

## ASPECTS OF THE EVOLUTION OF TRANSNATIONAL ORGANIZED CRIME IN THE GLOBALIZED WORLD

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*In addition to positive effects in terms of economic and political integration, the unprecedented spread of modern technologies and the easy access to culture and civilization, globalization also has certain negative aspects. These consist mainly in facilitating the spread, the proliferation of cross-border networks and new transcontinental criminal activities even the most virulent, with destabilizing effects on both internal and international security and stability of states.*

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**G**lobalization has become, perhaps, the hottest issue of our times and "the 21st century will be the first truly global century."<sup>1</sup>

In a world of interdependence, generated by the globalization process, any significant change in the political, economic, social, military and environmental domains will have influence on international security. Security and how to preserve it in the context of globalization must be redefined in order to adapt properly to the international security environment trends.

The complexity of globalization is indirectly highlighted by the positive and negative effects they generate; it affects different countries in the world, on all levels - economic, cultural, social, political, military and environmental.

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<sup>1</sup> Teodor Frunzeti, *Vulnerabilități, amenințări și riscuri în sistemul global în Lumea 2007, Enciclopedie politică și militară*, Editura C.T.E.A., București, 2007, p.39.

Globalization has exposed us to new threats, has changed the way the former threats acted upon our interests and values but, at the same time, it has visibly improved our ability to counter them.

The influence of globalization on the security issue has generated in recent years one of the greatest debates of the contemporary world. It has become the object of interest of politicians, experts and policy analysts and, last but not least, professors and researchers from academia and scientific research institutions in the fields of international relations, irenology and polemology. Naturally, an extensive and impressive literature has also appeared.

We consider that the drive of some theorists and specialists in security to find a common ground for the scientific research in this area is more than useful. Otherwise, at some point, different issues will be addressed as security issues. This goal will not be easily achieved if we consider that the definition of security may be misinterpreted because of its core elements belonging to morals, ethics, philosophy, religion or ideology.

Besides the requirement of acknowledging and constantly reflecting on this process, globalization also causes some concerns and even fear. Concerns arise from the chaotic character of this process, making it impossible to control and manage, while fear relates to what we call "negative globalization", that is, the dangers and threats that become cross-border.

Criminal organizations operating internationally make profits from illegal transactions, which they use afterwards in order to expand their influence upon politics, the economic sector, mainly in finance, trade, industry, and especially upon the media.

The growing number of studies in this area can be helpful in determining the content and prospects of international relations, which in the current period are characterized by complexity, diversity and even uncertainty<sup>2</sup>.

In generic terms, cross-border organized crime in its various forms occurs continuously over a period of time, determined by illegal goals. It is represented by structures deliberately set on the territory of two or more

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<sup>2</sup> Daniel Ghiba, *NATO – Între succesul transformării și transformarea succesului*, în *Univers Strategic*, Ed. Universitatea Creștină „Dimitrie Cantemir” București, 2010, pp. 91-104.

states, where they perform illegal activities, which, by scale and consequences, become a threat to national security.

Reducing the impact of organized crime, cross-border crime, and terrorism is a strategic objective placed on the public agenda in the list of priorities of European Union integration process<sup>3</sup>. The main areas of intervention are specific to this strategic objective: combating drug trafficking and consumption and also improving victim assistance services; ensuring consistent and effective policies to combat illegal migration; preventing and combating human trafficking and eliminating the negative effects it may have on individuals and society; preventing and combating cybercrime; and not the least the fight against money laundering and criminal activities including terrorism.

Within security environments, organized crime is considered one of the most important threats to security and stability. The means and methods available allow it to infiltrate in the economic, political, financial and governmental actions and to influence economically competitive legal markets, the decision making process, and control mechanisms at the local, regional and even global levels.

The evolution of contemporary societies shows that although the measures taken and the intervention of specialized agencies in reinstating the social control against acts of delinquency and crime have increased, in many countries there is a resurgence and a multiplication of crimes committed with violence and aggression and also of crimes committed in the economic and banking fields, such as fraud, extortion, bribery and corruption.

Organized crime and violence are not, however, a new phenomenon; the emergence of various trends is closely related to the development of individuals, groups, organizations and societies.

The activities performed within organized crime have a secret and well-organized character, which make them have a very negative social impact. In many countries, it represents the "insidious cancer"<sup>4</sup> which weakens the power of society, threatens the integrity of government, increases taxes added to the price of goods, jeopardizes the jobs and security

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<sup>3</sup> National Strategy of Defense, Bucharest 2010, p. 21

<sup>4</sup> [www.descopera.ro](http://www.descopera.ro), 11.01. 2010.

of citizens, harms the competing economic agents, through their money control unions, finally achieving a strong influence in the economic, social, and especially political fields.

An undeniable truth is that history has witnessed no other case of violent actions at such a large scale, and such serious consequences than the violence performed within organized crime occurring today, although organized time has existed as a phenomenon since ancient times.

There are no written proofs of instances of organized crime in Sumer, the first known civilization of the world, six millennia ago, although they certainly existed in those days too. Hammurabi's Code, the first code of law ever published, however, hints at the fact that such crimes were as real as possible in Babylon 4,000 years ago.

It must be mentioned that the first forms of organized crime that were ever written are those of ancient Egypt. When teenage Pharaoh Tutankhamen's tomb was disclosed, namely in 1922, the world was amazed at the treasure hidden in the royal crypt. It took Howard Carter many years to make an inventory and categorize everything that had been discovered. Yet, Tutankhamen was only a minor pharaoh, who died mysteriously at the age of 18, which is probably why the final resting place had gone unnoticed by tomb raiders. However, no other royal tomb was discovered intact, which can only ignite the imagination of those who seek to understand the huge amount of treasure deposited there, by the side of powerful rulers, over time. Apparently, the profanation of tombs does not fall into the pattern of organized crime. Interestingly, however, there is an account of something which happened during the reign of Pharaoh Ramses IX (1129 - 1111 BC). The document is called the Papyrus Abbot and includes the testimonies of Grand Vizier Khaemuset and the two administrators who were subordinated to him, Paser and Paur, about the capture of a group of grave robbers. The action seemed taken from a thriller, as the authorities of the time secretly pursued the movements of a genuine gang of robbers, succeeding in capturing eight of them. Moreover, the testimony of one of the defendants is even more interesting, testimony given in the two other ancient documents (Amherst Papyrus and Leopold II Papyrus). Here, the accused confesses, probably under torture, that the whole group was organized and guided by a local mayor, a character who certainly had

accurate information on the amount and quality of artifacts deposited in the grave<sup>5</sup>.

Another sample, perhaps better organized, was that of the priests who officiated royal burials. Under the pretext of moving the Pharaoh's treasures to safer places, they pretended to have lost a large part of them. As expected, gangs which had been well advised in advance did the whole deed, leaving priests out of any suspicion.

In Ancient Greece and Rome, the phenomenon was already well known. It was not seldom that the trafficking and smuggling of grain, slaves and luxury goods almost threw the two powers into economic collapse. Even then, organized crime tended to affect the highest levels of power, and the phenomenon itself could already be found at every social level.

It was not for nothing that organized crime and particularly the Mafia as one of its representatives, was always associated with southern Italy. The first mention of a criminal organization in the classical sense of the word was made in the ninth century in Sicily during the Arab domination of the island. Other historical sources set this phenomenon 200 years later, in the same place, during the Norman occupation. In fact, Sicily has been a colony exploited in turn by Greeks, Carthaginians, Romans, Arabs, Normans, Germans, French, Aragonese, Spaniards, Bourbons, and especially the Inquisition<sup>6</sup>.

Sicily thus became the land suitable for the development of the phenomenon of banditry as a struggle against the oppressors. "Vendetta" – revenge and the mafia were only a few weapons the helpless could use in a world where justice was at the mercy of the feudal lord.

Over time, the rapid pace of technology has radically changed economic and social life and the working arrangements at all levels, giving rise to new expressions of organized crime.

The term Mafia, characteristic of Sicily, is as controversial as the beginning of the phenomenon itself. Some researchers say that the origin of this word is the Arabic expression Maha'Fat – protection, immunity, privilege – or the word: Mahias, from the same language, which means haughtiness, pride, arrogance. Other historians believe that the Mafia would

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<sup>5</sup> *Ibidem*

<sup>6</sup> *Ibidem*

be short formula „Morte ai francesi Italia anelai!" ("Death to the French, cries Italy!") the motto of the clandestine movement which appeared in Palermo in 1282, in response to the oppression of the Norman domination<sup>7</sup>.

The mafia type organizations in Sicily have radically changed starting with the eighteenth century. During that period the embryonic structures of the so-called "black mafia" or "dark mafia" appeared. It began with the recruitment by the local barons of armed guards and supervisors, by which they tried to prevent the deterioration of their feudal rights. The Mafia apparatus, consisting of "gabellotti" – middlemen between peasants and nobles, were soon able to deal from positions of power both with the former and with the latter. This fact was also mentioned by Michele Pantaleone, an Italian<sup>8</sup> journalist: "A rough justice imposed by terror, not by respect for the law, as the desire to avoid at all costs the intervention of public power in its affairs. Mafia was able to impose itself as referee and peacemaker and as a quick and quiet instrument executing acts of justice based on the old law of retaliation."

If the Mafia was able to persist over many generations, if today it is still strong enough, this is due to the famous law of silence – Omerta. Dictum "Chi tace campa!" - Who is silent lives!, is a general rule that has become typical for any group anywhere in the world of mafia<sup>9</sup>.

In the same Middle Ages and for similar causes, Asia experienced a strong resurgence of organized crime. In Japan, the dreaded Yakuza organization had its origins in the Japanese feudal system, where the bandits turned samurai (ronin) coming to the aid of the poor or trying to profit from them. Moreover, even in the current structure, Yakuza still has many aspects of Japanese feudalism, in point of behavior, rituals and symbolism<sup>10</sup>.

In China, the current criminal associations find their origins about three centuries ago, in the shape of revolutionary-nationalist groups created in order to remove the Ch'ing dynasty, originating in Manchuria, and to reaffirm the leadership of Ming Dynasty Chinese empire. The term Triads by which Chinese criminal groups are identified today, was first used by the

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<sup>7</sup> Michele Pantaleone, *Mafia și politica*, Ed. Politică, București, 1964, p. 76.

<sup>8</sup> *Ibidem*, p. 56

<sup>9</sup> *Ibidem*, p. 81.

<sup>10</sup> [www.descopera.ro](http://www.descopera.ro), 12.01. 2010

British to individualize the three fundamental forces of the universe recognized by members of these groups: heaven, earth and human being.

Russia is the latest entrant among black elites and organized crime; however, criminology experts argue that Russian mafia has gained world supremacy in less than 20 years. Structures torn from former KGB and Soviet authorities or born in the camps of Siberia, the Russian mafia organizations soon came to overthrow the Chinese Triads and Japanese Yakuza, even in their areas of influence. With their extreme force, Russian gangsters have occupied most of the Asian black market (trafficking in drugs, arms, people, etc..) gradually advancing to the Americas, Africa, Australia and Europe<sup>11</sup>.

The Promised Land for most of the immigrants of the nineteenth century and early twentieth century, the United States proved, as expected, an ideal ground for gangster refugees from the Old World. If certain ethnic groups (Czechs, Greeks, English, Spanish, French, Romanians, Ukrainians, Scandinavians, Russians and Chinese) had been harnessed to the plow colonization and development of America, many members of the Sicilian, Irish and Hebrew community showed a permanent distrust for slogans that preached "the virtues of work" in the industry. They remained on the same positions that discriminated groups adopt to fight from. They created a mafia in order to exploit their kin and then the representatives of other ethnic groups living in their areas of influence.

The Irish band "White Hand" was the first form of organized crime on American soil. Founded around 1860, it began by exploiting poor Irish families and continued by moving its area of influence the Italian community which had become more numerous. In response, in 1890, Mano Nera – Black Hand arose, the first manifestation of the Sicilian Mafia in America. At the same time, the Purple Gang appeared, the ethnic group of Hebrew Mafia. A long and bloody war began between Irish and Italians ended, under the strong influence of Al Capone, with the Italian victory. As for the Hebrew Purple band, it sided with each group in turn, winding up in a symbiosis with the Italian-American Mafia completed during prohibition years.

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<sup>11</sup> *Ibidem*

As an interesting detail, we need to mention the fact that the structure of Italian-American Mafia was a secret guarded so closely that the authorities did not manage to reveal it until 1962 when they learned that it was called La Cosa Nostra (LCN) and it was a conglomeration of mafia cells (Families), based on a well-established hierarchy. So, after more than three decades since Lucky Luciano had created this evil system, originally called the National Commission<sup>12</sup>.

Although relatively new, the organized crime groups in Africa are already in close contact with Russian factions as well as with Sicilian or Asian ones. On the Black Continent, the most influential mob originating from Nigeria came to control the largest part of the African black market. Its interdependence with the juvenile delinquency from other countries (Ghana, Sierra Leone, Benin, Somalia, etc) became evident when local authorities tried to identify the extent of the phenomenon. The Moroccan mafia is particularly dangerous, as it is one of the pillars of drug trafficking from the Middle East (Golden Crescent – Pakistan, Iran, Afghanistan) to Europe or Asia, the largest drug consumer after the United States of America<sup>13</sup>.

Central and South America occupy a rather sad first place worldwide in terms of drug trafficking because of the Mexican, Colombian, and Brazilian cartels or of those from Venezuela. As expected, the Italian-American mafia, the Sicilian, Chinese, Japanese and more recently, the Russian, could not miss the opportunity to take a small portion of unimaginable funds moving on the market of "white death." Thus, in exchange for cocaine, cartels in Latin America receive money or arms from all over the world, thus ending the bloody circle of groups that make up the effects of activities performed under the generic name of "organized crime".

In conclusion, we wish to emphasize that everything mentioned above is only a brief overview of the phenomenon that has already seized more than a third of the global economy, organized crime.

In 1988, at the first International Symposium regarding organized crime, held at the Interpol General Secretariat in Saint-Cloud/France, the following definition of organized crime was accepted: "any enterprise or

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<sup>12</sup> *Ibidem*

<sup>13</sup> *Ibidem*



group of persons engaged in continuous illegal activity, aimed mainly at making profit, regardless of national borders."

Additional elements to defining organized crime were brought by the Global Plan of Action against Transnational Organized Crime, adopted by the UN Ministerial Conference held in November 1994 in Naples<sup>14</sup>. According to section 12 of this plan, the phenomenon can be characterized by the following aspects: organizing groups for the purpose of criminal activities; hierarchical links or personal connections that allow certain individuals to lead their group through stringent internal sanctions; using violence, intimidation and corruption in order to achieve profits or to obtain control over some territories or markets; recycling illegal profits to the benefit of a criminal activity and in order to go beyond the legal economy and national borders; establishing cooperation with other organized transnational criminal groups.

A particularly relevant feature of the organized criminal group is the constant need for legal protection of its activities and its ability to infiltrate governmental institutions, including customs services, police, judiciary system, and even national parliaments.

A reputed organized crime analyst defines the phenomenon as "the purposeful committing of crimes, motivated by obtaining profits and the struggle for power, with particular relevance either for each individual or for all of them together, if this deed involved the actions of more than two people, over a long or indefinite period of time; using commercial or similar business structures; using violence to intimidate and exert its influence in politics, mass media, public administration, judiciary or economic sectors"<sup>15</sup>.

The Recommendation Draft on basic principles in the fight against organized crime, issued by the Council of Europe / Committee of Experts on issues of criminal law and criminology, organized crime, the criminal organization is defined as "a structured association established over a period of time, of more than two persons acting deliberately to commit crimes that are punishable by deprivation of liberty or detention order of at least four years or a more serious penalty, no matter whether such crimes are a goal or

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<sup>14</sup> Nations Unies - Conseil Economique et Social - *Conférence Ministérielle Mondiale sur la criminalise transnationale organise*, Rapport du Comite Plénier, 1994, pp.1 și 7

<sup>15</sup> Michael Feile-*Spălarea banilor-o provocare la adresa politicii internaționale*, Ed. Anssenopolitik, Paris, 1997, p.14.

a means of material gains themselves or, where applicable, of adversely affecting the actions of public authorities<sup>16</sup>."

In the United Nations Convention against transnational organized crime, a organized criminal group is defined as a structured group of three or more persons, performing over a certain period of time and acting concentratedly with the aim of committing one or more serious crimes stipulated in this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Finally, attempting a comprehensive understanding of the phenomenon, we can say that organized crime represents the activities of an organization, association, or of a group consisting of at least three people, with a fixed structure, undertaken in order to obtain material or other benefits as a result of acquiring and exercising control over some villages, districts, areas, markets or economic, political or social sectors, by making use of the criminals' economic power or the force resulting from their connections with other members of the organization, association or group, or by using violence, intimidation, corruption, blackmail or other such fraudulent means.

In this context, organized crime has particular relevance as a global phenomenon which, because of the negative consequences, forced the specialized bodies of state or international level to take more decisive measures of prevention and control. Organized crime has as targets objectives which, if accomplished, will seriously affect national security, as clandestine networks act systematically, fully covered, seeking to control and influence by means of corruption, blackmail and violence, the decision-making process at the state level. Scientific research and especially the research bibliography allowed us to highlight the main features of organized crime<sup>17</sup>, as shown in conceptualizing the phenomenon.

Performing constant criminal group activities (organization, association), determined by the need to: extend the reach and ability to market competitive illegal products and services; ensure the security of law offenders with respect to the police and rival business groups.

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<sup>16</sup> <http://book.coe.int>, 15.01. 2010

<sup>17</sup> Bujor V., Guțuleac V., *Metodologia cunoașterii și clasificării grupărilor criminale*, Chișinău, 1998, pp. 102-129

Specialization and distribution of roles among the organization members and among members of criminal groups which make up such a criminal association. The segmentation of criminal activities creates difficulties difficult to overcome in the evidentiary law enforcement activity, given that often the same criminal group members do not know each other and do not have an exact idea about the organization of the group as a whole.

The strict hierarchy within the criminal group which includes the establishment of strong relationships upright routing, in which the superior's orders are an absolute authority, criminal group leaders do not come into direct contact with those who are immediately subordinated hierarchically. This makes it difficult to expose the heads, undermining police efforts to destroy the criminal group, which is reconstituted every time its leaders are left free.

The rules of behavior are strictly observed. The existence of so-called codes of conduct and the adoption of specific rules within the group are a necessity which offers it order and automatism. The strict regulation of the relations among its members also increases its security. These rules are strictly applied and any violation is severely punished.

The activity of the organized crime groups is always targeted at making profit. This feature, that is, getting considerable income can be placed in the foreground, being one of the main characteristics of organized crime.

The production or delivery of illicit products or services, specific to organized crime, speculates an objective social demand, which cannot be met legally. The provision of goods (merchandise or products) include illegal drug trafficking, trafficking in alcoholic beverages and tobacco products, weapons and explosives trafficking, smuggling cars and works of art, smuggling nuclear (radioactive) material, human trafficking (slavery, human organs, etc) and unskilled labor, counterfeiting currency, kidnapping and murdering people.

As an object of activity of organized crime in the sphere of providing illegal services, the following are significant examples: sexual services and pornography, usury and gambling, underground arbitration and conflict resolution. Performing these activities, as well as the involvement in legal

affairs are aimed at acquiring maximum profits and, not least, at the creation of mechanisms of political influence.

Obtaining power, in the sense of real opportunities to determine the actual making of certain political, economic, financial decisions, influencing the media, government etc in the interest of the underworld.

The involvement in legal business. Having more cash than the other entrepreneurs, which they can keep under control through corruption and violence, the members of organized crime are able to subordinate important fields, acting like a virus capable of seriously affecting the economy. However, this involves the use of illegal methods such as monopoly, extortion, tax evasion, unfair competition, etc.

Corruption of public officials. Indeed, in order to safely carry out activities, without fear of intervention by state institutions, the members of organized crime try to bribe officials of all ranks and at all levels.

By making a special note of the fact that through corrupt officials, decisions are adopted (or rejected) in the interest of the criminal world<sup>18</sup>, we are also highlighting a new trend, that of ensuring the security of the group, the evasion of legal responsibility, and the promotion of interest through officials.

As a conclusion of everything listed above, we can say, looking at statistics, that lately the leaders of organized crime have become aware that they are able, without corrupt intermediaries, to promote their interests, to control power. Therefore, organized crime does its best to avoid any threat to its interests, infiltrating and promoting its people into the state structures, political parties, and trade unions. By growing and growing, this trend can lead to the establishment of a cleptocratic society.

At present, organized crime operates without any transparency, hiding in a nearly perfect clandestinity<sup>19</sup>, as stated by J. Ziegler, maximizing profits and its accumulated capital gains at a dazzling pace, operates the optimum cartelization of its activities, while cartels share their territories and institute to their advantage a monopoly domination and even more than that, create oligopoles. Organized crime is involved in legal and illegal economic

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<sup>18</sup> Dobrinioiu V., *Corupția în dreptul penal român*, Ed. Lumina Lex, București, 2001, p. 6

<sup>19</sup> Jean Ziegler, *Seniorii crimei - organizațiile secrete contra democrației*, Ed. Antet, București, 1998, p. 68

activity, using aggressive and criminal methods that promote criminal interests, by resorting primarily to violence and other forms of intimidation.

The threat posed by organized crime to the rule of law lies not in the criminal act itself, but in the possibility that criminal organizations, by their enormous financial power may influence democratic processes in a sustainable manner. The immediate and visible consequence of this situation is the rapid progression of corruption among politicians and other decision makers in our society. By its enormous financial power, organized crime is secretly gaining an increasingly important influence in our economic, social and political life, but also in public administration, including justice. Organized crime can destabilize spiritual life, politics, and social life, and can gradually lead to the disappearance of judicial independence, the credibility of politicians, and, not the least, the confidence in the protective power of values and the rule of law.

All the facts presented in this chapter reflect in our vision the essence and social dangers of organized crime. Other features of this phenomenon can also be highlighted, but as they have a high degree of generality, are not absolutely invariable, constant. They already refer not to the essence of organized crime, but to its manifestation. Still, for most of the shapes taken by organized crime, the characteristic aspect is the existence of all nine features mentioned above.

It is important to note that the phenomenon of organized crime constitutes a distinct type of crime, despite its intimate correlation with other types of crime, such as professional crime, recidivism, and group crime. Yet, organized crime coincides only in part with these types of crime and should not be mistaken for them.

According to The Explanatory Dictionary of Romanian Language (DEX)<sup>20</sup>, the term "crime" designates: "an offense that has a high degree of social danger and is sanctioned by law with the most severe punishments". According to the same bibliographical source, the term "crime" shall include "all offenses committed on a given territory in a given period". In our view, the latter definition is more appropriate for designating the criminal phenomenon.

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<sup>20</sup> *Dicționarul Explicativ al Limbii Române*, Editura Univers Enciclopedic, București, 1998, p. 239.

The concept of cross-border organized crime is therefore determined by the connection between organized crime and committing an offense with a pregnant transnational character. Basically, the criminal activity of such a network becomes international, as it uses regional, continental, and intercontinental circuits.

The phenomenon of cross-border organized crime has emerged and is still expanding together with the development of globalization; the influence upon economic activities, finance and banking, transportation and especially technologies and communications determining its consolidation, all the more so as the harmonization of national legislations in the sphere of countering cross-border organized crime is still a goal to be reached.

Acknowledging the phenomenon of cross-border organized crime as the main threat to security<sup>21</sup> must generate from the major responsible factors an important reaction of working together in order to counter the extremely serious effects that may occur in society as a whole and on the regional and global levels.



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<sup>21</sup> *National Strategy of Defense*, Bucharest, 2010, p. 13

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