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A Multi-Pronged Approach to Transnational Criminal Networks: The Case of Latin America and the Caribbean

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I. Introduction

Conventional wisdom holds that previously unimaginable commercial, political and social opportunities associated with globalization have been paralleled by an unprecedented expansion of transnational criminal networks.

Policy makers and academics have been analyzing the causes of transnational criminal networks and how they weaken nation-states on the one hand (Lupsha, 1996, p. 21-48; Maltz, 1990, pp. 41-47; Allum & Siebert, 2003, pp. 38), and how weak nation-states provide a "breeding ground" for transnational criminal networks on the other hand (Annan, Palermo Address, 2000; Farrar, U.S. State Department, 2005, p.1; Patrick, 2006, p. 1; Asia Pacific Security Center, 2000, p. 3; UNODC Signing Conference for UN Convention Against Transnational Organized Crime, 2000, p.1). Nonetheless, transnational criminal networks remain. No nation can defend itself against these threats entirely on its own. The successful prevention, containment and combat of transnational criminal networks require broad and sustainable cooperation among states, regional and international organizations.

Without attempting to solve the "chicken and egg and which of them came first" component of transnational criminal networks and how they relate to the nation-state, this essay examines the characteristics of transnational criminal networks and their illegal businesses. Placing the analysis in a Latin American and Caribbean context, this essay explores national, regional and international policy options to prevent and combat the threat originating from transnational criminal networks.

By suggesting that transnational criminal networks have become one of the world's most successful and craftiest "business enterprises" (Andreas in Berdal & Serrano, 2002, p. 13), this essay concludes that the only way to redress transnational criminal networks is through a multi-pronged approach. This approach addresses what institutions and actors can do at the national, regional and international levels and reaffirms United Nations Secretary-General Kofi Annan's vision that states' and human security goes hand in hand with development and human rights (In Larger Freedom-Report of the Secretary General, 2005, p.2).

II. Transnational Criminal Networks: A Common Definition

What are the common characteristics of transnational criminal networks, like the *Triad gangs* of Hong Kong, the *Boryukudan (Yakuza)* of Japan, the *Sicilian Mafia*, the *Cosa Nostra*, the Russian *Mafiya*, Nigerian criminal groups and Colombian or Mexican *Carteles*?

The United Nations Convention against Transnational Organized Crime defines a transnational criminal network [organized criminal group] as "a structured group of three or more persons that exists over a period of time, the members of which act in concert aiming at the commission of serious crimes in order to obtain a direct or indirect financial or other material benefit" (United Nations Convention against Transnational Organized Crime, 2000, Art. 2a).

This definition is universally accepted by practitioners as well as by academics and broadly illustrates the essential elements of transnational criminal networks. At the same time, it distinguishes transnational criminal networks from terrorist organizations or criminal gangs.¹ The reference to "financial or other material benefit" intended to

¹ Gangs, also often referred to as "pandillas", have increasingly received the media's attention in the Americas (Arana in Foreign Affairs, May/June 2005, p. 98; Papachristos, Foreign Policy, March/April 2005, p. 48; Savenije, Foreign Affairs en Español, 2004, p. 38.). However, as a high-level Mexican security official stated on

exclude groups with purely political or social motives (Legislative Guides to the Convention and Protocols, 2004, p. 13).

Consequently, transnational crime differs from terrorism in that its purpose is the pursuit of profit rather than the achievement of ideological or political objectives to reform society. Instead, transnational criminal networks generally favor the status quo (Serrano, 2002, p. 8) and seek to incapacitate only those aspects of the political system that pose obstacles to their economic agendas while preserving those mechanisms they deem useful (Farer, 1999, pp. 6-7). One such example are political elections, in which it is customary for transnational criminal networks to support a range of candidates for public office to guarantee a support base in incoming administrations. This does not mean however, that transnational criminal networks refrain from utilizing terrorist tactics, such as the Medellín Cartel's murders of high-level officials and politicians in the electoral process, to intimidate the public and reach aspired voting results.

Transnational criminal networks can also be distinguished from petty criminality, conducted by criminal gangs or "pandillas", by the complexity and continuity of organization over the course of time (Beetham in Allum & Siebert, 2003, p.i.). Unlike transnational criminal networks' highly sophisticated structure and modus operandi, criminal gangs oftentimes form as a family substitute. They are utilized by transnational criminal networks to execute or implement rather than orchestrate transnational organized crime.

Organized criminals traditionally engage in "business-like" activities and specifically engage in consensual crimes. Examples of these include the sale of drugs, prostitution, gambling, loan sharking, and official corruption. They also participate in semi-consensual protection rackets, the sale of stolen property, and forms of official corruption (Serrano, 2002, p. 29). Activities most commonly attributed to transnational organized crime are the production and trafficking of illicit drugs, illegal conventional and non-conventional arms transfers, the trafficking of women and children, the smuggling of illegal aliens across national borders, stealing and smuggling vehicles, the trafficking of body parts, money-laundering, and tax evasion (Castle, 1997, p. 10).

1. Transnational Criminal Networks' Activities in Latin America and the Caribbean (LAC)

In the LAC region, transnational organized crime is mainly associated with illicit drug production and trafficking. Even though transnational organized crime in the Americas is also apparent in other dimensions, such as arms trafficking, money laundering, kidnapping and vehicle crime, they tend to be inextricably linked to the illicit drug production and trade. Countries involved in the illicit drug trade are generally categorized in drug "producing" (Bolivia, Colombia, and Peru), "transit" (Caribbean, Guatemala and Mexico) or "consuming" (U.S.A.) nations.

Almost all countries of the region except for a few Caribbean states ratified the International Convention against Transnational Organized Crime and its Protocols (see Annex I), and 33 out of 34 countries signed all three International Drug Conventions² (see Annex II). However, drug production and trade continue to flourish. What then explains the gap between states' political commitment and the reality on the ground? That is to say, why do transnational criminal networks in the LAC region continue to engage in the drug trade?

10 January 2005 in an informal interview, that Latin America's true security problem is not the pandillas who mostly commit petty crime, but the drug cartels and their highly sophisticated illicit operations.

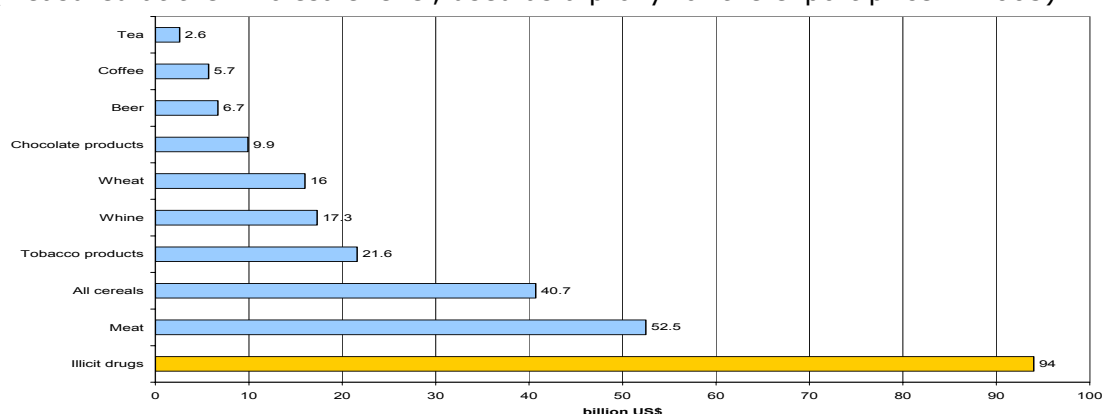
² The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

2. Transnational Criminal Networks in the LAC Region and the Illicit Drug Trade

Compared with legitimate markets, the drug trade pays well. According to the 2005 World Drug Report (figure 1), the global illicit drug market was estimated at US\$ 94 billion at the wholesale level, in comparison to US\$ 40.7 billion generated by tobacco products or to 2.6 billion for tea products (2005 World Drug Report, 2005, p. 133).

Figure 1: Illicit Drugs' Export Values Rank Highest in Comparison to Agricultural Commodities

(Measured at the wholesale level, used as a proxy for the export price in 2003)

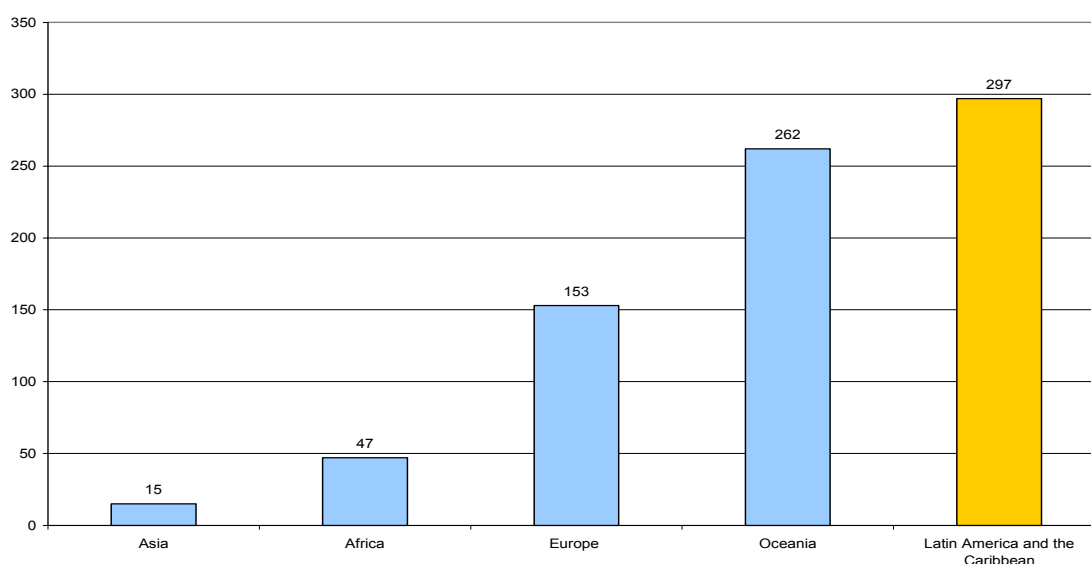


Source: 2005 Drug Report, http://www.unodc.org/pdf/research/WDR%202005_presentation.pdf, p. 33

Most of the world's cocaine is produced in Latin America, namely in Colombia (50%), Peru (32%) and Bolivia (15%). In 2004, the total "farm gate value" of the potential global coca production alone amounted to US\$565 million (2005 Drug Report, 2005, p. 63).

What are some of the consequences of the illicit drug production and trade? For one, police statistics report that the LAC region scores highest in drug-related crimes:

Figure 2: The LAC Region Ranks Highest in Drug-Related Crime Statistics



Source: "Crime and Development in Africa", http://www.unodc.org/pdf/African_report.pdf, p. 52

III. A Chicken and Egg Conundrum: Transnational Criminal Networks and Weak Nation-States³

One group of thought, mainly represented by academia, argues that transnational criminal networks pose a threat to nation-states by cultivating political, economic and social destabilization, causing violence and intimidation, encouraging unfair competition, eroding institutional legitimacy, fostering corruption, and promoting social injustice (Lupsha, 1996, p. 21-48; Maltz, 1990, pp. 41-47; Allum & Siebert, 2003, pp. 38). Maltz, for example, identifies five different types of harm exerted by transnational criminal networks: "Physical harm", "economic harm", "psychological harm", "community harm" and "societal harm" (Maltz, 1990, p. pp. 41-47).⁴ Lupsha systematizes transnational criminal threats, their growth and infiltration into nation-states in three stages, the "predatory stage", the "parasitical stage", and the "symbiotic stage" (Lupsha, 1996, pp. 21-48).⁵

The underlying line of thought of this group is that ultimately, transnational criminal networks harm liberal democracies' in two ways: First, their open political and economic systems are easier to infiltrate by transnational criminal networks. Second, liberal democracies' adherence to the rule of law allows them to utilize only a limited range of lawful tools to combat transnational criminal networks (Beetham in Allum, & Siebert, 2003, p. iv).

A different group of thought, interestingly enough mainly constituted of policy makers, claims that transnational criminal networks thrive off of weak states. With their high levels of inequality and corruption and lacking rule of law, weak states create incentives for their citizens to engage in transnational illegal activities that promise high profits (Annan, Palermo Address, 2000; Farrar, U.S. State Department, 2005, p.1; Patrick, 2006, p. 1; Asia Pacific Security Center, 2000, p. 3; UNODC Signing Conference for UN Convention Against Transnational Organized Crime, 2000, p.1).

Regardless as to whether transnational criminal networks came first to weaken nation-states or whether weak-nation states create a breeding ground for transnational criminal networks, we can conclude that transnational criminal networks and weak nation-states are two factors that mutually reinforce one another.

³ According to Patrick, a state's strength or weakness is a relative concept, which can be measured by the state's ability and willingness to provide the fundamental political goods associated with statehood: physical security, legitimate political institutions, economic management and social welfare (Patrick, 2006, p. 7).

⁴ "Physical harm" refers to acts like murder, assault and other violent activities. "Economic harm" addresses economic gains of transnational criminal networks at the expense of both individuals and institutions. "Psychological harm" describes the threat represented by intimidation, coercion and fear. "Community harm" is caused by attempts of transnational criminal networks to disrupt community or neighborhood life. "Societal harm" embodies the threat posed to the social fabric, such as the loss of confidence in the government or in the economic system.

⁵ In the "predatory stage" transnational criminal networks create a basis and craft their own structures, mainly focusing on principal illegal markets or targeting a legitimate area of state economies. In this stage, transnational criminal networks' political influence is localized, and nourished through corruption, intimidation or the threat of force. During the "parasitical stage", criminal groups generally asserted their position and have begun to penetrate both legal businesses and national and regional politics. As a consequence, conventional businesses may be drawn into cooperating with transnational criminal networks and in the political arena, transnational criminal networks may assume some of the duties and obligations that governments have performed in relation to their citizens. In the "symbiotic stage", transnational criminal networks become have successfully amalgamated into the political and economic structure. State institutions are at this point fully "contaminated" by bribery or corruption and a new elite, made of transnational criminal network leadership and corrupt officials, emerges.

1. Transnational Criminal Networks and the Democratic Consolidation Process

The ill-fated nexus between transnational criminal networks and weak state structures has become particularly visible in the LAC region, where transnational crime is mainly associated with the illicit drug production, trade and consumption.

Most Latin American countries democratized throughout the “third wave of democratization”, which commenced in 1974⁶ (Huntington, 1991, p. 13), and forced authoritarian military rulers out of power (O’Donnell, 1993, pp. 3-18). Interestingly, the region’s transition from military to democratic rule coincided with an explosion of cocaine, marijuana, opium and poppy production and trafficking (Serrano, 2002, pp. 156-158). This underlines the argument that democracies’ open structures are easier to penetrate by transnational criminal networks.

By the mid-1980s, the modern-narco elites had become a major source of political instability. Behaving like traditional economic elites, the “drug lords” made it a habit to fund political campaigns, sponsor party-building and get-out-the-vote activities and lobby legislatures for narco-favorable laws. Unfortunately, they also started to dominate state-prerogatives like social welfare and the maintenance of law and order (Farer, 1999, p.4).⁷

Democracies in the region have yet to consolidate, which according to Linz and Stepan is accomplished when “democracy is the only game in town” (Linz & Stepan, 1996, p. 6). Therefore the dynamic between transnational criminal networks’ illicit drug production and trade and the non-consolidation of the LAC region’s democracies is mutually reinforcing.

2. Transnational Criminal Networks and Corruption

Corruption⁸ is an additional element of the “transnational criminal networks and democratic non-consolidation dynamic” in the LAC region. What is the relationship between transnational criminal networks and corruption? According to the United Nations Crime and Development in Africa Report (2005, p. xiv), “transnational criminal networks cannot thrive without corruption, and the fuelling of corruption may be the most damaging effect of transnational criminal networks”.

According to Transparency International’s 2005 Corruption Perception Index, Latin American and Caribbean countries appear at all levels, ranging from Barbados, the 24th least corrupt country worldwide, to Haiti - a failed state occupying rank 155th out of 158- thereby being the world’s third most corrupt country (Transparency International Corruption Perception Index, 2005, p. 3). This scattered picture coincides with LAC countries’ commitment towards the 2003 United Nations Convention Against Corruption, which has been ratified by a number of Latin American countries. Curiously, it has been left untouched by many Central American and Caribbean nations (see Annex III).

Corruption perception levels are high in the LAC region. When asked about the likelihood of being able to bribe a policeman, judge or civil servant to avoid detention or receive a favorable sentence in a 2004 survey of the Latinobarómetro, almost one out of two citizens of nine countries in the region thinks that it is possible to bribe a policeman

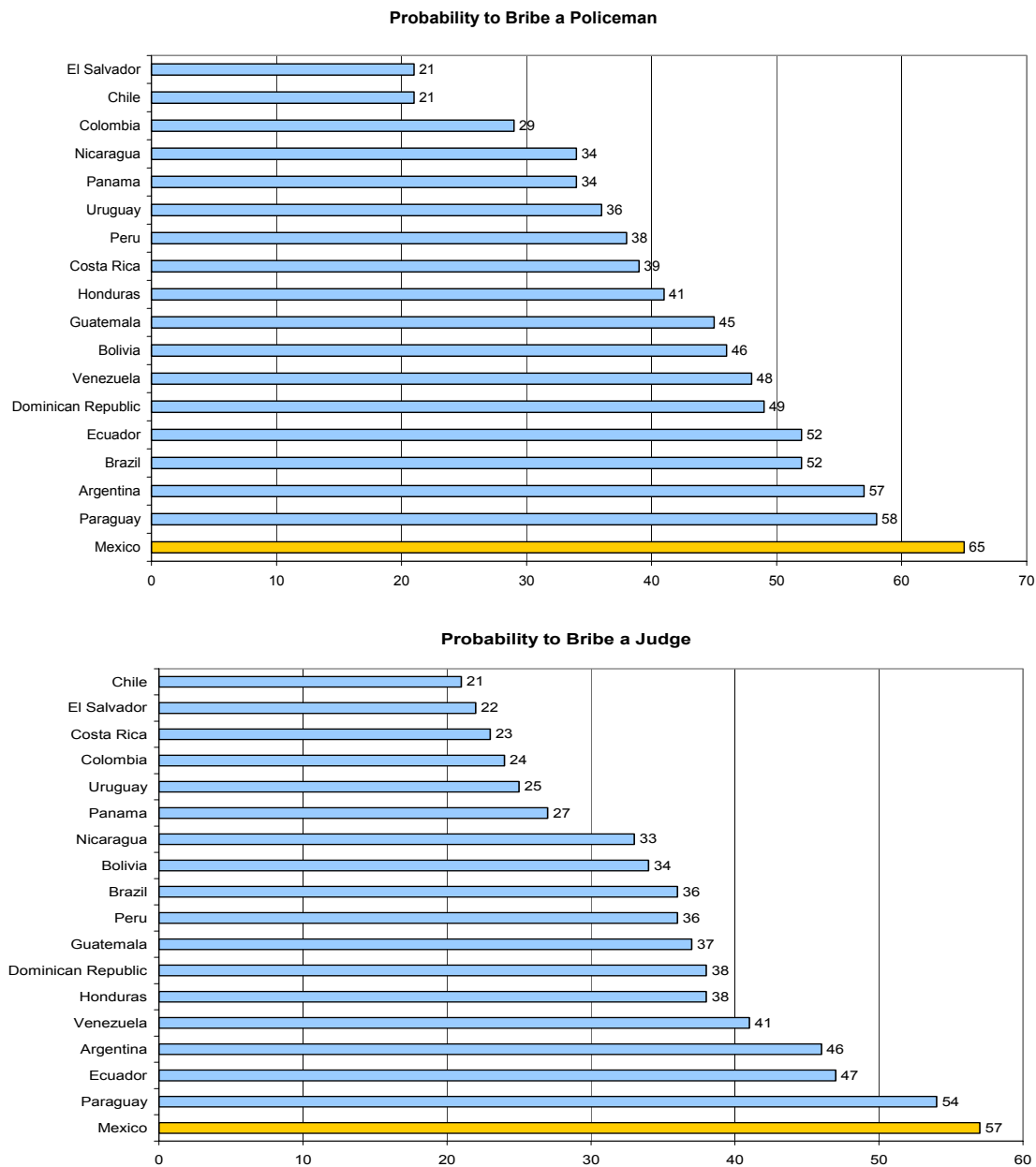
⁶ Colombia and Venezuela democratized throughout the second wave. The case of the Caribbean is more complex. Cuba and Haiti still have not democratized, and the Bahamas, Barbados, Jamaica, and Trinidad and Tobago have become democracies before the third wave started.

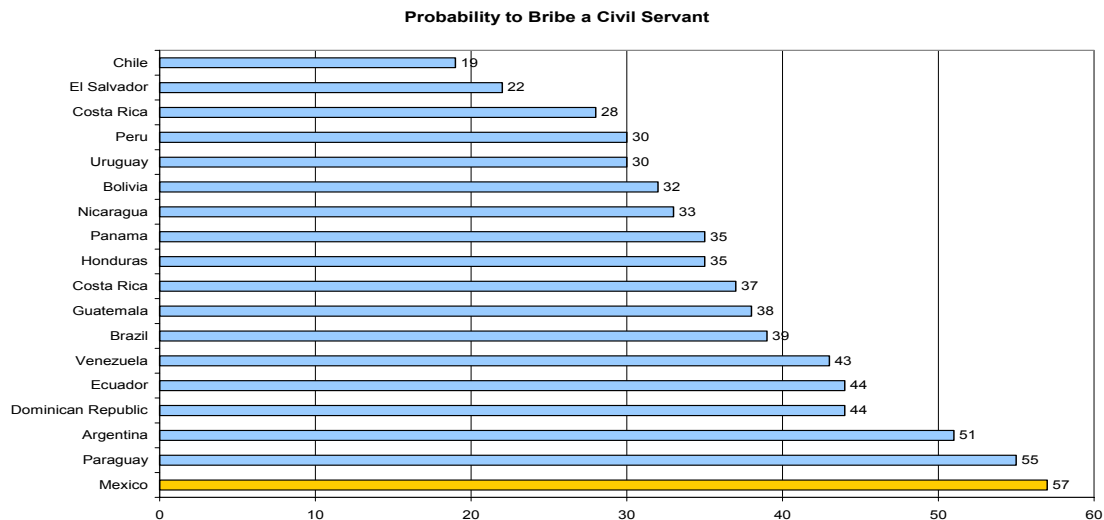
⁷ In Bolivia, Colombia, Mexico and Peru, drug cartels financed community development projects, such as housing, schools and roads to expand their political support base among poor communities (Farer, 1999, p. 24).

⁸ Transparency International defines the term corruption as “the abuse of entrusted power for private gain” (Transparency International, 2006, p.1). Corruption includes a wide range of offences, from high-level embezzlement of public resources to the minor sales of documents and licenses.

(Latinbarómetro's Data on Corruption, 2005, p. 1). Although slightly lower, the corruption perception of judges and civil servants is significant nevertheless (see Figure 3).

Figure 3: High Probability to Bribe Public Officials in the LAC Region





Source: Latinobarómetro, 20006,
[http://www.latinobarometro.org/index.php?id=166&no_cache=1&tx_eeblog\[pointer\]=0&tx_eeblog\[showUId\]=29](http://www.latinobarometro.org/index.php?id=166&no_cache=1&tx_eeblog[pointer]=0&tx_eeblog[showUId]=29)

What explains these high numbers in corruptibility in the LAC region? One explanation could be high levels of income inequality (Barkley Rosser, Rosser, Ahmed, 2000, p.7). According to the World Bank measure, the "Gini coefficient"⁹, the LAC region is the most unequal region across the globe:

Figure 4: Latin America and the Caribbean, the Most Unequal Region Worldwide

(Overall Average of Gini Coefficients between the 1960s, 70s and 90s by Region)

Eastern Europe	26,6
Industrial Countries and High-Income Developing Countries	34,3
South Asia	35,1
East Asia and Pacific	38,8
Middle East and North Africa	40,5
Sub-Saharan Africa	46,1
Latin America and the Caribbean	49,8

Source: Inequality in Latin America – Breaking with History, Washington D.C.: World Bank Publication, 2004, p. 303.

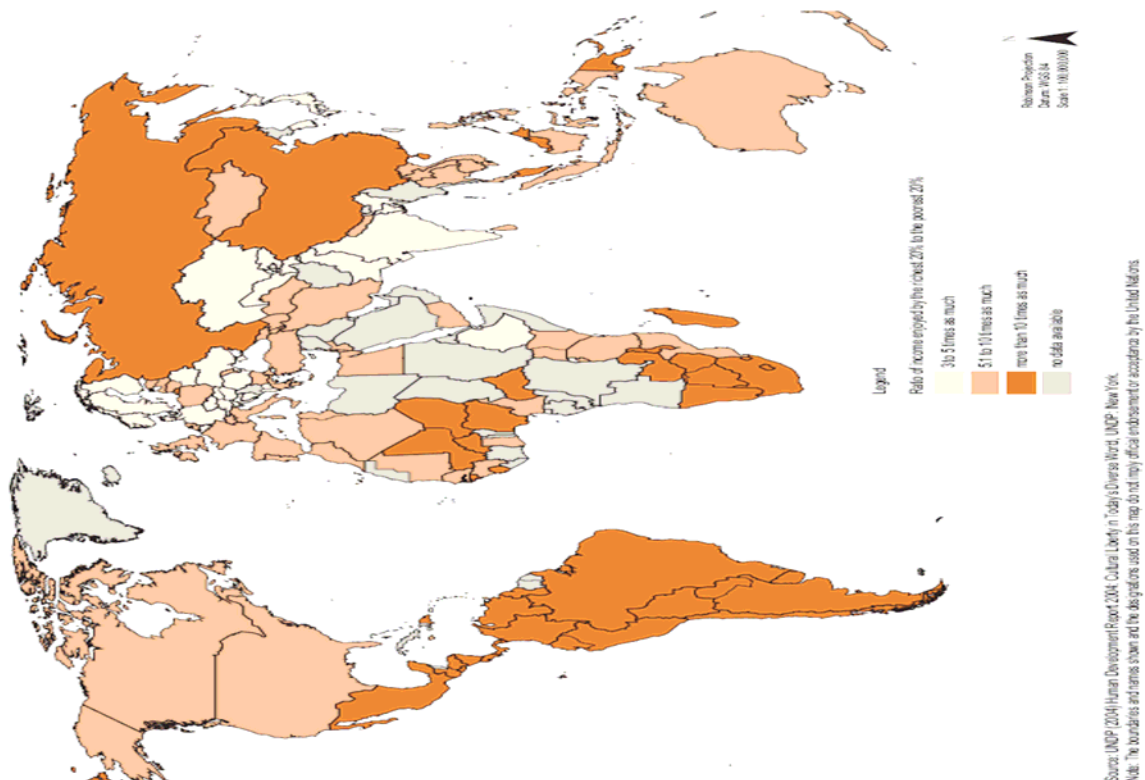
3. Transnational Criminal Networks and Income Inequality

If income inequality could be a root cause for corruption, does this finding also apply to transnational criminal networks? The geographic mapping of worldwide income inequality in figure 5 shows that highly unequal regions, such as the LAC region, China, or Russia and the newly independent states, correspond with those regions most notorious for their transnational criminal networks, such as the LAC drug "Carteles", the Russian "Mafyas" or the Hong Kong "Triad Gangs".

⁹ The Gini coefficient is a statistical measure of inequality in which zero expresses complete equality.

Figure 5: Income Inequality Corresponds to Transnational Criminal Networks' Strongholds

(Income inequality as measured by the Gini coefficient)



IV. National Policy Options

Threats emanating from transnational criminal networks are principally a national and not regional or international concern. To effectively address transnational criminal networks, governments should conceptualize all-encompassing policies that provide guidance for the implementation of prevention, containment and combat strategies.

1. Prevention Strategies: Examination of Root Causes

To prevent transnational organized crime and find sustainable solutions, countries need to understand the political, economic, social and cultural contradictions in their social fabric, in which transnational criminal networks take root or which promote transnational criminal network recruitment (Massari in Allum & Siebert, 2003, p.66).

Academia, think tanks and other relevant civil society organizations are instrumental in the process of mapping out country-specific concerns, as they are most aware of their citizens' needs. The root-cause analysis should serve as a basis for targeted prevention policies confronting the challenges of transnational criminal networks and for targeted programs offering alternatives to transnational criminal networks.

In the case of criminal gangs or pandillas, the United States developed a prevention program, entitled Gang Resistance Education Training (GREAT), which reduced gang membership numbers (GREAT, 2006, p.1). GREAT is a school-based law enforcement officer-taught classroom curriculum. The program's primary objective is preventing and immunizing children and youth against delinquency, youth violence, and gang membership. Since transnational criminal networks' main purpose is financial profit as opposed to achieving a sense of belonging, GREAT would be inadequate. However,

governments should dedicate resources to explore similar targeted approaches best suited to reduce incentives for their citizens to form or take part in transnational criminal networks.

Preventive counter-crime initiatives should be tailored towards specific transnational criminal acts like narcotics, small arms and light weapons and trafficking. In the case of the illicit drug trade, states should first identify the causes that have led them to becoming drug “producing”, “transit”, or “consuming countries”. Secondly, states should develop context-specific prevention policies and strategies.

What alternatives have been offered in the past and would have to be initiated in the future to prevent the Western Hemisphere from engaging in the production, trade and consumption of drugs?

a) Preventive Drug Production Strategies in Latin America

In the 1980s and 1990s, supply control policies and law enforcement strategies, impelled traffickers to increase the total volume of drugs shipped to consumer markets. This led to the increase in drug prices and ultimately consolidated drug-trafficking routes and regional monopolies (Serrano, 2002, p. 164). Moreover, higher drug prices and profits allowed for large-scale operations, increased levels of violence and rendered anti-drug initiatives as ineffective.

On the producer side, one preventive response by governments and the international community were alternative development strategies, namely the “income substitution strategy” (Alternative Development in the Andean Area, 2005, p. 6). This alternative livelihood scheme aims at reducing the dependence of rural economies on drug cultivation by integrating complementary measures aimed at infrastructure development and the improvement of farmers’ quality of life, by matching communities’ basic needs and demands (Alternative Development in the Andean Area, 2005, p. 15).

Income substitution programs emerged in the early 1980s, when the crisis in traditional and tropical agricultural production and other productive activities such as mining in the Andean region left families unemployed and without resources. This trend went hand in hand with the increase of drug consumption in developed countries and with the price increase of the coca leaf and consolidated the drug trafficking business in the Andean Region (Alternative Development in the Andean Area, 2005, p. 5).

Similar to more coercive anti-drug strategies like aerial crop eradication campaigns, these strategies oftentimes failed in the past because of governments’ lack of political will to prioritize the reduction of drug production as a component of an integrated national strategy (Alternative Development in the Andean Area, 2005, p.51). Moreover, the implementation of such programs proved problematic because unless sustained by constant flows of bilateral and international aid, alternative income substitution efforts did not yield long-term results (Serrano, 2002, p. 165).¹⁰

In addition to committing politically and financially, governments, in conjunction with affected populations, should base alternative income substitution strategies on people’s needs. They should lend national ownership to all parties involved, and directly link emanating programs to national economic and social policies (Alternative Development in the Andean Area, 2005, p.52). Moreover, alternative income substitution programs should be time-bound and measurable. They should be monitored and periodically evaluated so that best practices can be identified and replicated.

¹⁰ The budget for alternative development projects amounted to US\$78 million in 2004. Nevertheless, coca cultivation was reported to have increased in some parts of the country like Nariño.

b) Prevention Strategies for Caribbean Drug-Transit Countries

Preventing drugs from passing through “transit countries” requires enhanced border enforcement at the national level and cross-border cooperation activities like transnational intelligence and police cooperation at the regional and international level.

A regional example poses the United Nations Office on Drugs and Crime’s (UNODC) project on Strengthening the Caribbean Enforcement Network. About 30 to 40 percent of the annual cocaine supply for the USA and Canada, and 50 to 80 percent of Western European’s cocaine supply transits through the Caribbean (Strengthening the Caribbean Law Enforcement Network, 2006, p. 1). The UNODC project aims at simplifying and standardizing national clearance procedures. It helps compile and analyze clearance information from national sites of the Customs Enforcement Network and to produce intelligence reports (Strengthening the Caribbean Law Enforcement Network, 2006, p. 1). It is hoped that interdiction results for drug trafficking via the sea will improve. The project also aims at lowering the cost of drug law enforcement activities in the sub-region, which in some cases amounts up to 60 per cent of manpower resources (Strengthening the Caribbean Law Enforcement Network, 2006, p. 1).

c) Prevention Drug-Consumption Strategies in the Western Hemisphere

In the past, states attempted to eliminate the illicit drug trade through drug production eradication strategies. Over the course of time, it became abundantly clear however, that illicit drug production could only be effectively countered if anti-drug consumption strategies were equally employed.

One such initiative is the Drug Abuse Resistance Education (DARE), which was founded in 1983 in Los Angeles and is a police officer-led classroom curriculum that teaches children from kindergarten through 12th grade how to resist peer pressure and live drug-free lives (DARE, 2006, p. 1).

DARE has been extremely successful, in that the number of persons being treated for cocaine or opiate addictions in North America and Europe declined (2005 Drug Report, 2005, p. 24). DARE is now being implemented in 80 percent of U.S. school districts and in more than 54 countries worldwide. In 2006 alone, 36 million school children around the globe will benefit from DARE.

2. Containment and Combat Strategy: Reform of the State

Besides analyzing the root-causes, governments, with the help of civil society organizations and the private sector, should identify strategies fighting and containing the impact of transnational criminal networks. In a way, transnational criminal networks’ threat to nation-states mirrors nation-states’ inability to maintain law and order. Although no state may be fully able to extinguish transnational criminal networks, a state with balanced private and public spheres and a stable and effective legal order will presumably be capable of keeping transnational organized crime within tolerable limits (Massari in Allum & Siebert, 2003, pp. 73-74).

To contain and combat transnational criminal networks, affected governments, civil society organizations and the private sector, need to reform the state to enhance the performance of relevant public institutions.¹¹ State reform can by no means be

¹¹ Structured public sector reform processes may encompass several different types of change: “Macro institutional reform” involves the inter-institutional relationships between different branches and agencies of the state. “Micro institutional reform” concerns the modification of internal procedures of bureaucracies. “State-societal reform” involves the restructuring of links between public entities and civil society (DFID, 2006 p.1).

conducted via a “one size fits all” manner. Instead, relevant public sectors, namely the economic, judicial, social services and social protection and security sector, should be identified and reformed based on the eight principles of good governance¹²: participation, transparency, effectiveness and efficiency, responsiveness, accountability, consensus-orientation, equity and inclusiveness, and the rule of law (OECD E-Book on Information, Consultation and Public Participation in Policy-Making, 2001, p. 11-15).

In the context of containing and combating transnational criminal networks, countries’ security sector reforms are often most relevant.¹³ Security sector reform can include police reform, penal reform, intelligence reform, and defense reform. As in the case of prevention strategies, it is important to examine country or sub-region-specific threats, integrate previous lessons learned, and formulate context-relevant reforms prior to engaging in public sector reforms. One illustrative example of how different contexts shape different reforms are the different approaches to police reform in Central America and in the Southern Cone.

a) Police Reform in Central America: Lessons Learned

Post-conflict police reforms in the 1990s in Central America focused almost entirely on overcoming past police militarization, politicization and impunity. Although successful in the short-run, policing practices returned to “old habits” to the detriment of human rights when confronted with the increasing levels of crime. Old habits included the re-militarization of the police, its misuse of entrusted powers and tough counter-crime measures. Human rights abuses manifested themselves in the lack of attention and information about abused victims and the absence of corrective measures in police training, operational practices or management. Even when abuses were detected, no consideration was given to early warning systems for abusive police officers. This in turn de-legitimized the police in the public once again and threatened the internal security of Central American states (WOLA - From Peace to Governance, 2001, pp. 22-23).

Consequently, police reforms were crafted on the basis of alternative and more participatory approaches. These reforms facilitated the establishment of local security councils entrusted to monitor the police and coordinated community-policing initiatives (WOLA - From Peace to Governance, 2001, pp. 22-23).

b) Police Reform in the Southern Cone: Lessons Learned

In the Southern Cone, police reform took on a different face. Unlike Central America, this sub-region has not recently emerged from years of armed conflict. However, rising crime rates and the inability of the local police to confront these trends,

¹² Direct or representative “participation” by men and women is a key cornerstone of good governance. Decisions have to be taken in a “transparent” manner so that decision-making processes and the enforcement of the decisions follow rules and regulations. Processes and institutions should produce “effective and efficient” results that meet the needs of society while making the best use of the resources at their disposal. Institutions and processes have to be “responsive”, thereby serving all stakeholders. Government institutions, the private sector and civil society organizations must be “accountable” to their institutional stakeholders and to the public, the persons who will be affected by their decisions or actions. Different interests in society must be mediated to reach a broad “consensus” in society on what is in the best interest of the whole community and how this can be achieved. A society’s well being depends on ensuring that all its members feel that they live in an “equitable” environment that “includes” all, not just the mainstream of society. Finally, good governance requires “rule of law”, i.e. fair legal frameworks that are enforced impartially, an independent judiciary and an impartial and incorruptible police force (OECD E-Book on Information, Consultation and Public Participation in Policy-Making, 2001, p. 11-15).

¹³ Security sector reform can be defined as “the transformation of the security system, which includes all the actors, their roles, responsibilities and actions, working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework” (OECD E-Book on Information, Consultation and Public Participation in Policy-Making, 2001, p. 20).

due to their legacies of militarization, corruption, and human rights abuse reminded the public of their countries' authoritarian military pasts. Ultimately, their concerns led to a number of police sector reforms (WOLA, *From Peace to Governance*, 2001, p. 28).

It was recognized that police doctrine would have to incorporate democratic principles, clearly define the role and responsibility of police forces and better coordinate their work with relevant public ministries like the judiciary. Moreover, emphasis was put on police officers' individual careers by publicly recognizing their achievements to raise self-esteem and plant a sense of ownership (WOLA, *From Peace to Governance*, 2001, p. 29).

3. Harmonization of Laws

Governments should ratify relevant regional and international conventions¹⁴, and harmonize national legislations accordingly. Where relevant, states should actively participate in the preparation of new bilateral, regional and international arrangements to effectively combat transnational criminal networks and improve criminal justice.

Most countries in the LAC region have integrated clauses on transnational criminal networks in their penal codes (Annex III). Interestingly enough, however, only Bolivia distinguishes between transnational criminal networks and criminal gangs. This trend can probably be derived from the fact that unlike regional and international conventions, countries' penal codes naturally address primarily national criminal concerns.

To ensure that criminal justice programs have the capacity to appropriately address the threats emanating from transnational criminal networks, courts should admit evidence of criminal cases from courts of other states. Courts should also recognize judicial decisions of neighboring countries. Governments should endorse bilateral, regional, multilateral, and global law-enforcement cooperation and assistance (Rees in Allum & Siebert, 2003, p.115).

4. Cross-National Information-Sharing

Viewing intelligence information as an integral part to their sovereignty, countries are traditionally reluctant to share intelligence information with others. The success of preventing and combating transnational criminal networks, however, depends on the permanent flow of intelligence information between countries.

Governments should thus release intelligence information to national, regional and international law enforcement or intelligence agencies to support establish new or make more effective existing regional and international control mechanisms against the illicit transfer of goods and services.

5. Quality versus Acceptability of Prohibition Policies on Transnational Criminal Networks

Throughout the conceptualization process of prohibition policies on transnational criminal networks, the determining factor unfortunately frequently is not whether they are good or bad. Instead, the determining factor is often whether they are accepted, endorsed, and whether they are enforceable (Serrano, 2002, p.17).

¹⁴ These include the International Convention against Transnational Organized Crime and its Protocols, the Corruption Convention, the Drug Conventions, the Terrorism Conventions and the forthcoming UN Conventions against theft of and trafficking in cultural property and against cyber crimes.

States should put more emphasis on creating “good policies”, while at the same time balancing the tension between not settling for compromised lowest-denominator policies on the one hand, and not reaching consensus on any policy on the other.

As Mónica Serrano points out, some state prohibition policies, like the abolition of the slave trade, the protection of human rights, or a number of restrictions and prohibitions imposed upon certain categories of weapons, have been successful (Serrano, 2002, p.17). National actors, with the help of regional and international institutions, must now find ways to similarly universally “outlaw” transnational organized crime.

V. Regional Policy Options

As inherent in the term, transnational organized crime goes across borders. Consequently, collective and concerted responses should be based on regional cooperation among states through regional and sub-regional organizations. Like national counter-crime strategies, regional strategies should be tailored towards regional or sub-regional contexts and address specific transnational criminal acts like the illicit drug trade in the LAC region’s case.

The end of the Cold War and a bi-polar world brought ambiguity to conventional security concepts and threat definitions and introduced a new theoretical framework of “theories of new regionalism” (Grugel, 2004, pp. 603-626 & Grugel and Hout, 1999).¹⁵ Similar to the “waves of democratization” (Huntington, 1991, pp.13-25), different “waves of regionalism” have defined the thinking on regional and sub-regional frameworks.

Practically speaking, what is the added value of regional- and sub-regional organizations, the principal actors of regionalism?

1. Regional- and Sub-Regional Organizations’ Value-Added

Regional and sub-regional organizations can assist governments in the conceptualization and formulation of comprehensive transnational organized crime prevention and combat policies. Subsequently, they can help implement the policy-informed strategies.

At the prevention level, regional and sub-regional organizations can provide access to comparative data to support governments in the identification of regional and sub-regional root-causes of transnational criminal networks.

At the containment or combat level, regional and sub-regional organizations can facilitate the improvement of cross-national police cooperation through policy dialogue and capacity building workshops. They can facilitate cross-national intelligence-sharing mechanisms on criminals and crimes in progress through confidence building measures and transparent information-sharing agreements. Moreover, they can provide technical support to the rationalization and harmonization of national laws on serious transnational criminal offenses. Lastly, regional and sub-regional organizations can strengthen the administration of justice through transparency and accountability standards.

¹⁵ According to Grugel new regionalism “is best understood as a state strategy designed to minimize risks in the uncertain conditions of economic globalisation by promoting activities at the meso-level of the region” (Grugel, 2004, pp. 603-626). New regionalism could also be defined through the following features: (i) it takes place in a multi-polar world order, (ii) it is part of a spontaneous process “from below”, (iii) it is open rather than inward-looking, and (iv) it constitutes a comprehensive and multidimensional process in which political aspects, as opposed to economic aspects only, are important.

a) Regional and Sub-Regional Organizations in Transnational Crime Prevention

In the design of regional counter-crime prevention strategies, information trumps everything. Regional and sub-regional organizations naturally offer a platform to fairly share sensitive cross-border information. Moreover, they possess the ability to neutrally identify and make available regional and sub-regional trends otherwise inaccessible to their member-states. Relationships with member states should thus be nurtured to achieve a common culture of trust and eliminate nation-states' reluctance to share sensitive information out of sovereignty concerns.

Separately, academia can help regional and sub-regional organizations to provide higher-quality trend analyses to member states. In the case of the illicit drug trade, recent cross-country drug-policy analyses¹⁶ firstly provided opportunities for nation-states to review other states' lessons-learned and alter their national policies accordingly.

b) Regional and Sub-Regional Organizations in Combating Transnational Crime

At the implementation level, successful counter-crime measures require cross-national regulation and coordination mechanisms. Governments should support the establishment or further improvement of effective mechanisms as part of regional and sub-regional organizations. What types of mechanisms exist and what have been their accomplishments?

Within Europe, for example, the "Trevi Group", founded in 1975, firstly enhanced cooperation between European law-enforcement agencies on internal security, mainly in the fight against terrorism, illegal immigration and organized crime (Europe Justice Affairs, 2006, p.2). Specifically, this mechanism firstly introduced intelligence-pooling and knowledge-sharing about law-enforcement techniques and equipment.

In 1992, the European Police Office (Europol) was formed to improve the effectiveness and co-operation between the member states' authorities in preventing and combating serious international organized crime and terrorism (Europol, 2006, p.1). Europol thus serves as the European Union (EU)-wide intelligence mechanism designed to share information between EU member states and to coordinate the investigation of transnational organized crime. Although not having evolved to a cross-border investigative bureau like the U.S. Federal Bureau of Investigation, as previously intended, Europol has undertaken successful missions, such as the elimination of a major Internet-based pedophile network in 2002. Moreover, with an annual budget of 63, 4 million Euros (for 2005), Europol has the capacity to undertake significant counter-crime initiatives in the future (Europol, 2006, p.4). Additional relevant mechanisms include the 2000 founded EU Task Force of Police Chiefs¹⁷ and the 2002 established European Police College (CEPOL).¹⁸

Although the Western Hemisphere's regional coordination and regulation institutions are less "matured" than their European counterparts, they are significant nevertheless. In the case of the illicit drug trade, the 1998 Summit of the Americas in

¹⁶ Only recently have policy analysts and makers, as well as academics from different nations begun to go beyond their borders and learn lessons and experiences from abroad (MacCoun & Reuter, 2002, p. 1).

¹⁷ The Task Force aims to develop personal and informal links between the heads of the various law-enforcement agencies across the EU, to exchange information and assist with the development of ad hoc interventions. Closer cooperation between national and local police forces and other EU law-enforcement agencies should help EU member states in the continuing fight against crime (EU Task Force of Police Chiefs, 2006, p.1).

¹⁸ CEPOL is a cooperation mechanism consisting of national training institutes for senior police officers. It aims to develop a joint approach to the main problems encountered in the fight against transnational organized crime and its prevention through training courses and seminars for qualified police officers (CEPOL, 2006, p.1).

Santiago, called into life the Organization of American States' (OAS) Inter-American Drug Abuse Control Commission (CICAD). CICAD supports national anti-drug commissions in organizing, formulating and coordinating integrated and long-term national plans to combat drug production and trafficking and consumption.¹⁹ CICAD prepared three model regulations on chemical precursors and substances, laundering offenses and the international movement of firearms as a basis for common and compatible legal frameworks (Granada, in Serrano, 2002, pp. 95-101).

Over time, CICAD has become the multilateral monitoring process of member states' drug control efforts. CICAD's democratic decision-making structure poses an antidote to the unilateral U.S. certification process (Granada, in Serrano, 2002, pp. 95-101).²⁰ Moreover, CICAD developed and elaborate institutional framework for the dissemination of information on drugs, the Inter-American System of Uniform Data on Drug Use (SIDUC). It also founded a mechanism to evaluate and strengthen individual and collective efforts against drug trafficking, the Multilateral Evaluation Mechanism (MEM) (Granada, in Serrano, 2002, pp. 95-101).

Although the OAS provides an extensive framework for the emergence of multilateral undertakings to confront transnational organized crime, its mechanisms are chronically under-funded (Farer, 1999, p. 112). Increased political will, technical assistance and resources are thus needed to achieve maximum outputs of mechanisms like CICAD, SIDUC or MEM.

2. Regional and sub-regional Organizations as Trendsetters

Regional and sub-regional organizations are trendsetters. They create a favorable environment for positive peer pressure among their member states to adopt and adhere to commonly agreed norms. Norms originating from regional and sub-regional organizations not only transcend to member states but also to the international community.

One example is the 1997 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials.²¹ The Convention was the first legally binding regional agreement on illicit firearms trafficking. Moreover, it served as a model for the 2001 the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition²², which is part of the International Convention against Transnational Organized Crime.

¹⁹ Based on the principle of shared responsibility and reciprocity, CICAD paved the way for the "Anti-Drug Strategy in the Hemisphere" which addresses the drug problem through four objectives: (i) strengthening anti-drug plans, (ii) upgrading prevention and treatment, (iii) reducing drug production and improving law enforcement, and (iv) creating specific policies to control money laundering and the illegal misuse of chemicals for drug production (Anti-Drug Strategy in the Hemisphere, 2005, p.1).

²⁰ According to the U.S. Drug Certification Process, the U.S. President annually submits to Congress a list of those countries he has determined to be major illicit drug producing and/or drug transit countries. The certification process generally requests that countries receiving antidrug-related U.S. aid certify their full cooperation. Interestingly enough, those countries most affected by the certification and de-certification process in the 1990s, namely Bolivia, Columbia, and Peru, match the ones that are now under scrutiny in the "war against terrorism" (Gaston & Freeman, 2005, p. 1).

²¹ By signing the Convention, states commit to establishing as criminal offenses (i) the illicit firearms manufacturing and trafficking; (ii) setting up and maintaining an effective system of licenses and authorizations for the export, import and transit of firearms; (iii) marking firearms at the time of manufacture, and when they are imported; (iv) sharing information that is needed by law enforcement officials who are investigating arms trafficking offenses; (v) strengthening controls at export points; and (vi) ensuring that law enforcement personnel receive adequate training (Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials, 1997, p.1).

²² The Convention raises regional standards for firearms export controls. By creating a mechanism for exchanging information, cooperating on investigations, and ensuring that law enforcement personnel are adequately trained, it also increases the regional capacity to identify, investigate and prosecute illicit firearms

Regional and sub-regional organizations should encourage member states to fund further efforts of addressing region or sub-region specific security concerns through regional successful, ultimately be implemented at the national and international levels.

3. Regional and Sub-regional Organizations as a Link to International Organizations

Regional and sub-regional organizations have close relationships with international organizations like the United Nations. Through their connections, regional and sub-regional organizations should facilitate cooperation and partnerships between their member states and relevant international partners, such as the United Nations Commission on Crime Prevention and Criminal Justice.

Regional and sub-regional organizations fund and implement regional projects. At the same time, they should assist international organizations by sharing with them their regional and sub-regional expertise on issues like how best to distribute and use assets across their regions.

VI. International Policy Options

Why should states cooperate at the international level? Because transnational criminal networks do not recoil from national borders or regions. International cooperation between organizations and states is an imperative.

International organizations should be the basis for international regulatory coordination and enforcement mechanisms effectively responding to the increase in the number, complexity, and influence of transnational criminal networks. States should form additional consensual bilateral agreements to foster cooperation and strengthen capacities.

1. International Organizations' Value Added

In principle, international organizations can achieve at the international level what regional and sub-regional organizations can achieve at the regional and sub-regional levels.²³

Interpol, the world's largest international police organization with 184 member states and created in 1923, is an excellent example. It facilitates cross-border police co-operation, supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime. Interpol even aims to facilitate international police co-operation where diplomatic relations do not exist (Interpol, 2006, p.1).

Alike regional and sub-regional organizations, international organizations possess a thorough understanding of international trends and, due to their oversight, should be awarded the responsibility to ensure national and regional coordination of relevant counter-crime initiatives to enhance cooperation.

manufacturers and traffickers (Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials, 1997, p.1).

²³ International organizations can facilitate cooperation among national and regional law enforcement entities. They can provide technical support to nation-states in the harmonization of national legislation with relevant conventions. They can increase transparency in the international financial system, and finally, functioning as information-sharing mechanisms, they can be transmitters of best practices.

2. International Organizations as Visionaries of New Norms

International organizations are forerunners in norm-setting processes. One example poses the International Convention against Transnational Organized Crime.

In November 2000, the United Nations General Assembly adopted the International Convention against Transnational Organized Crime, along with two additional protocols against human trafficking and smuggling migrants. A third protocol, which addresses the illicit manufacturing and trafficking of firearms, was finalized in May 2001. The Convention and its Protocols are similarly structured in that they address preventive measures, victim assistance, cooperation and, where relevant, combat, and eradication measures.

a) Content of the International Convention against Transnational Organized Crime

The Convention commits states parties to take a series of measures against transnational organized crime. These include the establishment of domestic criminal offences to combat transnational organized crime on the one hand. On the other hand, these include the adoption of new mechanisms for mutual legal assistance, law enforcement cooperation, technical assistance and training.

The Convention consists of four main parts, "criminalization", "international cooperation", "technical cooperation", and "implementation". It aims at standardizing the codification of offenses and of "serious crime"²⁴. Moreover, the Convention establishes four offenses: "participation in an organized criminal group"²⁵, "money laundering"²⁶, "corruption"²⁷, and "obstruction of justice"²⁸. Further relevant clauses of the Convention include "extradition", "mutual legal assistance", the "transfer of criminal proceeds", and "law-enforcement cooperation".

b) Innovative Features of the International Convention against Transnational Organized Crime

Innovative features include a provision on prevention, which transfers to the global level efforts already discussed or undertaken at the regional level, and encourages countries to take appropriate legislative, administrative, or other measures to guard their markets from the penetration of transnational criminal networks. Measures include the promotion and development of standards and procedures designed to safeguard the integrity of public and private entities, codes of conduct for relevant professions, and the prevention of the misuse of the legal profession by organized criminal groups (Vlassis in Berdal & Serrano, 2002, pp. 92-93).

Interesting is the mentioning of regional organizations in various passages of the Convention to assist in the fight against transnational organized crime. "Regional economic integration" in this respect constitutes an organization of sovereign States of a given region, to which its member states have transferred competence in respect of

²⁴ In Article 2 (b) of the Convention, serious crime is defined as the "conduct constituting a criminal offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".

²⁵ The provision on "participation in an organized criminal group" balances the concept of conspiracy in the common law system with that of "involvement in criminal organizations" in civil law systems.

²⁶ The clause on "money laundering" goes beyond a similar clause in the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances by expanding the scope of predicate offenses covered under the Convention.

²⁷ The provision on corruption was integrated into the Convention with the understanding that it was indispensable but that the Convention could not cover the issue comprehensively. The issue of corruption is now fully addressed by the 2003 United Nations Convention on Corruption.

²⁸ The provision on "obstruction of justice" was expanded from previous clauses, in that it now also includes the uses of force, intimidation, or bribery to interfere with witnesses or experts offering testimony, as well as with justice or law enforcement officials.

matters governed by the Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it. So far, the European Union is the regional organization that is member to the Convention (Legislative Guides to the Convention and Protocols, 2004, p. 51).

Most importantly, the Convention includes two articles on “technical cooperation”, one addressing cooperation activities to develop specific training programs, and the other addressing technical assistance through financing activities through international organizations or at the bilateral level, that is developed countries are expected to increase financial and material assistance to developing countries to strengthen their capacity to prevent and combat transnational crime. In light of these clauses, an account was established to receive voluntary contributions for the technical cooperation activities of the United Nations’ Centre for International Crime Prevention. The account is operated by the Crime Prevention and Criminal Justice Fund. The Convention also set up a “Conference of Parties”, which is responsible for improving the capacity of member states to combat transnational organized crime, and for promoting and reviewing implementation through facilitating technical cooperation, promoting information exchange, cooperation with relevant organizations, and making recommendations.

c) Successes and Challenges of the International Convention against Transnational Organized Crime

The Convention is unique in that it is a truly universal mechanism, addresses both developing and developed countries in the fight against transnational organized crime and in that it has formed an international response by consensus.

Although the Convention addresses the prevention, investigation and prosecution of established offenses and serious crimes, positive long-term effects ultimately depend on nation states and the resources they invest to adopt, ratify and implement the Convention (Vlassis in Berdal & Serrano, 2002, p. 94). As United Nations Secretary-General Kofi Annan highlighted in his Palermo address:

If crime crosses all borders, so must law enforcement... The [Palermo] Convention gives us a new tool to address the scourge of crime as global problem. With enhanced international cooperation, we can have a real impact on the ability of international criminals to operate successfully, and help citizens everywhere in their often struggle for safety and dignity in their homes and communities. The signing of the [Palermo] Convention is a watershed event in the reinforcement of our fight against organized crime (Annan, Palermo Address, 2000).

3. Cooperation between States and International Organizations

States should endow international organizations and their programs, like the “Global Program against Transnational Crime”²⁹, with the political support, legal powers, adequate budgets and specialized permanent staff to ensure effective and continuous coordination of counter-organized crime efforts.

International organizations should make available to interested states their planning and advisory services, monitoring and evaluation best practices and information integral to national prevention and combat measures of transnational criminal networks. Moreover, international organizations should coordinate their work programs and concentrate their efforts within their areas of competence on activities practical to states.

²⁹ Which aims at ensuring that states ratify the Convention and that they take effective, practical steps, in line with the provisions of the Convention, to fight organized crime.

4. Cooperation among States at the International Level

Apart from combating transnational criminal networks through international organizations and their mechanisms, counter-crime initiatives should also originate from bilateral efforts among nation-states.

During the Cold War, the American and Russian superpowers oftentimes interfered in other states' affairs to fulfill their national agendas. One example is the U.S. drug eradication campaigns in Latin America, such as "Operation Intercept" in Mexico or the Andean drug eradication campaigns. "Operation Intercept" was a rigorous inspection program along the U.S.-Mexican border in 1969, and the Andean drug eradication campaigns in the 1990s envisioned that after five years, the coca problem in Latin America would be completely eliminated (Fryer, 1993, p.1). These U.S.-led unilateral drug-interdiction efforts proved ineffective leading to civil unrest in "partner countries" and oftentimes putting national governments at odds with their citizens.

To effectively eliminate transnational criminal networks, states must mutually respect one another and act in concert. As outlined in the 2005 Paris Declaration on Aid Effectiveness, developing and developed nations should share ownership and responsibility over common projects and implement them in a transparent, accountable, harmonious and mutually respectful manner (Paris Declaration on Aid Effectiveness, 2005, pp. 3-7).

Specifically, states should assist each other in the creation of domestic criminal offences to counter transnational criminal networks. They should encourage one another to ratify relevant conventions and conduct capacity development trainings. They should share sensitive information to commonly assess transnational organized crime trends and exchange best practices.

VII. Conclusion

Transnational organized crime has bridged the North South divide (or the divide between more developed and less developed countries) by creating a mutual-dependency. In the "South", poverty, income inequality and the lack of profitable alternatives facilitate the growth of transnational criminal networks. In the "North", the demand for illegal goods and services further consolidates transnational criminal networks. To put it differently, as much as the "South" generates illicit drugs or illegal migrants, the "North" demands them, and as much as the "North" produces weapons, the "South" uses them.

After reviewing the characteristics and activities of transnational criminal networks, it became evident that mutually reinforcing factors, such as non-consolidated democracies or weak states, corruption and income inequality, and whether they exist "in spite or because" is irrelevant. We can also conclude that there is no "single bullet" to eliminate the problem.

Instead, different actors and institutions at the national, regional and international levels have to engage in numerous activities at the prevention, containment and combat level, which include the sharing of information, police cross-border cooperation and the harmonization of legislation, to counter transnational criminal networks. Examples of Latin America and the Caribbean showed that the illicit drug trade can only be overcome through demand and supply reduction, as well as through control measure initiatives. Transnational criminal networks have become successful global players and should not be confused with terrorists or criminal groups. One size fits all policies, we know now, do not work. Therefore, transnational criminal networks are a complex problem that requires a multifaceted response.

Annex I: Status of ratification of the International Organized Crime Convention and Protocols

United Nations Convention against Transnational Organized Crime (2000) Ratification Status: Signatories: 147, Parties: 118.		
Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a)
Antigua and Barbuda	26 Sep 2001	24 Jul 2002
Argentina	12 Dec 2000	19 Nov 2002
Bahamas	09 April 2001	
Barbados	26 Sep 2001	
Belize		26 Sep 2003 a
Bolivia	12 Dec 2000	10 Oct 2005
Brazil	12 Dec 2000	29 Jan 2004
Canada	14 Dec 2000	13 May 2002
Chile	13 Dec 2000	29 Nov 2004
Colombia	12 Dec 2000	4 Aug 2004
Costa Rica	16 Mar 2001	24 Jul 2003
Cuba	13 Dec 2000	
Dominican Republic	13 Dec 2000	
Ecuador	13 Dec 2000	17 Sep 2002
El Salvador	14 Dec 2000	18 Mar 2004
Grenada		21 May 2004 a
Guatemala	12 Dec 2000	25 Sep 2003
Guyana		14 Sep 2004 a
Haiti	13 Dec 2000	
Honduras	14 Dec 2000	02 Dec 2003
Jamaica	26 Sep 2001	29 Sep 2003
Mexico	13 Dec 2000	04 Mar 2003
Nicaragua	14 Dec 2000	9 Sep 2002
Panama	13 Dec 2000	18 Aug 2004
Paraguay	12 Dec 2000	22 Sep 2004
Peru	14 Dec 2000	23 Jan 2002
Saint Kitts & Nevis	20 Nov 2001	21 May 2004
Saint Lucia	26 Sep 2001	
Saint Vincent and the Grenadines	24 Jul 2002	
Suriname		
Trinidad and Tobago	26 Sep 2001	
United States of America	13 Dec 2000	03 Nov 2005
Uruguay	13 Dec 2000	4 Mar 2005
Venezuela (Bolivarian Republic of)	14 Dec 2000	13 May 2002

Source: http://www.unodc.org/unodc/crime_cicp_signatures.html

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)
Ratification Status: Signatories: 117, Parties: 97

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a)
Antigua and Barbuda		
Argentina	12 Dec 2000	19 Nov 2002
Bahamas	09 Apr 2001	
Barbados	26 Sep 2001	
Belize		26 Sep 2003a
Bolivia	12 Dec 2000	
Brazil	12 Dec 2000	29 Jan 2004
Canada	14 Dec 2000	13 May 2002
Chile	08 Aug 2002	29 Nov 2004
Colombia	12 Dec 2000	4 Aug 2004
Costa Rica	16 Mar 2001	09 Sep 2003
Cuba		
Dominican Republic	15 Dec 2000	
Ecuador	13 Dec 2000	17 Sep 2002
El Salvador	15 Aug 2002	18 Mar 2004
Grenada		21 May 2004 a
Guatemala		01 Apr 2004a
Guyana		14 Sep 2004 a
Haiti	13 December 2000	
Honduras		
Jamaica	13 Feb 2002	29 Sep 2003
Mexico	13 Dec 2000	04 May 2003
Nicaragua		12 Oct 2004 a
Panama	13 Dec 2000	18 Aug 2004
Paraguay	12 Dec 2000	22 Sep 2004
Peru	14 Dec 2000	23 Jan 2002
Saint Kitts and Nevis		21 May 2004 a
Saint Vincent and the Grenadines	20 Nov 2002	
Saint Lucia		
Suriname		
Trinidad and Tobago	26 Sep 2001	
United States of America	13 Dec 2000	03 Nov 2005
Uruguay	13 Dec 2000	4 Mar 2005
Venezuela (Bolivarian Republic of)	14 Dec 2000	13 May 2002

Source: http://www.unodc.org/unodc/crime_cicp_signatures.html

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000) Ratification Status: Signatories: 112, Parties: 88		
Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a)
Antigua and Barbuda		
Argentina	12 Dec 2000	19 Nov 2002
Bahamas	09 Apr 2001	
Barbados	26 Sep 2001	
Belize		
Bolivia	12 Dec 2000	
Brazil	12 Dec 2000	29 Jan 2004
Canada	14 Dec 2000	13 May 2002
Chile	08 Aug 2002	29 Nov 2004
Colombia		
Costa Rica	16 Mar 2001	07 Aug 2003
Cuba		
Dominican Republic	15 Dec 2000	
Ecuador	13 Dec 2000	17 Sep 2002
El Salvador	15 Aug 2002	18 Mar 2004
Grenada		21 May 2004 a
Guatemala		01 Apr 2004a
Guyana		
Haiti	13 Dec 2000	
Honduras		
Jamaica	13 Feb 2002	29 Sep 2003
Mexico	13 Dec 2000	04 Mar 2003
Nicaragua		15 Feb 2006 a
Panama	13 Dec 2000	18 Aug 2004
Paraguay		
Peru	14 Dec 2000	23 Jan 2002
Saint Kitts and Nevis		21 May 2004 a
Saint Lucia		
Saint Vincent and the Grenadines	20 Nov 2002	
Suriname		
Trinidad and Tobago	26 Sep 2001	
United States of America	13 Dec 2000	03 Nov 2005
Uruguay	13 Dec 2000	4 Mar 2005
Venezuela (Bolivarian Republic of)	14 Dec 2000	19 Apr 2005

Source: http://www.unodc.org/unodc/crime_cicp_signatures.html

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (2001) Ratification Status: Signatories: 52, Parties: 47		
Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a)
Antigua and Barbuda		
Argentina	07 Oct 2002	
Bahamas		
Barbados	26 Sep 2001	
Belize		
Bolivia		
Brazil	11 Jul 2001	
Canada	20 Mar 2002	
Chile		
Colombia		
Costa Rica	12 Nov 2001	09 Sep 2003
Cuba		
Dominican Republic	15 Nov 2001	
Ecuador	12 Oct 2001	
El Salvador	15 Aug 2002	18 Mar 2004
Grenada		21 May 2004 a
Guatemala		01 Apr 2004 a
Guyana		
Haiti		
Honduras		
Jamaica	13 Nov 2001	29 Sep 2003
Mexico	31 Dec 2001	10 Apr 2003
Nicaragua	12 Nov 2001	
Panama	05 Oct 2001	18 Aug 2004
Paraguay		
Peru		23 Sep 2003 a
Saint Kitts and Nevis		21 May 2004 a
Saint Lucia		
United States of America		
Saint Vincent and the Grenadines		
Suriname		
Trinidad and Tobago		
Uruguay		
Venezuela (Bolivarian Republic of)		

Source: http://www.unodc.org/unodc/crime_cicp_signatures.html

Annex II: Status of ratification of the three principal Drug Conventions

Single Convention on Narcotic Drugs (1961) Ratification Status 180 Parties		
Country	Participation in the Convention by virtue of ratification, accession or succession to the Protocol of 25 March 1972 or to the 1961 Convention after the entry into force of the Protocol	Ratification, Accession (a), Succession (d)
Antigua and Barbuda	5 Apr 1993	
Argentina	16 Dec 1973	
Bahamas	23 Nov 1976	
Barbados	21 Jun 1976	
Belize		18 Dec 2001 a
Bolivia		23 Sep 1976 a
Brazil	16 May 1973	
Canada	5 Aug 1976	
Chile	19 Dec 1975	
Colombia	3 Mar 1975	
Costa Rica	14 Feb 1973	
Cuba	14 Dec 1989	
Dominican Republic	21 Sep 1993	
Ecuador	25 Jul 1973	
El Salvador	26 Feb 1998	
Grenada		19 Aug 1998 a
Guatemala	09 Dec 1975	
Guyana	15 Jul 2002	
Haiti	29 Jan 1973	
Honduras	8 Aug 1979	
Jamaica	6 Oct 1989	
Mexico	27 Apr 1977	
Nicaragua	15 Feb 2005	
Panama	19 Oct 1972	
Paraguay	20 Jun 1973	
Peru	12 Sep 1977	
Saint Kitts and Nevis	9 May 1994	
Saint Lucia	5 Jul 1991	
Saint Vincent and Grenadines	3 Dec 2001	
Suriname	29 Mar 1990	
Trinidad and Tobago	23 Jul 1993	
United States of America	1 Nov 1972	
Uruguay	31 Oct 1975	
Venezuela (Bolivarian Republic of)	4 Dec 1985	

Source: http://www.unodc.org/unodc/en/drug_and_crime_conventions.html

Convention on Psychotropic Substances (1971) Status: 34 Signatories, 179 Parties		
Country	Signature	Definitive Signature (s), Ratification (r), Accession (a), Succession (s)
Antigua and Barbuda		5 Apr 1993 a
Argentina	21 Feb 1971	16 Feb 1978
Bahamas		31 Aug 1987 a
Barbados		28 Jan 1975 a
Belize		18 Dec 2001a
Bolivia		20 Mar 1985 a
Brazil	21 Feb 1971	14 Feb 1973
Canada		10 Sep 1988 a
Chile	21 Feb 1971	18 May 1972
Colombia		12 May 1981 a
Costa Rica	2 Sep 1971	16 Feb 1977
Cuba		26 Apr 1976
Dominican Republic		19 Nov 1975
Ecuador		7 Sep 1973 a
El Salvador		11 Jun 1998 a
Grenada		25 Apr 1980 a
Guatemala		13 Aug 1979 a
Guyana	21 Feb 1971	4 May 1977
Haiti		
Honduras		23 May 2005 a
Jamaica		6 Oct 1989 a
Mexico		20 Feb 1975 a
Nicaragua		24 Oct 1973 a
Panama		18 Feb 1972
Paraguay	28 Jul 1971	3 Feb 1972
Peru		28 Jan 1980 a
Saint Kitts and Nevis		9 May 1994 a
Saint Lucia		16 Jan 2003 a
Saint Vincent and Grenadines		3 Dec 2001 a
Suriname		29 Mar 1990 a
Trinidad and Tobago	21 Feb 1971	14 Mar 1979
United States of America	21 Feb 1971	16 Apr 1980
Uruguay		16 Mar 1976 a
Venezuela (Bolivarian Republic of)	21 Feb 1971	23 May 1972

Source: http://www.unodc.org/unodc/en/drug_and_crime_conventions.html

Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) Status: 89 Signatories, 179 Parties		
Country	Signature	Ratification (r), Accession (a) Acceptance (A), Approval (AA), Formal Confirmation (F), Succession (d)
Antigua and Barbuda		5 Apr 1993 a
Argentina	20 Dec 1988	28 Jun 1993
Bahamas	20 Dec 1988	30 Jan 1989
Barbados		15 Oct 1992 a
Belize		26 Jul 1996 a
Bolivia	20 Dec 1988	20 Aug 1990
Brazil	20 Dec 1988	17 Jul 1991
Canada	20 Dec 1988	5 Jul 1990
Chile	20 Dec 1988	13 Mar 1990
Colombia	20 Dec 1988	10 Jun 1994
Costa Rica	25 Apr 1989	8 Feb 1991
Cuba	9 Apr 1989	12 Jun 1996
Dominican Republic	20 Dec 1995	28 Oct 2005
Ecuador	21 Jun 1989	23 Mar 1990
El Salvador		21 May 1993 a
Grenada		10 Dec 1990 a
Guatemala	20 Dec 1988	28 Feb 1991
Guyana		18 Mar 1993 a
Haiti		18 Mar 1995 a
Honduras	20 Dec 1988	11 Dec 1991
Jamaica	2 Oct 1989	29 Dec 1995
Mexico	15 Feb 1989	11 Apr 1990
Nicaragua	20 Dec 1988	4 May 1990
Panama	20 Dec 1988	30 Jan 1994
Paraguay	20 Dec 1988	23 Aug 1990
Peru	20 Dec 1988	16 Jan 1992

Source: http://www.unodc.org/unodc/en/drug_and_crime_conventions.html

Annex III: Status of ratification of the Corruption Convention

United Nations Convention against Corruption (2003) Status: Signatories: 140, Parties: 47.		
Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a)
Antigua and Barbuda	10 Dec 2003	
Argentina	10 Dec 2003	
Bahamas		
Barbados	10 Dec 2003	
Belize		
Bolivia		
Brazil	09 Dec 2003	15 Jun 2005
Canada	21 May 2004	
Chile	11 Dec 2003	
Colombia	10 Dec 2003	
Costa Rica	10 Dec 2003	
Cuba	09 Dec 2005	
Dominican Republic	10 Dec 2003	
Ecuador	10 Dec 2003	15 Sep 2005
El Salvador	10 Dec 2003	1 Jul 2004
Grenada		
Guatemala	09 Dec 2003	
Guyana		
Haiti	10 Dec 2003	
Honduras	17 May 2004	23 May 2005
Jamaica	16 Sep 2005	
Mexico	09 Dec 2003	20 Jul 2004
Nicaragua	10 Dec 2003	15 Feb 2006
Panama	10 Dec 2003	23 Sep 2005
Paraguay	09 Dec 2003	1 Jun 2005
Peru	10 Dec 2003	16 Nov 2004
Saint Kitts and Nevis		
Saint Lucia		
Saint Vincent and Grenadines		
Suriname		
Trinidad and Tobago	11 Dec 2003	
United States of America	09 Dec 2003	
Uruguay	09 Dec 2003	
Venezuela (Bolivarian Republic of)	10 Dec 2003	

Source: http://www.unodc.org/unodc/en/drug_and_crime_conventions.html

Annex IV: Penal Code Comparison of Clauses on Transnational Criminal Groups or Networks of LAC Countries

Penal Code Comparison of Clauses on Transnational Criminal Groups or Networks of LAC Countries	
Mexico & Central America	
Costa Rica:	ASOCIACION ILÍCITA ARTÍCULO 274: Será reprimido con prisión de uno a seis años, el que tomare parte en una asociación de dos o más personas para cometer delitos, por el solo hecho de ser miembro de la asociación. La pena será de tres a diez años de prisión si el fin de la asociación es realizar actos de terrorismo.
Guatemala:	ASOCIACIONES ILÍCITAS ARTICULO 396. Quienes promovieren la organización o funcionamiento de asociaciones que actúen de acuerdo o en subordinación a entidades internacionales que propugnen la ideología comunista o cualquier otro sistema totalitario, o destinadas a cometer delitos, o tomaren parte en ellas, serán sancionados con prisión de dos a seis años.
El Salvador:	ASOCIACION ILÍCITA Art. 345: El que tomare parte en una agrupación, organización o asociación que tuviere por objeto cometer delitos, será sancionado con prisión de uno a tres años. Los dirigentes o promotores serán sancionados con prisión de dos a cinco años.
Honduras:	GRUPOS ILÍCITOS ARTÍCULO 332. Se sancionará con tres (3) a seis (6) años de reclusión y multa de cien mil (L.100, 000.00) a doscientos mil Lempiras (L.200, 000.00) a los fundadores, cabecillas o conductores de pandillas o grupos ilícitos. A los demás miembros se les sancionará con las mismas penas rebajadas en un tercio. Se sancionará con reclusión de tres (3) a cinco (5) años y multa de cinco mil (L.5, 000.00) a diez mil Lempiras (L.10, 000.00) y comiso a quien sin autorización o permiso correspondiente se le encontrare portando armas nacionales o de guerra. Al que portare arma comercial sin el debido permiso se le decomisará. Las armas decomisadas serán entregadas a la policía nacional previo inventario levantado al efecto.
México:	PANDILLA ARTÍCULO 164-BIS: Cuando se cometa algún delito por pandilla, se aplicara a los que intervengan en su comisión, hasta una mitad de las penas que les correspondan por el o los delitos cometidos. Se entiende por pandilla, para los efectos de esta disposición, la región habitual, ocasional o transitoria, de tres o más personas que sin estar organizadas con fines delictuosos, cometen en común algún delito. Cuando el miembro de la pandilla sea o haya sido servidor publico de alguna corporación policíaca, la pena se aumentara hasta en dos terceras partes de las penas que le corresponda por el o los delitos cometidos y se le impondrá además, destitución del empleo, cargo o comisión públicos e inhabilitación de uno a cinco años para desempeñar otro.
Nicaragua:	GRUPOS ILÍCITOS: Art. 493: El que forme parte de una asociación o banda de tres o más personas, organizada con el propósito permanente de cometer delitos, mediante el común acuerdo y recíproca ayuda de los asociados, incurrirá en prisión de uno a tres años sin perjuicio de la sanción que le corresponda por los delitos que cometa. Tal pena se aumentará hasta en una tercera parte para los que actúen como jefes o directores de la asociación.
Panamá:	GRUPO ORGANIZADO ARTÍCULO 242. Cuando tres o más personas se asocien con el propósito de cometer delitos, cada una de ellas será sancionada, por ese solo hecho, con prisión de 1 a 3 años. A los promotores, jefes o dirigentes de la asociación ilícita, la sanción se les aumentará en una cuarta parte.
Southern Cone	
Argentina:	ASOCIACIÓN ILÍCITA Art. 210 Bis: Se impondrá reclusión o prisión de cinco a veinte años al que tomare parte, cooperare o ayudare a la formación o al mantenimiento de una asociación ilícita destinada a cometer delitos cuando la

acción contribuya a poner en peligro la vigencia de la constitución Nacional, siempre que ella reúna por lo menos dos de las siguientes características:
a) estar integrada por diez o mas individuos; b) poseer una organización militar o de tipo militar;
c) tener estructura celular; d) disponer de armas de Guerra o explosivos de gran poder ofensivo;
e) operar en más de una de las jurisdicciones políticas del país; f) estar compuesta por uno o mas oficiales o suboficiales de las fuerzas Armadas o de seguridad; g) tener notorias conexiones con otras organizaciones similares existentes en el país o en el exterior; h) recibir algún apoyo, ayuda o dirección de funcionarios públicos.
Nota: Incorporado por la ley 23077.

Brasil: GRUPO ORGANIZADO ARTÍCULO. 288: Que se asocien más de tres personas, en cuadrilla o bando, para el fin de cometer crímenes: Pena - reclusión, de 1 (uno) la 3 (tres) años. Párrafo único. La pena se aplica en doble, si la cuadrilla o bando es armado.

Paraguay ASOCIACIÓN CRIMINAL ARTÍCULO 239: 1º El que: 1. creara una asociación estructurada jerárquicamente u organizada de algún modo, dirigida a la comisión de hechos punibles; 2 .fuera miembro de la misma o participara de ella; 3. la sostuviera económicamente o la proveyera de apoyo logístico; 4. prestara servicios a ella; o 5. la promoviera, será castigado con pena privativa de libertad de hasta cinco años. 2º En estos casos, será castigada también la tentativa. 3º Cuando el reproche al participante sea ínfimo o su contribución fuera secundaria, el tribunal podrá prescindir de la pena. 4º El tribunal también podrá atenuar la pena con arreglo al artículo 67, o prescindir de ella, cuando el autor: 1. se esforzara, voluntaria y diligentemente, en impedir la continuación de la asociación o la comisión de un hecho punible correspondiente a sus objetivos; o 2. Comunicara a la autoridad competente su conocimiento de los hechos punibles o de la planificación de los mismos, en tiempo oportuno para evitar su realización.

Uruguay ASOCIACIÓN PARA DELINQUIR ARTÍCULO 150: Los que se asocien para cometer uno o más delitos, serán castigados por el simple hecho de la asociación, con seis meses de prisión a cinco años de penitenciaría.
CIRCUMSTANCIAS AGRAVANTES DE LA ASOCIACIÓN DELICTUOSA ARTICULO 151: Constituyen circunstancias agravantes y la pena se aumentará de un tercio a la mitad:
1º El hecho de haberse constituido la asociación en banda armada; 2º La de que los asociados sobrepujen el número de diez; 3º La de ser jefe o promotor.

Andean Region & Chile

Bolivia: ASOCIACIÓN DELICTUOSA Art. 132: El que formare parte de una asociación de cuatro o más personas, destinada a cometer delitos, será sancionado con reclusión de seis meses a dos años o prestación de trabajo de un mes a un año. Igual pena se aplicará a los que formaren parte de bandas juveniles con objeto de provocar desórdenes, ultrajes, injurias o cualquier otro delito.
ORGANIZACION CRIMINAL Art. 132º bis: El que formare parte de una asociación de tres o más personas organizada de manera permanente, bajo reglas de disciplina o control, destinada a cometer los siguientes delitos: genocidio, destrucción o deterioro de bienes del Estado y la riqueza nacional, sustracción de un menor o incapaz, privación de libertad, vejaciones y torturas, secuestro, legitimación de ganancias ilícitas, fabricación o tráfico ilícito de sustancias controladas, delitos ambientales previstos en leyes especiales, delitos contra la propiedad intelectual, o se aproveche de estructuras, comerciales o de negocios, para cometer tales delitos, será sancionado con reclusión de uno a tres años. Los que dirijan la organización serán sancionados con reclusión de dos a seis años. La pena se aumentará en un tercio cuando la organización utilice a menores de edad o incapaces para cometer los delitos a que se refiere este artículo, y cuando el miembro de la organización sea un funcionario público encargado de prevenir, investigar o juzgar la comisión de delitos.

Chile: GRUPO ORGANIZADO ARTÍCULO. 292: Toda asociación formada con el objeto de atentar contra el orden social, contra las buenas costumbres, contra las personas o las propiedades, importa un delito que existe por el solo hecho de organizarse.
Colombia: Artículo 340. Concierto para delinquir. Cuando varias personas se concierten con el fin de cometer delitos, cada una de ellas será penada, por esa sola conducta, con prisión de tres (3) a seis (6) años. Cuando el concierto sea para cometer delitos de genocidio, desaparición forzada de personas, tortura, desplazamiento forzado, homicidio, terrorismo, narcotráfico, secuestro extorsivo, extorsión o para organizar, promover, armar o financiar grupos armados al margen de la ley, la pena será de prisión de seis (6) a doce (12) años y multa de dos mil (2.000) hasta veinte mil (20.000) salarios mínimos mensuales legales vigentes. La pena privativa de la libertad se aumentará en la mitad para quienes organicen, fomenten, promuevan, dirijan, encabecen, constituyan o financien el concierto o la asociación para delinquir.
Ecuador ASOCIACIÓN FORMADA Art. 369.- Toda asociación formada con el fin de atentar contra las personas o las propiedades, es un delito que existe por el solo hecho de la organización de la partida.
Perú: AGRUPACIÓN ILÍCITA ARTÍCULO 317: El que forma parte de una agrupación de dos o más personas destinada a cometer delitos será reprimido, por el sólo hecho, de ser miembro de la agrupación, con pena privativa de libertad no menor de tres ni mayor de seis años. Cuando la agrupación esté destinada a cometer los delitos de genocidio, contra la seguridad y tranquilidad públicas, contra el Estado y la defensa nacional o contra los Poderes del Estado y el orden constitucional, la pena será no menor de ocho años, de ciento ochenta a trescientos sesenta y cinco días-multa e inhabilitación conforme al artículo 36º, incisos 1, 2 y 4. Artículo 322: Los que forman parte de una organización integrada por dos o más personas para instigar, planificar, propiciar, organizar, difundir o cometer actos de terrorismo, mediatos o inmediatos, previstos en este Capítulo, serán reprimidos, por el solo hecho de agruparse o asociarse, con pena privativa de libertad no menor de diez ni mayor de veinte años.
Venezuela: GRUPOS ILÍCITO Artículo 287: Cuando dos o más personas se asocien con el fin de cometer delitos, cada una de ellas será penada, por el sólo hecho de asociación, con prisión de dos a cinco años.
Cuba & Dominican Republic
Cuba: ARTÍCULO 207: 1. Los que, en numero de tres o más personas, se asocien en una banda creada para cometer delitos, por el solo hecho de asociarse, incurrir en sanción de privación de libertad de uno a tres años. 2. Si el único fin de la banda es el de provocar desórdenes o interrumpir fiestas familiares o públicas, espectáculos u otros eventos de la comunidad o cometer otros actos antisociales, la sanción es de privación de libertad de tres meses a un año o multa de cien a trescientas cuotas.
República Dominicana ASOCIACIÓN ILÍCITA Art. 265: Toda asociación formada, cualquiera que sea su duración o el número de sus miembros, todo concierto establecido, con el objeto de preparar o de cometer crímenes contra las personas o contra las propiedades, constituye un crimen contra la paz pública.

Source: <http://www.unifr.ch/derechopenal/ley.htm>

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