Pathology of Smuggling in the Customs of Kurdistan Province and Suggesting Preventive Ways

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Abstract: The aim of this study was to review the pathology of smuggling, causes and the ways to prevent it in the customs of Kurdistan province. This research was a descriptive and Meta-analysis study which has been done by using library and documents methods. Smuggling phenomenon of commodities and currencies cause many challenges in any society. In economic field, cases such as the lack of economic policies efficiency and at the same time existing smuggling, imposing currency costs, increasing the cost of official imports, currency problems of the government to import basic commodities, debilitation of local production, reducing production and per capita income, the expansion of hidden economic culture, money laundering and losing consumer rights; In socio-cultural dimension, exacerbating the social gap, devaluation of social values by extension of alien culture, tendency to outlawing, increasing social disordering, undermine the social acceptability, reducing feeling of social security in citizens, uncaring about religious and moral beliefs of the people in that society are some of detrimental effects of smuggling which shall to be mentioned. Among harmful examples of smuggling in political fields are decreasing public security, increasing illegitimate wealth, power and bribery, reducing public confidence, undermine the economic security and wasting national resources, development of lawlessness, illegality and its extending to the other sectors of the society and reducing social security ratio.

Keywords: Smuggling, Prevention, Customs, Solution, Kurdistan Province

I. Introduction

Today, economy is a priority for every country that has a fundamental role in administrating the society and it could act as a legislative power and even orient the policy. So it is clear that economic crimes are having particular importance. In the field of economy, statements of "economic crimes" and "smuggling" are not only indicative of a category of behaviours that to be punished but the term actually crosses three areas of economy, criminal law and politics. It is obvious that development of human life are more dependent on economy and if we study this index especially in competition between the countries to promote it, it would becomes clear that economic relations and consequently economic crimes to what extent are extensive, diverse and complex. In these circumstances criminalization of such behaviours will be valuable (Aghazadeh, 2006).

Economic is a response to the shared human needs, so determining territorial boundaries has never been able to immune economic activities within these borders. Although, the governmental face of economic activities are going to privatization, but statesmen have still retained their relationship with these area. In addition to the adverse effects of smuggling over the economy, this phenomenon has been mentioned as a great economic and social challenge; also it is a serious threat in the way of free trade and imposes heavy costs on the economy of the countries (Bayat, 2010). The most important interpretation challenge in economic crimes especially in terms of smuggling is its conceptual challenge. Definition and place of smuggling in Iranian criminal law has always been in ambiguity and was a controversial issue. Smuggling is one of the economical and organized crimes which is seen in all countries, but nowhere is and exists like our country (Iran) in these dimensions of great size, complexity and various types. Today, commodities such as weapons, drugs and human trafficking are among illegal business activities in the world and the issue of goods smuggling is largely cancelled. But in Iran, smuggling is a complex problem for various reasons (Bayrami, 2010).

Since in criminal law the principle is based on legality of crime and punishment; as the explanations of key words in this context strongly influenced by the law, it has to be said that smuggling should foresight to be identified in the law. Now this question arises that foresight in the law means mentioning just the term or its meaning could also be a definition of that rule; In other words, according to the types and characteristics of economic crimes in various criminal laws which had been anticipated can it be said that The Iranian lawmakers endorsed smuggling in sense of direction? The answer to this question will depend on the quality and legal
nature. Legality is based on manifestation and adhere the text and basically the legality is unfamiliar with the meaning and essence. If the law do not create or anticipated a word, it cannot be used as one of the key words. Fulfilling the law by all including the officials is legality requirements, so the right to interpret do not mean to derogate an apparent rule or law. Interpretation is not equal to create a term; however, it can only use and appropriately put the existing legal vocabularies in their rightful place with regard the real intention of the legislator (Mossalla, 2003).

About the term of “smuggling” which is mentioned in various criminal laws, we see that it had not been clearly defined and just some examples were addressed. This issue was resolved by the adoption of anti-trafficking law. Originally "smuggling" is a Turkish word and it cited as “fugitive” in amid dictionary. Smuggling has an extensive scope and because of traversing territorial boundaries and its complexities; it is counted as the most important violation behaviours of economic security. As Beccaria said "Trafficking is a crime that really causes disadvantages for the Government and the people too. This crime is because of the law, i.e. the more customs, the more profit would achieved, so temptation to do smuggling will increase and the ease of doing it in line with protection of the borders and reducing the amount of goods import will arise. Anticipation of confiscated prohibited goods and belongings as a punishment entirely fair; but this would be more effective when lesser customs exist as human beings risk about the things they hope to gain profit by doing them successfully regard their plans (Beccaria, 1995).

In a study by the entitle of "Methods of confronting and preventing smuggling crime", Omidi (2007) writes smuggling has harmful and adverse effects on the dimension of economic, social and cultural of the countries; therefore, for real support of the economy and prevent from adverse effects of this devastating economic phenomenon Identifying the criminal nature of the smuggling, analyzing contexts, causes of its increasing and defining control solutions for this crime has always been considered by the officials and and domestic and foreign scholars (quoted from Puriaie, 2008).

Gholizdeh, Alipur and Zowghi (2010) in study entitled causes and consequences of smuggling in Iran after the Islamic Revolution conclude that smuggling exists in a massive context in Iran that covered many parts of the country and has adverse effects on its economy. In expanding the smuggling various reasons have involved which knowing them would be very important in confronting it. Smuggling might be illegal import and export from the border include everything such as human, antiques, weapons, commodities; so that it would affect a large part of the economy which is the same international and overseas economy based on import and export. It is why that Boccera defines trafficking as economical lawlessness. Therefore, in the definition of smuggling all aspects should be considered, but if it used lonely in common language, they mean commodity smuggling involve conditional allowed products, prohibited and banned ones to export. Smuggling might do in borders or in any part of the country if it is discovered, it will mention as smuggling and according to the law would be confront with it (Akremen, 2005).

Entering and exit of the goods to/from the country illegally often takes place in order to gain profit and illegitimately, so it would gradually become a big cycle and a significant percentage of the social labor force will be engaged; and in a manner that smuggling makes one of the main matters of underground economy and its impact on the economy is inevitable (Mossalla, 2003).

Also studies of smuggling show that distribution of this phenomenon in Iran can be vary regard the conditions, requirements and economical and political structures; therefore any plan to confront it must be done with consideration of these factors. Because of the complexity of this phenomenon and using the rules and existing opportunities by the investors, the action of the police and other confronting organizations will be limited so that by changing the alternative methods of trafficking in this process, the scope of action and different taking steps of the smugglers will expand. The status queue of the country and the growing number of smuggling cases imply endorsement of this issue. According to the expressed statements and the importance of the issue, the present study has been done by the aim of investigation and pathology of smuggling, causes and the ways to prevent it in the customs of Kurdistan province.

II. Material and Methods

Compilation and data collection depending on the type of the research were library, field work and analytical methods; accordingly, by referring to scientific literature, including books, magazines and library periodicals, documentation and legal and economic issues as well as authentic websites of research and scientific articles, the required information have been collected for the study. At the stage of note taking we used from reference techniques by scientific method in order to validity of the research. Also, we have been used from statistics and research data obtained in the investigation from General Administration of Customs of Kurdistan province along with the interviews with the relevant authorities.
III. Results

The economic outcomes of smuggling in Kurdistan province

It is a while that home appliances import from the borders of cities like Sardasht, Baneh, Mariwan, Saqqez and etc. to Kurdistan border markets and they easily sent to other cities of Iran especially Tehran; e.g. Baneh has changed to a centre of such commodities that have no warranty. However, all the goods are sold 50% below the cost of similar goods that import from official borders and by recognized international agencies. Although, import of these goods from informal borders have negative consequences; but caused to economic boom of such border cities. For example, border markets of Baneh caused to the city's economic boom such as increasing property prices especially shops, also the activity of mall construction and selling household appliances have significant growth.

Generally, the importing goods from Baneh and Marivan are made in China, Thailand, Malaysia, Korea, Japan and Turkey which entered via Dubai and Turkey to Iraq then informally entered Iran across the border. These products are include audio and video equipment, mobile phones, electronics appliances, home appliances, pharmaceutical, cosmetic, food, automobile parts and accessories, decorative, clothing and shoes which are abundantly found and sale in a variety of models and brands in the crowd market of Baneh.

The major aim of every community that is interested in progress is to improve its people's lives. One of the factors that have the most influence over the welfare of society is creating jobs and having a productive structure in the society. Work is the source of wealth and people are forced to do it to survive and increase their capabilities. Although, Kurdistan province has good potentials and capabilities in the fields of water resources, forests and meadows, mineral resources and tourism; despite these issues the cities are still have fundamental problems for growth and development and in comparison with other parts of Iran have not gain much contribution from the benefits of national development so that these cities have always has the weakest link to the rest of the country in regard national supply chain and other economic activities.

Above conditions have adverse effects on the growth of other industrial mineral and agricultural parts. In this area some types of illegal trading are done which is called smuggling. This issue is not only exists in Baneh, Saqqez, Marivan and other cities of the province but also in other regions at the West of Iran. For years it is exist in the northern and southeast cities of the country and it is mainly because the residents of border areas are those who have not often been successful in finding proper fields of employment. This fact should be considered when there is no a proper plan for entrepreneurship. People to continue their living and provide food for families will have to participate in pseudo-jobs; and those who are seeking a healthy income from economic activities are mainly migrated to big cities. In recent years, the amount of foreign goods significantly increased in most cities of the country that most of them are import into the country by smuggling. West of Iran and mostly Kurdish regions are participating in these affairs. According to a border city and high ranking of unemployment, Baneh has the most statistics for smuggling. In all these years, lack of attention to the importance of geographical and favourable conditions of the region for agriculture, livestock and investments for establishment of factories and workshops have not been caused to absorb the potential powers of the area. On the other hand, Deprivation is seen at the province.

Due to the lack of working facilities in this area people have to do businesses through illegal channels that have very little profits to them, but they make their breasts as a shield in front of bullets and even sometimes lose their lives on this way. To meet their basic needs of life and having income, they are participating in import goods through smuggling under compulsion. West regions of the country because of the war years and close to the borders have experienced great deprivations. In these area, most families are excluded which do not have any suitable facilities for employment.

In addition to formal and legal exchanges, boundary and geographical position of the region has caused informal and hidden exchanges in a largely scope to be done. Although it is not possible to estimate the amount of exchanges easily; but considerable sections of labour force are busy in these transaction activities due to the lack of employment opportunities. Most of the people enter the informal economy because they are unable to find jobs or to start new businesses in the formal economy. Indeed, a large percentage of those who work in the informal economy are poorer than those who are engaged in the formal economy. Their jobs are generally unstable, having low income and non-continuous.

Except organizing these interactions by intelligent management which guarantees the survival and territorial integrity and economic independence especially for border cities despite their weak economic foundations and on the other side, their isolation and marginalization compared to other great and central cities and existing development axes, they have been faced with many problems. In such a proper strategic situation to develop border cities of Kurdistan should be based on maximum use of available resources and potentials made appropriate plans and decisions. In short to medium term and by following this strategy the activities of Baneh is led to the economic and social development of this city which they are in an appropriate manner so their expanding and strengthening would cause to solve some issues and problems of this city such as smuggling. Due to profitable potentials and the background of business transactions with neighbouring countries, trading sector of Kurdistan's border towns are the most significant parts. By strengthening and providing development
of other sectors in a long-term period in order to the economic growth of border cities of Kurdistan province, some of the problems in these areas could be solved.

**Preventive Ways**

A) Public education and awareness promotion

Basically, success or failure of anti-trafficking strategies at the national level is largely dependent on the level of public awareness in relation to the costs of this crime and its consequences and aligning public opinion in protection of anti-trafficking measures requires public support are from high standards of health and administrative performance and confronting with this phenomenon in all areas that are prone to corruption. In case of such supporting, anti-trafficking strategies would be effective. For this purpose, it is necessary for prevention of this phenomenon to educate people in the community with the subject of smuggling nature; consequences and the need for cooperation of people. In this regard, various social groups could be covered by information with specific media tools.

For example, production and distribution of information brochures by the subject of ethical standards for users of administrative services can be used in the related areas. Also comprehensive tools for targeted linking with specific groups who are directly exposed to this crime can be useful. The main points regarding these trainings should be followed; no distortion of reality and considering factors such as level of education and social awareness, language, and an appropriate culture are for offering such programs.

B) Postural preventive actions against smuggling

Postural prevention refers to the actions that directly affect in disturbing the opportunities to commit a crime. Some of these postural preventive actions are macro and micro and related to the law legislatives. Although, postural preventive actions applies to those behaviours that legislature or other related organizations to stop the crime have been predicted but before addressing this issue legislative should be faced with preventive subjects. This issue, especially in economic crimes, is more important than other crimes. However, corruption based on law or the actions of legislative never explicitly understands as crimes but it can be corruptive and even cause to expansion of economic crimes over the country.

The idea of postural prevention is based on cure events before bits and it can be any type of remedy that comes to mind. On one hand, prevention is concerned with the probability of future criminal behaviours and on the other hand, it is based on some ideas which shaped criminal behaviours that have not happened yet. Scale, amount and its framework is in hands of those who use and utilized it. Thus, postural prevention could be extremely dangerous and limited and also to be a gadget at the hands of rulers. Therefore, implementation of postural preventing about the crimes related to security situations it is actually indefensible in non-democratic and outlawed countries; because inevitably will lead to the restriction or suppression of freedoms and ignoring rights in real and cyberspace. In other words, situational prevention means entering to the individual’s privacy and despite people have not committed a crime but they lose some parts of their freedom. (Najafi Abbrand Abadi, pleadings 2004).

Obviously, in the case of economic offenders regard their significant power of adaptation with society and also their high sense of confidence might lead to weaken the influence of social prevention. To prevent crime, the next step is postural prevention.

According to what is discussed, it concluded that the border regions are one of those sensitive points of the country. The necessity of providing and maintaining security of border cities is one of the most important issues in each country. Undoubtedly, controlled borders and areas without tension and establishing security and sovereignty of each country’s government has a key and guidance role and reduce abuse and the involvement of internal and external enemies; it seems planning to provide stability and prevent from imbalance is essential and vital for Iran.

Recognizing the impact of social, cultural, political and economical factors over the security of the region are considered as the most important matters to perceive security vulnerabilities in order to avoid any tension and anti-security actions. According to be a boundary province and its vulnerability in terms of development and security, it can be said that smuggling is undeniable in the region. The most important security challenge in the region is unemployment and people's dissatisfaction from economic activities. These factors make people for subsistence and maintaining themselves at a minimum level to participate in a variety of unofficial and pseudo-jobs which in this situation they would be the last chance. One of the informal activities is increasing unofficial cross-border trading (i.e. smuggling). These exchanges that meet the need of people who live in boundary regions have long been matter in this risk.

Complex economic problems in the region provide a platform to crime and illegal transportation to the other side of the border cause ill-security consequences and maintaining security discipline and controlling these regions have been faced them with problems and threats. People who live in boundary regions are more economically vulnerable in comparison to the other parts of the country. If people of these areas economically secure then destructive effects of political and security significantly decreases. The establishment of border markets by the government in recent years were very helpful for the habitants. Most of boundary points till that time considered as security regions, after that business transactions organized and formally changed.
Trafficking and especially smuggling of goods and its expansion have various effects in border areas. This problem leads to different effects in different times and places that considering them is essential in order to eradicate them. Considering this phenomenon regardless of its status in different parts of the country and even in other countries and international level would be a useless work. Exchanging goods at the borders have not a problem itself and may also have positive effects to economic boom of the country and the region.

In the past few years, in Kurdistan a project have been done entitled closure of the border. The project aims was to create a physical gap between the border of Iran and Iraq, especially in areas where there was no possibility of police presence and almost use as a way for mules for liquor smugglers. This highly cost plan was used as postural prevention and caused to reduce traffic of these areas. It was also associated with outcomes so that carriers and mules sometimes were shot and due to lack of access to obliterate the carcass, environmental pollution were created.

Also by creating border passages and crossings to control entry and exit of foreign goods that belongs to boundary people in this province are solutions to replace illegal transactions with the state-controlled trade activities. Although, domination over these border crossings is difficult because of the situation in the region such as climate, outlying and lack of interest in police officers to serve in these areas; but it can be considered as preventive actions of the government against smuggling.

Providing appropriate infrastructure in the official borders of Bashmaq and Seyranband are considered as those promotions planning’s by traders and active economic actors. Wide road construction that are safe and proper to driving, establishment of rail guards for legitimate shipments to prevent siphoning, providing passenger facilities at the border to prevent illegal crossings at Bashmaq, entry and exit of goods as well as X-ray machines are such actions. X-ray and gamma ray devices is suitable for cargo on the borders as a means of controlling through which it can examine the contents of the containers and prevent from entry of imported goods that does not exist in transit papers or smuggling.

Using experienced, honest and trained staffs can also prevent from illegal entrance or exit shipments. Exact scale devices can be used as preventive devices. Intermittent use of police officers and employees in sensitive border areas can also be effective to prevent threatened or bribed them. Off-course, security of officers' livelihoods should be in priority of actions in order not to get in circumstances that by providing bribery let to illegal enter or exit of goods because of their hard living conditions.

The informal and illegal form of trading is smuggling. If not organized and controlled, it would cause negative and harmful effects for the country and also to the region; so for developing the economy, income and employment for border residents in order to achieve sustainable development in this regions planning is strongly felt. If so, by proper strategies for each border region in the country regard to actual and potential powers as well as its practical implementation, we see reduction and even elimination of smuggling and ultimately the development of these regions. Kurdistan province which co-borders with Iraq, such as the rest of the boundary regions of Iran, smuggling is being done extensively that have brought positive and negative effects to urban residents. Smuggling has positive economic impacts such as increased in income, reduction in unemployment and increasing the employment and have brought negative effects such as negative impact over other sectors of the region’s economy to residents. Using the potential of long dusty common border can become be an opportunity rather than a threat in organizing border transactions As the official border of Bashmaq that has changed from a border market to an official border in recent years which almost customs procedures have been done there. It ranked as the third transit border of Iran and can be economically exploited in this way and if some condition of promoting this route deployed at the border such as transit roads with high standards, efficient and honest human resources, electro-technical equipment, e.g. X-Ray then caused to the economical boom of Kurdistan province and livelihoods of its boundary people.

IV. Conclusion and Discussion

Increasing economic crimes globally is one of the main today concerns that the shadow of such crimes is expanded over developing countries like Iran. In fact, increasing corruption and economic crimes including smuggling do not mean its growth in all countries but inability of some countries to control this issue.

- Educational institutions in socialization of children, adolescents and young adults and internalize the values and norms of society and acquaint them with the rights, duties, obligations and the role of citizens have to take effective steps.
- Educational and cultural institutions should try to make culture and cultural contexts for real encountering against smuggling by developing long-term planning.
- Fields of active participation in the issue of social, political, security, economic, cultural and etc. have to be created to facilitate encountering with smuggling by people's association.
- A comprehensive plan to encountering smuggling has to be developed with the participation of all relevant organizations so that a united sight will create.
- By creating logical employments in boundary regions smuggling in youth will reduce.
Training workshops to familiar people with the disadvantages of using contraband goods and explaining security risks of economical cultural by educational organizations should plan and implement.

In planning of development to enhance the quality of domestic goods more attention is required to the mid and long-term strategies.

Cooperating with the countries of the region, particularly with the neighbouring countries, has to be done in the fields of customs agreements in encountering with smuggling.

Presidency of centre of encountering with smuggling in collaboration with relevant organizations such as Education, Science, Research and Technology, Culture and Islamic guidance, Broadcasting and etc. have to provide proper conditions in field of making culture in importance of locally-produced goods by training, advertisement and television programs.

In this part some proposals is presented to improve the status-que and achieving development in Kurdistan:

1. Focusing on the development of the region based on natural resources such as water, soil, vegetation and mines.
2. Using human resources and indigenous knowledge and strengthen it through professional training and its promotion. Because these resources are very rich in some areas of Kurdistan and by proper management can be reach to sufficient economic exploitations.
3. Emphasising on reducing the role of state administration in the border regions and giving it to the local people. People who live in border regions have proven repeatedly their sympathy with their government in recent years. Despite having the minimum facilities and income, they also have shown their faithfulness and won’t allow any enemy to invade them.
4. According to abundance of young people in the region it can use of them in industry. For this purpose, training has to be done in this area then provided them with the necessary equipment. In addition to provide convenient and efficient means of communication, suitable and permanent energy, education of modern methods and other infrastructures and required facilities for them.
5. Due to the high potential of the area in this context, agriculture required more attention. Digging wells in order to use them in cultivated land with water and increasing their production is necessary. Using the wells and water turn dry land to productive ones which this will increase the incentive of farmers to invest more; then production will increase and their incomes rises, and finally cause the agricultural development of the area.
6. Proper and righteous awareness through the mass media to inform people from negative effects of smuggling in the country and region and finally, encouraging them to suitable alternative jobs as if they understand the harms of smuggled goods, demand of such goods will decrease.
7. Proper planning for development of tourism in the region regard its potentials in ecotourism and trading tourism will create jobs and increase the income of its residents.

V. References


