

Global Mafias

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ABSTRACT

Mafias, the highest form of criminal organization, are a “glocal” (global and local) actor, controlling part of the globalized economy and small territories. Mafias are economic actors in search of profit, but also political actors in search of power.

Keywords: Mafias, Crime, Geopolitics

Mafias globales

RESUMEN

Las mafias, la forma más alta de organización criminal, son un actor “glocal” (global y local), controlando parte de la economía globalizada y pequeños territorios. Las mafias son actores económicos en busca de ganancias, pero también actores políticos en busca de poder.

Palabras clave: Mafias, Crimen, Geopolítica

全球黑手党

摘要

作为犯罪组织的最高形式，黑手党是“全球和地方性”（glocal）的行动者，控制着一部分全球化经济和小部分领土。黑手党是寻求利润的经济行动者，也是寻求权力的政治行动者。

关键词：黑手党，犯罪，地缘政治

The mafias, specific forms of criminal organizations,¹ are geopolitical actors in their own right. However, their relationship with the territory is often perceived in an ambivalent way: mafias present a double face that is a priori antithetical. On the one hand, they are regularly represented in the form of a tentacled octopus: this image refers to the problem of globalization and its economic flows—including illegal ones—and therefore introduces a dimension of modernity. On the other hand, mafias are often also associated with territorial control: this is the traditional, even folkloric, imagery of Corleone. This time the dimension is archaic and refers to the question of established reputation, to the accumulation of stocks, to the search for power in the long term.

Both images correspond to myths and realities. Neither of them exhausts the relationship between mafias and territory. The two dimensions are subtly coupled and remind us of a specificity of mafias that is too often forgotten: they are economic actors in search of profit but also political actors in search of power. Taking these two aspects into account is fundamental to overcoming some of the main pitfalls of the anti-mafia fight.

1- Mafia and territory: between globalization and territorial sovereignty

The Italian (Sicilian Cosa Nostra, Neapolitan Camorra and Calabrian 'Ndrangheta), Japanese (Yakuza), and Chinese (Triads) mafias are characterized by their involvement in global trafficking, in particular through their control of a large part of the massive flows of trade by sea. Economic globalization accelerated in the 1990s, including for the illegal economy, which has become largely internationalized and industrialized. However, there is no sudden change and recent internationalization of the mafias. In the 1920s, Cosa Nostra was already involved in the international trafficking of morphine and opium. This position was reinforced during the Fascist era with the emigration of many mafia members, particularly to the United States. This gradually led the Sicilian mafia to occupy a dominant position in heroin trafficking between Asia, Europe, and America. The trial of the Pizza Connection from 1985 to 1987 underlined the internationalization of trafficking, but also the business relations between various criminal organizations.

Even if the Camorra derives significant resources from heroin trafficking, the 'Ndrangheta from the cocaine trade, and the Yakuza from methamphetamines trafficking, drugs are not the only commodities affected by this globalization. The accumulation of activities is in the nature of mafias. Other illegal markets participate in the quest for profits by these criminal organizations. Triads and Yakuzas

1 The Italian Penal Code defines them in article 416 bis and specifies that they use the “strength of the associative bond” to create conditions of subjugation and omerta and that they practice illegal but also legal activities while disrupting electoral processes.

exploit human trafficking. Cosa Nostra is illustrated in the reports of the *Direzione Investigativa Antimafia* in the trafficking of archaeological works. Triads, Yakuza, and Italian mafias are involved in the illegal reprocessing of waste internationally. Counterfeiting is also a sector that has become largely industrialized thanks to the acceleration of globalization. The health crisis has highlighted the problem of counterfeit medicines and health products (masks, hydroalcoholic gels, etc.).

But globalization does not make mafias a-territorial subjects—quite the contrary. On the one hand, mafias know perfectly well how to exploit the political fragmentation that accompanies globalization. This fragmentation is reflected in different legislations. For example, Italian mafias have seized the opportunity to use Malta and the loopholes in its legislation on online gambling to launder dirty money. On the other hand, mafias make trade-offs between territories in order to choose the best locations for their operations. Merchant ports are fundamental targets to control in order to manage the routing and placement of illegal goods. Cross-border areas are also particularly prized because they make it possible to exploit differences in legislation and provide hiding places (goods and men) in the event of police operations. As for the cities, it is not necessarily the most important demographically, politically and economically that are targeted first. Secondary cities that are particularly well served by road, rail, or river networks are strategic. The city of Duisburg in Germany, where six Calabrian mafiosi were murdered in August 2007, is a perfect example. Finally, mafias systematically maintain a link with their original territory. Mafias are not unitary and centralized structures but rather federations of families,² each of which is attached to a territory over which it exercises real sovereignty. This initial territory retains its legitimacy even in the context of globalization: a real rear base, it is the place where external strategies are driven and is decisive in the sharing of new territories. In this sense, globalization does not erase territorial referents. The mafias do not relocate; they articulate territories and thus distinguish themselves in part from legal internationalized economic actors. Antonio Talia³ makes these territorial interconnections very concrete by travelling along the 104 kilometers of the Calabrian coast between Reggio Calabria and Siderno. He shows how the ‘Ndrangheta families project themselves: those of Montebello Jonico in Hong Kong, those of San Luca in Germany, those of Platì in Australia, those of Siderno in Canada, etc. He also explains how mafia organizations share territories: for example, the ‘Ndrangheta reigns over Toronto, Cosa Nostra over Montreal.

The integration of mafias into globalization should not make us forget that mafias are synonymous with territory. The two dimensions are not contradictory. They do not oppose an old mafia (which would be linked to the control of

2 See Maurizio Catino (2019): *Mafia Organizations: The Visible Hand of Criminal Enterprise*, Cambridge University Press.

3 Antonio Talia (2019): *Statale 106: viaggio sulle strade segrete della ‘ndrangheta*, Minimum Fax.

an essentially limited territory) and a new mafia (which is fully integrated into globalization and freed from any territorial reference). The mafias combine the two dimensions because the economy (including internationalized ones) is a significant source of power (to be printed on a territory). Territorial sovereignty remains a basic operating principle of any mafia. This fact must be understood in order to really grasp the organizational chart of the various mafia organizations. Even though coordination/regulation bodies may oversee the whole system, mafias function in networks or federations of clans or families. When a “cupola” exists, it has a regulatory role to manage possible conflicts between families or clans and to coordinate activities that go beyond the framework of a single family and its territory. In no case do vertical structures replace horizontal ones. The Italian justice system has concluded that the ‘Ndrangheta is characterized by a “horizontal-vertical” structure, and the *Direzione Investigativa Antimafia* specified in 2015 that there were 166 *locali* (groupings of families with contiguous territories) in Calabria with around 10,000 members; the same report counted between 100 and 150 mafia families in Sicily with between 2,000 and 3,000 members each.

The importance of the territorial dimension goes back to the birth of the mafia phenomenon. Even mafia myths are imbued with this dimension. For example, the founding story of the Montalbano brothers (a myth that attempts to create a filiation between the three original Italian mafias) narrates how three Spanish knights in disgrace joined Italy and then separated to found the three criminal societies: Osso going to Sicily, Mastrosso to Campania, and Carcagnosso to Calabria.

In concrete terms, this territorial rooting is expressed in several ways. The initial and essential activities of any mafia are by nature territorialized: they are “protection” (however deviated it may be) and intermediation. They both presuppose and entrench the territorial presence of the mafia and are materialized by the generalized practice of racketeering. The demand for the payment of this fee, disconnected from any effective service, symbolically places the mafia in the field of the exercise of territorial sovereignty. The mafiosi, whether Italian, Japanese or Chinese, also present themselves as justices of the peace, people able to mediate and resolve conflicts. They thus propose an alternative form of justice that gives them legitimacy and even visibility: the population knows who to turn to in a mafia territory.

Territorial control is also achieved through the infiltration of the legal economy. The latter is targeted for itself. It is not a secondary objective linked to the need to launder dirty money from trafficking. The mafias create businesses or take control of existing businesses to increase their control of the territory. Labor-intensive sectors with high territorial visibility are infiltrated first: construction, agriculture, and mass distribution are the most obvious examples. Through these legal but mafia-owned businesses, criminal organizations create jobs, distribute income, raise seemingly clean money and are able to condition the territory—not

only economically, but also politically (via public contracts) and socially (by building legitimacy around this legal-mafia economy).

2- The link between globalization and territorial anchoring: a worrying capacity for projection

Mafias have developed with globalization; at the same time, they are still anchored in their territory of origin. Does this mean that they manage territories in two different ways, thus presenting a double face? They would behave like standard organized crime to manage extraterritorial economic flows: presence throughout the world would thus be motivated by the quest for profit. Extraterritoriality would then be limited to the logistical support of globalized trafficking. This is the case, for example, of Tommaso Buscetta in South America, where he managed drug trafficking on behalf of Sicilian families. At the same time, the mafias would really behave like mafias in the territories where they were born: their capacity for conditioning would then be limited to a geographical area that is ultimately circumscribed and difficult to extend. These two possibilities exist. However, they should not make us forget another configuration: the mafia's capacity to carry out territorial re-creations. In other words, the mafias—and more specifically the 'Ndrangheta—are also capable of recreating new territories under their control outside their original cradle. The conquest of these new territories clearly means that the existing mafias are able to colonize territories, that is, to behave as mafias outside the historically mafia territories. This has been criminally identified by the justice system in Italy. In other countries, some cases are alarms to be taken into account. The variety of areas involved lends credence to the idea that there is no territory that can be considered naturally immune. Immunity is an illusion.

Mafias may, in a fairly simple logic, seek to expand their territory to contiguous areas. Expansion is then simply linked to geographical proximity. This is how the Ercolano-Santapaola family of Catania in Sicily ended up gradually extending its hold over the neighbouring province of Messina. The shift under mafia control of a territory previously considered virtuous is acted following the 2017 Operation Beta. In the same way, the Calabrian mafia has established itself in Basilicata, a neighboring region, thanks to the economic expansion that took place there in the 1980s.⁴ But the ability to colonize new territories is not exclusively the result of a kind of spillover into neighboring lands. Other Italian regions have also undergone such processes even though they do not share borders with mafia areas. In these cases, migration processes play a major role. Diasporas bring—even involuntarily—a mafia substratum by favoring the export of criminal reputation. Confronted with mafia representatives, migrants—who sometimes have also left their country of origin to avoid criminal pressure—know who they are dealing with and can re-

⁴ See Maria Chiara Calò (2022): *Le mafia in Basilicata. Genesi, evoluzione e rapporto col territorio*, PhD Thesis Università degli Studi di Napoli – Université Paris 1.

produce outside the country the conditions of subjection and omerta that, according to the Italian Penal Code, characterize any mafia. This has allowed the mafias, especially the Italian ones, to establish themselves far from their territory of origin, and not only to accompany their illegal business logistically, but also to establish a control over these territories. In these processes, Italy is not the only one affected.

The trajectory of the small town of Bardonecchia in Piedmont was undoubtedly the first to draw attention to this colonizing capacity of the mafias. In 1995, Italy was shocked when, for the first time, the Italian justice system dissolved the municipal council of a northern Italian town.⁵ Investigations revealed that a Calabrian mafioso, Rocco Lo Presti, had taken control of both illegal and legal activities (especially construction) in the city and was able to influence the decisions of the city council. Sent to Bardonecchia to serve his sentence as a “forced stay” (*soggiorno obbligato*),⁶ Rocco Lo Presti seized the opportunity offered by this forced migration to establish mafia control over the city on behalf of the Mazzaf-ferro ‘Ndranghetist family. This first warning about the mafia’s capacity for territorial conquest, however, is not fully understood. Thus, in 2013 the Court of Genoa concluded in a trial involving mafia members that, even if the affiliation to this specific criminal organization is effective, the activities carried out in the territory of Liguria do not fall under mafia activities *stricto sensu* since they are not inserted in a mafia territory.

The Aemilia investigation, which concluded in 2015 and gave rise to several trials, some of which are still ongoing in Emilia Romagna, changes the situation. Here again, the sending of a mafioso from the Grande Aracri family on an obligatory stay favors the establishment of the ‘Ndrangheta in a region that was previously a symbol of education to legality in Italy. A strictly mafia migratory flow was then grafted onto the previous Calabrian migratory chains. The non-mafia Calabrian community established in Emilia Romagna knows the reputation of the new criminal arrivals. They have little or no resistance to intimidation and racketeering. The Calabrian mafia also set up a system of false invoices in exchange for extortion, which convinced the entrepreneurs and merchants—Calabrian or not—to pay. The local productive fabric was quickly corrupted, with no notable manifestations of resistance on the part of the non-mafia population and (almost) no violence on the part of the mafia. The political sphere also yields to temptation: in 2016, for example, the city council of Brescello is dissolved for ma-

5 Italian legislation has allowed since 1991 (Legislative Decree 164/1991) to dissolve any local public administration when “concrete, unambiguous and above all relevant” elements prove links of a direct or indirect nature between mafia associations and the administrators of these local entities. The application of this law has mainly affected municipal councils and, in the first few years, only Sicily, Calabria and Campania.

6 It is a device designed to remove some convicts from their home area in order to cut them off from their criminal substrate. It has contributed to send many mafiosi to small northern cities. In doing so, it has favored the implantation of criminal subjects in territories previously spared from mafia crime.

mafia infiltration. The trials concluded to date recognize the Mafia presence in Emilia Romagna and the deployment of all the characteristics of the Mafia association. These sentences make Emilia-Romagna a land of mafia. They also highlight the presence of individuals affiliated with Cosa nostra and the camorra who cooperate with the 'Ndranghetists. Finally, they highlight the ability of the 'Ndrangheta to think strategically about the territory: the new areas of establishment are integrated into the organization's organizational chart. The *locali* created outside Calabria are subject to a request for authorization and are attached to a family and therefore to a specific territory in Calabria: they are therefore external projections, emanations of the Calabrian clans.

Outside Italy, there are disturbing configurations. Since the crime of mafia association is not recognized outside Italy, there are no convictions for mafia in the Italian sense. However, the ability of individuals known to be affiliated with mafia organizations to carry out both legal and illegal activities, to maintain links with the political sphere and even to influence the expression of the vote has been identified. As early as the 1950s, police investigations conducted in Australia and Canada in conjunction with Italian law enforcement agencies revealed the presence of the so-called "Siderno group," named after a Calabrian town. In America, 'Ndrangheta affiliates carry out various activities in connection with drug trafficking, illegal gambling, extortion, but also in the legal economy directly linked to their rear base in Calabria.

The murders in Duisburg in August 2007 shocked Germany and Europe. They reveal the lasting presence of the Calabrian mafia in the country. Of course, this presence is linked to drug trafficking. But it also highlights the existence of several restaurants and legal activities owned by individuals known to the Italian police. Moreover, one of the victims had just been affiliated with the 'Ndrangheta: such initiation rites cannot be held in neutral territories. Many elements point to a real mafia presence in Germany that goes beyond the mere logistical support of drug trafficking. The 2018 "Stige" operation shows that some Calabrian restaurant owners in Germany are under pressure to choose their suppliers. This is a characteristic of the territorial conditioning specific to mafias.

For France, questions also arise. The "Svolta" operation conducted in 2012 by Italy primarily concerns Liguria. But developments in the investigation identify a construction company in Menton as being owned by the Pellegrino family of Bordighera. The company will be liquidated by the Italian justice. It shows that the Calabrian mafia is not merely involved with drug trafficking but also infiltrates a key sector of the legal economy, a sector that allows to establish links with the local political sphere. The company had also won a public contract for the renovation of the Menton House of Justice.

What these different cases have in common is that they were detected late (or even partially detected outside Italy). The source of this late detection is an

attitude of denial on the part of the population as well as of the forces of order and justice. Attention is focused only on illegal trafficking, which reduces the behavior of mafias to that of a standard criminal organization. It is also too often assumed that the legal sphere is able to defend itself against serious crime. Two worlds would coexist, the legal economy and the criminal economy, without the latter being able to pervert the former. However, one of the main explanations for the late detection is the acceptance, or even complicity, of the legal world: the trajectory of Emilia-Romagna is particularly revealing of the way in which many established entrepreneurs have considered the Calabrian mafia to be not an economic opportunity rather than a threat.

3- Challenges in the fight against the mafias

The specificities of mafias, the possibility that such specificities fully unfold outside the territories of origin, challenge the fight against the mafias, especially at the international level. These challenges are at least three in number and concern the need to clearly define what a mafia is, the ambiguities of the legal world and the importance in this respect of confiscating criminal assets.

Italy is the only country in the world to have legally defined what a mafia is in Article 416-bis of the Penal Code. Since then, it has been pleading for other countries, especially in Europe, to adopt this definition—without result. However, this would allow the police and the justice system to get out of the too often biased representations of the phenomenon. Among these biases is the idea that mafias are a purely Italian product and therefore incapable of being exported as such outside their regions of origin. Or even, the mafia is assimilated to standard criminal organizations: the focus is then put on illegal markets only (primarily drug trafficking), reducing the logic to that of profit maximization. As Anna Sergi and Alice Rizzuti point out: “The search for power, subjugation, and territorial intimidation (the mafia method) is almost never considered abroad, because it does not necessarily help to carry on what essentially are believed to be economic opportunities.⁷ The definition of organized criminal groups adopted at the time of the United Nations Convention of Palermo in 2000 does not make it possible to apprehend the real threat posed by the mafias. Adopting a specific legal definition of mafia associations would not call into question the existing tools but would fill a gap in the perception and therefore in the fight against a particular form of organized crime.

Another difficulty relates to the ambiguities of the legal world in the face of the criminal thrust, especially when it targets the legal economic sphere and the political sphere. Anti-mafia investigations show that the late detection of the

⁷ Anna Sergi, Alice Rizzuti (2022): “Anti-mafia Cross-border: Conceptual and Procedural Asymmetries in the Fight against Italian Mafias in Europe,” *Policing*, paac047 ([Anti-mafia Cross-border: Conceptual and Procedural Asymmetries in the Fight against Italian Mafias in Europe | Policing: A Journal of Policy and Practice | Oxford Academic \(oup.com\)](#))

mafia's conquest of new territories is partly due to the complicit attitude of agents in the legal sphere. Some businessmen, entrepreneurs, accountants and politicians see contiguity with mafias as an economic opportunity rather than a reprehensible act. The logic of short-term profit prevails over legal and moral considerations. For cases of active complicity on the part of non-affiliates who have favored the mafia organization, Italian legislation has introduced the jurisprudential notion of "external assistance in mafia association." In Japan, too, legislation has become tougher to hit those who do not denounce the Yakuza, to the point that paying racketeering is now penalized. These legal advances make it possible to take into account the "grey zone," in which criminal interests and the interests of legal agents converge. This is all the more important as the dominant economic discourse (that which makes cost-benefit analysis the cursor of individual choices) tends to trivialize offences and breaches of the law as soon as the gains likely to be derived from them are greater than any estimated costs.

This point also argues in favor of increased recourse to asset investigations and confiscation of criminal assets, where the emphasis is still too often placed on monitoring financial flows alone. Globalization makes flows (material and immaterial) increasingly elusive. Moreover, the identification of "suspicious" financial flows relies on the reporting obligations of certain professions confronted with such flows. However, cases such as the FinCen affair in 2020 have shown the limits of this exercise. In a highly competitive context marked by the imperative of speeding up the processing of transactions, banking and financial institutions have no strong incentive to hinder flows even when they are suspicious. By confiscating assets, we are attacking stocks, i.e., the accumulation and materialization of flows. We also attack not only the profit dimension but also the power dimension of the mafias: companies, buildings and others are tools used to control the territory; restoring them to legality contributes to breaking the mafia's conditioning capacity. Finally, the patrimonial investigations are the fruit of the efforts of the law enforcement agencies and the justice system, that is to say, of people whose commitment to the service of legality is decisive.