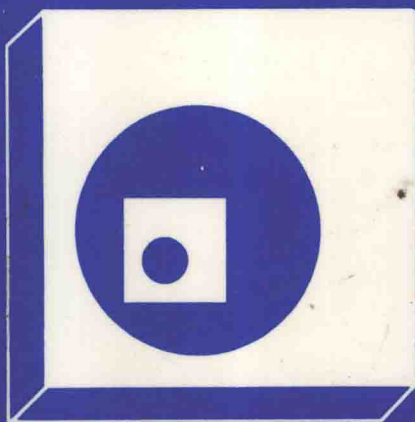


MULTINATIONAL CRIME

Terrorism, Espionage, Drug & Arms Trafficking

BY

John M. Martin
Anne T. Romano



STUDIES IN CRIME, LAW, AND JUSTICE ■ Volume 9

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Foreword

Every once in a while a book comes along that leads the readers to realize that they have come into contact either with a new perspective on reality or with an old perspective presented in a strikingly new way. I think of Thomas Kuhn's *Structure of Scientific Revolutions*, or, in the social problems area, of Michael Harrington's *The Other America*. This book of John Martin and Anne Romano's is a book of that type. The book does not reveal what we did not know. There are abundant reports about terrorism, espionage, drug and arms trafficking; the book quotes from many of them. Martin and Romano have taken this information and have cast it into a perspective in which these criminal activities are seen to have a meaning quite different from the one that permeates our ordinary or scholarly discussions about them. When news breaks about these activities in the press or on TV, we are inclined to think of the individual who drove the truck into the Marine barracks in Lebanon, or the spy who suddenly gets caught, or the drug dealer busted in a police raid. Martin and Romano are telling us that, generally, these are not individual acts. They are part of a highly complicated, well-organized system that functions very much like a modern international business corporation. Drug trafficking, for example, is not the behavior of a daring, secretive, and clever operator; it is a complex international business system, deeply touching the lives of peasant farmers, political leaders in the nation's capitol, or the highly competent business men and women who make the system go, and reap enormous profits from it. Therefore, in order for us to understand them, to perceive their broader meaning, they must be

studied as systematic behavior, in the full context of their economic, political, and cultural aspects.

The book is not the presentation of a theory. Rather, it describes a method of study that may result in a theory. As the authors insist, there is no theory of these criminal activities. Policies and programs seeking to prevent them are frequently hit-and-miss affairs, responding to popular demands to "do something about it," or pragmatic reactions to a crisis. If these international activities are to be prevented, we must know clearly what we are trying to prevent. Herein lies the value of this book. It describes the international and organizational character of these activities and puts them into a perspective in which we understand better what we are trying to explain. For this we are indebted to John Martin and Anne Romano. A new field of criminology is in the making.

In one sense it is understandable why criminologists have not paid more attention to these international forms of crime. Realistic and reliable data are hard to come by; it is not very easy to search out the meaning they have for the various parties involved; and it will require enormous effort to study these activities in all their economic, political, and cultural aspects. As the authors describe it, this requires an interdisciplinary method that may not be attractive to specialized scholars.

Finally, it is a field in which values and interests are very much at stake. These do not lend themselves easily to empirical research. The authors wisely point out that, even if the best of theories should be developed, decisions about the prevention of these international crimes are generally made in light of the values and interests, particularly the national security interests, of the parties involved.

We can only hope that criminologists and other scholars of the international economic and political scene will continue where this book leaves off, and, guided by the perspectives that Martin and Romano have so clearly given us, arrive at a better understanding of these crimes, which may result in more effective remedies.

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Preface

In the course of writing this book it became clear to us that there were few, if any, good organizational models available in the literature of criminology and criminal justice to guide us in the study of what we call *multinational systemic crime*. We therefore proceeded inductively, from various descriptive sources, to construct most of the different concepts and interrelationships described in the following chapters.

These analytical tasks drew upon both the theory and the methods of sociology, and also upon some understanding and use of political science, history, economics, and anthropology. Our experience in writing this book convinces us that any fruitful study of global criminal organizations, such as those we examine in the pages ahead, requires a multidisciplinary approach. If this conclusion is borne out through the experience of others, then significant changes may be desirable in undergraduate and graduate education in both criminology and criminal justice. This may become particularly apparent as these two fields develop an increasing interest in understanding global crime and its control.

Those interested in studying multinational crime might also be encouraged to view skeptically statements by governments and their spokesmen on this subject, since their frequently covert complicity in such crime has long been marked by disinformation, deception, and outright cover-ups. Hence, before being accepted, statements and reports from such politically sensitive sources about terrorism, arms-trafficking, and other multinational crimes would appear to merit special scrutiny.

Unlike the control of most domestic crime, the control of multinational crime appears frequently to involve problems of jurisdiction, sovereignty, and common purpose not always easily resolved in the relations between nations. The absence of shared and consistently applied legal principles, the lack of restraint of national self-interests, and the nonexistence of a widely supported international criminal justice authority for the purpose of enforcement also contribute to an inability to effectively control multinational crime. Moreover, and perhaps most important, much of such crime arises from political, economic, religious, and other historical and structural roots, which do not appear to be addressed effectively by even an international exercise of police power. In fact, the use of force often appears not to eliminate but to escalate "terrorism" arising out of age-old struggles for territorial integrity and political self-determination. Also, the leaders of the vast intelligence communities of modern nation-states seldom appear to reduce the work of their global webs of espionage because of the threat of the arrest and punishment of agents by foreign powers. Further, the use of police power over the decades does not seem to have seriously interrupted the wide-ranging commerce in illegal drugs and firearms between source and consumer nations. Wherever the best response to such multinational crime may rest, based on experience, it is difficult to accept that it rests with the use of force. In international affairs, force may solve many problems; it may also create many others. History does not convincingly suggest that force is a viable policy to rely on for containing multinational crime.

Nevertheless, force continues to be a seductive and popular central policy for the leaders of victim nations to endorse. Why? Perhaps this holds true because such policy lends substantial commitment to the expansion of police and military bureaucracies, which represent powerful constituencies in almost every nation-state. Moreover, in conservative contexts the articulation of such a policy by government always seems to stimulate a widespread endorsement of national leaders by common citizens who demand "tough-minded" measures. Generally it is only after the passage of years that it becomes clear to serious observers that such policies of force have evi-

denced serious deficiencies in the containment of “terrorism,” drug-trafficking, and other forms of multinational crime. Indeed, in some ways force may even have been counterproductive. But as the years have passed, the national leaders who initiated such policies and sustained them have themselves usually been replaced by a later generation of elites, who, in turn, face many of the same continuing multinational threats. In such circumstances the policy cycle of force may then be repeated by the new leaders, with sometimes little change occurring, or even contemplated, with respect to altering the structural roots of multinational criminal systems.

In reviewing history it is difficult to tell whether newly elected, or otherwise recently installed, national leaders have been ignorant of the lessons of the past regarding the limits of force when applied to multinational crime, or whether they have shrewdly professed ignorance for tactical reasons. Perhaps they have simply acted out of firm and honest ideological conviction. But in the end the result appears to be the same: Force often continues to be applied as a keystone of government policy and this, in turn, is applauded by a broad constituency, while multinational criminal organizations continue to expand their global networks and consolidate their power in the context of an increasingly “borderless” world.

As this book is being edited, a new multinational crime scandal has burst onto the world scene—the crime-ridden world bank, the Bank of Credit and Commerce International (BCCI). The investigations of this multinational criminal organization have, at this point, scarcely begun, but already at least two things seem clear. First, this criminal corporation practiced large-scale fraud in scores of countries, while at the same time meeting the clandestine banking needs of other global criminal organizations engaged in terrorism, espionage, drug- and arms-trafficking. In hindsight it seems inevitable that such criminal macro-systems would require the logistical support of an equally criminal world bank. The second thing that seems evident at present—but whose full meaning remains unclear—is that BCCI was created, funded, and operated by Muslim entrepreneurs of the Third World, many of whom had, and continue to have, close relations with Western leaders and governments.

Given the widespread existence and interrelations of various global criminal organizations, it is perhaps reasonable at this juncture to suspect that there has been an extensive, powerful, criminal, shadow global web that sometimes fulfilled the clandestine and often illegal needs of governments, and sometimes simply traded for profit. The leaders and supporters of such multinational criminal organizations, both inside and outside government, may perhaps be properly called the global outlaws and brigands of modern times. That they often operate beyond the effective legal reach of their victim nation-states is possibly a sign of their great skill and resourcefulness.

* * *

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Anne T. Romano
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Introduction

For more than 150 years criminology and, more recently, the newer field of criminal justice have been producing a rich and varied literature about crime. From the start, robbery, homicide, theft, assault, arson, and other traditional or conventional crimes were given serious study. Various, often conflicting, theories were developed to explain such crimes. Different policies and programs were also offered to control conventional crimes. More recently substantial attention has been paid to concepts such as professional, organized, and white-collar crime. Since the 1970s the concept of political crime has also been given a place in criminology and criminal justice. Together with conventional crimes, these more recently added concepts may be used to identify the major forms of domestic crime in the United States and other modern societies.

This book is not about domestic crime. Instead it is about what the authors call ~~*multinational systemic crime*~~—that is, crimes by various kinds of organizations that operate across national boundaries and in two or more countries simultaneously. This concept is a collective term referring to a variety of criminal behavior systems, of which four will be considered in the chapters ahead: terrorism, espionage, drug-trafficking, and arms-trafficking. Each carries a strong connotation of evil. Each is commonly defined as a serious threat by national governments when directed against their interests. Sometimes one or more of the four may be called a threat to a country's "national security." On the other hand, nation-states have sometimes called the same or very similar behaviors by more positive names when they carry them out against others. For example, the saturation bombing of civilian

populations in German and Japanese cities during World War II, although it certainly terrorized the civilians targeted, was said to “de-house” the enemy and was defined as “area bombing”—not terrorism—by the Allies (Fussell, 1989, p. 16). Or to take another example, extensive smuggling of opium into China by British and American traders during the early part of the nineteenth century, in persistent violation of Chinese law, was defined as essential trade—not drug-trafficking—by Britain and the United States (Beeching, 1975).

It should be clear at the outset that such crime is not new. Much of it has been occurring for generations, some for centuries. Today, as in the past, multinational systemic crime usually appears to be well organized and integrated with powerful legal and illegal institutions of various nation-states. For example: One government may legally ship arms to client rebel armies, whose forces have illegally invaded the territory and are attacking the civilians and the government of another nation; organized crime groups within a nation may trade in contraband—for example, illegal drugs—using transportation and banking systems in various source and transit countries; or citizens from one nation may be recruited and trained by their government’s intelligence agencies to establish spy rings overseas in order to steal national security secrets from the government of another nation. Such networks as these, which transcend national boundaries, would appear to fall well outside of what are generally perceived to be the accepted concepts that describe domestic crime. Even the concept of organized crime substantially fails to describe adequately such diverse multinational criminal networks, although some of them organized for economic gain may be rooted in or have emerged from more traditional domestic organized crime groups. For example, during the past several decades, some traditional local criminal groups have become very wealthy and powerful global criminal organizations on the basis of the vast profits derived from drug-trafficking. In the case of the island-based Sicilian Mafia, Claire Sterling (1990) describes how local bosses became multinational titans on the basis of the profits made in the heroin trade, all since the 1950s.

To a major degree and in a variety of complex ways, as we will see in the chapters that follow, multinational crime systems are often

interrelated in the reality of today's world. And different parts of this world are themselves rapidly becoming more accessible and interdependent because of, among other things, the dissolution of traditional political and trade barriers, acceleration of migration and immigration, worldwide airlifting of cargo and passengers, and instantaneous worldwide communication.

But more than the speed and ease of transportation and communication are involved in the notion that the world is rapidly becoming more interdependent. Not interdependent in the sense of the dominance of a single nation-state, or integrated in any cultural sense, for certainly intranational and international conflicts continue. Rather the world is more interdependent in the sense that the various nation-states, large and small, rich and poor, are becoming increasingly dependent upon one another for their economic, social, and political well-being. Thus, for example, what happens in Peru with regard to the coca crop has an impact on the national cocaine crisis in the United States. Or again, what happened in Iran in 1979 with regard to hostage-taking after the fall of the Shah had a most dramatic impact on American politics and the career of President Jimmy Carter and later, in the 1980s because of the Iran-Contra Affair, on the reputation of President Ronald Reagan. Additionally, the loss of Vietnam raises the stakes the United States has in its other military bases in the Pacific. Finally, when international trade policy lowers the price paid for Colombian coffee, one of that country's leading legal exports, this, in turn, increases the economic importance of cocaine, its leading illegal export. The list goes on, but the principle of growing interdependence seems clear.

It is within this context that multinational crime systems exist, and apparently are becoming more interrelated, and, it would seem, are also becoming frequently more expansive, powerful, and difficult to precisely identify, describe, and control. In strict law-enforcement terms, such systems also appear to present many perplexing and unresolved jurisdictional issues. Not the least of these are problems of extradition from one country to another, and the authority of police agents from one nation to operate within the territory of another. Such authority raises special difficulties when the targets of investigation are powerful and influential citizens of the host nation. The

difficulties are compounded if the investigation is directed against ranking officials of the government of the host nation.

The general idea that in recent decades the world has increasingly become a global village, and that crime itself has become globalized, is becoming recognized in the criminological literature (see, for example, Adler, Mueller & Laufer, 1991, pp. 17-19; Kelly, 1986). Both implicit and explicit in this recognition is that such crime is committed by large criminal organizations, not single individuals or small groups of offenders. As will be described in the chapters ahead, such organizations involve much more than what is commonly understood as "organized crime."

To date there is no global criminal justice system to meet the challenge of globalized crime. The criminal justice systems of individual countries were not designed to meet such a challenge. Nation-states have only recently begun to comprehend the problem, as have academic criminologists. But awareness is rapidly developing (Adler, Mueller & Laufer, 1991). It has been said that the recent concern with terrorism on the world scene "marks the end of a narrow, parochial concept of corrections and law enforcement and places them in the more appropriate and broader perspectives of the political sciences" (Crelinsten, Laberge-Altmejd, & Szabo, 1978, p. xiii). The same would appear to apply to various other multinational crimes because of a variety of complex reasons arising out of the self-interests of the different nation-states involved. These self-interests can be simply described. Since many countries may profit economically and/or politically from at least some forms of multinational crime, the central government of none of these countries will easily commit itself to the control of *all* multinational crime. Each is likely to reserve the right to give the shelter of sovereignty, either directly or indirectly, to its own favored forms. Any future development of an effective international criminal justice system would, it seems, be required to function somehow within this powerful framework of dissent.

The concept of multinational systemic crime, sometimes called international or transnational crime, is now being discussed in the professional literature of criminology and criminal justice (see, for example, Bossard, 1990; Smith, 1989). Multinational systemic crime is, as