

## Foreign “mafias” and the role of Italy

*Understanding how mafias reproduce in time and space demands that we also address the question of 'what is Mafia', namely identifying the boundaries that define it, taking into account the specificity of the contexts in which it is present.*

In this framework, for example, it is not entirely correct to discuss new mafias, rather than the way in which these criminal organizations manifest themselves, which are repeated cyclically throughout history (see Luigi Sturzo, *La mafia, dramma in cinque atti*, Roma 1900).

Moreover, discussing about Mafia today, in the singular, is both erroneous and anachronistic, at least as much as considering the Mafia phenomenon as a mainly or exclusively Italian problem.

This is, indeed, a stereotype that is damaging to the image of our country, but above all, it risks generating an underestimation of the criminal phenomenon, with serious danger for the Rule of Law in other national realities and entire regions.

Instead, it would be more correct to use the plural form of the term "mafias", with the awareness to differentiate the various mafia criminal organizations - in consideration of their relationship with a certain territory - between national (or autochthonous) and foreign ones.

For a complete picture of contemporary mafias, it is also necessary to take into account the fact that the most powerful criminal groups today are transnational, meaning that they operate in more than one national scenario.

The descriptive picture becomes more and more complex considering that there is an increasing number of new forms of criminal aggregation that, while establishing their roots in a territory, do not have a relationship of historical and cultural identification with it, because they do not present themselves with autochthonous characteristics but, instead, they reproduce criminal traditions of remote derivation.

At the same time, even some criminal organizations historically established in a country begin to replicate aggregative formulas and to use external relations modalities, that are characteristic of foreign criminal groups. This happens by virtue of the emulation of models learned during contacts with these foreign realities, in the context of common illegal trafficking, or, more trivially, through the representation given by the media.

This being said, on the level of the globality of the threat and of the transnationality of the operation carried out by the most modern Mafia-style criminal organizations, there are no particular disputes over time. Indeed, there is a growing deepening of the global mafia geopolitics. However, there has been no analysis of the patterns and common characteristics of the various criminal groups active in different territorial and transnational scenarios.

This constitutes a strategic error, that is as glaring as severe, both from a scientific point of view and in terms of international judicial and police cooperation.

It is factual that the Italian Mafias (Cosa Nostra, 'Ndrangheta, Camorra) are universally known also due to the storytelling that has marked the success of certain literature and cinematography.

Leonardo Sciascia had been able to predict with his famous article on "Corriere della Sera " on January 10, 1987, the development of the action of the so-called anti-mafia professionals and the related negative reputational consequences of such an approach for Italy.

To be clear: this is not intended to deny or underestimate the existence of Italian mafias and their social and economic pervasiveness, which has heavily marked the history of our country.

However, it is necessary to point out that there are, and proliferate, well-established mafia organizations also in other countries, completely autonomous in their origins with respect to the Italian mafias. Unquestionably these are: the Albanian ones, the Russian ones (among which the Solntsevskaya Bratva), the Nigerian ones, the Chinese ones (the so-called Triads), the Japanese ones (the Yakuza, which has its maximum expression in the Yamaguchi Gumi), as well as Central and South American criminal organizations (the maras, the pandillas, the Brazilian Primeiro Comando da Capital and Comando Vermelho, the drug trafficking cartels such as the Sinaloa in Mexico, the Colombian ones of Medellín and Cali etc).

The mafia phenomenon is therefore planetary in scope, raising the issue of organized crime as a priority for the development of the global justice and security agenda.

In this regard, one of the most important challenges for the jurist-diplomat is represented by the strategic opportunity to make the regulatory models comprehensible, exportable and of greater effectiveness in dealing with phenomena so widespread and often marked by constant characteristics.

And this is exactly the scope of development of the Italian anti-mafia legal diplomacy, both in its component aimed at the harmonization of the legal systems on the normative level and, in its direction of technical assistance. Italy may be the country of the most famous mafias in the world, but it is also home to the most concrete and effective anti-mafia activities in history: it is not by chance that our country is the object of numerous requests for technical assistance, professional training of magistrates and police officers, designing and organizing enforcement institutions, renewing regulatory frameworks, and disseminating the values of legality. This growing demand, aimed at knowing the anti-corruption, anti-mafia, and anti-money laundering models adopted in our system, does not come exclusively from developing countries.

Indeed, it is not exaggerated to affirm that the UNTOC (Palermo Convention of the United Nations Convention against Transnational Organized Crime) and its recently approved revision mechanism are inspired by our anti-mafia system. Moreover, on a global level, it is not uncommon to find hypotheses of homologation of the normative paradigms of important legal systems to our legislation. For example, in the recent Anti-Crime Pacote, approved at the proposal of former Minister of Justice Sergio Moro, the Brazilian Penal Code borrowed our article 416 bis of the Penal Code with a few adaptations.

Italy has assumed, once again, a prominent role thanks to the validity of legal institutions, practices, and models that are characterized by unique strength and efficiency and that have become a point of reference on a global basis.

In conclusion, by reversing the narrative on the relationship between mafias and Italy, by demonstrating the effectiveness of our anti-mafia models, on the one hand, we can reduce the often-overwhelming gap between reality and the representation abroad of our social, institutional and economic system, and on the other hand, we can contribute to the sustainable development of all humanity.

However, it would be necessary to investigate the common characteristics of modern mafias, to study their weaknesses, and to share counter strategies and operational protocols.

Nowadays, for example, it is inconceivable to fight criminal groups only with personal measures and without a robust recourse to confiscation: the penal and preventive investigation itself, in the matter under examination, should always be directed at both the structural and functional profiles of the gangs. And this is a specific characteristic of our system. The culminating element of the special Italian anti-mafia statute is precisely the allocation of confiscated assets for social purposes, and it is on this specific strategic aspect that the fight against mafias at a global level can and must certainly benefit from the experience of our country.