

Transnational Organized Crime: the required Interconnection of States in their International Environment

Crima organizată transnațională: necesitatea interconectării statelor la nivel internațional

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Abstract: *Transnational Organized Crime is one of the most nowadays global serious problems affecting Humanity, States, Governments in the most different areas. Nowadays, in a global context, there are multiple international criminal organizations, individual criminals, as well as States and Governments involved, supporting, and promoting conditions to implement the Transnational Organized Crime. So, this complex problem involves all kind of criminals as victims. The International Organizations, as United Nations and the Council of Europe, as most of the juridical and judicial systems of the States, recognize, prevent, and fight against this criminality, but as one of the worst threats globally, the difficulties are more relevant due the higher capacities of the criminals enrolled in the Transnational Organized Crime. So, through the results of this research, we can affirm the real combat and the effective protection of millions of human beings, the (re)education of the Public Opinion, the (re)action of the States, the crucial interconnection within States and Governments, as the need of denouncing (individuals, groups, states, governments) those who are under this criminality that surpass the borders, is done with multiple violence, blaming all and allow the justice happen. The Transnational International Crime is one of the most serious threats, everywhere and each moment, so it's fundamental to avoid the "normalization" and the relieve the (re)action meaning the out-of-control evolution, escalation and its dissemination. It is ethical that everyone must assume their responsibility. The law (state and international) as the Justice have to be a reality around the world.*

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Keywords: *States; Democracy; Transnational Crime; International Law; International Security.*

Rezumat: *Criminalitatea transnațională organizată este una dintre cele mai grave probleme globale actuale care afectează omenirea, statele*

și guvernele în cele mai diverse domenii. În prezent, în context global, există multiple organizații criminale internaționale, infractori individuali, precum și state și guverne implicate, care susțin și promovează condițiile de punere în aplicare a Criminalității Organizate Transnaționale. Astfel, această problemă complexă implică toate tipurile de infractori și de victime. Organizațiile internaționale, cum ar fi Organizația Națiunilor Unite și Consiliul Europei, precum și majoritatea sistemelor juridice și judiciare ale statelor recunosc, previn și luptă împotriva acestei criminalități, dar, fiind una dintre cele mai grave amenințări la nivel global, dificultățile sunt mai relevante din cauza capacităților mai mari ale infractorilor înscrși în criminalitatea organizată transnațională. Așadar, prin rezultatele acestei cercetări, putem afirma lupta reală și protecția efectivă a milioane de ființe umane, (re)educarea opiniei publice, (re)acțiunea statelor, interconectarea crucială în cadrul statelor și guvernelor, precum și necesitatea de a denunța (indivizi, grupuri, state, guverne) pe cei care se află sub incidența acestei criminalități care depășește granițele, se face cu violență multiplă, învinovățind pe toți și permițând ca justiția să nu se întâmple. Criminalitatea internațională transnațională este una dintre cele mai grave amenințări, pretutindeni și în fiecare moment, de aceea este fundamental să se evite "normalizarea" și să se ușureze (re)acțiunea, ceea ce înseamnă evoluție, escaladare și răspândire scăpată de sub control. Este etic ca toată lumea trebuie să își asume responsabilitatea. Legea (de stat și internațională) ca și justiția trebuie să fie o realitate în întreaga lume.

Keywords: state; democrație; criminalitate transnațională; drept internațional; securitate internațională.

1. Transnational Organized Crime, State and Democracy: State of Art

Transnational Organized Crime is one of the most nowadays global serious problems affecting Humanity, States, Governments in the most different areas. As a powerful threat to the International Security, as for the States and Governments, the Transnational Organized Crime is presented as one of the most complex and higher challenges, mainly to the police authorities as for the criminal research, being a reality that, in general, can be developed and implemented further than all authorities and governments (re)action(s). In fact, since last years there have been an important evolution of the legal and judicial systems (within the States and International) but the prevention and the fight against this Crime has not been enough strong to avoid the most serious affection and damages, as the worst consequences, including deaths of thousands of human beings.

Considering the relevance of an overview by the scientific research results and analysis, hereby the *State of the Art* of the *Transnational Organized Crime: the required interconnection of States in their International Environment*, based in the in the recent past and the actuality, identifying the most different emerging needs to implement the awareness / education / preparation for prevention and productive action of all those intervening.

First, there is an up-and-coming need for a conceptualization and a rigorous clarification about the actors, participations, causes and consequences as well as the

“dark side” that involves Transnational Organized Crime (Albanese, 2015; Aaronson & Shaffer, 2021). Therefore, there is an unequivocal necessity to design and apply the promotion of grounded and properly structured knowledge that allows a general and correct understanding of the *State* and *Democracies*, through the effective awareness of its affectation by Transnational Organized Crime: the threat, the protection and the (un)control by States and the International Community.

Our research highlights the need to promote legal, judicial, social, political, and economic education, through the emerging public accountability of all those intervening in the complex procedural network. It is certain that this will always be a complex, bureaucratic, multi-stakeholder and time-consuming process, but one that is unquestionably imperative and cannot be ignored or "postponed".

As a crucial point for the consolidation of knowledge on Transnational Organized Crime in its multiple dimensions, for the development of the acting and reaction capacity of society and of the actors - political, governmental, legal, judicial, economic-financial, cultural, and social - national and international, it is fundamental to develop the training / strategic groundwork of the Public Opinion. This training must be carefully supported on principles and foundations validated by science, especially in the veracity of facts and identification of potential / effective manipulations, which distort the dimension and seriousness of Transnational Organized Crime.

Through the data collected and its critical analysis through our scientific research we can state that it is necessary to effectively assume that there is a worrying ignorance and a generalized incapacity - people and institutions - which results are clear – there is a urgent need to develop the competences and the capacities to identify, characterize and denounce the factual problems which are in the genesis and support the serious execution of the Transnational Organized Crime with the most serious consequences for Humanity, in general, and for the International Community and the States, in particular. Therefore, it is easily understood there is the requirement for awareness that this transnational crime is a permanent security threat to all - individuals, States, and the International Community in all their existing dimensions. Finally, our research highlights the need to develop a debate on the causes and consequences of this serious problem, as well as to carry out actions to deal with the problem from a legal, judicial, and political point of view, in the pursuit for deliberations qualified to promote effective actions of prevention, protection and combat of this severe reality and threat.

2. Methodology

In this scientific research, study, analysis, and production for this article we applied a strategic qualitative methodology under a "*grounded theory*" underneath

the inductive logic from collected data, without marginalizing ethnography by the multiplicity of "cultures" and the surrounding multidisciplinary.

Methodologically we resorted to factual data as current as published, the thematic analysis in this article is presented under the graphic-statistical analysis.

3. Routing the state of the democracy around the world in 2023

Analyzing the nowadays situation of the Democracy in a global perspective we studied "*The State of Democracy around the world 2023*" (Koope, 2023), whose map we can see below (Figure 1). The official results as consequence from the analysis of the electoral process and pluralism, political culture, the functioning of the government and civil liberties, present us with data that are as serious as they are worrying. According to the *Economist Intelligence Unit (EIU)* (Koope, 2023) only 8% of the world's population currently lives in a full democracy, as opposed to 37% of the population living in an "imperfect democracy", just as 55% of the world does not live in a democracy. Events such as the Invasion of Ukraine by Russia and all the restrictions that have been implemented due to the pandemic COVID-19 have caused in the recent past a serious decline in levels of democracy in multiple States (Matwijkiw., 2020), which since 2006 translates into an average global decrease of 5.52 to 5.29. These results expose the serious consequences for individuals in the access and experience of their Fundamental and Human Rights, as well as explain the establishment of a life masked in violence and violations of International Law, as it presents the negative impacts in the legal system of different States around the world. Moreover, this context has a negative shock on international relations and, dangerously, it is often an obstruction of an effective judicial action to protect citizens. As presented to us by the map – Figure 1 – we also have other data that should deserve particular attention and care from the international community, aiming at a position and concerted action of the multiple subjects of International Law and Politics in favor of the construction and/or rectification of world democracy, as a permissive regime for the protection and promotion of Human Rights and the Rule of Law. Globally, the world population lives: 37% in authoritarian regimes and 18% in hybrid regimes, which are more frequent in the Middle East, the East, and some States in the African continent.

Now, this context is representative of the political and governmental systemic structure, presents itself as delicate and representative of multiple fragilities and threats to the States themselves in their multiple dimensions and to their citizens - individually and in society. Moreover, it represents a favorable and permissive context for the creation and implementation of Organised Crime around the world in its most diverse areas of action, and in its international relations / connections. There

is a conjuncture that favors its appearance and efficacy, through the criminal Governments, some of which the most dangerous and are them who is in the genesis of this criminality or, on the other hand, presents the hardest lack the capacity to prevent or fight this international drama.

THE STATE OF DEMOCRACY AROUND THE WORLD

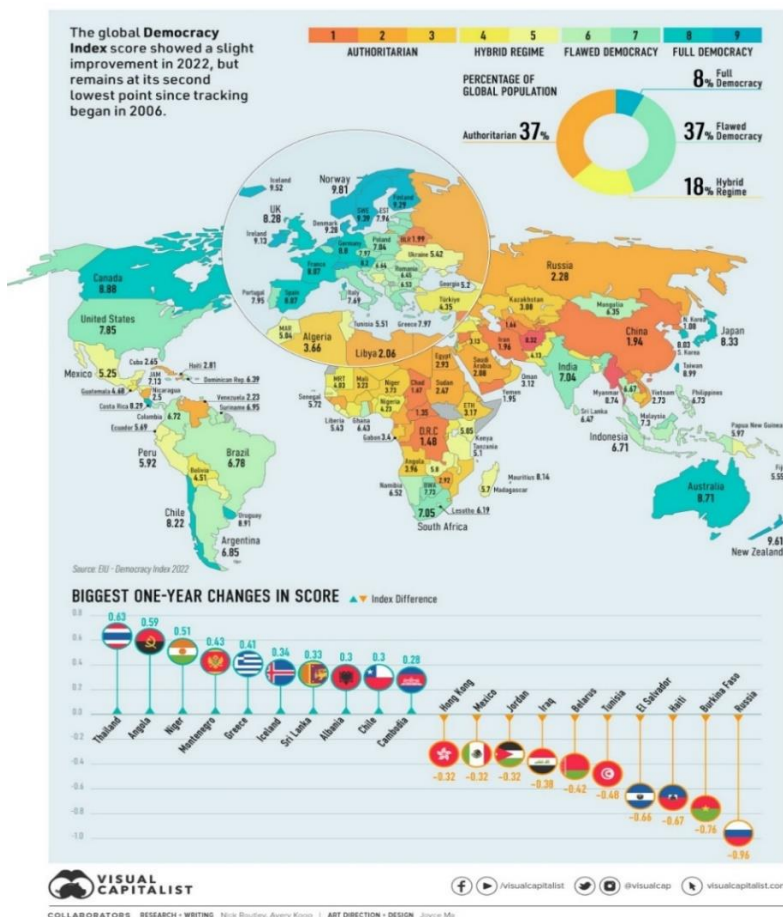


Figure 1 – The State of Democracy around the world 2023

Source: <https://www.visualcapitalist.com/state-of-democracy-around-the-world-2023/>

4. Transnational Organized Crime: the global permanent invisible threat

In human societies, organized crime develops and transforms itself continuously, seeming to find no limit either in the profitability of its business or in

the sophistication of its organizations. Globalization has not created transnational criminal organizations, but it has given crime a new international impetus, creating opportunities for illicit activities.

The existence and vitality of "dark" markets are inseparable from the historical construction of the authority that arbitrates legality and makes it credible. Because of its technological and socio-economic implications, one effect of the recent wave of globalization is that the strengthening of control in the stronger states at the center of the system, by reinforcing the stimulus to extraordinary profits and repressing organizations internally, creates a transmission effect in the system between states whereby illegality reorganizes its production chain and logistics from weaker states in the periphery or semi-periphery to respond to the market stimulus fostered by the greater control in place.

As part of this process of accelerated internationalization, organized crime has taken on the action of the state, and the resulting confrontations have led to its inclusion on the international security research agenda (Cepik & Borba, 2011).

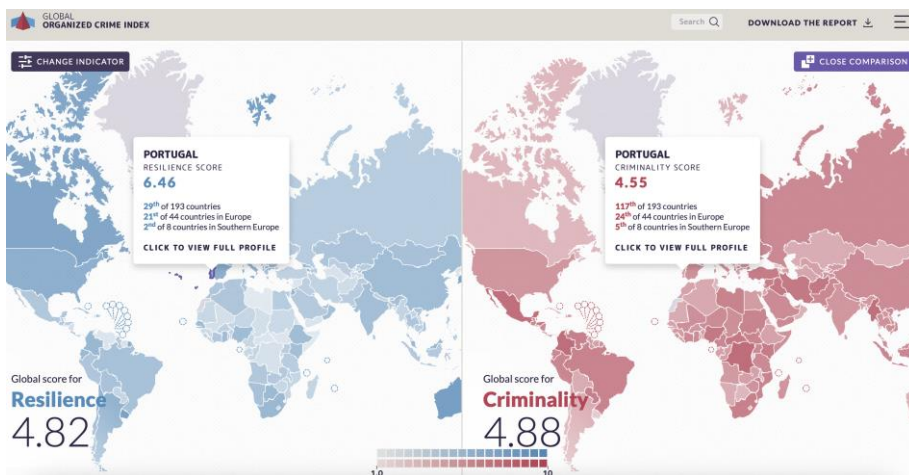


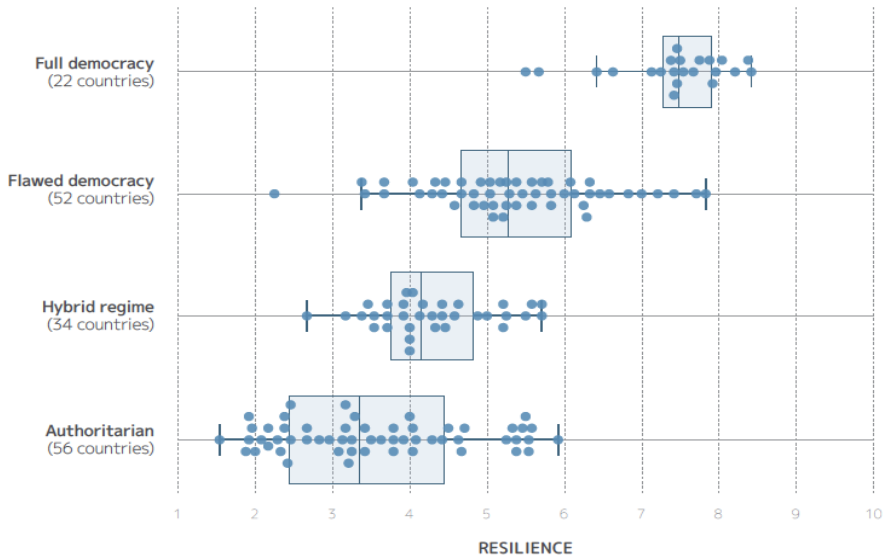
Figure 2 – Global Organized Crime Index 2021 vs. Portugal

Source: Global Initiative Against Transnational Organized Crime (GITOC) at <https://globalinitiative.net/analysis/ocindex-2021/>

As we can see from Figure 2, the levels of Resilience (4.82) and Crime (4.88) at the global level in 2021 are serious and deserve the best attention (GITOC, 2021). We have chosen to highlight the data from Portugal as a case study. This, despite all limitations and imperfections, despite having a Democracy and a Government that recognizes and acts politically, legally, and judicially, has recognized and (tried to) carry out measures and actions to combat Transnational Organised Crime, in line with the measures and actions of the European Union. However, the vulnerabilities and

affections are severe. From the geopolitical positioning of Portugal, as a Member State of the European Union, and of most International Organizations, its international positioning, from its potentialities to its weaknesses, from the economic and financial problems to the growth resulting from Tourism, from the mobilities and migrations that have marked the past and mark the present of the State.

Resilience by regime type



Source: Economist Intelligence Unit Democracy Index

Figure 3 – Vulnerability Classifications

Source: GITOC, at <https://globalinitiative.net/analysis/ocindex-2021/>

On the resilience of political regimes to Transnational Organised Crime (Figure 3), from the above data published by the Economist Intelligence Unit Democracy Index, we can state that "democracies have higher levels of resilience to crime than authoritarian states. Countries classified as full democracies exhibit, on average, higher levels of resilience than authoritarian states." It is understood that good governance - exhibited by states that are participatory, accountable, effective and based on the rule of law - lay the foundations on which to build and strengthen institutional and non-state frameworks to improve society and combat organized crime. In sum, four of the top five countries with the highest resilience are Finland, New Zealand, Denmark, and Iceland, where Democracy is the regime in place.

Let us see, globally data of the greatest importance regarding the classification of Vulnerability that, according to Figure 4 and Global Organized Crime Index (GITOC, 2021), "More than three quarters of the world population lives in countries with high

levels of criminality and in countries with low resilience to organized crime". Which is an unequivocal permissive context of the development of Transnational Organized Crime.

Vulnerability classifications

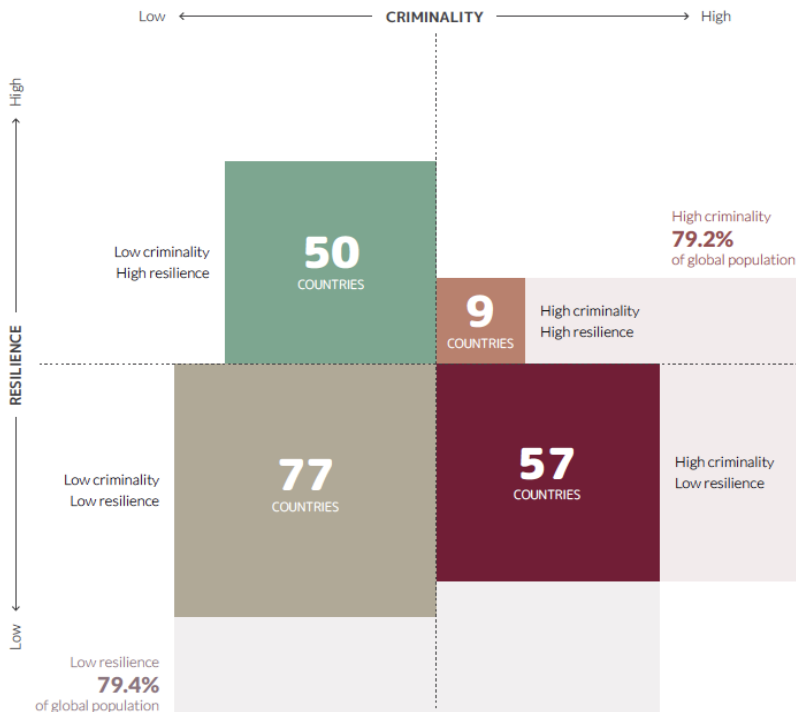


Figure 4 – Vulnerability Classifications

Source: GITOC, at <https://globalinitiative.net/analysis/ocindex-2021/>

In what concerns crime by continent (Figure 5), we agree with the state that "crime is not a problem of a few: in accessing all states around the globe, we find a large majority of the world's population (79.2%) living in countries with high crime levels, as well as in countries with low resilience (79.4%)" (GITOC - 2021).

Criminality by continent

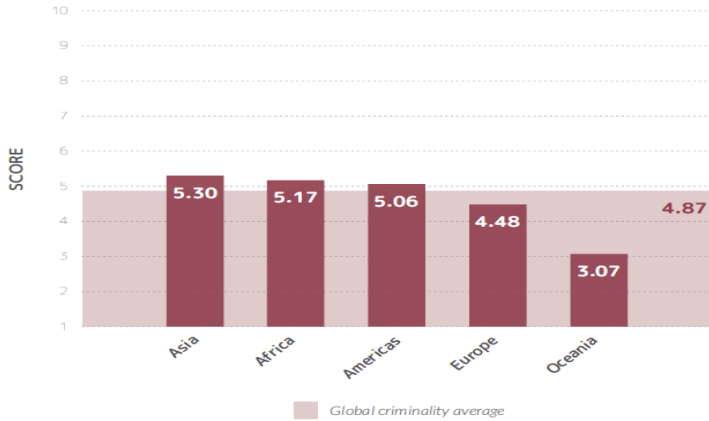


Figure 5 – Criminality by continent

Source: *GITOC* <https://globalinitiative.net/analysis/ocindex-2021/>

As for criminal markets, in the 10 criminal markets that the Index assesses (Figure 6), human trafficking is the most widespread criminal market globally, followed by cannabis trade, arms trafficking, human smuggling and wildlife crime. The human trafficking market has been fuelled by mass displacement, often overlapping with human smuggling, and caused by, among other factors, conflict, desperate socio-economic conditions and - not least - crime, especially in Central America (Walker & Botero Respero, 2022).

Criminal markets, global averages

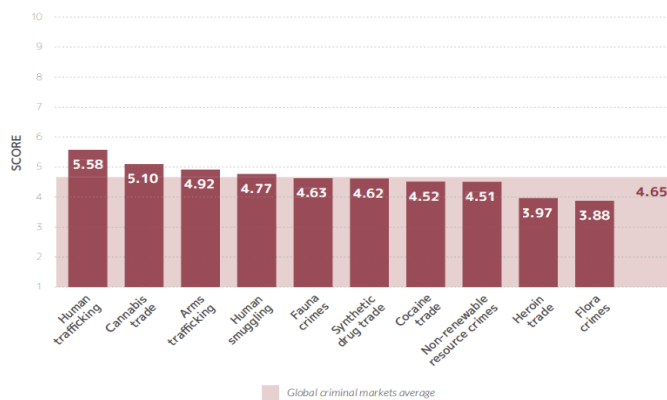


Figure 6 – Criminal markets, global averages

Source: *Global Initiative Against Transnational Organized Crime* in <https://globalinitiative.net/analysis/ocindex-2021/>

It is also important to understand Corruption as "an element present in virtually all organised crime activities. (...) About 60% of the criminal networks referred to in SOCTA (Serious Organized Crime Threat Assessment) 2021 used corruption" (SOCTA, 2021). In parallel, violence (GITOC, 2022) is pointed out by Europol (Europol, 2022) as a phenomenon that has grown in recent years, with criminals using violence indiscriminately and hitting victims regardless of their involvement or participation, not caring to often hit innocent bystanders. And the data is unequivocal: over 180 nationalities are involved in organised crime in the European Union; 65% of gangs active in the European Union are composed of members of multiple nationalities; over 50% of all suspects identified in organised crime activities in the European Union are from non-European countries - and half of these originate from countries neighbouring the European Union, such as the Western Balkans, Eastern European countries, and North Africa.

In an analysis of the crimes with the greatest impact in each country, considering the information provided by the national authorities, Europol attributes to Portugal, as the most worrying criminal phenomena, money laundering, VAT carousel frauds, environmental crimes, counterfeiting of euros, tax frauds on alcohol, mineral oils, and tobacco.

Considering the universality and imbedded nature of the Transnational Organized Crime, it's undoubtable that it will require a coordinated and strategic global reply, what it's an aim but far away from the nowadays reality. The international and national police makers and institutions must consider and work in this priority intervention based on a "multifaceted assessment of vulnerabilities and enhance national, regional and global cooperation in countering organized crime" (GITOC, 2021).

The strategic of the coordinated global response must consider and promote the following areas of intervention (Figure 7):

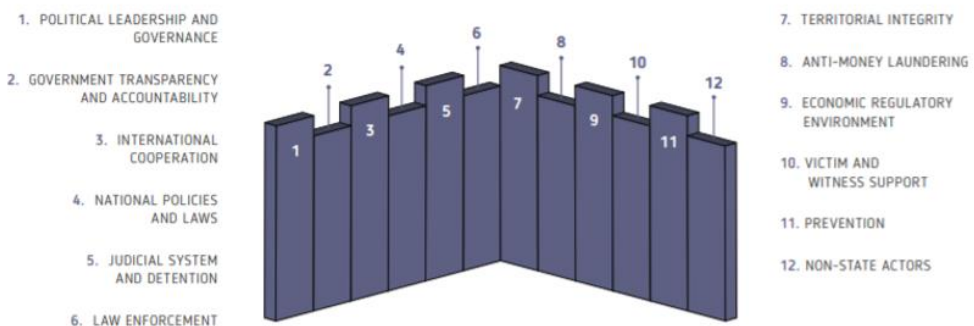


Figure 7 – Intervention areas to the strategic response against the Transnational Crime:
<https://globalinitiative.net/analysis/ocindex-2021/>

Regarding the most serious Criminal areas and, consequently, international markets are the following (Figure 8):

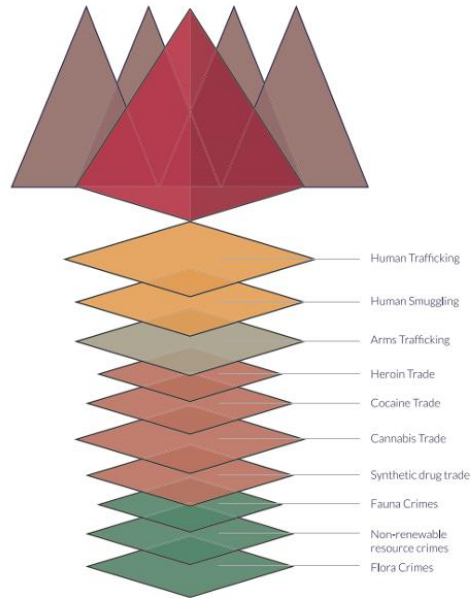


Figure 8 – Criminal markets, global averages

Source: GITOC, at <https://globalinitiative.net/analysis/ocindex-2021/>

Frontex has undergone a profound transformation to become an operational arm of the European Union, working hand in hand with the Member States' national authorities to monitor and protect our common external borders (FRONTEX, 2022). For 2021, its activity can be visualized in Figure 9.

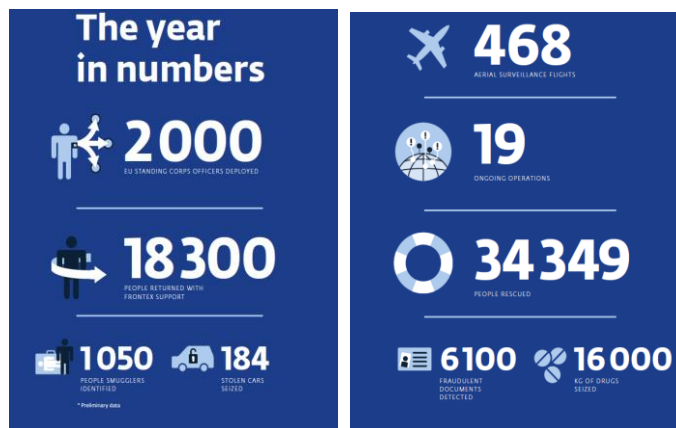


Figure 9 – Frontex – European Border Cost Guard Agency in Brief -2021

INTERPOL operations, which are presented as successful on three continents (Figure 10), have highlighted the scope of trafficking in human beings and smuggling of migrants, and the importance of carrying out targeted and coordinated enforcement actions against criminal networks that transport vulnerable men, women, and children across borders for profit.



Figure 10 – Biggest Operations against Human Traffic and migrant smuggling
Source: *Interpol contra el Tráfico Humano y el Contrabando de Migrantes (Interpol, 2021, p. 8)*

Data from Operations LIBERTERRA, WEKA and TURQUOISE III, confirmed that trafficking in human beings and smuggling of migrants are increasingly intertwined with overlapping transit routes. The operations also revealed extensive use of forced labour in the supply chain, with victims being rescued from factories, warehouses, construction sites and domestic work.

4. Conclusions

Transnational Organized Crime is a global problem, of the highest gravity, which affects everyone directly or indirectly. Both small States and world superpowers face this serious problem, and it represents a major challenge, as a threat or criminality to Governments, State and international law enforcement authorities, the economies - of States and Macroeconomies, societies, economies and

finances. Simultaneously, this criminality is also motivated and promoted by several States and Governments in different parts of the world, using and privileging geopolitical positions, conflicts, political instability and forced migration. However, it should be noted that Transnational Organised Crime has a clandestine nature and is exercised in the twilight. The criminal markets and actors have been growing and gradually affecting multiple actors. From the data analysed, this Crime represents high levels, has an omnipresence of the most perfidious forms of exploitation that are perpetrated by criminal actors globally, including individuals and networks operating from the State apparatus. There is an unequivocal gap of widespread deficit levels that translates into State and International criminal justice weaknesses in the face of rampant corruption and violent repression of fundamental rights and freedoms.

The reality of the world and of life today in its multiple facets and diversity of problems and potentialities are perennial: it is imperative to prevent and effectively combat Transnational Organised Crime in concerted international action and by denouncing the influence of publicly hidden and negatively manipulated "forces".

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