

## Programme « Society and Future »

### Final report – part « Synthesis of the research »<sup>1</sup>

RESEARCH CONTRACT: [TA/00/020](#)

PROJECT ACRONYM: **DANGER**

TITLE: "**Appraising the Dangerousness of organised Crime**"

TEAM (please also indicate the institution and the research unit):

CO-ORDINATOR (if applicable): PROF. DR. TOM VANDER BEKEN (GHENT UNIVERSITY, IRCP)

PROMOTER(S): PROF. DR. TOM VANDER BEKEN (GHENT UNIVERSITY, IRCP)

PROF. DR. LETIZIA PAOLI (K.U.LEUVEN, LINC)

RESEARCHER(S): DR. NOËL KLIMA (GHENT UNIVERSITY, IRCP)

ANDRIES ZOUTENDIJK (K.U.LEUVEN, LINC)

INTERNATIONAL CO-OPERATION: PROF. DR. NICHOLAS DORN (INDEPENDENT RESEARCHER)

PROF DR. HENK VAN DE BUNT (ROTTERDAM UNIVERSITY)

DATE: 31/08/2011



Institute for International Research on Criminal Policy  
Universiteit Gent



LEUVEN INSTITUTE  
OF CRIMINOLOGY

*The purpose of this summary is to disseminate the research findings via the internet.*

---

<sup>1</sup> See art. 5.5.2 of the basiscontract.

## 1. Introduction and backgrounds

### 1.1. Conceptualization of and reporting on organised crime in Belgium and Europe

In 1992, the Belgian Ministers of the Interior and Justice and the Public Prosecutor's Office decided, for operational and strategic reasons (not for criminal prosecution purposes), to define organised crime as the German Bundeskriminalamt (BKA) had done earlier.<sup>2</sup> Up and until 1996, the first specific reports on organised crime in Belgium were compiled by the then *Rijkswacht* [State Police], in which it analysed information obtained from its own investigations to comment on the nature, the seriousness and the levels of organised crime in the country. Even though these reports contained plenty of information, their reliability was limited since they had been compiled on the basis of data in the police's own files. In the wake of an *Actieplan tegen georganiseerde Criminaliteit* [Action plan against Organised Crime] the Council of Ministers ratified on 28 June 1996, a number of methodological reporting improvements were made, both for the short and the long term. The ultimate intention was that the reports would evolve into a genuine future-oriented strategic document which would allow Belgian policymakers to set priorities. A few years later, research from Ghent University (Black et al., 2000; Black et al., 2001) suggested that a risk assessment and risk methodology might be appropriate tools to report on organised crime. It was moreover postulated that not only the probability/incidence/strength of criminal gangs should be investigated, but also that the consequences/harm (the second aspect in a risk discourse) ensuing from the activities these groups are developing should be focussed on. Furthermore, it was recommended that an environmental analysis should be conducted, that the vulnerability of economic sectors to organised crime should be analysed and that studies should be carried out on the involvement of organised crime in criminal markets (Vander Beken, 2004).

In 2001, the Belgian Minister of Justice decided that the conceptual model and the method this study proposed would be gradually implemented and applied to the Belgian reports on organised crime.

At European level, the discussions about organised-crime reporting show marked similarities with the developments in Belgium, both in terms of timing and in terms of content. In 1993, the European Council decided to compile strategic reports on organised crime on an annual basis. Initially, these reports were entitled *Organised Crime Situation Report* (OCSR) and they were compiled by Europol a.o., based on contributions from the Member States. The content of these contributions differed greatly from Member State to Member State, both in terms of quantity and of quality and largely depended on what the law-enforcement bodies wanted and could report on this phenomenon (cf. Vander Beken et al. 2004b). At the end of the 1990s, as was the case in Belgium, the added value for the policy, the method used and the focus of these reports came under fire. The Belgian Presidency of the European Union during the second half of 2001 amalgamated the agendas at both policy levels. Since Belgium had already invested heavily in the development of a concrete plan to improve on the reporting on organised crime, it was obvious that Belgium would broach this issue at European level during its own presidency. And so it happened. During that particular presidency, the Belgian representatives managed to push through a genuine action plan (2001 Council of the European Union) into which the Belgian conceptual model and methodology were copied. As a result, the Belgian methodology now also seemed to have been (politically) validated at European level.

A feasibility study on this plan (Vander Beken et al., 2004b) brought to light that the introduction of a risk analysis in these reports at European level was a rather ambitious undertaking and that

---

<sup>2</sup> According to this definition, organised crime consists in systematically engaging in criminal acts which individually or as a whole have a certain significance and are driven by the pursuit of financial gain or power and which involve more than two persons acting in concert, over a relatively long period of time, who operate on a task-division basis and use commercial structures and/or exert influence on political life, the media, the authorities, the judiciary or the corporate world.

it would dilute its implementation. In the end, it was decided at European Union level that, come 2006, Europol would set up an Organised Crime Threat Assessment (OCTA), with the help of the Member States, which would facilitate the setting of policy priorities. Even though the first (closed) version of the OCTA still contained the diagram of the conceptual model Belgium had proposed, any reference thereto faded away as time went on.

Even in Belgium itself, the implementation of the so-called 'long-term methodology' was slow to get off the ground. Although the table of contents of the reports changed, the material on topics such as harm, vulnerability of economic sectors, environmental analysis, etc. remained meagre and rudimentary. Only in the area of the so-called 'threat', i.e. an assessment of the strength and desire of criminal actors, a number of significant steps forward were made thanks to the efforts of the Federal Police. Even though this undoubtedly led to more bulky reports on organised crime, coming up with an actual blueprint and highlighting its policy relevance remained a challenge. Few policymakers know, let alone use, this document in their decision-making process.

## **1.2. The DANGER study: backgrounds and design**

Though involved in and one of the sources of inspiration for the Belgian long-term methodology and its various components, Ghent University only went on to explore two of these components in scientific research: the vulnerability of economic sectors to organised crime and the environmental analysis.

At the behest of Science Policy and together with economists from the University of Antwerp, a first methodological model was developed (Vander Beken et al., 2003) which was applied to the diamond sector (Vander Beken et al., 2004a). This was subsequently fully elaborated for the European Commission – the Belgian 2001 action plan had certainly left its mark on the research programmes – under the acronym MAVUS (**M**ethod for the **A**ssessment of **V**ulnerability of **S**ectors) (Vander Beken, 2005b).

On behalf of the European Commission – who, on account of the persistent demand for future-oriented reports, was and remains interested in environmental analyses – a study was launched in 2005 on a methodology that could be used to conduct environmental analyses within the framework of the conceptualization of organised crime. The result of this study (for reports on the study, cf. a.o. Vander Beken, 2006; Verfaillie and Vander Beken, 2008) was rather surprising and contradicted any of the earlier (own) assertions made: environmental analyses on their own proved not to be useful tools in terms of compiling future-oriented reports on (organised) crime. In fact, they produce a too statistical and past-oriented image which does not allow one to anticipate uncertainties. Policymakers should and want to know what they may be presented with and how they can anticipate these issues, and not what has happened in the past. As a result of the events of 9/11 and the 2008 credit crisis, amongst others, faith in risk analyses, and therefore in the predictability and preventability of events in actual fact, seems to have dwindled significantly. This undoubtedly also has its implications for organised-crime reporting. Is there still a case to be made for a risk approach or should uncertainty and harm containment be given a more (prominent) role in that story?

In light of the tradition of vulnerability research at Ghent University and on account of the fact that the earlier model had come under some criticism for the methodology used and because questions had been raised about the added value of this type of environment-oriented study with respect to research and analyses which are mainly based on information about the perpetrators, the initial research design of the DANGER study ran along those lines: a quest for the difference and the relationship between environment-oriented and perpetrator-oriented approaches in organised-crime analyses. Due to the fact that the entire study was placed in a (policy) context in which analyses should not only compile data and facts, but should also

facilitate a policy assessment of priorities with regard to the phenomenon of organised crime, the study was placed under the denominator 'danger' of organised crime.

This was crystallized in a project with a two-fold objective: on the one hand, developing a new integrated methodological framework for data collection and the setting of priorities in relation to (the danger of) organised crime and, on the other hand, testing this framework in Belgium. The ultimate goal was to arrive at a better method to assess the danger of organised crime. In view of the background and the materialization of the project, the initial focus was on the relationship between two approaches: a perpetrator-oriented one, with 'danger' in function of individuals and the groups or networks they set up, of what these people or groups do and the way in which they organise themselves (to be carried out by the K.U.Leuven research team) and an environment-oriented one, where 'danger' is deduced from the vulnerability of the licit (economic) environment that facilitates organised crime (to be conducted by the Ghent University research team).

In the first stage of the project, in which a lot of thought was put into concepts and the manner in which methods could be developed, it was established that this dichotomy between environment and perpetrator was too restrictive however to carry out research which should ultimately lead to 'superior' organised-crime reporting.

One other approach in terms of reporting on (organised) crime, i.e. the harmfulness approach, as a third perspective, proved to be at least as relevant to the study, for several reasons in fact. Firstly, and certainly relevant in terms of this study, is the finding that prioritizing exercises on criminality are increasingly set from a harm point of view: the 'danger' and the point of departure for the setting of priorities and action cannot only be found amongst (known) perpetrators or does not only lie in one's own vulnerabilities but also in the harm (criminal) activities are causing. The fact that a significant shift can also be detected at European level (Eurojust and Europol) from 'organised crime' to 'serious crime' is a clear indicator of that: organised crime is not so much 'dangerous' because it is organised in nature but because of the harm its activities are deemed to inflict (Dorn, 2009). Following on from that, it was also found that organised crime as a concept proved to be less and less manageable as an umbrella term and that methodological questions could be raised about the manner in which many perpetrator-oriented (threat) analyses had been designed. Finally, it also transpired that the risk discourse, which is overridingly used in perpetrator and vulnerability approaches, was in need of fine-tuning. In the wake of 9/11 and the financial crisis (and the uncovering of major fraud situations such as the one in the Madoff case) faith in the predictability, measurability and thus to a certain extent also in the preventability of events (and therefore also criminality) has dwindled significantly. We therefore felt that it was important that the factor 'uncertainty' would also be given an explicit place within the framework of organised-crime reporting. Once again an argument to also, and especially, include the harmfulness approach in our study.

Even though this led to different lines of research in the end – harmfulness in Leuven and vulnerability in Ghent – the perpetrator approach was not overlooked in the study either. As will be pointed out below, the stronger and weaker points of this approach were studied and charted (cf. a.o. Zoutendijk, 2010) and the study was once again included in the final conclusion and combined with the results of the study on harmfulness and vulnerability.

The project took 36 months of research and resulted a.o. in various working papers, many of which were published in international peer-reviewed journals or books.<sup>3</sup> A number of results were also included in a doctoral thesis (Klima, 2011).

---

<sup>3</sup> These papers can be consulted on the project website <http://www.law.ugent.be/ircp/danger>. A login name and password can be obtained from the coordinator upon request.

### 3. The harm caused by organised crime

#### 3.1. Why are criminal activities harmful?

Around the turn of the century, the 'threat' as key criterion for the setting of strategic priorities in relation to organised crime gathered serious momentum amongst the European, Canadian and Australian law-enforcement services. Europol, various national services and government bodies started to produce so-called *Organised Crime Threat Assessments* (OCTAs). The opinion about these reports is not altogether a positive one (e.g. van Duyne and Vander Beken, 2009; Edwards and Levi, 2009; Zoutendijk, 2010). Aside from the specific methodological weaknesses of the Europol reports (van Duyne and Vander Beken, 2009), almost every single OCTA failed to come up with a clear and practicable definition of the term 'threat'. Questions were also raised about the extent to which it is possible and meaningful to set (threat) priorities for (strategic) policy purposes, on the basis of perpetrator or group characteristics: Levi and Dorn therefore rightfully comment that: *"These [intent and capability] are mental constructs that analysts all too often may do little better than guess at, on the basis of fragmentary and unconfirmed reports provided by sometimes self-serving and/or client-pleasing informants"*. (Levi and Dorn, 2004: 9)

Aside from that, it must be established that the flexible and the rather transitory nature of most (organised) criminal networks in Western Europe and in many other parts of the world, make it hard to justify the setting of strategic tracing priorities on the basis of the threats these criminal groups pose. As in the majority of other Western-European countries, the nature of organised crime in Belgium is not one of tight, clearly identifiable groups or organisations, as would be the case with the Mafioso groups in Southern Italy, for instance (Paoli, 2003), but rather one of unstructured gangs of perpetrators whose composition is continuously changing. Aside from the fact that it is virtually impossible to assess and predict the intent and capability of these individual groups, their relevance can only be found when it comes to setting tracing priorities. After all, this type of analysis can only be conducted on known groups and perpetrators who, once traced and arrested, no longer pose any threat. At that, the risk of foundering on the same usual suspects is a considerable one (Coyne and Bell, 2011: 73).

A marked advantage of the harm approach is that it distances itself from the focus on perpetrators and centres on criminal activities instead: these do not only persist in time but are difficult to eradicate and are therefore a more suitable target for long-term strategies. The harm-oriented approach can moreover be applied to all criminal activities, irrespective of whether they are construed as typical forms of organised crime or not.

It should be stressed however that the harm-oriented approach should not be considered in isolation or that it is invariably 'better' than any of the other approaches. It has its place alongside the perpetrator-oriented and environment-oriented approaches and has its own finality, possibilities and limitations.

#### 3.2. Data collection and analysis

So as to link the results of the harm analysis to the findings from the vulnerability analysis of the hotel and catering industry and the transport sector in a third stage of the project, we decided to study criminal activities that are relevant to these sectors and which are, in many cases, deemed to be activities in which organised crime is involved. The four criminal activities selected are human trafficking, the smuggling of tobacco products, VAT fraud and the cocaine trade. The analysis of the harm they cause in Belgium is based on an extensive collection and analysis of data from various sources. In respect of the four types of criminal activities, a total of 92 criminal investigations were studied. Secondly, data on all 186 investigations into the cocaine trade (81) and human trafficking (105) that were opened in Belgium during 2006, 2007 and 2008, and which feature in the organised-crime database of the Belgian Federal Police, were analysed.

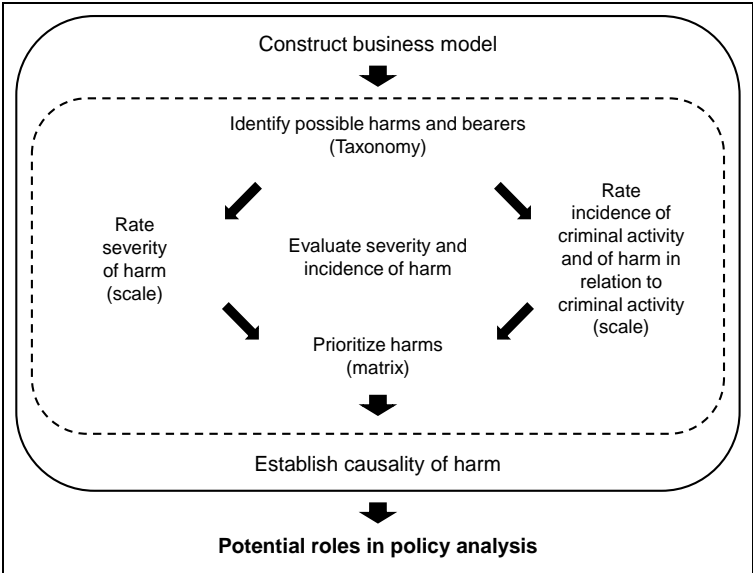
Thirdly, 37 experts were interviewed. These experts formed part of the criminal-law chain (both police services and the Public Prosecutor’s Office), policy departments or represented victims. Fourthly, we also interviewed 18 perpetrators in various Belgian prisons who had been directly involved in one of these criminal activities. In conclusion, we analysed the government reports and statistics (e.g. the comprehensive biennial organised crime reports; cf. DSB-SPC [Criminal Policy Department], 2008) and media and scientific-literature sources. In the analysis, the rather more quantitative data from the organised-crime database were triangulated with the rather more qualitative data from the other sources so as to maximise their validity.

**3.3. The harm framework**

Since up and until now little research had been done on the harm caused by criminal activities, a new analytic framework was developed that also includes the conceptual and technical challenges that came to the fore from the literature search. The harm framework builds on the literature about drug-related forms of harm, harm ensuing from criminality and national security (cf. e.g. MacCoun and Reuter, 2001; Von Hirsch and Jareborg, 1991; Greenfield and Camm, 2005). The framework consists of a number of tools and a road map; the framework more specifically charts a ‘business model’ or modus operandi of criminal activity, a taxonomy of the types of harm and victims, severity and frequency scales of the harm and a matrix to set priorities on the basis of the harm (figure 1).

The process starts with the development of a business model which represents the typical logistics or modus operandi of a criminal activity and which forms a sound probative basis on which possible forms of harm, their severity and incidence, their priority and the causality can be established. In fact, the business model launches and feeds the assessment process.

Figure 1: The harm-assessment process



**3.4. Application of the harm framework: human trafficking and the cocaine trade**

The application of the framework to the selected activities and the comparative harm analysis highlight both the advantages of the approach and its conceptual and technical challenges. Pending further research by our research team and others, these first applications would suggest that the framework has great potential to make reliable, valid and policy-relevant assessments of the incidence and the severity of the harm associated with criminal activity. Insofar as findings

generated in this manner also disprove 'popular profundities', the added value of a scientific basis and systematic analysis in policy development also emerges.

Reliability and validity are two prominent criteria to evaluate measuring instruments in social sciences and can serve as an assessment basis for the framework. Reliability relates to reproducibility while validity depends on "the extent to which a measuring instrument measures what it aims to measure" (Mark, 1996: 289, our translation; cf. also Bryman, 2008: 31–32). Because the framework has been developed as a series of tools and processes – with detailed instructions – and not as a 'black box' as such, we, and others, can repeat every application of the framework so as to test its reliability. A reliable framework should generate similar results every time it is applied to a criminal activity and context, such as human trafficking in Belgium, irrespective of who conducts the assessment process. Based on the evaluation of a framework's validity on the strength of its measuring capacity, a framework that assesses a wide spectrum of possible forms of harm, including those that cannot be easily quantified, can be deemed to be highly valid. The underlying taxonomy is general and inclusive and distinguishes forms of harm for four different categories of victims. What's more, the framework does not exclude any piece of reliable information, since qualitative information and opinions from experts are also deemed to be valid. In sum, the framework allows us to gain a proper understanding of all the harm that can be associated with a certain criminal activity and provides the tools and steps that are needed to 'assess' their incidence and severity in a potentially reliable and valid manner.

The first tests of the harm framework also indicate that the framework could produce policy-relevant results, and that some question a number of 'obvious matters' in fact. The harm caused by the drug trade, including the cocaine trade, is all too often deemed to be self-evident and driving it back or combating it is one of the top priorities of a number of national and international police forces (e.g. The Federal Police, 2006; SOCA [The Serious Organised Crime Agency, UK], 2010; KLPD [The National Police Services Agency, the Netherlands], 2008: 37). Our assessment on the basis of evidence of the harm associated with this activity in Belgium shows however that, aside from an appraisal of the harm caused by usage, the cocaine trade itself only causes limited harm to individuals, bodies and the environment. Likewise, human trafficking is less detrimental to Belgian citizens and bodies than is often alleged. In contrast to the cocaine trade, our analysis shows that the harm caused by human trafficking is intrinsic, i.e., that it is not caused by the legal status of the activity or its preservation. Human trafficking sometimes persistently generates moderate to serious harm. But since the activity itself is extremely rare, all the forms of harm, save for those categorized as catastrophic or serious, are classified as a low priority. In the event of certain very serious forms of harm, as in the case of human trafficking, for instance, policymakers can decide to apply a hierarchy on the basis of the incidence 'within the activity itself', i.e., the frequency of the harm in relation to the activity. In this case, the framework still offers a systematic manner in which priorities can be contemplated.

However, the harm framework is not intended as an optimum resource-allocation recipe for policymakers. Policymakers need to weigh up some findings of the harm assessment themselves. One striking result of the current application for instance is that almost all the harm caused to individuals by the cocaine trade in Belgium relates to smugglers, dealers or their accomplices. Should these forms of harm be taken into consideration when resources are being allocated and, if yes, should the harm they sustain be weighted differently than the harm that is inflicted on law-abiding citizens? One could argue that these forms of harm should not be included, e.g. on the basis of free will, and then go on to make a case for an external definition of harm, in which harm sustained by victims who are not directly (and willingly and knowingly) involved in the criminal activity takes priority. Now, as is the case with some balloon swallows or former prostitutes, the boundary between perpetrator and victim is not always clear and freedom of will does have a sliding scale. At that, a lot of crime and drugs policies are aimed at reducing the physical harm for all those partaking in a criminal activity, irrespective of

the role they play therein (e.g. Council of the European Union, 2004 and 2005). One other argument to include the harm to perpetrators is that the related costs, such as those arising from treating overdoses and injuries, must be footed by the taxpayer and other members of society. Whatever the answers to these questions may be, the final decisions are normative and cannot only be taken on the basis of scientific rules and methods.

Furthermore, the incommensurability of the various forms of harm results in the fact that policymakers must decide how they will manage these forms for the various categories of victims. For instance, how do the harmful effects of violence individuals, companies and the government sustain relate to one another? The proposed framework allows one to compare and even grade the various types of harm within categories of victims – this is facilitated by the standard of living and analogous reference points - but not between categories of victims. In view of the fact that it is impossible to compare the harm caused to individuals and to bodies, let alone to the environment, no purely scientific procedure will be able to determine whether violence in one area generates harm that warrants a higher priority than violence inflicted in another area, for instance. Nevertheless, we see the fact that the framework clarifies which steps can be taken on a purely scientific basis, and which cannot, as an extra plus point.

#### **4. The vulnerability of economic sectors to organised crime**

##### **4.1. Conceptualization**

Vulnerability as a concept has been used for a long time in disciplines other than criminology, like ecology, for instance (Villagràn de León, 2006), research into natural disasters (Berkes, 2007) and climate research (Füssel and Klein, 2006). Remarkable though is that vulnerability in quite a number of cases is not only conceptualized in terms of (a lack of) tenability against potential threats but also as resilience once a certain event has occurred (Turner et al., 2003). Even interviews with various actors brought to light that vulnerability can contain aspects of resilience, or the lack thereof. Focussing on the vulnerabilities of certain bodies after all also implies that one accepts that prevention has its limits. As events that impact on a system or society cannot always be predicted and/or avoided, it would be useful to contemplate to what extent recovery is possible after such an event has occurred. In vulnerability research, attention to resilience therefore certainly has a place (Klima, 2009).

Including a resilience component in the conceptualization of vulnerability also fits into the broader debate on the manner in which the conceptualization of criminality can be interpreted and how future developments, within that framework, can be managed in a meaningful fashion. It can for instance be stated that aside from a 'risk discourse' which starts from the concepts of calculability and probability, the way is increasingly being paved for a 'precaution discourse' which is based on incalculability and uncertainty (Klima et al., 2010). In the latter discourse, trying to calculate and predict one future is not appropriate because that simply is not possible in our current-day, complex society and because it gives a false sense of security (Vander Beken and Verfaillie, 2010). In a precaution discourse, it is accepted that the future is uncertain and that not all risks can be controlled and that not every undesirable event can be predicted or avoided. Trying to conceive unlikely though far-reaching events – the so-called 'black swans' of Taleb (2007) – and preparing for their impact becomes crucial in any precaution discourse. At that moment, the focus shifts from crime prevention to the postventional (Klima, 2011a), in which the resilience concepts are perfectly usable, also in respect of the debate on vulnerability and the prevention of (organised) crime. Interpreting vulnerability as not merely containing a risk but also a resilience component, does not only allow one to study (the lack of) protection of the licit (economic) environment against criminal activity, but also to make statements about (the lack of) opportunities to remain resilient as an organisation (company, sector...) and to continue functioning in the wake of (possibly even unforeseeable) criminal activity.



The various data explored in the study allowed us to see the risk and resilience components in function of two main indicators each: 'opportunity' and 'inadequate control' for the pre-crime risk component and lack of 'recovery' and 'adaptation' for the post-crime resilience component.

## **4.2. Data collection and analysis**

In the study on vulnerability, we opted for a rather more inductive approach where concepts and data are by and large constructed and compiled in a bottom-up fashion. What vulnerability means or could mean, was explored by perusing literature from disciplines other than criminology, by interviewing experts (from economic sectors, law-enforcement bodies, including convicted offenders) and by studying case files. In that way, a flexible list of topics was compiled which was used to re-examine literature, and to once again interview experts and cross-check case files on the vulnerabilities to (organised crime) in the transport sector (incl. export-import) and in the hotel and catering industry.

With a qualitative research design and an accompanying list of topics, we did not only process plenty of scientific literature, but also conducted 50 interviews with people involved in economic sectors, officials, NGO staff and law enforcers, 6 interviews with convicted offenders, studied 38 police and customs files and conducted 11 fully open interviews with city officials, law enforcers, economic actors and academics. The processing and the triangulation of the material gathered were supported by the use of the MAXQDA software programme for qualitative analysis.

## **4.3. The vulnerability of goods transport sector**

The analysis of interviews, files and literature shows that the vulnerability of goods traffic stems from the organisation of the economic activity itself, the infrastructure, the rules and supervision surrounding it (pre-crime elements) and the 'lack of recovery' and the 'lack of adaptation' (post-crime elements).

The economic activity of conveying goods is under severe financial pressure which makes especially the small and medium-sized companies vulnerable in a number of areas. In search of a chance of survival in this competitive world, these types of companies seem to be very much open to lucrative proposals from mala fide people. Especially, one-man haulage companies with self-employed drivers are being actively recruited by the criminal world. Since smaller companies can less afford the luxury of refusing clients than the larger ones, they tend to ask fewer questions. Clients who settle their bills are good clients. Investing in crime prevention in this type of context is far from simple. Even (larger) transport companies who do have the necessary know-how and financial basis do not always see crime prevention as a priority. There are no companies itching to invest in the prevention of crimes (e.g. all sorts of smuggling activities) which have no direct impact on the companies themselves: conveying goods and making a profit is their core business.

Even the environment, in which the economic activity of carrying goods is pursued, is vulnerable on a number of points. During transport, goods are highly vulnerable and (in the case of road transport) especially when the driver needs to stop en route to take a rest or refuel. As a result, lay-bys along the motorways are spots where many a crime against hauliers is committed. Even though a number of initiatives were developed to improve the security in these locations over the past few years, there still remains some work to be done to properly raise awareness amongst all the actors. The role of the so-called super controllers such as the regulatory bodies, for instance, cannot be underestimated in this respect.

The entry conditions and rules governing the setting up of companies (in Belgium) are, to say the least, minimal, so that front companies can be set up without too many difficulties. Since the

conveying of goods is not a prerogative of haulage companies alone and the entry conditions for these types of companies are more stringent, those companies do not seem to be used as a front. Illegal transports are mainly organised by small, ordinary companies or alternatively they contract these jobs out to transport companies.

Thanks to their knowledge and expertise in relation to the shipping of goods and their direct involvement in goods clearance, forwarding agents seem to be important intermediaries in the conveyance landscape. They also seem to be highly attractive partners for criminal entrepreneurs since they can take on a large portion of the organisation of the transport, without being really obliged to thoroughly screen the cargo or the client, and can limit the interference of law-enforcing bodies such as customs, for instance. The rules governing the role, competences and obligations of forwarding agents have facilitated these types of situations.

In a certain sense, also hire companies are used for these types of motives and are sometimes charged with aspects of the transport. Because they have not been assigned with any monitoring or crime-detection tasks, they ask very few questions and criminal entrepreneurs can resort to these companies at very little risk.

#### **4.4. The vulnerability of the hotel and catering industry**

From the data compiled and the analyses conducted, it transpires that statements about the hospitality sector's vulnerability to crime can be diverse. It cannot be unequivocally established who is responsible for this form of crime, who facilitates it or who falls victim to it.

The basic finding is that the hotel and catering industry is a sector that is marked by a great many informal, grey aspects. Moonlighting and all types of tax fraud seem to be the rule rather than the exception. This of course makes the sector an attractive one for criminal entrepreneurs who, in this environment, find fertile soil to expand or conceal their activities.

The reason for this basic vulnerability certainly does not stem from the culture prevailing in this sector alone. The data highlighted that the rules governing this particular sector and the way in which they are monitored, are not adequate to really influence or change the situation. What's more, some rules (e.g. fiscal measures) seem to have a perverse effect and to encourage and facilitate crime rather than to prevent or hinder it.

For that reason, the hospitality sector certainly is a vulnerable one, one that is extremely accessible to and lucrative for people with criminal intentions. An easy-to-establish licit company in a grey economy, where controls prove to be a major challenge, seems to be an excellent front for other activities. Facilitators, smugglers and frauds alike can conceal and facilitate their activities via a hotel and catering industry.

At that, hotel and catering businesses are, by virtue of their nature, often the perfect physical meeting place for people from the underworld. It should therefore not come as much of a surprise that the hospitality sector appears in many organised-crime files: for where could crime thrive better than in a grey economy which literally opens its doors to criminals?

Thoroughly tackling this vulnerability will not be an easy matter. As stated above, circumstances in the sector often render running a busy in a fully legitimate fashion unviable. Therefore, the first task on hand seems to be to reverse this situation so that conducting business in a proper and transparent manner once again becomes attractive. Secondly, the rules and their monitoring could be revised. The current guardians often fall short on efficiency and furthermore vary greatly in terms of clout and focus. A proposal that has been on the table in Belgium for a long time but which is often implemented or applied in that regard on a marginal basis only is that of the so-called reinforced administrative law.

## 5. Policy-oriented conclusions and recommendations

1. It should be possible to challenge a number of the 'certainties' that underpin the conceptualization of organised crime in Belgium. Perhaps not all the earlier conclusions (still) stand or remain correct (today).
2. Harmfulness as a policy concept could be given a more prominent place in the analysis and priority setting of (organised) crime. It would be useful to consider directing some of the policy attention to those phenomena and places in society where the harm is felt most and not only to (potential) perpetrators or environment components that facilitate or pave the way for criminal activity.
3. 'Organised crime' is not usable as an umbrella policy concept. Though suitable in the area of threat analyses, the concept is far less suited to harmfulness and vulnerability analyses.
4. In terms of conceptualizing crime, it would be meaningful to differentiate and link the various approaches. For a general policy on security and criminality, a harmfulness analysis, in which serious crime phenomena could be given a place, would be appropriate. For a more specific (especially preventive) policy, a vulnerability analysis could be used, possibly targeted in function of the phenomena that have been prioritised on the basis of the harm analysis. In terms of an (especially repressive) law-enforcement policy, a threat analysis could be used to prioritise perpetrators and groups in function of their defensibility against detection and prosecution. This threat analysis could possibly be fed by policy and findings on harmfulness and vulnerability and feed it in turn. The harmfulness analyses can fit in with the National Police Security Image. The vulnerability analyses are conducted in function of certain phenomena, on behalf of and by actors that are in charge of certain policy areas. Threat analyses will get a place in reports on organised crime which will be confined to that.
5. Also in terms of conceptualization, it is vital to make the client and the perspective within which an action is launched more explicit and to accept that there are various clients and perspectives so that this could be embedded into a collaboration.
6. There are frameworks and tools on hand to conduct harmfulness and vulnerability analyses and to combine and use the results of these in a policy cycle in which threat analyses of organised crime feature explicitly. However, the data needed to conduct such analyses are not always available.
7. It would be appropriate to inventory all the various approaches and to subsequently examine how these analyses can be improved and combined so that these analyses, which each have their own merits and perspectives, can make a contribution to the policy cycles at various levels.

[All references of this summary and the results can be consulted on the project website <http://www.law.ugent.be/ircp/danger>. A login name and password can be obtained from the coordinator.]