

**Transnational organized crime as an increasing threat to  
the national security of democratic regimes: assessing  
political impacts and evaluating state responses**

Fernando Reinares

with Carlos Resa

In November 1994 the World Inter-Ministerial Conference on Transnational Organized Crime was held in Naples under the auspices of the United Nations. Two years later, when the President of the United States, William Clinton, presented the revision of the National Security Strategy to Congress, he mentioned for the first time the fight against international organized crime as a matter of national security (USG 1996:25). Governments from many other countries throughout the world have included such disruptive phenomenon among the new actual or potential threats to domestic and international security. The most industrialized nations belonging to the G-7 group, the Council of Europe, as well as other regional organizations, have also given warnings with respect to the problems caused by transnational organized crime and have encouraged taking action against this menace. European Union institutions, in particular, are increasingly worried with the phenomenon, now the objective of police cooperation between member states. As a further example of this common

concern, the New Strategical Concept of North Atlantic Treaty Organization, completed in 1999, remarks that Alliance security interests can be affected, among other risks, by organized crime.

This perception about the challenges posed by organized crime, though sometimes exaggerated by state agencies and non governmental organizations, arose during the last decade due to the combined effect of both the observed evolution of such disturbing phenomenon and changes in the focus of international relations once the Cold War was over, following the collapse of communism. Accordingly, this report summarizes, first of all, some recent trends in organized crime, transnationalized mainly as a result of economic globalization. Secondly, the paper approaches transnational organized crime as an increasing threat to the national security, assessing more concretely its impact on the political structures, institutions, actors and processes common to democratic regimes. Finally, the analysis focuses on a tentative evaluation of various measures to counter such growing challenge typically implemented by governments at a domestic level, as well as on the problems and prospects for a much needed intergovernmental cooperation against transnational organized crime.

## **Globalization and Current Trends in Organized Crime**

In just one decade, organized crime has gone from being considered a problem limited to certain countries or regions, the result of specific historical circumstances and scarcely affecting the political decision making, to become one of the basic factors when defining threats to the national security in general and democratic governance in particular (Godson and Olson 1995). Organized crime is no longer considered a delicate problem of criminality which has become spread and structured to a certain extent, but a phenomenon operating on a wide scale likely to harm the functioning of society and politics worldwide, although its effects vary depending on certain conditions. If this is to be meaningful, the concept of organized crime must free itself from the narrow visions embedded in the legalistic theses and those often similarly presented by the security agencies, so as to find out about the differences between groups of people who systematically commit crimes and what is specifically considered to be organized crime.

Although it is possible to observe functional relationships between criminals gangs and organized crime, and these become more acute when dealing with local performance of transnational organized crime (Joe 1994), there are two basic differences between both notions. First of all,

organized crime exists when the type of offenses perpetrated have particularly serious social repercussions. This may be due to the violence involved in their execution, the financial losses produced or other features implying anxiety or indignation among the general public. However, a second characteristic must be added before organized crime can be considered to exist: it is able to protect itself against the state and other external agents which constitute a potential danger to its continuity and the expansion of its activities. Such protection is achieved basically in two ways: on the one hand, intimidation through the actual use of violence or the threat of using it; on the other, corruption which blocks action by state institution or civil society entities (Fijnaut 1996). Within this lax definition, the range of activities organized criminals may carry out is extensive and these vary in accordance with the internal and external variables faced by each group. They can include the combination of one or more markets and a relatively limited or large number of countries, although recently a strong tendency could be detected towards the concentration of business in a lesser number of groups dedicated however to a greater number of illegal fields. Their repertoire of activities certainly include professional and financial crimes, but organized crime as a whole is far more articulated and incorporates strong control instances. However, at certain points both criminal models tend to

amalgamate (Paoli 1995; Naylor 1996). Organized crime may even resort to terrorism as a part of its violent methods at certain times or during particular stages.

A wide ranging inventory of organized criminal activities include the supply of illegal goods and services, such as the production and trafficking of drugs, trading in weapons, children, organs, illegal immigrants or nuclear material, gambling, usury, forgery, hired killings and prostitution; the sale of stolen property, especially luxury cars, animals and works of art; helping out legitimate companies in illegal matters such as breaking environmental or labor laws; the use of legal networks for illicit activities including the management of transport companies for drug trafficking or construction investment to money laundering; finally, systematic predatory action such as piracy, extortion and kidnapping. Among the large groups typically considered to belong to the category of organized crime and to be involved in one or other of these illicit activities are those pertaining to quite a long list of organizations dedicated almost exclusively to drug trafficking on a wide scale in Europe, Latin America, South Asia; the Italian Mafia in a global expansion program originated decades ago; the Japanese Yakuza; the Chinese Triads; and, finally, the magma of organized crime coming from Russia and other Eastern European countries (Picomb 1996; Cretin 1997).

The evolution of international relations together with the transnationalization of organized crime has endowed this phenomenon with a new role as a growing threat to democratic regimes. Although there is no unanimity with respect to the extent of organized crime as a threat, its importance being reduced to a potential risk by some authors (Turner 1991; Block 1996; Naylor 1995), recent research has given weight to the challenges it poses for national security. On the one hand, the collapse of the Soviet Union and the acute financial and political crisis in current Russia, have led to a fundamental redeployment of the ideas governing the concept of national security. Thus, the organizations which played a major role during the Cold War and the set of institutions which were central actors in the confrontation between military industrial complexes suddenly found themselves deprived of the theoretical justification supplied by opposing superpowers and nuclear deterrence. In this new scenario where the supreme threat disappeared, these agencies, which have been externally forced to redefine themselves, the reasons for their existence and their high expenditures in an environment with strict financial controls, require a new kind of justification. Thus, following the way set by the Soviet Union, which went from monolithic Communism to being broken up and becoming a prey to organized crime, the Soviet block fell behind as far as security concern and the

mafiyas, which gained control of a large amount of resources in the republics which emerged from the break up of totalitarianism, became a clear menace as were its homonyms in other parts of the world. Generally speaking, this shift in focus is part of a redefinition of the concept of security (Burros 1995), which is more akin now to the one existing in the period between the two world wars than to the prevailing one during the Cold War, which was based on the confrontation between antagonistic blocks, geopolitical calculations and the realistic dimension of international relations (Baldwin 1996).

Nonetheless, apart from the arguments developed within the security agencies and armed forces, it is evident that recent trends in organized crime have led to the effective increase of its harmful consequences on national security in general, as well as on the normal functioning of democratic institutions and processes in particular. Several factors facilitated this emerging situation and produced a new model of organized crime predominantly transnational in its character. This type of organized crime has three basic differences with respect to previous manifestations of the phenomenon: it tends to operate at a regional or global level, mobilizing extensive cross-border connections and, above all, has the ability to challenge both national and international authorities (Godson and Olson 1993). Processes parallel to those which made

possible the growth in economic globalization enabled also criminal organizations, once confined to restricted environments or countries, to perform at a broader scale.

The rapidity and the possibilities provided today by innovative technologies applied to transportation, together with a political commitment to global free trade, have increased the flow of licit as well as illicit goods. This situation has been aggravated as far as the most lucrative business of organized crime, that is drug trafficking, is concerned, since producing and consumption countries are in different continents, although distances tend to be reduced or even disappear with the increased use of synthetic drugs. In a symbiotic type of relationship, criminal organizations have combined the exploitation of business opportunities and routes opened up in the international market with the historically accumulated knowledge of contraband, which had always been very resistant to the action of the state (Resa 1999). Thus, a very lucrative mix of old and new illicit activities were generated where specialization and widening of markets did not seem to be contradictory tendencies. In this regard, it is not a mere coincidence that the activities and even the abuses carried out by large multinational firms, rather uncontrolled at the international level due to the lack of antidumping agreements and the increasingly more intense search for competitiveness, lay down the usual precedents for the

introduction of organized crime (Savona and Mezzanotte 1996). Research carried out in the United States and Western Europe show that there is a link up with the activities of the legitimate firms and that important segments of the legal economy have been penetrated by organized crime (Van Duyne 1993a; Block and Van Duyne 1995).

The growth in world trade has been accompanied, or even favored, by a revolution in the financial networks. Remarkable technological progress in communications, as well as efforts of the banking institutions to develop new options to avoid paying state taxes and to satisfy the growing demands of the transnational companies, together with the huge amount of money in circulation within the system and the ease with which it can be transferred at high speed, have greatly favored a basic stage in any illegal business: money laundering, that is the control of money, obscuring its illegitimate origin and its ownership, then legalizing profits. The general lack of supervision on international financial activities, albeit recent efforts to introduce a certain degree of control, in addition to the complexity of such operations, make it extremely difficult to enforce regulations. Should any country undertake to reinstate the control on the flow of capital, this would not have the desired effect but, on the contrary, could lead to a rapid relocation of capital, loss

of earnings for the powerful banking sector and greater complexity as regards the financial instruments. Moreover, for many countries which receive these illegal funds they compose a substantial part of their economies, and a radical approach to the issue would eventually inflict strong economic and social hardship. Actually, these activities are carried out on a large scale in many countries, which are chosen according to factors such as banking secrecy and facilities to operate with tax havens, corruption levels, police training, the power of financial institutions and the currency exchange controls (Maingot 1995).

In addition, technological progress made in communication systems and the transfer of information have had other effects on the evolution of organized crime. On the one hand, it has allowed the flexibilization of organizational structures and has enabled them to function in networks which tend to maximize profits and elude the state security forces. On the other hand, it allows the reduction of accumulated paperwork and so eliminates much incriminating evidence which could facilitate repressive police action. However, as an underlying trend, there has been a change in the nature of threats to national security, which previously were related with great accumulation of power, resources and territory, and are now associated with the generation and control of information. Regarding this

point, new vulnerabilities appear in the security defenses of the states as the criminal organizations, with their enormous financial potential, can access information which they may eventually use to improve and expand their business.

The globalization of information through mass media, which allows the immediate presentation to the whole world of well-being enjoyed in developed countries, the parallel appearance of a multiplicity of regional conflicts, and the progress made in transportation, have led to an important increase in immigration flows and the gradual creation of ethnic networks throughout the globe. Despite the vast majority of immigrants being respectful to the laws of the host countries, criminal organizations have taken advantage of this ethnic dispersal so as to develop their own transnational networks within which they are in permanent contact through advanced communications systems (Myers 1995). Although the main criminal groups still have a strong national identity and haven headquarters from where they co-ordinate their activities, the precarious living conditions of many immigrants facilitates their expansion into new markets. Ethnic links, with their systems of loyalty, solidarity and sanctions often superimposed on the legislation of the countries where immigrants live, indirectly facilitates the implantation of organized crime. Police intervention among these groups is hindered by

language and cultural traits, which are strengthened by kinship ties leading to group solidarity and suspicion of national authorities (Savona 1996). This situation is further worsened by inappropriate action taken by administration agencies which do not make the distinction between members of criminal organizations and people located in a wider social segment, who generally tend to be those who suffer the damage of discriminatory practices.

Regarding this point, the existence of frontiers which have become increasingly porous has produced a partial shift in police action, from border control to the surveillance of specific social groups (Anderson 1996), eventually criminalizing certain ethnic communities. A determining factor in this change has been the inconsiderate and alarmist treatment of both immigration and organized crime given by certain mass media. Parallel to this process, multicultural urban areas are growing fast, functioning as nuclei of the world economic system. To a certain extent, these plural cities can be regarded as the heirs of those classical port towns which were central to the first global networks of organized crime. Such cities provide a combination of elements, which include power centers, highly developed financial and banking systems, significant economic inequalities, a cosmopolitan population which guarantees anonymity, the relaxation of social control and ethnic diversity, all of which can intentionally or

unintentionally facilitate the penetration and maintenance of transnational criminal networks.

Organized crime is also familiar with the rapid spread of technological progress in other domains than those already mentioned. In fact, owing to its enormous economic potential, large criminal groups have faster and more efficient access to technological resources than the average person experienced in the field. It is common knowledge, for instance, their ability to acquire and deploy any kind of new device, which they also continually experiment with. This progress is especially relevant with respect to drugs, as has been shown by the spread of new synthetic narcotic substances, in the field of weapons and in the forgery of all types of goods. Moreover, their access to new control and communications technology is achieved more quickly than the security forces responsible for pursuing such criminal organizations, the becoming less vulnerable to state repression. But progress in transport and communications technologies has also given rise to the multiplication of social contacts and the immediate transmission of any kind of novelty, this paving the way for experimentation with new drugs and very often for uncontrolled abuse. The excess of wealth and an environment where massive consumption takes place in the context of industrialized countries have created new recreational and leisure opportunities accompanied by an increase in illicit

goods and services. The fact that a part of these sought after goods and services is legally prohibited has aided the growth of some specialized branches of organized crime and the expansion of old groups into new, lucrative business.

Finally, organized crime is also involved in the great international political conflicts which have multiplied during recent years. In fact, global strategy of the large criminal organizations has been profoundly influenced by geopolitical events. While under normal conditions organized crime prefers stability, it tends to prosper when there is political and economic unrest. Communications and transportation enables them to transfer to zones in conflict or unstable areas, where there is an obvious loosening of controls, large amounts of capital which covers the flight of legal funds at times when hard cash is necessary and where returns on investment are usually high due to the risks assumed. The end of the Cold War has meant a diminishing in world tension and, therefore, in conflict areas a relaxation of any type of indirect or even direct control by Western authorities responsible to less polarized audiences. Some events in recent years have been particularly relevant for transnational criminal groups, such as the Yugoslavian civil war (Xhudo 1996), German reunification, economic reform in the Chinese Popular

Republic, the emergence of both new trading blocks and new industrialized countries.

The disappearance of the Soviet Bloc has been a crucial event encouraging organized crime expansion. Helped by the lack of internal controls once the communist regimes had fallen, the transnational criminal groups were quick to make contacts in Eastern European countries. This has had extraordinary and very harmful consequences for the future development of these states as well as for the consolidation of pluralistic regimes. The triumph of capitalism, a weak or unexisting civil society, and a peculiar political culture in many of these countries has led to the troubled establishment of free market mechanisms without the accompanying control measures. This change has initially led to internal disorder, the demise of previous authority structures, reluctance on the part of the population to new official control, the revival of ethnic antagonisms, and a collapse in the judiciary and security agencies, often entailing their subordination to or cooperation with organized crime (Douglass 1995). The vacuum of power and a previous history of organized crime, which has supplied the human resources and the required social networks, together with the progressive fall in the living standards have provided excellent conditions for recreating, establishing and expanding large criminal groups. At the present time, the overlapping of illegal and

legal activities in most of these recently inaugurated market economies is intrinsic to the new situation. Of all these activities, the greatest threat to regional and global security is perhaps trafficking in radioactive materials, which might fall into the hands of terrorist organizations or uncontrollable states, although evidence of such traffic is still scarce and in some cases has been manipulated by the intelligence services and the media (Raine and Cillufo 1994; United Nations 1996).

Nevertheless, some other geopolitical events which were believed to facilitate the expansion of organized crime, for example the disappearance of border controls between the Western European countries which signed the Schengen Agreement, seem to have had a very relative and doubtful effect in this matter (Bigo 1996; Van Duyne 1993b). In fact, border controls were already very lax during previous stages of the regional integration process and the smuggling organizations found alternative routes throughout history which had been used by the large groups of organized crime. On the whole, however, all the other factors considered in above pages unintentionally helped, during the last decade, to expand transnational organized crime on the eve of the 21st century. The phenomenon has evolved to much further reaching organizations than in previous times. As a result, organized crime constitutes a growing threat to national security and international

stability, can disrupt social institutions and economic development, has the ability to undermine democratic processes, and victimizes entire populations (United Nations 1995:39). Thus, a traditional problem of public order or internal security has become a challenge which could not only endanger the viability of societies, the independence of governments, the integrity of financial institutions or the functioning of democracies, but also the peaceful relations between states.

### **Assessing the Political Impact of Transnational Organized Crime**

The new nature of organized crime enables us to distinguish certain facts which imply substantial challenges to the governance of democratic regimes. However, it should be noted that transnational organized crime is not monolithic, but rather a diversified, complex and multidimensional phenomenon where collaboration between groups is more frequent than confrontation (Williams 1995). It has different manifestations in specific countries and has been perceived differently throughout time and space. It does not function uniformly nor does it have a constant degree of impact on individuals, state agencies and non governmental entities throughout the world (Potter and Thomson 1997). The first political impact of organized

crime has to do with sovereignty, an old concept which continues to dominate the sphere of relations between states. States are separated by frontiers, which not only divide up territory but also mark out different legal systems, levels of economic development and political cultures. Pitted against this are the criminal organizations which, due to their illegal and transnational nature, ignore the sovereignty of states and have no respect for borders as far as their illegal business is concerned. Their plans for expansion are not concerned with the idea of national jurisdiction but on the flow of trustworthy people and goods which provide earnings. If they do think of state frontiers, this is always in terms of either specific criminal law systems with differing levels of risk and specific markets with opportunities for illegal earnings, or the blurring of the trails of illicit activities through the international division of work.

Despite the process of economic globalization, the establishment of emerging supranational structures, and the current political argument in favor of the free movement of goods, capital and people have all intentionally eroded an essential aspect of sovereignty, state control on the flow of goods and services through its frontiers continues to maintain sufficient levels of security for the general population. However, organized crime has created parallel indiscriminate routes in order to violate frontiers and

this means a deficit or lack of control as regards the flow of goods and services into the country, which could grow in the future and endanger critical issues ranging from public health to democratic stability. These illegal routes, previously established and very well protected from the irruption of the state, can even be used to supply subversive groups and organized crime with sophisticated and even nuclear weapons or introduce food without the required quality control as well as other potentially dangerous products into the country. Given that the capacity of governments to decide which individuals or merchandises cross national borders is a substantial and necessary condition for guaranteeing governability and sovereignty, the constant far reaching activity of organized crime which trespasses national frontiers with impunity supposes a serious challenge to the sovereignty of states. As a conclusion, organized crime manages to elude the principle of territorial control which is inseparable from the state and considerably corrodes the idea of national sovereignty.

Organized crime can also interfere in the political culture of a given country, that is to say, in the set of values and attitudes related with the understanding of political activity by the individuals and collectivities that make up society. In this sense, organized crime essentially affects the social and physical environments of democratic

societies, distorting the lines which separate what is legal from what is illegal, generating alternative loyalties to the state and provoking changes in public opinion with negative effects on the functioning of the system. In their beginnings, criminal organizations have the single aim of surviving possible intervention by the state and its security forces as it pursues its activities. Its success in illegal business, its rapid business growth and its accumulated wealth have led to new political, social and economic demands, which are specifically the aspirations of the criminal leaders to become part of the social elite from which they often feel they have been intentionally excluded. Thus, they try to legitimize their wealth in the eyes of the citizens in general and the ruling classes in particular erasing the origin of their fortunes. For this reason, they try to lead openly spendthrift lives and to relate with the elite of politics, the mass media, show business, and members of the administration of justice and the financial world. Their financial power is of great help to them in this task aimed at creating social legitimacy. As regards their subordinates, who often include qualified as well as non-qualified workers, members of the public security forces, politicians, professionals and, frequently, a large private security organization, the attachment fueled by salaries usually leads to the creation of a bond based on admiration which allows the occupation and use of a considerable

number of social, rural and urban spaces, thus increasing the possibilities of impunity for illegal activities.

Apart from the individuals and groups which are economically dependent on the hard core of the criminal organization and are generally provided with more rapid, though also more dangerous, upward social mobility channels than the normal ones, the leaders of these groups also use their financial resources for purposes of social investment. Examples can be the construction of housing for modest members of society, public donations which help their reputations, dazzling public shows and the offer of public goods to communities where the work of the state is defective or even non-existent. Such activities provide the leaders of criminal groups with a relatively simple way to launder their earnings and, above all, a way to substitute in practice the tasks of the state and, consequently, producing a transfer of loyalty to the criminal leaders, a legitimization of the illicit acquisition of wealth, as well as the validation of new fields of impunity and protection.

The generation of alternative loyalties is more shameless and widespread in the former communist countries, where the emerging social and economic structures have been unable to generate alternative ties between society and state up to the present time. The incapacity to solve problems related

with the basic needs of the population is evident and the justice system is still weakly linked with the new dimension of the market economy. On the other hand, the transfer of legitimacy is easier among immigrant communities, where loyalty to the state is often strained by financial straits and strong social and emotional bonds with their countries of origin. These ethnic communities are ideal for recruiting members and creating loyalty to organized criminals in its most important markets, due to the growth of immigration in an increasingly interdependent world and to the opacity and the closed environment resulting from linguistic and cultural barriers. Moreover, this closed atmosphere frequently generates inappropriate responses by the state, which are often led by ignorance or even racism. In turn, these rekindle the sense of being unprotected by the state. In this breeding ground, the large criminal groups manage to exploit the feelings of alienation from the state for their own benefit and at a minimum cost in terms of social resources, building up new loyalty bonds, which are ethnically based, and so stronger and more lasting.

But this transfer of legitimacy does not only appears among relatively extensive but well defined groups. Organized crime may eventually lead to a questioning of the most far reaching legality in force by confronting the population with a view of the normative code as inefficient and unable

to control social behavior. While the official discourse talks of formally accepted juridical and moral regulations, which exalt work, sacrifice and democracy, in reality there is a widespread repudiation of these values by conducts which tends to maximize profit irrespective of its source and the social consequences. Thus, norms may be seen to be invalid and inefficient for normal social development, what is legal becomes illegitimate and what is illegal becomes reasonable and necessary (Vaksberg 1991). Organized crime is, thus, strengthened not only by economic social structures but also by a deviant collective mentality and culture (Arlacchi 1983; Astorga 1995). As a result of all this, leaders of criminal organizations become more invulnerable to the forces of the state. Despite the fact that on most occasions they reproduce patterns similar to the dominant social ideologies, they manage to procure loyalty which is seen by citizens as an alternative to, and in systematic confrontation with, the state. This generates a reserve army for the criminal groups or at least inaction and the sympathy of many members of society discontented with the general functioning of the state. In certain cases, the admiration of the leaders of criminal organizations can turn to fascination because, once presented and the legitimizing network set up, they represent a good part of the main social values and the repeated yearnings of excluded groups and the middle classes.

Apart from the transfer of legitimization carried out by organized crime, this can also affect the national collective identities of the populations which make up the essential basis for the territorial division between states and inside each state. On the one hand, it can cause different types of territorial fractures within a country by encouraging conduct and attitudes which confront different groups within society. If a particular territory or social group has a significantly greater level of organized criminal activity than others within the country, the situation can worsen as feelings of rejection arise in certain segments of the less affected areas. On the other hand, organized crime takes advantage of the migrations which have been taking place over recent decades. Problems of xenophobia may then arise leading to extreme right wing violence and social confrontation. The generalization of accusations against culturally different small communities produce a break up of the social cohesion which is necessary for democracy. Inversely, organized crime can also manipulate the feelings of entire populations, in many cases those populations which are relatively backward in economic terms and the victims of inequalities, to such an extent that they confront central governments or supranational institutions. When accusations and activities aimed against organized crime are confused with attacks on cultural and social traditions, many people belonging to

certain homogeneous ethnic collectivities, or even whole countries, might feel tempted to resort to aggressive nationalistic feelings in response to what are considered to be meddlesome attacks on the population as a whole. In this regard, it is essential that care be taken with public policy towards criminals when dealing with the specific features of the populations among which organized crime lives, by not allowing official discourse on crime to focus on foreigners, nor specific ethnic or national groups be criminalized (Case and Farrell 1995).

Organized crime can also have a decisive effect on the political institutions. Criminal groups could try to exert an appreciable influence on the decision making capacities of the three classical powers: the executive, the legislative and the judicial. This attempted infringement is the natural consequence of the very dynamics of the illegal organizations on a grand scale, which in certain cases is similar to other large, legitimate groups, and has two main aspects. On the one hand, it tends create its own systems for dealing out justice and, on the other hand, it tries to turn the machinery of the state in its favor. Both aspects have the same objectives: to reduce the cost of viability for the group over the long run and to increase income.

A fundamental source of problems for these organizations is competition which must be kept at controllable levels (Schelling 1967; Buchanan 1973). Monopoly, as it happens in the legal economy but on a larger scale, is the optimum environment for maximizing profits and reducing risks. As history shows, there is nothing more harmful to the permanence and growth of these criminal groups than free competition, which leads to conflict as regards illegal territorial or sectorial interests. Apart from the monopoly on illegality, these organizations need an authority which can enforce the fulfillment of the agreements required by their illicit activities, without resorting, by their illegal nature, to the state, its legality and its legitimacy, in order to solve conflicts. For both reasons, monopolistic or oligopolistic control of criminal business and the necessity of an authority to resolve conflicts mean that parallel systems of justice are needed as an essential prerequisite for survival. These parallel systems of justice do not require a single authority nor specific written regulations. But this does not reduce its coercive efficacy. Since imparting this justice is determined largely by the personalities and the relationships between the leaders, loyalty to the system is directed towards persons rather than the institutions and, along it, there is a tendency to personalize important parts of the legal culture. These illegal norms regulate the social and economic relations of organization's members and require

unquestioning loyalty to the group in general and the leaders in particular. They also make up the rules of coexistence with other rival organizations. In this regard, whatever decision is adopted among different criminal organizations in order to prevent the excessive growth in business costs, and these can range from mutual respect and pacific collaboration to open confrontation and terrorism, the governability of democratic societies is hampered.

The widespread use of violence, which is characteristic of these alternative norms of the private justice systems faced with a lack of other means to impose sanctions, even when used exclusively against members of their own organization, can lead to instability and alarm in society reinforced by the inability of the government to put an end to the killings, which are often carried out cruelly in order to set an example. This can end in delegitimizing the institutional machinery, regarded as incompetent to solve a problem concerning public safety and the protection of the citizens. The existence of these parallel systems of justice for a group of the population questions the universality of legality and also means that a complex system for imparting justice has been set up alien to the state and whose rationale is precisely the monopoly on violence within the criminal organizations. This opens up the possibility of alternative social and juridical regulation through the creation of territorial or sectorial

sanctuaries, where state sovereignty may be minimal and from where it is possible to constantly challenge the forces of the state with impunity. This situation would invalidate the monopoly on the exercise of justice, eventually including the use of physical coercion, which in principle is in the hands of state authorities.

When criminal organizations reach a considerable size, the most efficient means to enforce this alternative justice is through the establishment of private armies (Violante 1994). These do not usually confine their activity to the members of the organization itself in order to back up the system of justice and set an example for the population in general, by letting them know of the existence of an extralegal method of conflict resolution and thus prevent their interference through intimidation. They are also often used against external members who put their illicit interests at stake, these may be members of other gangs, civil servants or concerned citizens. These private security groups can be used to strongly challenge the state's ability to impart justice and the psychological stability of the citizens, by using terrorist tactics. This leads to demands for action by a state which is overwhelmed by the power of the criminal groups, which, by their very nature, are difficult to break up or paralyze.

Although the private justice systems described above have well defined aims, such as restricting competition, maintaining transaction costs at a minimum level and respect for the hierarchy, generally speaking they have neither the ambition nor the ability to supplant the state legal systems in their totality. In fact, a large part of these internal resolutions do not require the use of violence but sufficient financial resources and there are constraints on the creation of a generalized judicial system. On the one hand, the pacific coexistence of a legal system of justice and another illegal system gives organized crime the opportunity to externalize substantial business costs and to take maximum advantage from both worlds. On the other hand, the creation of a generalized system of justice for everyone would not be economically feasible for the development of the criminal organization itself, and in most cases would be an unreachable objective despite the enormous amounts of money they often handle.

Consequently, the construction of strong, lasting bonds between the legal system of justice and the illicit normative code which allow pacific coexistence and mutual assistance is essential for the survival and growth of the criminal organization. Complicity between both systems is necessary in order to allow the solution of conflicts between criminal groups and elements external to the organization in favor of the former. This may also involve

controversies within the organization or between different groups and avoids the negative cost of the use of violence being in private hands, ensuring the support of state legitimacy and its coercive forces. Thus, several business costs related to illicit activities are intentionally transferred to the state with the awareness that this cession will not bring negative consequences in the foreseeable future owing to the control exercised over the deciding bodies.

The price of this cooperation or its availability is that of intimidation and corruption, which often involve important sectors of the judicial and police agencies. In the first place, intimidation requires that the threat of violence be credible and this is possible due to the existence of the aforementioned private security armies, which are often provided with the latest technology (Moore 1994), earn much higher salaries than their state counterparts and have clear solid lines of command. Secondly, the unequal financial capacities of both the state and organized criminal groups, and their area of action facilitates penetration or corruption. Whereas the state is obliged and endeavors to attend to all citizens equally, which, due to diversification, means high costs, the criminal groups act skillfully to protect and extend their own limited interests by breaking the principles of

equality before the law fundamental to a state bound by law.

The growth of the interests of organized crime has meant that its earnings are more and more dependent on the general environment and, thus, resort to breaking the normal functioning of the legislation may become a general rule. At some specific point it may happen that these groups endogenize the complete system of justice provided by the state and this generates more benefit as it adds additional financing for them from the tax contributions of citizens while the organization protects its own wealth (IMECO 1998). Apart from this corrupting effect, the nature and extent of the groups' activities can distort the functioning of the legal system due to saturation arising from increased illegal activity. When the effectiveness of the security forces and the judicial machinery are overwhelmed, this leads to a feeling of defenselessness faced with crimes which threaten their own security, and also it may delay the effective application of justice and prolong in excess the resolution of all the conflicts which arise in the process of the normal functioning of a democratic society.

The conclusion to these three premises (corruption, intimidation and saturation) is that one of the main pillars of legitimacy in democratic societies, the rule of

law, becomes inefficient and unjust for its citizens. Inequalities before the law and impunity for a sector of the population would lead to delegitimization of the legal system in the eyes of the public. The upper levels of the criminal organizations are not duly sanctioned, but often receive favorable treatment. When it is perceived that financial resources determine judicial resolutions, an imitative effect occurs in many individuals and groups, which are not directly involved in activities related with organized crime, and these join in the dangerous game of settling their private interests through state institutions but with no foundation in legal justice, but rather in the financial resources of the litigants. Faced with the inefficacy to protect rights and liberties, some may choose even to recruit private armies to substitute the state's provision of security, thus, encouraging an escalation of violence and the resolution of conflicts outside the legal system leading to the paramilitarization of society and the break-up of the social fabric. Moreover, there is an increase in interpersonal conflicts due to the fact that impunity spreads to greater areas of community life in democratic societies.

In addition to the negative influence on the aforementioned judicial machinery, organized crime can also corrupt the legislative and executive process in a variety of ways: diluting democratic ideals, subverting the popular will

through illicit means and corroding the legitimacy of the democratic political system and those actors involved. As it is a troublesome, underground organization, with problems related with the control and legality of its wealth together with the very continuity of the business, the criminal groups are vitally interested in molding the political institutions so as to favor their security and their accumulated assets. The need to pervert the political system in order to place it at the service of the interests of organized crime and, more often, to turn it against the general well-being, adopts different forms. First, organized crime tries to corrupt the representatives elected by the people at both executive and legislative level by offering them substantial sums of money or the constitution of common financial interests. Secondly, it subvert popular will expressed in democratic elections by the threat of violence against those representatives opposed to their criminal activities or the use of information through the mass media allied to or controlled by these criminal groups.

As the earnings obtained from the efficient influence on the process of legal creation grows, organized crime resorts to more sophisticated and innovative techniques to influence the legislative power, and in many cases this fits in with the interests of other economic, business and social sectors (Sciarrone 1993). Thus, they create or

control intermediary organizations, such as commercial associations, lobbies or committees for political action aimed at putting pressure on politics in pursuit of their own interests. Their ultimate resource for influencing the legislative process is the invalidating of the mechanisms for controlling political activity and the organization of civil society. In order to affect these processes, which are so necessary for the survival of democracy, they can use various methods. On one hand, they can gain control of substantial parts of the flow of information generated in democratic societies by acquiring media firms and by bribing or intimidating members of the press, which would lead to a strong bias in the creation of public opinion, an increased credibility with regard to the threat of violence and the molding of political debate in their favor (Murray 1995). At the same time, criminal groups can also use intimidation in order to eliminate social leaders who are not in their payroll, and thus prevent the formation of interests which are a substantial part of pluralistic democracy. As the attract of organized crime to influence the social system grows, the fields of the political process and spectrum where intimidation is credible also increases, and this corrodes important values necessary for democratic coexistence such as freedom of speech and the freedom to associate.

Organized criminal groups can also resort to manipulating the electoral process by presenting their own candidates and provide them with huge financial resources together with information from their illicit business or, in regions where clientelism is endemic, they can supply the candidate with the constituency required for victory in exchange for his future help once elected. Their economic power, which sooner or later becomes political power, is so extensive that they can even subjugate certain political parties or create their own parties (Eliécer 1987) so as to gain greater control over the structure for taking decisions in political institutions. At times when there is a reduced turn out for elections and when the election is decided on a small margin, even the control of a small political party or a reduced number of voters can be effective in the game of political alliances and have disastrous consequences on law abiding citizens.

This protection eventually articulated by organized crime in a democratic context, under these specific circumstances, damages the citizens' opinion about the legitimacy of the electoral process, which is seen to be subjected to illegitimate private interests instead of being a fair election between competing parties. Thus, they contribute to deforming and discrediting democracy both as a process and as a regime, to the extent that political life seems to be governed more by money than by ideas and

principles, and authentic representation is replaced by the purchase of candidates and electors. As a conclusion, in order to reduce risks and increase earnings, organized crime participates illegally in the political process, infiltrates the executive and the legislative bodies through intimidation and corruption and so erodes and cancels out their legitimacy, and in the end this can destroy the political institutions and the government of the state (Kaplan 1989).

In its advanced stages, organized crime can hamper the formation of public policies through intimidation and corruption in the hope of directly obtaining substantial benefits, but it can also damage political activity indirectly in several ways. As organized crime spreads so does the level of its illegal or semilegal economic resources at national level concealed from those who take the decisions at executive and legislative level. Consequently, the quality of the data gathered by official or non official sources is reduced and the analysis of many economic relationships required for public policies formulation and implementation is hampered. For example, it is more and more difficult to determine the amount of goods and services imported and exported and the flow of capital, and the level of unemployment tends to be overestimated as it includes among the unemployed those who are working for organized crime. The use of biased figures leads to the

formulation of policies where the means and the ends are impaired due to substantial ignorance of the economic reality of the country, or at least a good part of this reality. Policies drawn up on such fragile bases tend to be ineffective or counterproductive, and give rise to even greater problems, helping on occasions to increase the illegal economy. The regulation of economic activity moves on a shifting surface and contributes to the creation of greater inequalities leading to a distortion of the legitimacy of the state as regulator of the economy. Eventually these policies can provoke economic upsets and instability, and lead to new types of more informal regulation of economic relationships.

Another matter is the fact that due to its way of acting and its legal situation, the persecution of organized crime requires abundant financial, material and human resources. Generally these exceed the capacity of existing police forces to deal with the problem of a generalized increase in organized crime and its sophistication. In times of restrictions in public spending, allocations to security tend to harm the policies for social redistribution, and again the sources legitimizing the modern democratic regimes are questioned. In the emerging democracies of the former soviet block this can also produce nostalgia of communism in important segments of the population, as it was able to provide social citizenship, albeit at a reduced

level. However, the main result of a rapid substantial increase of the budget for the security forces is usually a lack of organizational control and the creation of semiautonomous corps which, contrary to their objectives, tend to facilitate the penetration of organized crime, and in many cases the systematic subversion of civil liberties. Complementary to this, competency for the reception of resources and their preponderant role in the mass media among the different security agencies tends to lead to errors and gaps in the intelligence work, which is of prime importance in the fight against organized crime.

Finally, organized crime leads to problems of democratic governability as it provokes financial instability, distortions and inefficiency in the markets, making the production and distribution processes less impersonal and so leads to structural flaws in the economy, which have a negative effect on the citizens and on the stability of the political system. Some of these alterations spring from the illegal activity itself and imply an inefficient share out of income in comparison with the working of the legitimate market as the distributor of earnings. Other abnormalities are connected explicitly with how the earnings generated are used illicitly. There are multiple facets which demonstrate these inefficiencies.

Firstly, there is the coercion exercised on certain segments of the population or territory, which is the usual practice of criminal groups and becomes an efficient protection racket which replaces or overlaps with the protection provided by the state (Gambetta 1993), distorting prices. The costs are internalized and increase the prices of the goods and services subject to these extralegal taxes. This also implies a challenge to the state, which is the only entity which can legitimately impose taxes. Moreover, it discourages the free participation of individuals in the market as businessmen and, if the coercion is directed against the financial system, it puts the channels of investment and the citizens' savings at risk. Secondly, illegal drug trafficking, a fundamental activity of some groups providing them with huge earnings, means an extra burden for the treasury due to the costs of drug addiction treatments, the costs of repressing traffic and consumers and the loss of productivity for the economy in general (UNDCP 1996). Thirdly, the loss of legitimization of the political regime and the expansion of violence connected with organized crime mean additional costs for business activity. The increased cost of resolving conflicts, whether this be legal or extralegal, and the cost of protecting the rights acquired become barriers for the entry and the permanence in the market of legitimate participants. In these circumstances, the possibilities for

national and international investment are considerably reduced and conditions arise for the massive flight of productive capital.

Forthly, organized crime is capable of destroying the efficacy of the state as a third party able to enforce compliance with the contracts which are generated in an economy (Borner, Brunetti and Weder 1995). In the absence of this state activity, which throughout time has been seen to be the most effective instrument due to economies of scale and the guarantee of impartiality as long as there is stability, those involved would have to find a new body or person able to carry out this task, which would make the contracting process more expensive. In this regard, the climate of certainty usually generated by the state and put at risk by the large criminal organizations could collapse, and this would lead to the encouragement of a short term perspective on economic investment, which concentrates especially on immediate returns and contributes minimally to rational economic planning and long term economic growth. Thus, even in the presence of a well organized and predictable form of corruption, an important section of the economy would be subjected to high degrees of uncertainty (Goudie and Stasavege 1997:30). The withdrawal of the state as third party to contracts, validating pacts and exchanges between persons through coercion, gives organized crime new opportunities to occupy more social spaces and direct the

economy and society in general towards more simple, personalized structures which are contrary to economic efficiency.

In fifth place, the large-scale illegality of organized crime itself usually leads to less productive investment for the general economic system (Thoumi 1995). Business investment is made in order to launder capital and not for reasons of growth and long term returns. It is directed at markets which generate little or no added value and are often very dependent on external resources and investment. As regards property, widely employed as a means to launder capital, strong, generous demand by organized crime contributes to the appreciation of housing price with the consequent cost for the families and the state, which complies with almost universal constitutional precepts as regards this point. Moreover, the participation of companies which are fronts for money laundering and not for generating profits, and being competitive in the marketplace, allow these companies to sell their goods or services under the cost price, which means that legal businesses are pushed out of the market unable to compete in these unfair circumstances. Finally, the criminal organizations constitute a threat to one of the main sectors of the economy, the financial sector, as it promotes unscrupulous financial institutions and erodes legitimate institutions through complex schemes for

laundering money, which can finally undermine the citizens' confidence in these financial entities.

The combined effects of organized crime in the economic field are inflation, the ineffective distribution of income, the break up of the free market and state regulation of the economy, a substantial loss of productivity (Wharton Econometrics 1986), a short term view of investment which is counterproductive as regards prolonged economic growth, and, occasionally, monetary overvaluation. Concerning the financial system in particular, the volatility of capital in the hands of criminal groups hinders correct action in economic policy and destabilizes the banking institutions and the financial markets in general, which can lead in turn to a profound economic crisis. Finally, organized crime provokes economic imbalance and long periods of economic recession, seriously damaging international competitiveness in an environment which is becoming more and more globalized. In the end, in countries with economies which are highly dependent on the criminal productive system, even addicts of the system, to use a term from drug dependence, any attempt to eradicate this and return to efficiently-run markets, political system and society in general would provoke economic recession and the resulting social response.

Nevertheless their harmful effects on democracy, criminal organizations seldom have an explicit antidemocratic program. However, under some specific circumstances organized crime can pose a direct threat to liberal democracy. The more serious threat to the democratic institutions by organized crime is then its activity from outside the political system. The result of this might be the collusion or alliance of these groups with insurgent terrorist or guerrilla groups (Reinares 1998; Reyes 1995; Palmer 1995). Although there are substantial differences between the two types of organizations (Schmid 1996), they may reach agreements on tactics in order that their interests may prevail against those of the state. These alliances, which can end up accumulating substantial destabilizing potential, mean an increased impunity and much more destructive capacity for the subversive organizations. In this area, the state would have to confront a substantial challenge of an insurgent nature which would provide the chance to discredit democracy as a system able to solve problems of coexistence without the resort to violence. This threat could grow in the next millennium, when control of tons of nuclear material could be lost and a large part of this material could fall into the hands of smugglers owing to the political disorganization in the countries which used to be within the orbit of the former soviet block. Such nuclear resources could be used to challenge democratic governments from

other countries as well as from domestic or international subversive groups with extremist political, religious or nationalist doctrines.

### **Evaluating State Response to Organized Crime and International Cooperation**

The state response to transnational organized crime has not been uniform at international level nor has it been guided by the same principles, mainly because the type of challenge has neither been constant nor identical in all the countries. However, recently it has been observed some degree of convergence in the measures taken. This is the result, to a great extent, of previous successful national experiences and the activity of the multinational agencies, which tend to coordinate their responses and so prevent loopholes in legislation which allow the criminal groups to act more freely. But, apart from this diversity, fight against transnational organized crime is not a simple task. The intervention of the state machinery this phenomenon as a supposed challenge to the very functioning of the public administration presents a number of important problems. Nevertheless, with the right amount of intelligence, legislation and respect for the law, experience has proved that these can be tackled with some degree of success. The most evident of these problems, which affects all aspects

of public policy to deal with organized crime, is the disparity as regards the territory where both sides function, that is to say those involved in the systematic carrying out of crimes and those who pursue them. On the one hand, the security forces and state jurisdiction are confined by national borders and, in the best of cases, by international police and judicial collaboration, which is slow, precarious and limited. On the other hand, transnational organized crime functions at a regional or global level, where frontiers mark different market opportunities and also show safe havens where they and their funds are secure from the judicial action of other states. Organized crime uses the porosity of frontiers resulting from globalization to the maximum, whereas this has little effect on the international functioning of the machinery for imparting justice, except for some well known exceptions (Nadelmann 1993).

Therefore, government policies against organized crime must be carried out in two scenarios, the domestic environment and the relatively institutionalized co-operation with other states, with specific problems. But apart from this territorial duality, this policies has a fourfold dimension: social policy, legislation, judicial activity and policing. Consequently, state policy regarding organized crime can be considered to be cross-sectional and affects the three powers of the state. With their

components, which have multiple facets, these have to be borne in mind when handling the many variants of policy. Nevertheless, until the present time, in most cases social policy has not been applied as a way to fight organized crime (Santino 1997), partly because it has proven that investment in these areas may eventually strengthen the criminal groups. These tend to seize the sums handed over and so contribute to establishing ties with business networks and tighten the parasitic relationship of protection with the social environment in which they are acting.

On the whole, legislative action taken against organized crime has tended to give new power and resources to security forces. Additionally, adaptations has been mostly designed to incorporate new bodies into the pursuit of crime, to create agencies specialized in this type of crime and to merge the work of the existing forces in order to procure greater collaboration. Judicial action has remained subordinated to legislative decisions and to the possibilities provided by the actions taken by the security forces. International co-operation in the judicial field has been left well behind in comparison with the progress made by the security forces, although these continue to be half-way and pose operational problems. Thus, the response of the state tends to resort, almost exclusively, on the security forces.

Efforts are being made to reduce the substantial difficulties regarding interstate action against organized crime as knowledge of these organizations expands, and more experience is accumulated from more and more countries fighting such type of crime. The first, basic problem is that in the fight against organized crime it is practically impossible to calibrate the effectiveness of the measures employed against such criminality (Kleinman 1997). The potential of the criminal groups and the performance of the security forces cannot be simplified to one indicator, such as the amount of confiscated drugs, the crime rate or the number of violent deaths, nor can it be reduced to the sum total of all these. The low level of violence carried out by these organizations may conceal extensive action which will have profound social and economic consequences. Large scale operations carried out by the security forces may be simply cosmetic, satisfying the political demand for action without affecting the hard core of organized crime and may even contribute to making it easier for one group to monopolize criminality. The difficulty for measuring performance means that there is a high possibility that its corrosive effects may be manipulated, either by the mass media, due to the profits that such sensationalist presentations provide together with the haste which is typical of reporting, and by the security forces responsible for the fight against organized crime in its

search for resources. The extension of this activity leads to a situation in which the sensation of citizen insecurity is fostered and public spending in this area is increased and, consequently, other areas related with social welfare are abandoned.

Consequently, distorted information about the phenomenon of organized crime, whose underground nature facilitates all types of inferences and unreal scenarios, may lead to wrong responses in public opinion, and large parts of society can then demand action based on imperfect knowledge. Faced with this situation, the authorities may resort to options which limit civil liberties with the objective of increasing the effectiveness of the fight against organized crime and these are then applied to other situations which may arise but do not threaten the governability of the state but rather the status quo and the distribution of power. On the other hand, measures taken due to the pressure of public opinion rather than calm reflection may lead to easy solutions, such as blaming foreigners, and thus, to a certain extent join the migration policies with repression of organized crime. This ineffective action affects specific social or territorial segments where no adequate difference is made between the population as a whole and its parasites, organized crime, and so the legitimacy of state action is weakened. In the absence of intelligence data required for such repression, state action combines

ineffectiveness regarding the problem and a distortion of the relationship between the state and specific communities.

Some of the problems occurring in the fight against organized crime are directly related to the bureaucratic dynamics of the security organizations while others are due to the different configuration of criminal groups and security agencies. In principle, there are two main organizational differences between criminal groups and the security forces which enable the former to enjoy greater freedom of movement and greater difficulties to their control. Firstly, whereas police forces are organized on a strongly hierarchical bureaucratic base where internal transaction costs are high, in recent years criminal groups have been structured in networks, as recommended by business science textbooks and in the opposite direction to the classical composition seen in works of fiction. This organizational model, which seems to be the most efficient structure for the era of globalization, has been adopted by the criminal groups at a much faster path than the security forces, where attempts at decentralization have met with profound internal resistance from bureaucracy. Thus, the security forces continue to be obstructed by internal dynamics and by the logic restrictions imposed by the rule of law.

Additionally, as they are one of the essential pillars of the democratic state, the idea of change tends to be loathed by political leaders owing to the fear of failure in such a fundamental state institution. Obedience to the law is also the basis of the second difficulty in the fight against organized crime, which is the fact that action by the security agencies is mostly reactive to the activities of organized crime. Proactive policies have been rarely used, are still very underdeveloped in most countries and often include ramifications such as encouraging the carrying out of crimes in order to secure sufficient evidence to cover cases which have been condemned by many civil rights groups. Therefore, action carried out by security forces is always a step behind the action of organized crime. While organized crime progresses towards new activities and markets and perfects others, the security agencies are overwhelmed by the task of gathering and analyzing information. As regards this point, apart from the restrictions of legality, the security forces are also confined by financial and budgetary constraints, which in most cases do not affect organized crime, which is quite free from such limitations.

Other conflicts arising from the fight against organized crime are directly related to the security agencies' organization. There are many groups responsible for pursuing organized crime and these range from the

traditional security forces to the intelligence agencies, and, more recently, the armed forces. This means that in most cases there is a complex division of work which hinders the optimum development of security activities. A misunderstood confrontation over the scant public resources for which these agencies compete, together with professional jealousy, add another dilemma to the fight against organized crime. This competitive situation, which exists among other public agencies, has been particularly harmful on most occasions and has become particularly serious in the case of security agencies where the gathering and analysis of information is fundamental to effective policing. Such tasks tend to boost with any new information and the dispersion of intelligence data only multiplies the costs in human and physical capital by overlapping or doubling up of efforts, thus weakening police effectiveness.

However, despite the harm caused by this division of efforts against organized crime, some authors also point out some positive aspects within this conflictive situation. The first of these advantages is the fact that distribution of effort and duplication of tasks to a certain extent immunize the state against the possible paralysis of the security forces as a consequence of infiltration and corruption. It may occur that one public agency is infiltrated by organized crime and thus,

increases its power to intimidate, but this can be countered by the existence of other state structures unaffected by corruption, which can act in an emergency. Inversely, the involvement of several state groups means a multiplication of the expenses required by organized crime to disrupt the security forces due to the fact that the efforts to corrupt and intimidate are split, the costs multiply due to the competition, which hampers their control of the state's security machinery. One final positive element related to the diversity of security forces may be the fact that competition among public services, when it occurs in one activity and in the framework of collaboration rather than confrontation, can improve productivity and competitiveness and so reduce the evils of bureaucracy which tends to affect public organisms in their activities.

These bureaucratic conflicts between public agencies which affect the different security organizations at state or any other territorial level, each one with their own competencies, often overlap with customs agents and the intelligence services, and these have been joined in recent years by military forces. Their intervention in combating organized crime, especially in the fight against illegal drugs, is especially indicative of the changed ranking of the perception of organized crime as a threat to national security. While during the Cold War organized crime was one

more element in the confrontation of the two blocks (McCoy 1973; Scott and Marshall 1991), it has now become a threat in itself.

The participation of the armed forces in the fight against organized crime has been justified with the argument that the growing power, especially in capital, weaponry and technology, of these illegal organizations has overwhelmed the operational capacity of the security forces and has also put the system of justice out of action, which has endangered the effective functioning of the state structure. On the one hand, the resources of the armed forces are more powerful and their participation in this new mission does not suppose additional expenditure for the treasure as the material and human resources already exist. On the other hand, it has been said that the legitimate use of military force does not have to be restricted to conventional conflicts between opposing armies but must be used when the state is in jeopardy and cannot respond with civil forces, such as the case of organized crime (Bagley 1993). In addition, armed forces may also benefit from their activity against organized crime. For many military units and personnel the requirements of a conventional war are very similar to those of the fight against organized crime, especially as regards intelligence works. Therefore, the capacity of armed forces to confront real situations of war can be improved through

participation in real action against organized crime. Justifications for this implication, however, have been generally vague and has been shown more from the point of view of its critics than from that of its supporters. As a consequence, the debate in this respect has been obscured by the importance of the armed forces participation in what has been considered a question of internal order by many people.

Nevertheless, it is not only the move towards militarization of the fight against organized crime what has been widely questioned by some critical authors but its practical implications. Although the resources of the armed forces are apparently more powerful and have been used skillfully for decades, in the field of organized crime there is no direct correlation between the measures applied and their effectiveness. Thus, this intervention may be more moral rather than noticeably effective (Reuter et al. 1998; US GAO 1993). Military force is also counterbalanced by the tremendous capacity of organized crime for adapting to changing circumstances, and so the problem is simply transferred and no real solution is found. On the other hand, in this case, where intelligence is a basic tool, and the western secret services have generally been outstanding in the confrontation with the soviet block in their efforts to inform on the nature of the threat, the gathering of data is a long term matter involving years of intensive

which eventually overlaps the work of other agencies. Thus, it is reasonable to believe that it will take, without assistance from the internal security agencies, at least five years to reach the complete effectiveness of the military forces.

Another point which has been questioned is the widespread idea that the participation of the armed forces in the repression of organized crime is free as it only requires the redeployment of certain resources and personnel. Practical experience shows that this demands increased allocations for the acquisition or reconditioning of appropriate resources and for training personnel in law enforcement tasks for which they have not been prepared. Even though the participation of the armed forces in some countries occurs at a micro-level, which in turn is where collaboration between the security forces and military counterparts usually obtains their better results, this opens the way to other problematic scenarios, among which are corruption of the armed force and the contamination of the relationship between the military and the civil. The uncertain success of the military in this task, where the civil authorities have perceived their deficiency and have been forced to resort to the armed forces, could lead to the social support and the necessary awareness of the military to take on more sensitive undertakings.

Finally, as regards the risks involved in the internal fight against organized crime, some of them come paradoxically from the legislation introduced to provide the security forces with more effectiveness. A large part of this progress in legislation, technology and human resources began in the United States and has then been transferred formally and informally to a large number of western countries, but without the parallel movement in the path of the United States' organizational schemes and its legal traditions. As regards this point, the employment of informers constitutes a risk of contamination of police action to such an extent that security forces and criminals may merge as far as their bureaucratic and economic interests are concerned. This situation becomes even more risky when undercover agents participate in the fight against organized crime (Greer 1995). Sometimes, in the short term, it is difficult to distinguish between the activities of organized crime and the repressive task of security forces during the performance of this type of investigation, and in the long term the futility of such action may lead to the paradox that the police forces become essential participants in the market for illegal goods and services. In any case, these interventions through informers and undercover agents can foster the organization of criminality as it tends to eliminate certain criminal groups to the detriment of others, consolidating a monopoly by restricting the competition

either because the groups more actively prosecuted by security forces are opposed to the informer's one or because the undercover agent manages to concentrate police action on a certain group thus freeing the others from the pressure of the security forces.

On the other hand another law figure, which has recently been incorporated, the protected witness, and it has had contradictory effects. Although in the past it was crucial for breaking up criminal organizations, it has also been severely criticized in recent times. Firstly, reliability of much of the information provided by protected witnesses has been questioned as it is filtered through the personal and self-interested role of that person within the criminal organization, influenced by the need to provide spectacular though fictitious data in order to enter the program, or by the desire of the security forces to present themselves to the public in the most favorable light. Secondly, the repeated use of this type of clemency considerably reduces the cost of belonging to a criminal organization as it offers the chance to leave the organization which is different from incarceration or death and, therefore, present another possibility to terminate a criminal career without the costs inherent to state repression.

International evidence shows that fight against organized crime within each state must be guided by three elements

which could be distinguished through a correct intelligence action involving all agencies engaged in repression. On the one hand, the authorities must be aware that the main problems, and gains if correctly addressed by security agencies, are not in the confrontation with the underworld exclusively, which is numerically greater but marginal in terms of the economy and social impact and vulnerable in almost all aspects, but on the correct action taken against the criminal upperworld, more protected by the mechanisms of corruption and intimidation and responsible for the more dangerous threats to national security. The arrest of many low-level members or the indiscriminate control of the borders against drugs, for example, will have a minimum effect on organized crime as a whole.

Since 1950s in the United States and later in other countries, security forces have developed a focus which combines the preponderance of the organization in repressive activity in opposition to the individuals' approach and action against the network which covers the prominent members of organized crime. Measures taken against the leaders of this criminal world and their main collaborators will tip the balance in favor of the state in the fight. However, this repression will be offset by the financial and social power of these individuals and groups. Protected by their influence on the media, and so liable to receive the favorable opinion of the public, safeguarded

also by their contacts with the political and social elite, and their ability to keep their own activities and those of the justice system under extensive control, any successful prosecution taken against these prominent members could be a true measure of police efficacy (Lasco 1997). However, this situation must be carried out in the strict context of law respect, because the claim of public pressure to find guilty persons may lead to indiscriminate incriminations and the transformation of the fight against organized crime into a way to solve ideological disputes among the political elite. As a consequence, this valuable fight could be functional, in the views of political elites, to introduce elements of authoritarianism into the system of government, which at the beginning would be justified under urgent and temporal basis appropriate for the special circumstances but in the long term may serve to other purposes. As regard to this point, it would be of great help to give preference to the measures against high political connections of organized crime and to incorporate economic crime as a specific form of organized crime. Economic crime with its highly qualified members and modern technology, as well as generate pernicious, huge alarm among public opinion, are the ideal appendix for larger criminal organizations.

Secondly, effective government policy requires that the political leaders have the capacity for sacrifice in order

to differentiate between the short term or even longer beneficial effects that organized crime can generate and the generalized harm resulting from these criminal groups. The short-term improvement in the economic climate of a specific territory or social group at a particular moment as a result of having found a criminal niche in a world which is more and more interconnected at economic level can operate in opposition to the correct measures to be taken against organized crime in the early stages . Once these groups are completely established with close relationships to the political and economic elite, their extirpation is much more costly both in financial and democratic terms. The electoral returns which can be generated by the social control held by specific criminal groups over concrete segments of the population, which are coveted in theory by all the political groups at times when ideological and electoral results are progressively being narrowed down, are a generous source for interweaving organized crime and the political elite. The long term elimination of this connection can lead to the democratic system being completely deprived of all legitimacy. In the end, the citizens can perceive that the only way to be rid of the painful effects of organized crime includes the elimination of the political system as both are inextricably joined together. The correct punctual response, although it may be painful and misunderstood by specific segments of the

population, is the best way to hinder the more harmful development of organized crime.

Finally, in order to obtain results in the fight against organized crime it is very recommendable to correctly identify it. Although agreements among various criminal groups seem to be becoming increasingly more frequent, the fact is that each one of these organizations has its specific peculiarities and weak points, which can only be found through intensive intelligence work. In the absence of this correct differentiation, both between countries and inside each country, to which the legislation and the specific actions of the security forces must be adapted, the efforts to put an end to such type of crime would be faced with contradictory responses which would simply transfer the activities of organized crime to other territories, groups or activities. In any case, the problems mentioned are meaningless when transnational organized crime is able to effectively protect itself by corrupting and intimidating the police and justice machinery. As regards this matter, the main pillar in the fight against these criminal groups is the build up of security forces which are fully committed to democratic principles and the rule of law.

If contradictions in the internal front against organized crime are substantial, cooperation among states in the same

goal has even more serious problems. The first and perhaps the most important of these has to do with a particular conception of the role of the state and international relations. The realist notion that has dominated this arena perceives the foreign environment as anarchic and conflictive and this is profoundly harmful to collaboration among states, even when this cooperation may eventually generate mutual benefits for all those involved. A mistaken analysis of international relations produced by these conceptions related with the competitive character of states implies the idea that organized crime can be a factor which erodes the position of other states, and so, inaction or the complicity of disinterest can be effectively faced with the antagonism of a third country, which constitutes the independent variable of the foreign policy of any state. In this ideological context of international relations, only the imposition of a more powerful state might generate interaction among states to confront organized crime and this does happen in many fields, or at least this is interpreted as so by some experts and political leaders in international relations, especially in the area of the production and trafficking of illegal drugs. Nevertheless, the revision of this paradigm, together with the emergence of supranational polities, have opened up areas of collaboration by mutual agreement, both at bilateral and multilateral level since 1960s.

This cooperation among states as regards organized crime is not a simple matter with clear, precise mechanisms but comes about through different agreements and independent or interdependent mechanisms. Among others, these instruments are the exchange of information through new and old international organisms with a greater or smaller degree of regional integration, co-ordination of combined responses through liaison officers, the participation of elements of the security forces in multilateral organisms and informal contacts among police officers. On the whole, all these activities leading to the coordination of a cooperative response to the problem of transnational organized crime occur at three levels: macro, meso, and micro. At the first level, are the commitments made by the governments to collaborate in police work and the multilateral structures set up to this end. The second level is confined to more or less formal agreements drawn up between the security forces of different countries and endorsed by the governments. The final level includes informal relationships between police agents from different states. International experience has shown that the last two types of collaboration are the sufficient condition for making progress in operations directed against transnational organized crime while informal individual relationships, which can be led by formal organisms such as international police associations, are the necessary condition for progress at the higher level.

In addition, among the intellectual constructs which limit international cooperation are included in a Hobbesian conception of the state, which induces governments to worry about conserving what is considered to be an essential part of the state's authority. "Providing security for citizens has often been thought of as the kernel of the state's claim to authority; having effectively lost the role of being the sole guarantor of security from military threats". As the states are becoming more and more integrated in transnational organizations for external protection, such as NATO, "losing the role of sole guarantor of internal order could fatally undermine state legitimacy" (Anderson 1997:19-20). In conclusion, this situation leads to a lack of interest and even the scorn of international collaboration, even when the only effective response, such is the case of organized crime, is through wide reaching international cooperation. At any rate, both conceptual factors are involved in any discussion regarding collaboration between states against organized crime and have been very harmful to the creation of mechanisms for effective cooperation.

However, apart from this theoretical framework on the state's power, many practical problems affect international co-operation. The main one is the diversity of legal and police practices in different states. In the first place,

there is the concept of what constitutes a crime or not, specifically organized crime, and the sentence for each type of crime. These are strongly influenced by a particular accumulation of historical, sociological and economic factors within each state and reflect a specific correlation of forces. Any cooperation implies a minimum level of legal harmonization which in many cases cannot be done and attempts to make national legislations compatible and more similar have been hindered by internal politics. Secondly, there is notable diversity in regulations on protecting the information gathered by intelligence. On the one hand, this information is very sensitive as regards the traditional view of sovereignty as it can negatively affect the image of a state, which may refuse to share this information as it considers it is protecting its own interests. On the other hand, although intelligence work is a very effective method of police investigation, it is based on suspicions, and when this information is shared with other forces this may give the appearance of reality to these conjecture as seen by many citizens. This is a serious violation of civil rights and implies the possibility of extending a generalized suspicion which hardly contributes to effective police work against organized crime.

Thirdly, the security forces are not immune from national stereotypes, negative personal experiences or scandalous

reporting of corruption cases and malpractices by the police forces of other countries. As all police cooperation is ultimately based on trust among the police agents, these factors can have a very harmful effect on the bridge building which leads to fellowship. As regards this point, corruption among police forces in many countries, especially where the state is weaker and lack financial resources, is the most important obstacle to police cooperation against organized crime.

The combination of these internal and external problematic factors of the fight against organized crime explains the scant progress of international police cooperation in recent years despite some courageous endeavors, which in some cases were more rhetorical than real, and the limited effectiveness of the internal policies against the scourge of organized crime. At any rate, due to the evolution of organized crime itself, the priorities are situated in two complementary areas. On the one hand, in the future there will probably be an acceleration of police cooperation although this will be slower than is desirable faced with the increasing transnationalization of organized crime. "The mixture of global, regional and bilateral arrangements has developed haphazardly, and would now benefit from some planning and regularization. There has to be clear and sustained commitment to dealing with long term problems based on structural changes in global political, economic

and social relationships" (Godson and Williams 1998:87). In the light of current experience, progress will probably take place especially in regional areas where legal harmonization is more feasible, the process of economic integration is a starting point for other applications such as police co-operation and the points of contact both as regards legislation and cultural closeness can be important factors for fomenting the required trust among police agents and forces. On the other hand, and without being in contradiction with the previous point, the national focus of government policy against transnational organized crime will probably sharpen up as a result of the specific characteristics adopted by organized crime in each country. In this way, the new system of international relations with a multiplicity of poles which arose at the end of the Cold War could act as an antidote to the technology and legislation against organized crime model exported by the United States to West European countries, which has been the dominant pattern throughout the second half of the 20th century, although the deepening co-operation may tend to smooth away the foreseeable differences. The diversity of approaches to the fight against illegal drugs, which range from the massive commitment of the armed forces to repress this traffic to new programs focused on harm reduction, can constitute a model to be followed in the future for state action against organized crime in general. This movement, which has coherent components as it adapts the response to

the nature of the problem, may be an additional impediment to the essential police cooperation in this matter.

### **Conclusive remarks**

Transnational organized crime not only reflects the generalized deterioration and reorganization of government authority at the end of the millennium (Müller and Wright 1994). In addition, it directly strengthens this tendency. The challenges posed by organized crime, which have been latent for years, are showing signs of becoming a substantial danger to the political, social and economic stability of states, especially if its enormous financial power is taken into account. This latest stage in organized crime has run parallel to, and been favored by, the new patterns of international trade and progress made in communications and transportation, jointly known as globalization. It is no longer a question of traditional smuggling to avoid customs duties, as in the past, but of establishing organizations with information and a presence throughout the world which enables them to take substantial advantages for illegal business. Although a single monolithic criminal organization does not exist as such, since there are sectorial and territorial divisions among the large criminal groups, the problem is undeniably global and it could be argued that no state is immune from it.

The danger of organized crime does not correspond to the traditional threat, in the sense that it seeks the complete subversion of power distribution. "Although the main aim of transnational crime is profit, the inevitable by-product is a generally implicit, but sometimes explicit, challenge to state authority" (IISS 1999:25-6). However, the short and long term structural consequences of organized crime can be devastating, particularly in the most severely affected countries. Transnational organized crime shows no respect for sovereignty and violates two fundamental principles of the state: the monopoly on violence and the border control. Widespread access to technology, global mobility, their economic capacity, as well as their ability to eventually acquire weapons of mass destruction, enables current organized crime to threaten the stability of states and undermine democracy in many parts of the world with relative ease, particularly in those places where state and civil society are weak, and where pluralistic regimes are not yet consolidated.

The penetration of the legal system and legitimate sectors of the economy by large criminal groups negatively affects, among other pernicious consequences, the legitimacy of governments, trust in legislative bodies and the judiciary, the autonomous development of civil society, and general confidence in the functioning of the markets. Once

organized crime succeeds in establishing a symbiotic relationship with the state (Lupsha 1996) in order to conserve its privileges and keep the characteristics of the regime intact, it is very difficult to disassociate them as it would imply substantial human and financial costs and the application of repressive measures which would sacrifice a good part of the welfare and civil liberties. The impunity of crimes committed by transnational organized crime may lead to widespread fear, intimidation, oppression and violence. In the long term, these and other destabilizing effects undermine the legitimacy of the state and of liberal democracy. Organized crime is able to disrupt community bonds and normative frames upon which the political and economic systems are established.

There has been a shift in the threats to democratic governance throughout the world. Before, these were associated with the extensive accumulation of power, resources and territory. Now, they include the control and production of information. Concerning this matter, criminal organizations, with their enormous financial resources, can access information likely to be used to improve and expand their business as well as to protect themselves. The immense financial power accumulated by organized crime provides access to military material, particularly due to the lack of political integration in countries of the former communist block, and it can also access information

and communications technologies, both of which are fundamental to the new information society, and to such an extent as to call into question and challenge state authority. Added to all this, fear exists that weapons of mass destruction uncontrolled and stored in the countries which were once part of the former Soviet Union might fall into the hands of criminal groups and transferred to terrorist organizations or uncontrolled authorities of dictatorial regimes.

Finally, it should be remarked that transnational organized crime is not exclusively a problem affecting the developing countries, as is often put forward in an effort to criminalize immigrants in rich countries by involving them with illegal associations, nor is it so surreptitious and distant as might be supposed. In Italy, for instance, it was calculated that the mafia controlled roughly twelve per cent of the national economy around the middle of the eighties, and was significantly responsible for the fall of the First Republic set up after the Second World War, as a result of the generalized climate of corruption which held the country in its grip (Shelley 1994). Similarly, the public exposure of close corrupt ties between the Japanese Liberal Democrat Party and the domestic criminal groups, the Yakuza, led to the fall of a government which had lasted more than forty-five years and discredited democracy itself in the eyes of a good part of the population. In

addition, the extortion and intimidation practiced by the Yakuza during the economic expansion of Japan along the eighties, in order to be given credit concessions by the banking corporations, which today comprise a large share of failed credit, ended in an huge crisis of the financial system and generalized economic instability in the region. And this destabilizing potential of transnational organized crime is actually growing.

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