

FORUM ON CRIME AND SOCIETY

VOLUME 1 NUMBER 2 DECEMBER 2001

DRUG TRAFFICKING

HUMAN SMUGGLING

CORRUPTION

ORGANIZED CRIME

GENDER AND MAFIOSI

FEMALE LAW
ENFORCEMENT

NEW UNITED NATIONS
INSTRUMENT AGAINST
TRANSNATIONAL
ORGANIZED CRIME



United Nations Office
for Drug Control
and Crime Prevention

CENTRE FOR INTERNATIONAL CRIME PREVENTION

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UNITED NATIONS
New York, 2001

UNITED NATIONS PUBLICATION
Sales No. E.02.IV.1
ISBN 92-1-130216-1
ISSN 1020-9212

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NOTE FROM THE EDITORIAL BOARD

Forum is a new United Nations sales publication, issued by the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention in Vienna. It is published twice each year in all six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish). The Editorial Board hopes that *Forum* will help to forge partnerships among scholars, experts and decision makers so as to advance knowledge and policy, upgrade practice and achieve reform in the field of crime prevention and criminal justice in line with universal standards, norms and precepts.

The first issue of *Forum* (vol. 1, No. 1, February 2001) presented articles on various subjects. The present issue of *Forum* is devoted to the theme of organized crime, thus marking the signing, by 123 States and the European Community, of the United Nations Convention against Transnational Organized Crime in Palermo, Italy, from 12 to 15 December 2000. The next issue of *Forum* (vol. 2, No. 1) will be devoted to the theme of corruption.

Two of the articles selected for this issue of *Forum* deal with the fight against drug trafficking across the border between Mexico and the United States of America. The authors of both articles shed light on the debate around the subject matter approached by a recent, powerful American film released in 2000. James Finckenauer, currently Director of the International Center of the National Institute of Justice of the United States Department of Justice, and his associates present an overview of the drug law enforcement cooperation of Mexico and the United States. Samuel Gonzalez-Ruiz, former head of the anti-mafia unit of the Mexican prosecutorial office and current Interregional Advisor of the Centre for International Crime Prevention, reviews the fight against drug trafficking across the Mexico-USA "line".

Two articles in the current issue deal with different aspects of Chinese organized crime. Sheldon Zhang and Ko-Lin Chin, both American scholars of Chinese origin, present results of their empirical study of the social organization of those involved in smuggling people out of southern China into North America. According to their findings, many Chinese people-smugglers—so-called "snakeheads"—operate on the basis of loose-knit partnerships rather than as fully fledged criminal syndicates. In an up-to-date account of organized crime in China, Xiaowei Zhang, Assistant Professor of Criminology at East China University of Politics and Law in Shanghai, depicts the full range of organized criminal activities in China.

In two more theory-oriented articles, Klaus von Lampe of Germany and Petrus van Duyne of the Netherlands reflect upon the definitions of organized crime and corruption, respectively. Mr. von Lampe uses a content analysis of German newspapers to show how the concept of organized crime has acquired different meanings over the past few

decades. Using examples from different parts of the world, Mr. van Duyne demonstrates that at the root of corruption of politicians and public officials typically lies a lack of commitment to democratic values.

In the first contribution in the section entitled "Notes and action", Christopher Ram of the Centre for International Crime Prevention provides an introduction to the newly adopted United Nations Convention against Transnational Organized Crime and its protocols.

The two other contributions in this section deal with women and organized crime. Amanda Vanstone, former Minister for Justice and Customs and current Minister for Family and Community Services of Australia, contributes an article based on the paper she presented at the workshop on women in the criminal justice system at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000. Mrs. Vanstone analyses how challenges posed by new types of crime to law enforcement agencies have increased career opportunities for women and how those developments are changing both the nature and the culture of policing. A contribution by Italian criminologist Marina Graziosi focuses on women as perpetrators of crime. She analyses the growing willingness of Italian magistrates to hold women accountable for their roles in mafia-type organizations and the legal dilemmas posed by that development.

GUIDELINES FOR THE SUBMISSION OF ARTICLES

The Editorial Board invites scholars and experts from around the world to contribute to *Forum* articles on criminological and socio-legal issues. Articles submitted for publication in *Forum* must be original, that is, they should not have been published elsewhere. The length of manuscripts to be considered for publication as articles in the first section of *Forum* should not exceed 6,000 words.

Shorter papers and commentaries to appear in the second section of *Forum*, entitled "Notes and action", should not be more than 2,500 words in length.

Manuscripts should be submitted in hard copy or, if possible, in electronic format. The curriculum vitae of the author and an abstract should accompany each manuscript.

Manuscripts to be considered for publication in *Forum* should follow the Harvard system of referencing, whereby the author and year of publication of a work appear in the text and full details of the work are provided in a list of references at the end of the text.

All manuscripts, reviews and correspondence should be sent to Antoinette Al-Mulla, the Managing Editor of *Forum*, either by post (Centre for International Crime Prevention, United Nations, P.O. Box 500, A-1400 Vienna, Austria), by e-mail (Antoinette.Al-Mulla@unvienna.org) or by fax (431) 26060-5898).

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**MEXICO AND THE UNITED STATES OF AMERICA:
NEIGHBOURS CONFRONT DRUG TRAFFICKING ***

**BY JAMES O. FINCKENAUER¹, JOSEPH R. FUENTES²
AND GEORGE L. WARD³**

ABSTRACT

Drug trafficking between Mexico and the United States of America is a serious concern to government leaders in both countries. Mexican traffickers have secured a significant market share of major drugs transported to the United States, including cocaine, marijuana, heroin and methamphetamine. In recent years, traffickers have become increasingly professionalized and have shown greater disregard for life and law, leading to a near-crisis situation that requires effective action.

The United States' response to drug trafficking has included inter-agency counter-narcotics operations as well as bilateral efforts with authorities in Mexico. Those initiatives have been modestly successful at reducing trafficking by primary drug organizations. Mexico has also experienced some degree of success at thwarting the efforts of traffickers. The current administration in Mexico is building on this by making anti-drug initiatives a top priority.

Recommendations to improve further the effectiveness of counter-narcotics efforts include improving coordination among United States agencies; strengthening legal institutions in Mexico; assuring sustained bilateral and multilateral cooperation between Mexico and the United States; and emphasizing demand reduction in the United States. By adopting those strategies, it is hoped that Mexico and the United States will achieve greater success in the campaign against drugs.

*Opinions or points of view expressed in this article are those of the authors and do not necessarily reflect the official position of the United States Department of Justice.

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**FIGHTING DRUG CARTELS ON
THE MEXICO-UNITED STATES BORDER¹**

BY SAMUEL GONZALEZ-RUIZ²

ABSTRACT

In the present article, the author describes the Mexican contribution to investigations into Mexican cartels specializing in trafficking of drugs into the United States of America. An account is given of the investigative efforts of prosecutor José Patiño Moreno, who was killed by organized criminal groups in 2000. His case illustrates the difficult conditions surrounding the fight against organized crime in Mexico, including corruption among public officials. The article continues with an analysis of the impact of drug consumption in the United States upon the growth of organized crime and related violence in Colombia and Mexico.

¹The author is grateful for the assistance given by Cesar Prieto, Santos Gutiérrez and Robert Oberloher in the preparation of the present article.

²Programme Manager, Global Programme against Transnational Organized Crime, Centre for International Crime Prevention, Office for Drug Control and Crime Prevention, United Nations Secretariat.

³See A/C.3/51/7, annex.

⁴General Assembly resolution 55/25, annex I.

**CHINESE HUMAN SMUGGLING IN THE
UNITED STATES OF AMERICA¹**

BY SHELDON ZHANG² AND KO-LIN CHIN³

ABSTRACT

Transnational human smuggling involving Chinese nationals has reached a global scale, with enterprising individuals forming complex networks around the world and funnelling migrants towards three main destinations—North America, western Europe and Australia. Socio-structural factors interact with personal-level factors to generate tremendous market demand for population migration, which is also made easier by recent advances in telecommunications and transnational travel and the relaxation of China's residential control. However, the massive influx of Chinese nationals through clandestine channels has caused grave concern among receiving nations and met with various restrictive measures. In the United States of America, those who facilitate the illegal population movement as a business are considered organized criminals and targeted by federal and local law enforcement agencies.

Through field observations and interviews with smuggling organizers in the United States, the present authors have found that, contrary to widely held conceptions about Chinese organized crime, most smugglers of human beings are otherwise ordinary citizens whose family networks and fortuitous social contacts have led them to take part in a profitable trade in shipping human cargo around the world. They are loosely connected and form temporary alliances to carry out smuggling operations. With the exception of a shared commitment to making money, there is little that holds them together. The smuggling organizations mostly resemble ad hoc task forces and are assembled for specific operations. The organizations have clear divisions of labour with limited hierarchical structures. The amorphous organizational structure has allowed smugglers to improvise creative measures to conceal their operations from law enforcement authorities and to be successful in moving large numbers of Chinese nationals into the United States.

¹The present article was made possible in part by a grant from the National Institute of Justice of the United States Department of Justice. Portions of it have been presented at various conferences.

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THE EMERGENCE OF “BLACK SOCIETY”
CRIME IN CHINA

BY XIAOWEI ZHANG^{1,2}

ABSTRACT

Organized crime—or “black society” crime as it is commonly called in China—is a growing concern for the Government of China. The present paper describes five notorious black society syndicates that have recently been dismantled by the Chinese authorities. The groups are of medium size (50-200 members), hierarchically structured, with strict “house rules”, and are engaged in armed robberies, trafficking of illicit goods and services and local racketeering, using extreme violence and availing themselves of the protection and support of government officials.

The paper presents recent local statistics available on the World Wide Web on the prevalence and geographical distribution of solved cases. Those statistics confirm the existence of considerable numbers of organized criminal groups in many Chinese provinces and the increased investigative efforts of Chinese law enforcement authorities. The social background to the emergence of black society crimes in present-day China is discussed briefly.

¹East China University of Politics and Law; currently Crime Prevention Officer, Centre for International Crime Prevention, Office for Drug Control and Crime Prevention, United Nations Secretariat, working for the Global Programme against Transnational Organized Crime.

²I would like to thank Jan van Dijk for his helpful comments on and revisions to the present paper.

³*China Police Daily*, 14 December 2000.

WILL "CALIGULA" GO TRANSPARENT?

CORRUPTION IN ACTS AND ATTITUDES

BY PETRUS C. VAN DUYNÉ¹

ABSTRACT

In the present article, the author approaches the subject of corruption from the perspective of behavioural aspects of decision-making and the "exchange relationship" between the decision maker and another party. Six categories of corrupt relationships are described. The author focuses on corruption as a leadership disease: fish starts to rot from the head downwards. The successful leader is used as a starting point in describing the shift towards corruption as a result of a decline in accountability. The author describes the development of the leadership disease through several phases: the phase of extravagance; the erosion of accountability; the ownership phase; "court-building" and "Caligula appointments"; and, finally, favouritism and nepotism. The prevention and repression of corruption are based on the simple principles of transparency and the "first servant" principle, which have to be enforced from the top down.

¹Professor, Tilburg University, Netherlands.

**NOT A PROCESS OF ENLIGHTENMENT:
THE CONCEPTUAL HISTORY OF ORGANIZED
CRIME IN GERMANY AND THE UNITED
STATES OF AMERICA¹**

BY KLAUS VON LAMPE²

ABSTRACT

The present study explores the conceptual history of organized crime in Germany and the United States of America during the twentieth century. Data were obtained from a content analysis of various publications, including *The New York Times Index* and the German news magazine *Der Spiegel* from 1896 and from 1960, respectively, until 1995.

The content and meaning of the term "organized crime" has undergone various changes since it was first coined in Chicago in 1919 and entered the criminal policy debate in Germany in the 1960s. Two overall trends are most significant, the extension of the geographical scope from a local to a global frame of reference and the narrowing down of the social scope from a systemic to a dichotomic view of organized crime and society.

The term "organized crime" is used nowadays mainly in an ambiguous manner in order to accommodate different political and institutional interests.

¹An earlier draft of the present paper was presented at a conference entitled "Crime organisé international: Mythe, pouvoir, profit ..." (International organized crime: myth, power, profit), sponsored by the Interdisciplinary Research Institute, University of Lausanne, Switzerland, in October 1999.

²Researcher, Free University of Berlin.

³The study of the conceptual history of organized crime in the United States has been published in greater detail elsewhere (see Lampe (1999)). The study of the conceptual history of organized crime in Germany has not yet been completed. Thus the findings presented in the present paper are preliminary.

**NO LONGER “LADY POLICEMEN”:
THE CHANGING ROLE OF WOMEN IN LAW
ENFORCEMENT IN AUSTRALIA**

AMANDA VANSTONE¹

ABSTRACT

Law enforcement organizations in Australia have responded to increased public demand for their services by becoming more relevant and responsible to community needs. This change in emphasis has had a significant impact on the nature of policing and the methods employed by law enforcement agencies to combat crime.

Law enforcement agencies must now also fight crime that exploits technology and transcends physical and political boundaries, namely transnational crime.

The role of women in law enforcement has been enhanced by these changes. Reduced emphasis on physical attributes and changes in what has been described as the law enforcement culture present women with an unprecedented range of opportunities. Improved working conditions also encourage greater participation by women.

The future of women in law enforcement in Australia is bright, but more organizational adjustments are needed to maximize the contribution and satisfaction of women law enforcement officers.

¹Former Minister for Justice and Customs of Australia.

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