appears to be focused on governing extra-legal flows of peoples and goods instead of untangling the socially embedded conditions of deviance. Moreover, it aims to legitimise pre-emptive internal security strategies by setting out security algorithms and devices to measure and quantify criminal phenomena and promoting data sharing. When this political rationality of crime control is transferred to third countries, furthermore, it hinges on strengthening internal security institutions and infrastructures via the language of 'reform' and, more recently, 'stability'. So how are political rationalities translated into actual projects and initiatives?

#### 4. Governing crime through third countries: Networking, mentoring, outsourcing

Disentangling the modalities of EU incentive instruments,<sup>78</sup> we observe that the EU generally seeks to govern transnational crime through technical assistance, mainly to (sub)state actors in

<sup>75</sup>Support to the enforcement, probation and rehabilitation systems in Moldova (2014–18), implemented by GIZ, Penal Reform International, Netherlands Helsinki Committee, Institute for Penal Reform; EU4 Security, Accountability and Fight against Crime in Georgia (SAFE) (2018–23), implemented by the International Organization for Migration (IOM).

<sup>76</sup>EU4Monitoring Drugs, EU4MD (2019–21).

<sup>77</sup>On rationalities and practices in EU border security, see also Didier Bigo, 'The (in)securitization practices of three universes of EU border control: Military/navy – border guards/police – database analysts', *Security Dialogue*, 45:3 (2014), pp. 209–25; Sergio Carrera and Nicholas Hernanz, 'Re-framing mobility and identity controls: The next generation of the EU migration management toolkit', *Journal of Borderlands Studies*, 30:1 (2015), pp. 69–84.

<sup>78</sup>Balzacq, 'The policy tools of securitization'; Balzacq (ed.), *Securitization Theory*.

third countries and (sub)regional organisations. This assistance typically takes the form of capacity-building, training, policy guidance, facilitation of exchanges (in the case of projects involving beneficiaries, stakeholders, and recipients from two or more countries), advisory mechanisms, consultancy, and expertise. Despite being a non-financial transfer, technical assistance has sometimes included support to local counterparts for the preparation of tenders. With very few exceptions, technical assistance targets national institutions (counter-crime projects rarely address civil society and grassroots organisations, the media sector, or business organisations). Overall, transfers of legal norms and institutional models are primarily negotiated and implemented through networks of law enforcement and judiciary experts, professionals, and practitioners,<sup>79</sup> complemented by Twinning and TAIEX activities,<sup>80</sup> CSDP missions, and the deployment of JHA attachés to EU Delegations. This is in line with the way EU counter-crime cooperation with both its Eastern and Southern neighbours has been organised since the mid-2000s, in the framework of individual Association and Cooperation Agreements: that is, via transgovernmental conduits of operational cooperation, embodied by sectorial fora for expert discussion and subcommittees on Justice, Freedom and Security, and favoured by the inclusion of detailed thematic chapters in the respective action plans.<sup>81</sup> In addition to technical assistance, the other interventions are divided among budget support, targeted financial support (for distributing grants and/or supporting infrastructural development of not only border facilities but also temporary migrant detention centres), and equipment procurement/ infrastructure provision/ supplying new technologies.

Interesting patterns of crime governance also emerge when looking at the implementing partners of the coded projects. On one hand, the EU relies on its JHA specialised agencies such as Frontex, Europol, and to a lesser extent EuroJust, CEPOL, and EMCDDA. On the other hand, various international organisations are involved in enacting EU initiatives of counter-crime cooperation *vis-à-vis* third countries. Whereas in the Southern (extended) neighbourhood, the EU frequently relies on the UNODC and Interpol, in the Eastern (extended) neighbourhood, several projects have been implemented by the IOM (especially projects centred on IBM), and a few by the CoE, the United Nations Development Programme (UNDP), the ICMPD, and the United Nations High Commissioner for Refugees (UNHCR).<sup>82</sup> Furthermore, regional and subregional

<sup>79</sup>See also Wolff, *The Mediterranean Dimension of the European Union's Internal Security*, p. 81; Lavenex and Wichmann, 'The external governance of EU internal security'.

<sup>80</sup>Just as an example, in 2013 the EU supported the Twinning project 'Development of Criminal Analytics System in Ukraine along EU Member States' Criminal Analysis Models and Methods', to strengthen the capacities of the Ministry of Interior of Ukraine in combating organised crime and corruption. Twinning, originally designed for fostering technical, administrative, and judicial capacities of EU's partners, have been interpreted through a neoliberal governmentality framework, especially for they frequently introduce benchmarking and vocational training of public officials. See Beste İşleyen, 'The European Union and neoliberal governmentality: Twinning in Tunisia and Egypt', *European Journal of International Relations*, 21:3 (2015), pp. 672–90.

<sup>81</sup>Practical examples attesting to the abovementioned aspects can be seen in the development of specific measures that display salient similarities across different sectors of the European neighbourhood: for example, the Eastern Partnership Police Cooperation Programme (2013–18, €5 million), funded by the ENPI and led by the Cooperation Fund Foundation (a Polish institution specialised in coordinating foreign assistance programmes), relies on the European Police College (CEPOL – European Union Agency for Law Enforcement Training) and the extension of the European Police Exchange Programme (exchange visits, exchange of commanders and experts, study visits to Europol, etc.) to the Eastern Partnership countries. Similarly, EuroMed Justice, Police, and Migration projects aim to foster an inter-professional community of judges, magistrates, public prosecutors, lawyers, and court registrars; the same is true of the Sahelian Security College, which is supported by EUTF.

<sup>82</sup>One interesting example is the EU Border Assistance Mission to Moldova and Ukraine, operating since 2005 and designed to help the Moldovan and Ukrainian border authorities curb smuggling networks and illegal cross-border trafficking, thus countering the criminal activities feeding the Transnistrian frozen-conflict economy. Implementing partners have changed over time: EUBAM was implemented by the UNDP from 2005 until 2013 and by IOM since 1 December 2013, in cooperation with Frontex, the European Anti-Fraud Office (OLAF) and the South European Law Enforcement Centre (SELEC).

cooperation on transnational organised crime has taken place through EU cooperation with the African Union (AU), ECOWAS, and the Intergovernmental Authority on Development. Since 2014, EU counter-crime actions in the Sahel have been carried out in close cooperation with the newly emerged security-oriented subregional organisation G5 Sahel (consisting of Burkina Faso, Chad, Mali, Mauritania, and Niger).<sup>83</sup>

Even more interestingly, member states have been delegated with such executive tasks. In particular, this occurs via their respective Ministries of Interior (MoIs), national police institutions, national development agencies (that is, GIZ, Civipol) as well as a multiform constellation of actors from the private sector, the consultancy industry, and the non-governmental sector. In the Southern (extended) neighbourhood there seems to be a tendency to award projects to implementing partners along internal security interests and postcolonial ties: Spain implements projects in Senegal and Mauritania (to stop migration to the Canary Islands), Italy is awarded projects in Libya, and France implements the majority of police projects in francophone Africa. Notably, France is the first EU member state to have a designated 'development agency' specialised in the training and capacity-building of internal security actors, namely the semi-private agency Civipol – which implements a total of €143 million in EU contracts across Africa, predominantly francophone West Africa. Another particularly interesting trend observed both in both the East and the South is that when notions of transnational organised crime are linked to migration, EU member states' MoIs gain a new role in implementing EU external policy: the Hungarian MoI is implementing the 'Eastern Partnership cooperation in the fight against irregular migration' (€1 million) and the Italian MoI is implementing a total of €141 million in border security projects in Maghreb and Libya. While the networked type of governance characterising the external dimension of JHA tended to be seen as a *depoliticisation* of ED-JHA cooperation,<sup>84</sup> there is at least one instance of possible *repoliticisation* of ED-JHA cooperation: that is, the direct involvement of EU member states' MoIs in implementing EU external policy funds in third countries. This also testifies to the crucial role that the internal security objectives of EU member states have attained in EU external action.

Thus, we can observe two (at times conflicting) tendencies in EU external crime control policy and actions. On one hand, there is an imbrication of counter-crime efforts in crisis response and crisis management instruments such as CSDP.<sup>85</sup> On the other hand, it seems that the primary purpose of counter-crime efforts is to protect Europe from dangerous and illicit mobilities. We argue that these tendencies are in fact expressions of two distinct political rationalities (that is, liberal conflict prevention and securitarian pre-emptive crime control) often integrated into the same response. Moreover, a tendency towards the militarisation of EU crime control interventions (that is, the increasing attribution of counter-crime functions to the military instead of the police, especially in the context of maritime operations) can be observed in the South,<sup>86</sup> but not in the East, where internal security aid is instead aimed at demilitarisation and EU actions coexist and overlap with other drivers and axes of security cooperation and coordination (namely, the OSCE, as well as Russia-led arrangements).<sup>87</sup>

<sup>83</sup>The G5 Sahel Joint Force, a military force comprised by contingents from the G5 countries to fight terrorism and transnational organised crime, has received substantial support from the EU and its member states (€176 million pledged), see: <https://www.africa-eu-partnership.org/en/projects/eu-support-g5-sahel-joint-force> accessed 19 March 2019.

<sup>84</sup>Wolff, *The Mediterranean Dimension of the European Union's Internal Security*.

<sup>85</sup>One recent example is the Advisory Mission for Civilian Security Sector Reform, which has been deployed in Ukraine since 2014 as part of EU crisis response actions in the country, and in the last couple of years has taken on the new, additional, focus of fighting transnational organised crime. The same is the case for the EU's CSDP missions in the Sahel. See also Strazzari and Cotichia, 'High stakes, low strategies'.

<sup>86</sup>Testified by naval missions such as EUNAVFOR Atalanta off the Somali coast to fight pirates and EUNAVFOR MED Sophia to fight 'migrant smugglers' in the Mediterranean, military training missions (Mali and Somalia) as well as support to the G5 Sahel Joint Force to fight terrorism and transnational crime.

<sup>87</sup>See Alessandra Russo and Andrea Gawrich, 'Overlap with contestation? Comparing norms and policies of regional organizations in the post-Soviet space', *Central Asian Survey*, 36:3 (2017), pp. 331–52.

## Conclusions

The article has explored the ways in which the EU has attempted to govern ‘transnational (organised) crime’ beyond its borders – across its (extended) neighbourhoods. It has done so by employing an analytical framework that combines IR and criminology, arguing that exploring the material dimension of EU crime policy – that is, the political technologies of crime control – allows us to better understand the broader political rationalities through which the EU aims to govern crime – namely, how it renders ‘transnational (organised) crime’ an object of governance.

Based on our self-compiled database of EU internal security aid to the (extended) neighbourhoods over the past 15 years, we discerned several prevalent technologies of crime control across regions as well as some region-specific ones. The two main targets of aid, often combined into the same project, were law enforcement and border management/security. Thus, crime is to be tackled primarily through interdiction and interception, and the legibility of crime or crime risk plays an important role through intelligence-led policing and cross-border sharing of information. Although the EU does put some effort into holistic security sector reform and rule of law, many projects are instead aimed at building effective crime-fighting capabilities and infrastructure – especially border infrastructure. The focus and types of policing seemed to be the same in the Eastern and Southern (extended) neighbourhoods, as did border security’s position as a focal sector. Less EU internal security aid was allocated to the judiciary, and this area mainly focused on transposing criminal law and rule-of-law-compliant investigations and prosecutions. The penitentiary sector was targeted in the East to some extent, but in the South such projects were rare. This constitutes a difference, as the EU seems to have been more preoccupied with building accountable and democratic institutions and a less punitive penal sector in the East than in the South. Another significant difference is the EU’s aim to demilitarise the police and penal sector in the East, while in the South there is a tendency to diffuse the (South European) military police/*gendarmérie* model alongside a general militarisation of crime control whereby the military and not the police is deployed/trained to fight transnational crime.

Looking at the (types of) projects and missions has made it more clear what the EU sees as the main crime-related security threats and how these threats are conceptualised, that is, the problematisation of ‘transnational (organised) crime’. In both the East and the South the main initial challenge targeted by EU internal security aid was drug trafficking and, increasingly, irregular migration (and related crimes). Terrorism, radicalisation, and foreign fighters have been a main issue only in the South, while corruption and money laundering seems to have been an issue mainly in the East. Yet the focus on interception/interdiction as a crucial political technology to tackle crime testifies to the conceptualisation of crime as illicit cross-border mobility. However, we discerned two different perspectives of transnational (organised) crime: as an aggravator of conflict to be tackled through crisis management instruments, and as a threat to European security to be stopped before it reaches EU external borders. In other words, EU external action is a site in which two different, and at times conflicting, rationalities meet: on one hand, there is a liberal conflict prevention and peace facilitation rationality; on the other, there is a broader political rationality of crime control as the anticipation and pre-emption of risk, connected to illiberal and ‘police forms’ forms of governing. The latter seems to be imbricated in sovereign forms of power, focused on territorial modes of governmentality. This also means that other, alternative crime control rationalities are not central to the EU’s internal security aid: for instance, crime control is rarely thought of and enacted as rehabilitation, socialisation, prevention, alternative development, or harm reduction.

In its pursuit of primarily protecting its own territory from external threats, the EU employs its incentive instruments of securitisation to govern ‘at a distance’ by harnessing third countries into its fight against transnational crime. Capacity-building, training and mentoring of third countries’ civil servants and internal security actors, involvement through member states’ specialised agencies, and negotiation through networks of experts and judiciary professionals, are the main



modes of depoliticised cooperation. Yet when notions of transnational crime are linked to migration, there seems to be a new role for EU member states' Ministries of Interior in implementing EU external policy funds, one that entails a partial (re)politicisation in which EU member states' internal security interests visibly dominate EU external action. Moreover, while EU policies are often presented as 'EUniversal' and voided of historical power relations,<sup>88</sup> contracts to member states' agencies as implementing partners of EU action are often awarded along clear spheres of interest reflecting (post)colonial continuities.

All in all, our study seems to highlight the existence of an EU counter-crime model, or at least template, to be provided to third countries for counter-crime cooperation. This model favours the reinforcement of the penal infrastructure (criminal law making and enforcement rather than interpreting crime through the prism of health and rehabilitation) grafted in institutions typically representing state power and authorities (the MoI, police, judiciary, and penitentiary sector). This aspect has repeatedly translated into the diversion of resources from 'desecuritized' intervention in the counter-crime field such as involving the non-governmental sector and civil society, alternative livelihoods, or development assistance. In other words, on the basis of our empirical study, we argue that there is an EU 'way of thinking and doing crime control' – entailing specific rationalities and technologies of crime control – that is sought to be transferred across the (extended) neighbourhoods. While empirically substantiating these processes of transfer, we have endeavoured to challenge a mainstream interpretation of these processes themselves: where they are oftentimes considered as channels of good governance reforms, modernisation, and liberalisation, in the framework of this article we assume them to be possible conduits of securitarian – and perhaps illiberal – practices. It is by overcoming functionalist takes of crime control diffusion, and sitting at the crossroads of different disciplinary fields, that this article aims at innovating also conceptually: what the EU puts into circulation is not limited to technical components of assistance and aid but rather contours an epistemic space and a repertoire of action within and through which third countries conceive and perform crime control.

In a moment when the EU's international legitimacy and credibility as a global actor and transformative/normative power is declining, EU policymakers look for consensual labels around which converging narratives can coagulate. Voided of its political contentiousness, the fight against transnational organised crime seems to be manufactured as a technical field that no-one can reasonably oppose. It also generates an arena for the EU to display security and military capabilities as well as to contour and perform its foreign policy objective of 'stabilisation'. Reminiscent of classical criminological analyses of the War on Drugs,<sup>89</sup> 'transnational organised crime' seems to constitute a 'suitable enemy' that can be moulded according to the changing EU security agenda. It legitimises the EU's engagement in third countries' internal security and criminal justice apparatuses while at the same time downplaying the fact that police and judiciary institutions often represent controversial actors *vis-à-vis* local constituencies and societies. In shaping third countries' ability to criminalise, police, and punish, the EU is simultaneously defining its own actorness in the international security arena, specifically by consolidating its role as a 'global crime fighter'.

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<sup>88</sup>Kalypto Nikolaïdis, 'Southern barbarians? A post-colonial critique of EUniversalism', in Kalypto Nikolaïdis, Berny Sèbe, and Gabrielle Maas (eds), *Echoes of Empire: Memory, Identity and Colonial Legacies* (London, UK: I. B.Tauris, 2015).

<sup>89</sup>Nils Christie and Kjetil Bruun, *Den Gode Fiende* (3<sup>rd</sup> edn, Oslo: Oslo University Press, 2003).

the fields of comparative regionalism, security studies, and more recently, critical approaches to security issues in EU external governance.

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