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## Together or Alone?

The need for increased Albanian-Dutch cooperation to fight transnational organised crime

In recent years the Netherlands has voiced security-related concerns about the involvement of Albanians nationals in organised crime in the Netherlands. These concerns culminated in a request to the European Commission to suspend visa-free travel for Albanians to the EU. This policy brief argues that the current Dutch approach does not provide the best means to address issues of organised crime, such as drug trafficking, related to Albanian nationals. It identifies several inadequacies in the crime data used to substantiate the Dutch position and the way Dutch authorities publicly communicate them. It posits that greater bilateral cooperation beyond the EU accession framework could improve efforts to fight transnational organised crime effectively. The opening of EU accession negotiations with Albania may offer a window of opportunity to formulate a constructive agenda of cooperation beyond the formal EU enlargement framework.

### The EU accession framework as an opportunity for bilateral cooperation

The Netherlands agreed in an online General Affairs Council meeting on 25 March 2020 to open EU accession negotiations with Albania. Having blocked this decision in 2019 (together with France), it subsequently gave the green light by making the first intergovernmental conference<sup>1</sup> conditional *inter alia* on strengthening the fight against organised crime and on increasing efforts to address irregular migration.

For the Netherlands, Albania remains not only a foreign policy concern within the EU enlargement framework but also a domestic concern, as Albanian migrants, asylum seekers and individuals involved in organised crime are perceived as a threat to Dutch society.

Since 2017, the Dutch government has sought to address these issues by making Albania's EU accession path conditional on the country's efforts to prevent its nationals from illegally emigrating to and engaging in criminal activities in the Netherlands. Among other measures, after a resolution in the Dutch parliament, the government triggered the EU's "emergency brake procedure", asking the European Commission to suspend visa-free travel for Albanian nationals in the Schengen area.

<sup>1</sup> After EU accession negotiations have been formally opened by the Council, the first intergovernmental conference marks the actual start of negotiations.

This policy brief argues that the current Dutch approach does not provide the best means to address issues of organised crime, drug trafficking and irregular migration related to Albanian nationals. It identifies several inadequacies in the crime data used to substantiate the Dutch position and the way Dutch authorities publicly communicate them. Secondly, the policy brief posits that greater bilateral cooperation beyond the EU accession framework would be important to fight organised crime effectively in the Netherlands, as well as transnational organised crime. As the Netherlands continues to examine the EU accession process closely, it could seek to increase Albanian-Dutch cooperation at the bilateral level, and better communicate what it expects from Albania to tackle security and migration concerns. The recent Dutch agreement to open accession negotiations may offer a window of opportunity to formulate a constructive agenda of cooperation beyond the formal EU enlargement framework.

### Dutch public safety and the “emergency brake procedure”

While the Netherlands has traditionally been critical of EU enlargement, in recent years it has started to address domestic concerns related to illicit activities by Albanian nationals through the EU accession framework. These concerns were actively debated in 2017, when leading Dutch media outlets *De Telegraaf* and *NOS* published two articles on the growing power of Albanian criminal gangs in the Netherlands. This prompted [parliamentary questions](#) by CDA MPs Van Toorenborg, Omtzigt and Keijzer to the foreign affairs ministry and the justice and security minister and by [Van Oosten and Azmani](#) to the justice and security ministry.

The parliamentarians were concerned about criminal activities of Albanian nationals and the high numbers of Albanian asylum seekers in the Netherlands. They suggested reinstating the visa requirement for Albanian citizens through the “emergency brake procedure” to address those concerns.

Ms Van Toorenborg further predicated her scepticism over Albania’s reform progress as an EU candidate country upon the involvement of Albanian nationals in criminal activities in the Netherlands. While acknowledging the increased criminal activities of Albanian nationals, both ministers stopped short of endorsing the MPs’ suggestions, favouring instead further communication and cooperation with Albanian authorities until an EU monitoring report established Albania’s adherence to the visa-free conditions.

This position changed, however, after the April 2019 [motion](#) tabled by MPs from various political parties to reinstate the visa requirement for Albania. These parties make up the section of the Dutch Parliament that is more sceptical about enlargement. The motion was passed by an overwhelming majority of 105 MPs, despite the [warnings and doubts voiced by justice and security minister Grapperhaus and foreign minister Blok](#) about its effectiveness in deterring crime committed by Albanian nationals and the lack of required EU support for the motion to be implemented.

Despite the initial apprehension, the Dutch government not only presented the same arguments made by the proposing MPs but also repeated some of their mistakes in the letter sent to the EU immigration commissioner Dimitris Avramopoulos. For example, to make the case for ceasing visa-free travel for Albanian nationals, the letter referred to a rise in Albanian-speaking criminals rather than criminals of Albanian nationality, thus conflating nationality with language.<sup>2</sup> Although in practice Albanian is spoken predominantly in Albania (as well as in other Western Balkan countries), the example indicates that the letter lacked

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2 Kamerstuk 29911-245, “Afschrift brief gericht aan de Europese Commissie” appendix to *Reactie op motie van het lid Van Toorenborg c.s. over opschorting van de visumliberalisatie voor Albanië via de noodremprocedure (Kamerstuk 29911-239)*, retrieved on 18 November 2019, Tweede Kamer, [https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2019Z10875&did=2019D22435](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2019Z10875&did=2019D22435)

precision in outlining the exact nature of the Dutch concerns. The Dutch government subsequently included these concerns in its [evaluation of the 2019 EU enlargement package](#) and at the [General Affairs Council on 18 June 2019](#) by noting that a lack of sufficient progress with the rule of law in Albania was evidenced also by the “spillover” of Albanian organised crime to the Netherlands and other EU Member States.

In March 2020, the Dutch government nevertheless agreed to open accession negotiations with Albania. The Netherlands updated its assessment of Albania’s progress with an evaluation of the European Commission Staff Working Document on Albania (02-03-2020). That document does not specifically refer to organised crime by Albanian nationals in the Netherlands, but it does call on Albania to strengthen its money laundering regime by fulfilling the Financial Action Task Force (FATF) recommendations and to increase cooperation with EU Member States<sup>3</sup>. Thus, it indicates that while the Netherlands has agreed to open accessions talks, that does not mean domestic security concerns with regard to Albanian nationals have been resolved.

## Crime data on Albanian nationals

Since there are unresolved concerns about criminal activities by Albanian nationals, the seriousness of which has been highlighted consistently by the Dutch authorities since 2017, it is important to examine the crime data on which those concerns are based. While such an examination does not dispute the Dutch domestic security concerns regarding Albanian nationals involved in illicit activities, it notes that the government’s claims of “an increased risk or an imminent

threat”<sup>4</sup> posed by Albanian criminals cannot be substantiated on the basis of the publicly available crime data.

The main official source for the 2017 media articles referenced by the Dutch parliamentarians was a classified report by RIEC Amsterdam on the nature and extent of crime committed by Albanian nationals.<sup>5</sup> The report mentions a rise in Albanian suspects engaged in organised crime and attempting to travel illegally to Great Britain – the so-called climbers of Hoek van Holland.<sup>6</sup>

The severity of these concerns is highlighted in the 2017 Amsterdam police [trend analysis](#) that includes a section on “Albanian criminals”. The same RIEC classified report is the main source referenced for that section, which argues that in the period 2012-2017 Albanians were “structurally overrepresented” in activities ranging from international drug trafficking to money laundering and possession of firearms.

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3 Kamerstuk 23987-383, “Brief van de minister van Buitenlandse Zaken”, 13 March 2020, <https://zoek.officielebekendmakingen.nl/kst-23987-383.html>

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4 This was one of the claims made by the Dutch government to argue for a ban on visa-free travel for Albanian nationals. See Kamerstuk 29911-245, “Afschrift brief gericht aan de Europese Commissie” appendix to *Reactie op motie van het lid Van Toorenburg c.s. over opschorting van de visumliberalisatie voor Albanië via de noodremprocedure* (Kamerstuk 29911-239), retrieved on 18 November 2019, Tweede Kamer, [https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2019Z10875&did=2019D22435](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2019Z10875&did=2019D22435).

5 The classified report was leaked to the media and was supplied to the Dutch MPs. Baars, J., Jong, M. de, Schepers, H. (2017) *Aard en omvang van criminaliteit gepleegd door personen met de Albanese nationaliteit - Veiligheidsbeeld*, Amsterdam/Rotterdam: Politie Amsterdam, Politie Rotterdam, RIEC (Regional Information and Expertise Center) Amsterdam Amstelland.

6 This assessment is based on the references in the parliamentary questions submitted and the government answers from the foreign affairs and the justice and security ministries. The term ‘climbers’ is used to describe the migrants who climb onto trucks that are ferried to the United Kingdom.

**Criminal suspects of Albanian nationality in the Netherlands, 2009-2018**

Year	Total cases registered	Property crimes	Destruction and public order	Violent crimes	Drug crimes	Firearm crimes
2009	120	60	0	10	10	10
2010	110	50	0	20	10	10
2011	130	50	10	30	20	20
2012	170	90	10	20	20	30
2013	300	150	20	40	30	60
2014	270	160	20	20	20	50
2015	360	190	30	40	20	60
2016	720	450	50	70	20	120
2017	450	160	120	40	10	90
2018	470	190	100	20	10	130

Data compiled by authors. Data source: StatLine, <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/82315NED/table?dl=10FD8>

Except for the general assessments in the two reports, no comprehensive data and analysis on crime committed by Albanian nationals in the Netherlands were provided by the Dutch government. Both in the letter to Commissioner Avramopoulos and in the [answers to parliamentary questions](#) ahead of the April 2019 “visa” motion, the government referenced three years – 2016, 2017 and 2018 – with the numbers of Albanian criminal suspects registered by the Police being 710, 499 and 476 respectively. According to the Dutch government, despite these “absolute figures... [t]he share of serious organised crime within this group is relatively high”<sup>7</sup>. Although data from StatLine – the official Dutch statistics database (see above) – broadly confirm the government’s figures, it is challenging to discern the organised nature of the crimes committed and substantiate the government’s position that the share of criminal activities of an organised nature is relatively high.

For example, “drug crimes” are related not only to drug trafficking but also to numerous offences that amount to crimes under the Opium Act. Without examining the case’s investigation report, it would not be possible to determine whether a drug crime amounts

to organised crime. Similarly, “property crimes” include an array of offences ranging from burglary and theft to money laundering. It would be difficult to determine the share of suspects engaged in organised drug trafficking and money laundering based on these data.

In order to better substantiate its position, the Dutch government would do well to address the deficiencies in the data on which it bases its argumentation, and to communicate more clearly the exact nature of the security threats from Albanian nationals involved in illicit activities. A differentiation in the data between organised and petty crime would also improve public understanding of the issue.

### Trends in transnational organised crime

The participation of Albanian nationals in the Dutch organised crime scene is a genuine concern. But that concern must be contextualised within the larger drug market trends, which have provided opportunities for Albanian organised criminal groups to exploit.

UN reports on international drug trafficking suggest an increase in the size of the opiate, cocaine and cannabis market,

7 Kamerstuk 29911-245, “Afschrift brief gericht aan de Europese Commissie”, p. 2.

as well as a proliferation of new supply routes.<sup>8</sup> The most prevalent European transit countries for South American cocaine reported in the 2019 UNODC *World Drug Report* were Spain and the Netherlands, followed by Belgium and Germany. Similarly, the *2017 National Threat Assessment on Organised Crime*, published by the Dutch police, identifies Spain, Portugal, the Netherlands and Belgium.<sup>9</sup> Dutch, British, Italian and Spanish organised criminal groups have been identified as the main brokers of South American cocaine, whereas many of the so-called ‘clearers’ (individuals who retrieve the illicit cargo from shipping containers) are of Albanian and Moroccan origin.<sup>10</sup> Albanian gangs have reportedly become more visible in the criminal underworld in Western Europe by participating in drug markets that had not formerly been part of the domain of their activities. More specifically, they are both participating in the lower ranks of organised criminal groups engaged in cocaine trafficking and to some extent consolidating between traditional dominant criminal groupings and actively cooperating with them. In both cases, the dynamics reflect business models where there is both a division of labour and coordination at different stages of supply operations regardless of nationality.

The cocaine market is not the only area linking Dutch and Albanian criminals. The Europol Serious and Organised Crime

Threat Assessment (2017) report suggests that low-THC cannabis sourced from Albania is mixed with higher-THC cannabis produced in the Netherlands.<sup>11</sup> Another concern is heroin smuggled from Turkey via the Balkan route – Bulgaria, Greece and Albania – to the Netherlands.

These changes in market dynamics have increased opportunities for greater international cooperation and coordination of the drug supply chain, while a larger market infrastructure has increased opportunities for Albanian criminals to become more visible or transition up the supply chain ladder in the cocaine and heroin market. These dynamics present formidable challenges for both Dutch and Albanian authorities. The data suggest that transnational cooperation throughout the supply chain and closer links between criminal groups in Albania and in the Netherlands, which operate predominantly in the cocaine and cannabis markets, are becoming important.

## Beyond EU-based cooperation

As criminal networks increase their ties, they should be countered by expanding and strengthening inter-governmental cooperation on security and law enforcement. Since these challenges were not addressed through the “emergency brake procedure”, closer bilateral cooperation between the Netherlands and Albania could prove beneficial for both countries.

There is only one bilateral document between Albania and the Netherlands: the “Letter of Intent for Cooperation in Combating International Crime”, signed in May 2018, which recognises common challenges and expresses the willingness of both parties to [increase cooperation](#). The cooperation framework between Albania and the Netherlands has been conducted mainly through Albania-EU agreements such as the Europol agreement (2013), the Eurojust agreement (2018) and the repatriation agreement (2005).

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8 See United Nations Office on Drugs and Crime (2019), *World Drug Report 2019*, United Nations Publication, Vienna.

9 Boerman, F. et al. (2017), *2017 National Threat Assessment: Organised Crime*, National Police of the Netherlands, Central Intelligence Division, Zoetermeer, retrieved on 23 October 2019, <https://www.politie.nl/binaries/content/assets/politie/algemeen/nationaal-dreigingsbeeld-2017/2017-national-threat-assessment-organised-crime.pdf>

10 European Monitoring Center for Drugs and Drug Addiction and Europol (2016), *EU Drug Markets Report: In-Depth Analysis*, EMCDDA-Europol Joint publications, Publications Office of the European Union, Luxembourg, retrieved on 23 October 2019, <http://www.emcdda.europa.eu/system/files/publications/2373/TD0216072ENN.PDF>

11 Boerman, F. et al. (2017), *2017 National Threat Assessment: Organised Crime*.

While standing Albania-EU agreements have been instrumental for the repatriation process and for Europol- or Interpol-led operations against organised crime groups, bilateral agreements in important areas such as extradition, money laundering or joint investigations could improve the effectiveness of Dutch and Albanian authorities in their efforts to target organised criminal groups with ties in both countries.

It is unclear whether the Dutch authorities consider the current level of cooperation with their Albanian counterparts to be sufficient to address current and future challenges arising from transnational organised criminal groups. In response to the Dutch Parliament, the government noted in March 2020 that “In order to also address the transnational nature of organised crime, Albania has strengthened cooperation with Europol and several Member States”.<sup>12</sup> Italy is an example of a prominent Member State that has forged strong bilateral cooperation with Albania to combat transnational organised crime and cannabis cultivation.<sup>13</sup> In the same document, the Dutch government highlights that it “expects perpetuation of cooperation with Albania in the fight against organised crime

and irregular migration”.<sup>14</sup> As such, it praises cooperation with Albanian authorities, whilst indicating that the Albanian government should do more to address Dutch concerns about illegal migration and organised crime involving Albanian nationals.

There seems to be a degree of mistrust in the Netherlands when it comes to cooperation with the Albanian authorities due to alleged ties between those authorities and organised crime. Whether that mistrust is founded or unfounded goes beyond the scope of this paper. However, it is certain that action is likely to be more effective when both sides are substantially engaged and inform each other well.

Despite the calls to do more or the pressure exerted on the Albanian government to increase cooperation with EU Member States, Albanian-Dutch cooperation through EU agreements is rather limited. Data and information between the two countries can be exchanged through Europol while joint investigations can only take place if the cases involve at least another Member State. Hence it is highly likely that bilateral cooperation will become increasingly important.

Given the unresolved Dutch public safety concerns and future drug market changes, which may impact the role of Albanians in transnational organised crime, a comprehensive analysis would be necessary to ascertain the activities of Albanian criminals in the Netherlands and assess the potential cooperation between criminal groups operating in both countries. A prominent example of such an assessment is that commissioned by the Dutch government to determine the nature of the threat posed by Italian organised

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12 Tweede Kamer, Verslag van een schriftelijk overleg over o.a. de geannoteerde agenda Raad Algemene Zaken van 24 March 2020, p. 26 (translation by the authors), <https://www.tweedekamer.nl/kamerstukken/detail?id=2020Z05498&did=2020D11447>.

13 For further information, please see European Commission (2020), Commission Staff Working Document: Update on the Republic of Albania, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/update-on-the-republic-of-albania.pdf>; Italian International Police Cooperation Service (2018) summary presentation on “Airborne Remote Sensing for Detection and Monitoring Cannabis Plantation”, <https://mb.gov.al/wp-content/uploads/2019/02/Raporti-i-Policise-Italiane-2018.pdf>. For more recent outcomes of bilateral cooperation with the facilitation of an international arrest warrant from Eurojust, see also Eurojust (2020), “Major Albanian-Italian Drug Trafficking Network Dismantled”, 30 June, <http://eurojust.europa.eu/press/PressReleases/Pages/2020/2020-06-30a.aspx>.

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14 Tweede Kamer, Verslag van een schriftelijk overleg over o.a. de geannoteerde agenda Raad Algemene Zaken van 24 March 2020, p. 23 (translation by the authors), <https://www.tweedekamer.nl/kamerstukken/detail?id=2020Z05498&did=2020D11447>.

criminal groups in the Netherlands.<sup>15</sup> This evidence-based approach would provide a better understanding of the current challenges, forecast future trends and provide recommendations on priority areas for cooperation between Dutch and Albanian authorities.

Since EU accession negotiations with Albania have been formally opened, increased contacts between the two countries at the EU level can be expected. The agreement to open accession talks opens up new opportunities for closer discussions, exchanges of concerns, informal contacts and effective resolution of bilateral issues. If the Netherlands and Albania are serious about their commitments in both EU accession and combatting issues of irregular migration and organised crime, this may prove to be a window of opportunity to step up bilateral cooperation and create a constructive agenda to tackle joint challenges.

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15 Kamerstuk 29911-152, Brief van de minister van veiligheid en justitie, 29 March 2017, <https://zoek.officielebekendmakingen.nl/kst-29911-152.html>.

### About the Clingendael Institute

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