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# Mafia and Globalization: The Consequences of Economic Integration Without Legal Symmetry

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## Introduction

It's no surprise that the world's youngest economy - the global economy - is still finding its bearings. The intricate checks and balances that stabilize economies are only incorporated with time. Many world markets are only recently freed, governed for the first time by the emotions of the people rather than the fists of the state. From where we sit, none of this diminishes the promise offered a decade ago by the demise of the walled off world. The spread of free markets and democracy around the world is permitting more people everywhere to turn their aspirations into achievements. And technology, properly harnessed and liberally distributed, has the power to erase not just geographical borders but also human ones. It seems to us that, for a 10-year-old, the world continues to hold great promise. In the meantime, no one ever said growing up was easy (13).

-Thomas Friedman, The Lexus and the Olive Tree

The decades following the end of the Cold War have been marked by globalization, including an incredible amount of economic integration. The “walled off world,” a characterization that conjures images of the Berlin Wall, has given way to a connected world. States formerly separated by political and technological realities are now linked together with humming highways of trade. Hammer blows against the cement barriers that divided Berlin are still reverberating around the world in the form of roads, tunnels, bridges, airports, highways, and ports, working to crumble the remaining walls of the previous century. The process of globalization has manifested itself rapidly since the 1990s with the spread of free markets and the creation of institutions that allow for the transcendence of borders by goods, and sometimes even people. As the world’s youngest economy, the global economy can be anthropomorphized

as a young and impressionable person in the throes of a rapid growth spurt. Like many people during this time of their lives, the global economy does hold great promise but also experiences growing pains, clumsiness, naivety, and has even acquired a few bad habits and parasites along the way. In a world full of opportunity and blinding mobility, there are actors that would seek to exploit the natural clumsiness and naivety that characterize anything undergoing rapid growth. The continued success of these actors demonstrates that the global economy and the states that benefit from it still have a lot of growing up to do.

Criminal organizations are amongst the most successful exploiters of the aforementioned characteristics of the global economy. They occupy the gaps and blind spots that have formed and grown since the 1990s, including the gap between rapid economic activity and limited state scrutiny. ‘Ndrangheta, a criminal organization based in the Southern Italian region of Calabria stages its most lucrative operations in commercial hubs where the state has an economic incentive to limit its scrutiny of the products entering its borders, and as a result enormous amounts of commercial traffic occurs without a second glance. There is also the gap between economic and legal integration. Globalization has included extensive amounts of economic integration between states in the form of free trade agreements and the development of commercial infrastructure. Meanwhile states have done little to integrate their legal systems, and ‘Ndrangheta successfully navigates the forest of conflicting, asymmetrical, and outdated legal codes to hide or protect itself. In order to rid the global economy of some of its growing pains and parasitic hangers-on, states must embrace their prerogative to match economic activity with appropriate levels of scrutiny and integration. Otherwise ‘Ndrangheta and its counterparts will continue to grow more powerful, entrenched, wealthy, and inextricable from the global economy.

In this thesis, the ability of ‘Ndrangheta to exploit gaps between commerce, scrutiny, economic integration, and legal symmetry, will be demonstrated through two case studies. The first case study revolves around the Port of Gioia Tauro, which serves as the premier drug trafficking hub of ‘Ndrangheta and is emblematic of the global trends in commercial traffic and security deficits. The second case study focuses on an incident from 2011 in which Italian law enforcement called for the extradition of former Australian mayor Tony Vallelonga for his association with ‘Ndrangheta. The Australian government ultimately refused the extradition request, as extradition treaties require dual criminality and Tony Vallelonga, a citizen of Australia and Italy, had not broken an Australian law. This case demonstrates the severe gap between advanced economic integration and insufficient legal integration.

## **Port of Gioia Tauro Case Study: The consequences of economic integration**

The Port of Gioia Tauro is located in the Southern Italian province of Calabria, where the toe of the Italian boot meets the Tyrrhenian Sea. The port was constructed during the 1970s to provide public sector jobs for the struggling communities around Reggio Calabria. Protests and violent upheaval around Reggio Calabria in 1970 demonstrated the depth of the desperation in Calabria. According to Paul Ginsborg's A History of Contemporary Italy: Society and Politics, "behind the protest lay a socio-economic situation of considerable gravity. Not more than five thousand people in the whole of Calabria were employed in large or stable workplaces. In Reggio twelve thousand people lived in squalid shacks, some of which dated back to 1908... The retail trade soaked up manpower, but with one shop for every thirty inhabitants there were frequent closures and no security of employment" (154).

The upheaval around Reggio Calabria in 1970 was extensive and forced the Italian government to heavily invest in the region's economy. Ginsborg writes that "for the period of July-September 1970 alone, according to official figures, there were nineteen days of general strikes, twelve dynamite explosions, thirty-two road-blocks, fourteen occupations of the railway station; two of the post office, one of the airport and one of the local TV station; there were six assaults on the prefecture and four on the police headquarters (*questura*); 426 people were charged with public-order offences, three people were killed and more than 200 wounded" (156). The Port of Gioia Tauro was born amid the violence and desperation that had gripped the region.

Government investment into the region came with the construction of the "Fifth Steelwork Center" in Reggio Calabria, which included a large steel plant, a railroad terminal, and most importantly, the Port of Gioia Tauro. The projects had the intended effect of quelling the

local population with the promise of up to 10,000 jobs (CIS 13). While the port and accompanying steel projects were built during the subsequent years, they were never made operational. The Port of Gioia Tauro became another one of Southern Italy's "cathedrals in the desert," that is, a public works project that never came to fruition or achieved the level of utility that had been promised. The port sat, unused, until the 1990s. In 1994 an entrepreneur named Angelo Ravano proposed a complete remodel of the existing infrastructure into a commercial port (CIS 14). If the Port of Gioia Tauro was born in the context of violence and desperation during the 1970s, it would be reborn during the rapid globalization and optimism of the 1990s.

In 2012 the Centre for Industrial Studies in Milan created a detailed assessment of the transformation of the Port of Gioia Tauro and its subsequent growth for the European Commission, which had partnered with Angelo Ravano to finance the project during the 1990s. The European Commission, which serves as the executive body of the European Union, financed about 14% of the project's cost through the European Regional Development Fund and the European Social Fund (CIS 3). While the port was originally constructed as an entirely public project, its transformation into a commercial port was overwhelmingly a private enterprise. According to the CIS assessment, private investment covered 85% of the project's cost, making the project an economic symbol of the period of privatization, deregulation, and economic integration that characterized the post-Cold War order. Most strikingly, less than 1% of the port's cost was covered by national, regional, and local contributions, a significant departure from the public financing model for the building of infrastructure that had served as the norm in Italy and throughout Europe during the post-Second World War period. (CIS 3)

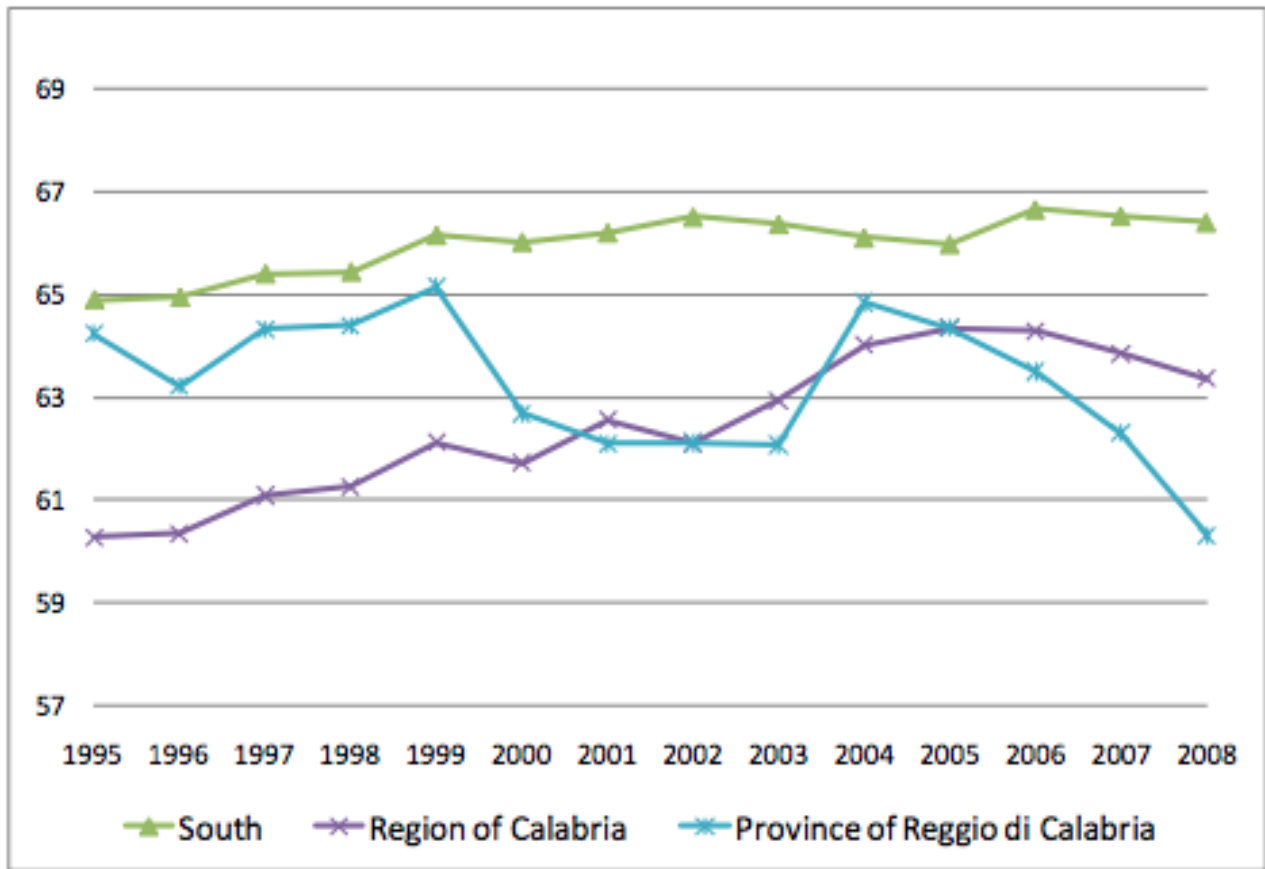
The CIS assessment describes the project as "an emblematic story of great business success and unexploited potential for local development" (2). This declaration at the beginning

of the assessment carefully defines the project as a “business success.” Operationally, the port continues to serve as the standard bearer for the transshipment model and provides a crucial trade link between the Strait of Gibraltar and the Suez Canal that can host the largest container ships. The effects of globalization lowered the costs of commercial transport with the rise of large container carrying vessels, meanwhile the demand for deep ports that could host these ships rose amid a boom in freight transportation between the Mediterranean Sea and Far East. The Gioia Tauro Port Authority also notes the port is “located in the heart of the Mediterranean, a meeting point between the East-West sea lanes and the trans-European corridor” and occupies “a central position with respect to the corridors of the intercontinental routes that run through the Mediterranean basin” (“Mission & Values”). The port’s design, location, and constructing timing allowed it to become “the premier transshipment hub in the Mediterranean” (“Mission & Values”). The CIS assessment defines transshipment as “a scheme of transport, consisting of disembarking cargo from a large ship (or mother vessel) in an intermediate destination port and then embarking it onto smaller ships (feeder vessels) for onward transport to its final destination” (19). The assessment adds that transshipment ports were in demand because “transshipment activity boomed during the 1990s as a result of the increase in international trade following globalization dynamics, freight containerization and the need to cut global freight transport costs” (10). For the purposes of this thesis, it is important to note that “in most cases, the goods in the containers are not cleared through customs in the transshipment hub, but rather in their destination ports” meaning the millions of containers that temporarily sit in the Port of Gioia Tauro every year are usually not required to clear customs inspections (CIS 10).

In terms of return on investment, the port is not exactly a testament to the efficacy of the business model employed by the European Union and private investors. The CIS assessment

found that “up to now the project has proven to be not financially sustainable, as its cumulated net cash flows have not been positive each year since the start of the operational phase (1995)” (4). The assessment attributes this failure to its “socio-economic context and dependency on highly volatile global demand” (4). Essentially the solvency of the port depends on a consistently high level of traffic, and economic fluctuations stemming from events like the global recession in 2008 prevented this consistency. Additionally, the port did not bring the widespread development to the region that was originally expected during its transformation and its local benefits were instead limited to increasing employment. According to the assessment, Calabria was the least developed region in Italy when the port was transformed in the 1990s and retains this title today. The Province of Reggio Calabria has not experienced a significant economic boost since 1995, despite containing Italy’s most active port. The following chart illustrates Reggio Calabria’s per capita GDP relative to that of the region of Calabria and Southern Italy at large, between 1995 and 2008. Note the pronounced fluctuations in GDP plus the magnified effect of the 2008 recession on Reggio Calabria as the volatility of the port’s traffic levels jerked around the local economy.





(CIS 8)

Much of the local frustration surrounding the port stems from this inability to pass its operational success onto the local population, coupled with the surge in criminal activity relating to port’s traffic (CIS 9). Ultimately the GDP of Reggio Calabria was lower in 2008 than it had been before the construction of the port, after a ten-year decline. The port’s “business success,” having had little benefit to the local population, continues to enrich the region’s ‘Ndrangheta clans beyond their wildest expectations. The ability of ‘Ndrangheta to exploit the port depends on its design, policies, and location. It is important to detail the scale of the port’s operations and the precautions taken by the state to demonstrate how the Port of Gioia Tauro and similar commercial hubs continue to challenge states’ abilities to scrutinize the expanding rivers of goods flowing through their borders. As diplomacy and technology continue to provide an

impetus for states to integrate their economies and increase the amount of commerce flowing through their points of exit and entry, it is crucial that they take appropriate measures to ensure criminal actors do not exploit flows of licit goods for the purpose of moving their illicit goods.

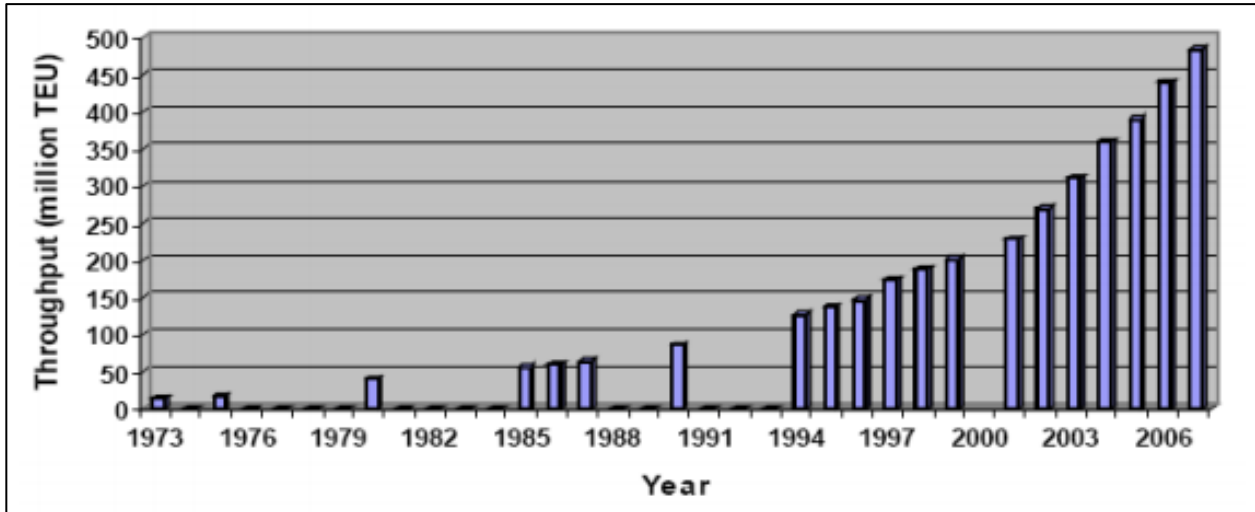
The Port of Gioia Tauro maintains its title as the largest port in Italy in terms of container throughput, that is, the number of containers handled per year. With the rise of container-based trade and transshipment ports, throughput has become the standard measure for the productivity of a seaport. According to the CIS assessment, Gioia Tauro's operational success can be attributed in part to its natural depth, 18 meters at its deepest (20). The port offers a long, deep section of water 3.4 kilometers long that can service up to four "ultra large container carriers," more than any other European port. The port is also equipped with 22 ship-to-shore cranes that can service 23 rows of containers. Its throughput peaked on the eve of the global financial crisis in 2008, reaching 3,467,772 twenty-foot equivalent units (TEUs) that year (CIS 20). This peak traffic level implies the processing of about 9500 containers per day. One TEU typically represents one shipping container and the measurement is used to quantify the carrying capacity of a vessel or the throughput of a port.

For comparison, the Port of Naples, to which the very first chapter of Roberto Saviano's Gomorra is dedicated, processes up to 500,000 TEUs annually. This number is a mere 14% of Gioia Tauro's capacity (Harbours Review)<sup>1</sup>. The same conditions, economic forces, and consequences vividly described by Saviano in his first chapter titled "The Port" are still at play in Gioia Tauro, but on an even larger scale. The exasperation of Naples' Port Authority and local law enforcement is magnified for their Calabrian counterparts.

The following table provided by the CIS assessment illustrates the emergence of commercial container shipping, in terms of world container throughput. The Port of Gioia Tauro

<sup>1</sup>Roberto Saviano's Gomorra is an acclaimed non-fiction investigative book published in 2006. It exposed the criminal underworld of Neapolitan strain of organized crime collectively known as the Camorra. The book examined in incredible detail the operations of the Camorra and how it has developed, expanded, and transformed to exploit economic trends from urbanization in Southern Italy to the modern phenomenon of globalization.

emerged at the ideal moment during the 1990s when container-based shipping exploded and became a dominant means for the movement of goods in a rapidly integrating global economy.



(CIS 18)

A port, of course, is not just a set of docks. The Port of Gioia Tauro has a total area of 4,400,000 square meters, or 822 football fields (CIS 10). The land components of the port, about 75% of its total area, include expansive zones for container handling and storage and a privately owned terminal (CIS 10). A vacant industrial area adjoins the port property and adds another 3.6 million square meters to the grounds. The Port Authority of Gioia Tauro and its affiliate security wing are responsible for preventing illegal activity throughout this entire area. The following image of the Port of Gioia Tauro demonstrates the scope of this jurisdiction.



The square strips of color above the channel (highlighted in red) are container loading and temporary storage areas, officially called the Medcenter Container Terminal. Above the large container terminal are vacant industrial areas. The administrative center containing the offices of the Harbourmaster, Port Authority, and Port Security are located in Zone 1.

The Port Authority of Gioia Tauro administers the port and oversees an entity titled Gioia Tauro Port Security, the port’s security apparatus. Despite the frequent use of the port for illicit activity by ‘Ndrangheta clans, the Gioia Tauro Port Security (GTPS) maintains that its sole objective is to “guarantee a high safety standard for economic operators; therefore, the port security legislation called International Ship and Port Facility Security Code has been implemented, which contains provisions aimed at preventing terrorist attacks to the detriment of

the ship or port infrastructure” (“Security Portuale”). It is reasonable to expect the port’s security system to take protective measures against possible terrorism, but the exclusion of anti-mafia language in its mission statement is a telling preview of its demonstrated inability to confront the actual illicit activity at the port. The Port of Gioia Tauro is unlikely to experience any form of terrorist attack that would jeopardize the safety of “economic operators,” but the port’s recent history does indicate a high degree of vulnerability to less overt but far more lucrative forms of crime.

The tunnel vision focus on terrorism on the part of GTPS might not stem from simply willful ignorance of other more imminent threats. Gioia Tauro Port Security does not have many inspective obligations because, as noted previously, the Port of Gioia Tauro is a transshipment port and most containers are only temporarily unloaded before being redistributed onto smaller vessels. These containers are not required to clear customs because their contents will not officially enter the country until they are unloaded at their next destination. With regard to the freight temporarily housed in the port, the responsibilities of GTPS are restricted to “control of documentation for the purpose of access to authorized port; monitoring of common areas and port facilities through surveys; carrying out periodic patrols in the port area for the monitoring of the plants; specific security operations” (“Security Portuale”). The contents of the port’s freight are not within the jurisdiction of GTPS and it can only attempt to prevent its illegal loading or unloading. GTPS also has limitations in terms of manpower, technology, and intelligence resources. While the Port Authority of Gioia Tauro is a government entity, GTPS is a private subsidiary of the Port Authority and not part of a larger law enforcement or military body. Further information on GTPS is difficult to come by, -all but its website home page are listed as “under construction”-. The largest port in Italy in terms of container traffic, processing over 9500

container units per day, effectively outsources its security to a small private security company that cannot maintain a functional website, and about 25 police officers (Mucci).

The Port of Gioia Tauro's performance as a transshipment port has varied since it became operational in 1995. Port traffic rapidly increased during its first five years of operations and by 2000 the port hosted 35% of Mediterranean commercial traffic, easily the largest market share in the region (CIS 23). Despite this rapid increase in traffic, the Italian government did little to update the port, eroding the quality of the port's service and contributing to its gradual loss of competitiveness with its North African and Spanish counterparts. While efficiency and productivity suffered without continued updates, an ominous gap also appeared between the port's security capacity and a high level of traffic that still outpaced its European counterparts. The scope and capabilities of GTPS have remained static since the security apparatus was established. It is not surprising that this gap between high levels of port traffic and overstretched or insufficient law enforcement continues to be exploited by criminal actors, and not only in the Port of Gioia Tauro. An anonymous manager of the Medcenter Terminal, in a 2015 interview with Al Jazeera, effectively articulated the frustrating relationship between traffic and scrutiny at the port: "How can we check everything? If we checked every cargo, no ship would stop and the port would die" (Mucci).

It is also unlikely that Italian imports will relent in the future, particularly the types of imports most likely to be exploited by 'Ndrangheta. The European Union is currently negotiating trade agreements with Canada and several South American states to further expand commercial links between Europe and these regions, including two that already host significant levels of 'Ndrangheta activity: Argentina and Canada (CEU Trade Policy).

In the opening chapter of Gomorra, Roberto Saviano describes a parallel situation to that of Gioia Tauro at the Port of Naples, located just north of Calabria in the Italian region of Campania. Saviano creates a vivid and ominous rendering of the daily chaos that takes place at Italian ports, as well as the benefits afforded to organized crime by this chaos. He writes that the Port of Naples is “an open wound. The end point for the interminable voyage that merchandise makes. Ships enter the gulf and come to the dock like babies to the breast, except that they’re here to be milked, not fed” (4). He continues:

In the silence of the port’s black hole, the molecular structure of merchandise seems to break down, only to recompose once it gets beyond the perimeter of the coast. Goods have to leave the port immediately. Everything happens so quickly that they disappear in the process, evaporate as if they’d never existed. As if nothing had happened, as if it had all been simply an act. An imaginary voyage, a false landing, a phantom ship, evanescent cargo. Goods need to arrive in the buyer’s hands without leaving any drool to mark their route, they have to reach their warehouse quickly, right away, before time can even begin— time that might allow for an inspection. Tons of merchandise move as if they were a package hand-delivered by the mailman. In the port of Naples— 330 acres spread out along seven miles of coastline— time expands and contracts. Things that take an hour elsewhere seem to happen here in less than a minute. Here the proverbial slowness that makes the Neapolitan’s every move molasses-like is quashed, confuted, negated (5).

At multiple points Saviano highlights the speed at which products must move through the Port of Naples. These products move “before time can even begin- time that might allow for an

inspection” (Saviano 5). The massive quantity of products moving through ports like Gioia Tauro and Naples demands quick processing, with little room for the inefficient delays that meticulous inspection would imply. These ports are an open wound for Italy in the sense that a wound places the body at risk to parasites that would like to exploit the new and vulnerable opening in the skin. The capacity for products to “disappear in the process” or “arrive in the buyer’s hands without leaving any drool to mark their route” is an undeniably attractive characteristic for those parasitic organizations seeking to insert their illicit products into the general influx. The actual Italian word for “drool” used by Saviano in this passage is *bava*, which invokes the trail of slime left by snails. The subtle snail metaphor is perfect in the sense that it captures the general nature of the commercial shipping boom of the 1990s and onward. In fact, both Italian exports and imports increased by about 110% between 1995 and 2016, providing a massive stream of commerce upon which organizations like ‘Ndrangheta could piggyback their illicit shipments (World Bank).

The movement of products during the previous decades could be seen as snail-like when compared to the accelerated 21<sup>st</sup> century model. During the 1990s, relatively slow and traceable movement quickly gave way to something much faster and far more difficult to scrutinize. Saviano reinforces this point with another parallel animal metaphor: “A port is measured by its speed, and every bureaucratic sluggishness, every meticulous inspection, transforms the cheetah of transport into a slow and lumbering sloth” (6). The economic incentives to move products more quickly through the port do in fact take precedence over security. Saviano cites statistics provided by the Italian Customs Agency, which found that “60 percent of the goods arriving in Naples escape official customs inspection” (7). Being that Naples is not a transshipment port, this number is particularly shocking. As previously explained, Gioia Tauro is uniquely



vulnerable when it comes to Italian ports because it is not a final destination goods passing through it are rarely subject to inspection. At the Port of Naples, where most containers are actually unloaded, there is a justifiably larger customs presence. While this heightened customs presence still yields a 60% escape rate in Naples, Gioia Tauro's higher level of traffic and lower customs presence due to its transshipment designation explain why this port in particular has become the primary entry point for drugs entering Italy.

According to Saviano, products have “multiple, hybrid, and illegitimate citizenship. Half-born in the middle of China, they're finished on the outskirts of some Slavic city, refined in northeastern Italy, packaged in Puglia or north of Tirana in Albania, and finally end up in a warehouse somewhere in Europe. No human being could ever have the rights of mobility that merchandise has” (6). When one understands the true permeability of world borders to goods by way of truck or ship, the true vulnerability of ports like Gioia Tauro and Naples becomes much clearer. However, ‘Ndrangheta also exploits the institutions that provide for the free movement of *people*, in addition to those that prohibit it. The high demand for passage into Europe from the Middle East due to regional conflict and asylum opportunities in Germany have induced some ‘Ndrangheta clans to engage in human trafficking. Meanwhile institutions such as the Schengen Area in the EU and further visa agreements for Italian citizens allow clan members to travel between Calabria and foreign bases of operation around the world without a visa and sometimes without the need to clear customs. While ‘Ndrangheta exploits policies that provide for the free movement of both individuals and products, the mixed origins of products and their extraordinary freedom of movement through the ports of the world gives them a particularly potent form of anonymity.

The more creative and often horrific methods of drug trafficking have an outsized weight when it comes to the general public's perception of the dominant drug trafficking methods. Many have heard the stories involving catapults sending bricks of cocaine over the U.S.-Mexico border or perhaps drug runners using tunnels underneath it, or even the morbid emergence of the "heroin mule," that is, a Latin American woman trained to swallow and later expel balloons of heroin in order to move the product into the United States via airport. The public has also been exposed to images of the remarkable "cigarette boats" and aircraft used by the Colombian drug cartels to spirit cocaine through the Caribbean into Florida. Further misconceptions about drug trafficking may also be perpetuated to serve some form of political goal, such as the reduction of immigration flows. A frequent and demonstrably erroneous argument for the creation of stronger borders between states is that undocumented immigrants will carry drugs with them over unfortified borders. But the reality of global drug trafficking is far more complex and cannot be remedied with border fortification or frisking individuals at airports. The vast majority of drug traffic that enters Europe and the United States from South America does so through the same means and entry points as licit commercial traffic. Licit goods do not typically penetrate borders by way of tunnel, catapult, or attached to the human body, and neither do drugs.

In its glowing report on the Port of Gioia Tauro's performance, the CIS assessment grudgingly acknowledges "The Role of Organized Crime" in a small aside halfway through the document (28). This acknowledgment, while brief, does preview the parasitic relationship between the port and 'Ndrangheta, particularly when it comes to interactions between the owners of the Medcenter Terminal (MCT) and the local Piromalli-Molè clan. This relationship began as one that very much resembled the traditional protection rackets employed by organized crime in Italy. As the Italian government attempted to rebuild Italy's infrastructure and economy in the

decades after World War Two, Italian organized crime jumped at the chance to make a profit.

John Dickey explains the rise of the “cement mafia” in his book, Cosa Nostra: A History of the Sicilian Mafia:

The sack of Palermo began on the ground, with the mafiosi who now kept watch over the building sites just as they had once kept watch over the lemon groves. Vandalism and theft could bring any construction project to a halt if the local boss chose. The second story of mafia influence was a dense tier of small subcontractors who supplied workers and materials... On the level above them were the great building entrepreneurs, men tied into corrupt webs of friends, relatives, clients, and cohorts. Those networks become thicker and thicker the more one probes, connecting local politicians, municipal functionaries, lawyers, policemen, building contractors, bankers, businessmen, and mafiosi (225).

This phenomenon is notorious for having corrupted public works projects in Sicily, but it also occurred in Calabria. The local clan would offer construction companies assistance in procuring lucrative government building contracts. The same clan usually controlled a pocket of votes that it could offer, along with bribes, to politicians in exchange for these contracts. The clan would then extract a share of the government contract for its services rendered, and finally turn around and demand that the construction company pay a protection fee to the clan so that it could provide men to watch over the construction sites, or it would subject them to vandalism. This “protection racket” was the modus operandi of Italian organized crime during much of the

postwar reconstruction era, and eventually made its way into the transformation of the Port of Gioia Tauro in the 1990s.

According to the CIS assessment, which cites a 2008 report of the Italian Parliamentary Investigative Commission on Organized Crime, Mafia, and Similar Organizations, “the Piromalli family, the most influential in the Gioia Tauro area, asked MCT (Medcenter Terminal) to pay a kickback of US\$1.50 for each transshipped container as a sort of ‘security tax’” (28). The report alleges that an agreement was actually reached between Angelo Ravano, the entrepreneur that helped transform the port, and the Piromalli family, however, the CIS assessment asserts, “no judiciary evidence exists pointing to the alleged agreements between MCT and organized crime” (28). Meanwhile the actual 2008 report produced by the commission argues:

The subordination of Contship Italia and of its founder Angelo Ravano to the 'ndrangheta has already been clear since the initial phase of the project, because Ravano wanted to realize his business project without obstacles and interference. Thus, he showed that he was considering the mafia organization not as an enemy of free economic initiative, that must be stopped and denounced, but as a reliable actor necessary to protect and ensure the implementation of his business project. The process about the issue, which ended in 2000, showed that the realization of the most important political/industrial investment ever conceived for the South of Italy had been preceded by a preliminary agreement between Contship and the mafia families of the Piromalli and the Molè from Gioia Tauro and Bellocco – Pesce di Rosarno, that were, but still are, dominant in the area around Gioia Tauro and were associated in a cartel led by the boss Piromalli.

(Camera dei Deputati 151)

It is not clear whether ‘Ndrangheta actually did enter into this agreement with Angelo Ravano, but the format of the arrangement certainly mirrors the standard practice of organized crime in Italy leading up to 1995. Regardless, the CIS assessment characterizes this incident as “parallel with the construction of Gioia Tauro,” in that it was limited to the port’s actual construction and was merely a preview of the ‘Ndrangheta activity that followed (28).

The assessment then admits, “it is likely that organized crime enjoyed a bonanza as a result of the port operations” and cites the 2008 Commission report, which concluded, “the ‘ndrangheta uses the facility as a base for illegal trafficking” (28). In this way, the exploitation of the port’s repurposing for transshipment between 1994 and 1995 invoked the older business model employed by organized crime in Italy, dependent on government contracts, protection rackets, and territorial control of Italian towns and voting blocks. However, once the port became operational in 1995, it began to host a newer, globalized model of organized crime, dependent on drug trafficking and decentralized ‘Ndrangheta clans scattered throughout the world. The Port of Gioia Tauro emerged during the last gasps of the “cement mafia” that exploited heavy government infrastructure investment, but the port gained true operational value for ‘Ndrangheta as a drug trafficking hub that exploits an increasingly integrated world economy. The trickle of drugs that initially moved through the port in the 1990s had turned into a deafening roar and the lifeblood of ‘Ndrangheta by 2008. In 2013, the organization became the recipient of international attention when Italian law enforcement announced ‘Ndrangheta was producing an annual revenue of over \$60 billion, predominantly from its drug trafficking success in Gioia Tauro (Mucci). Headlines such as “‘Ndrangheta mafia made more last year than McDonalds Deutsche

Bank” appeared in newspapers around the world while many had never even heard of the organization before (Mucci).

The capacity for organized crime to transform and adapt to exploit new economic opportunities is also discussed in Gomorra. The Neapolitan counterpart of ‘Ndrangheta, the Camorra, demonstrates many of the same tendencies. Saviano writes:

Investigations conducted by the Naples anti-Mafia prosecutor reveal that the Camorra’s flexible, federalist structure has completely transformed the fabric of the families: instead of diplomatic alliances and stable pacts, clans now operate more like business committees. The Camorra’s flexibility reflects its need to move capital, set up and liquidate companies, circulate money, and invest quickly in real estate without geographical restrictions or heavy dependence on political mediation (45).

John Dickey makes a similar point about the adaptability of the mafia in Cosa Nostra:

Over the past century and a half the mafia has responded to all of the great challenges of modernity: to capitalism, to the emergence of the nation-state, to democracy, to the rise and fall of the great ideologies of Socialism and Fascism, to global war, to industrialization and deindustrialization. Nothing that the nineteenth or twentieth centuries could throw at the Sicilian mafia managed to stop it (329).

As demonstrated in Gioia Tauro during the 1990s, ‘Ndrangheta possesses the same capacity for adaptation and transformation as its Sicilian and Neapolitan counterparts. When the

port represented a significant opportunity to glean lucrative building contracts and protection fees, it responded appropriately. When the port quickly became the busiest in Europe, ‘Ndrangheta responded again with an even more lucrative business model that is not limited by the expiration dates of building contracts or willingness of corporate executives to pay protection fees. Nor does this new model confine ‘Ndrangheta clans to Italy where they could be broken up by the country’s relatively aggressive anti-mafia institutions.

Extensive anti-mafia judicial action in 2008 severely limited the capacity of the Piromalli-Molè clan to continue its traditional activities of extorting MCT officials, exploiting lucrative government contracts, and infiltrating port personnel on a large scale. Several important members of the clan were actually prosecuted during a series of trials now called the “Cent’Anni di storia” trials (CIS 29). The trials revealed the extent to which the clan was profiting off of development of the port and its daily operations. 35% of the companies that received public grants for development of the port had some form of association with a local ‘Ndrangheta clan while another 20% of the companies maintained a direct association (CIS 29). In her book Mafia Brotherhoods, Letizia Paoli points out that Contship Italia and Medcenter, the owners of the Medcenter Terminal, “inserted firms indicated by the defendants in port-servicing activities and have hired people recommended by the mafia sodality” (218). Contship and Medcenter were not the subjects of any legal action and maintained that they were solely victims of ‘Ndrangheta who cooperated completely with law enforcement throughout the entire process. Meanwhile, the leadership of the clan was decimated. Girolamo, Peppe, and Gioacchino Piromalli were quickly convicted and incarcerated, while Rocco Molè was killed near Gioia Tauro that same year. This legal action compelled the ‘Ndrangheta clans that depended on the Port of Gioia Tauro,

including the Piromalli-Molè clan, to complete the transition from protection rackets and construction contracts to a more absolute dependence on drug trafficking (Gratteri 153).

It is difficult to determine the amount of drugs that enter Europe through Gioia Tauro, in addition to its share of the overall drug imports for the continent and criminal profits from these operations. Measuring these phenomenon runs into the classic problem of trying to quantify clandestine market exchanges. However, weighing evidence such as increases in overall quantities seized in Gioia Tauro and extensive ‘Ndrangheta ties to South American cocaine production, Italian authorities are able to make some estimates. There is also a general rule used by law enforcement when quantifying the total amount of drug traffic. Italian law enforcement maintains that there are about nine kilograms of undetected cocaine moving through Gioia Tauro for every kilogram seized (Mucci).

The CIS assessment found that, “most of the cocaine coming from Colombia reaches Europe through Gioia Tauro. The illegal trafficking is confirmed by the huge amounts of drugs confiscated in the port during various law enforcement operations...” (29). In his book, Cocaine Trafficking in the Caribbean and West Africa in the Era of the Mexican Cartels, Daurius Figueira identifies a news report from November of 2010 titled “10 tons of cocaine seized at Italian port” (62). The article is referring to an incident in which Gioia Tauro Port Security discovered 10 metric tons of cocaine inside a shipping container originating in Brazil. Italian authorities announced that the seizure was the largest in Italy in 15 years, and designated the Port of Gioia Tauro as “part of a new ‘Ndrangheta pipeline for cocaine to enter Europe as this port is in the heart of ‘Ndrangheta’s domain” (62). Figueira continues:



According to Italian authorities the size of the haul indicates that ‘Ndrangheta is now moving cocaine into Europe via Italian entry points for distribution to the rest of Europe. A new hub is now being opened up in Italy to reduce the vulnerability of cocaine shipments focused to enter the North West and South West hubs. This new pipeline is an indication of the working relationship that exists between the ‘Ndrangheta, the cocaine producers and the DTOs of the Caribbean Basin (63).

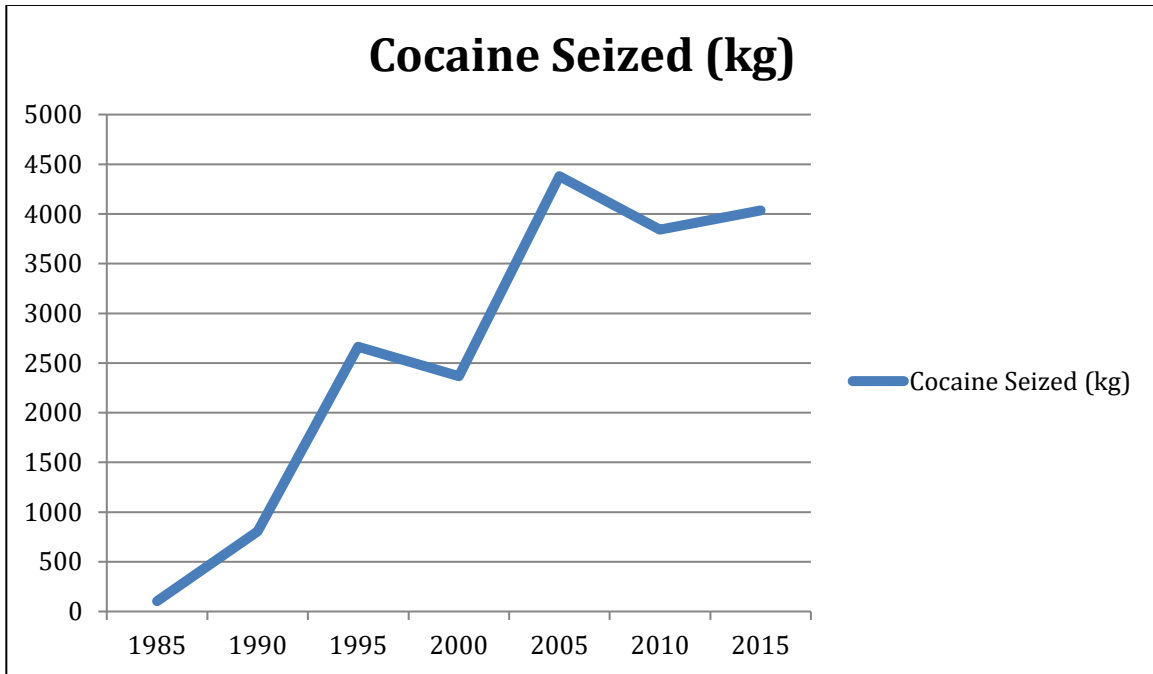
Following the breakup of the Piromalli-Molè racket in 2008, ‘Ndrangheta has successfully cultivated relationships with each of the major Mexican Cartels: Los Zetas, Sinaloa, and Gulf, in addition to cocaine producing cartels in Colombia (the Mexican cartels maintain their own separate cocaine producing operations in Peru). The Reggio Calabria Prosecutors Office announced in July of 2011 that ‘Ndrangheta maintains a “hegemony” over the cocaine market in Europe because of its arrangements with South American cocaine producers (Figueira 64). A separate operation was discovered in 2008, revealing another alliance between certain ‘Ndrangheta clans and the Gulf Cartel. In June of 2012, six tons of cocaine were seized in Northern Italy, revealing further ‘Ndrangheta ties to South American cocaine production. Italian authorities discovered that the international trafficking operation, while headquartered in the region of Piedmont, “involved moving cocaine to Europe from Argentina, Venezuela, and the Dominican Republic,” indicating ‘Ndrangheta business ties to South America are even more extensive than previously thought (Figueira 64). Business Insider recently reported on the discovery a massive ‘Ndrangheta trafficking ring by Italian authorities in January of 2017. In this case, 54 people were arrested for having conspired to traffic \$1.7 billion worth of cocaine into Europe. According to the report, “the group was allegedly conspiring to import about eight

metric tons, or 17,637 pounds, of cocaine from Colombia into Europe via seaports and airports in Calabria...” (Woody). The product itself was discovered at a cocaine plantation in Colombia and marked for transport to Italy. This discovery is a recent addition to a series of drug seizures involving the continued use of Gioia Tauro by ‘Ndrangheta, confirming its suspected dominance over Europe’s total cocaine supply.

Figueira explains, “the lesson of this news report is that the ‘Ndrangheta have now created their own DTOs (drug trafficking organizations) moving product to Europe via multiple jump off points from Central to South America and the Caribbean. The Caribbean Basin is then today the pond of ‘Ndrangheta and its alliance partners: the Sinaloa Cartel and Los Zetas” (65). The following map indicates the general maritime supply route used by ‘Ndrangheta and its business partners in the Colombian, Zetas, Sinaloa, and Gulf cartels, linking their cocaine bases in South and Central America to the Port of Gioia Tauro.



Following the transformation of the Port of Gioia Tauro and overall increases in commercial activity in Italy's ports during the 1990s, cocaine seizures steadily rose from around 100 kilograms annually during the 1980s to over 4000 kilograms annually since 2008. Between 1985 and 2015 annual seizure levels actually increased by over 3800%.



(European Monitoring Centre for Drugs and Addiction)

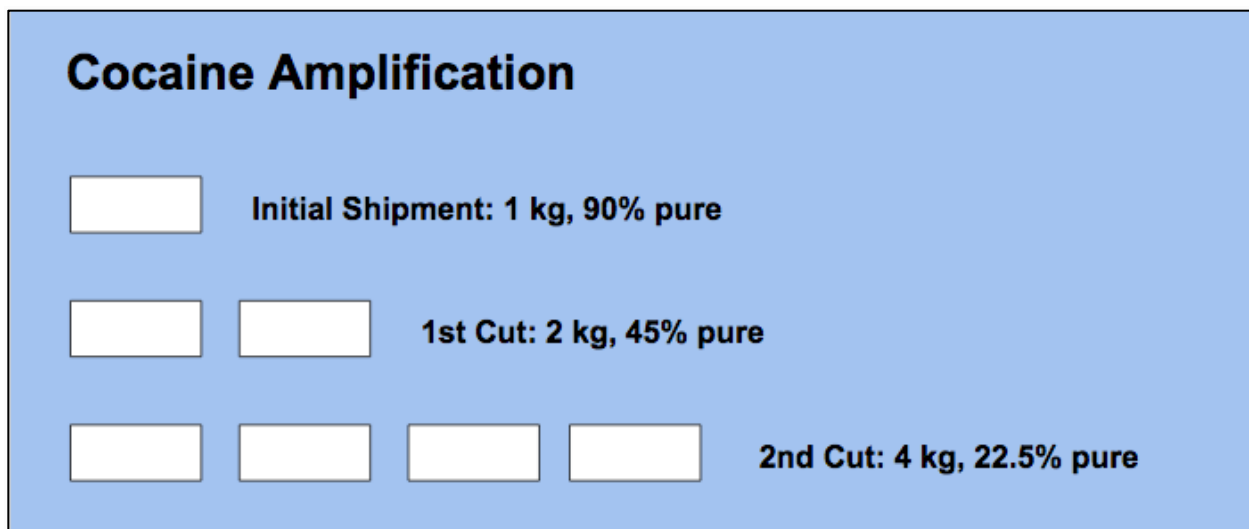
Italian authorities have seized about 4 metric tons (4000 kilograms) of cocaine per year since 2008, according to a report published by the European Monitoring Centre for Drugs and Addiction, an agency of the European Union. The report also found that, “the maritime route of illicit drug trafficking is of primary importance for all substances...” (EMCDA), indicating cocaine primarily arrives by ship. The *Direzione Investigativa Antimafia* (DIA), an Italian law enforcement agency that deals with organized crime, found that 5 metric tons of cocaine was seized at the Port of Gioia Tauro between 2011 and 2014 (Mucci). These statistics indicate that

about 31% of the total amount of cocaine seized in Italy during this period was seized at the Port of Gioia Tauro itself, while much of the remainder is believed to have come by way of the port. Given the “nine for every one” rule for drug confiscations, the DIA estimates that a total of 50 metric tons moved through the port between 2011 and 2014 (Mucci). In an interview with Al Jazeera, an Italian magistrate specializing in organized crime named Roberto Di Palma remarked, “when it comes to drug trafficking, it is always hard to have reliable numbers. What we can say with certainty is that in terms of numbers of drug requisitions by port authorities, Gioia Tauro tops Europe” (Mucci).

Between 2011 and 2014, about 80 metric tons of cocaine was seized in the European Union, with Italy’s own seizures contributing about 20% to this total, despite representing only 8% of the EU’s population. Aside from Italy’s outsized impact on European cocaine seizure total reinforcing its status as a crucial landing point for the continent, note the difference between the estimated amount of cocaine moving through Gioia Tauro (50 metric tons) and the estimated amount consumed in the European Union (360 metric tons) between 2011 and 2014 (EMCDA). It is important to understand why these numbers still cause law enforcement officials in Italy and the European Union to estimate that as much 80% or more of the total amount of cocaine consumed in the EU arrives by way of Gioia Tauro, even though it would seem that its share of the total is much smaller. The answer can be found in the quality of the cocaine that arrives in Gioia Tauro, which is about 90% pure on average, a testament to the lucrative relationship between ‘Ndrangheta and its South American partners. This relationship allows the clans to import very pure cocaine directly from its producers and dominate the European market.

According to Vincenzo Caruso, an official in the Guardia di Finanza (a law enforcement agency specializing in financial crime), "the cocaine arriving in Gioia Tauro is usually about 90

percent pure, meaning that it can be cut up to four times before being placed on the market" (Mucci). The process of "cutting" cocaine involves mixing filler material into the initial quantity to expand its mass, and therefore the amount that can eventually be sold. In this way, the original 50 metric tons of 90% pure cocaine can quickly double, triple, and quadruple in mass as it is divided and cut by different dealers before final consumption. The estimated 50 metric tons that passed through Gioia Tauro between 2011 and 2014 was amplified until it reached a figure closer to 250-300 metric tons, and a purity of 20-30%. The following graphic helps illustrate this process.



The capacity of highly pure cocaine to expand once it enters the European drug market confirms 'Ndrangheta supremacy as a drug trafficking organization. Since the transformation of the Port of Gioia Tauro in 1995 and the overall surge in commercial shipping activity in the 1990s, the organization has successfully positioned itself as the primary importer of cocaine on the continent, using Gioia Tauro as its landing point. To make the quantum leap from protection rackets, kidnappings, and construction projects to controlling 80% of the European cocaine

market and earning tens of billions of dollars in annual revenue, 'Ndrangheta required an innovative and effective structural model, reminiscent of the "flexible, federalist structure" attributed to the Camorra by Roberto Saviano (45).

## Tony Vallelonga Case Study: Globalization without legal symmetry

Nicola Gratteri is an anti-mafia prosecutor based in Calabria and arguably the leading expert on 'Ndrangheta in the world. His position as *Procuratore della Repubblica di Catanzaro* has afforded him extensive contact and experience with 'Ndrangheta membership, and much of the information yielded from his study of 'Ndrangheta on an organizational level is included in his book, Fratelli di sangue. In his discussion on the 'Ndrangheta structural model, Gratteri begins with the *locale* (70). The *locale* serves as the basic organizational unit of 'Ndrangheta, is composed of 49 affiliate members, and governed by a three-man executive committee called a *terna* (Gratteri 70). According to Gratteri the three executive positions that form a *terna* are the *Capo Bastone*, the *Contabile*, and the *Capo Crimine*. The *Capo Bastone* acts as the traditional familial head of the clan, who is ideally connected to numerous clan members by blood and marriage. The *Contabile* is the clan treasurer, responsible for handling licit and illicit earnings, distributing earnings to members, and engaging in practices like money laundering. The *Capo Crimine* is an expert on the particular criminal enterprise of the clan and would, for example, maintain contacts with Mexican drug cartels and port operators for the clan (Gratteri 70). Many of the hyphenated clan names refer to a *locale* in which two criminal families share jurisdiction. The previously mentioned Piromalli-Molè clan consists of two families operating together in a *locale* under combined leadership. Before both families were broken up by law enforcement, the Piromalli family served as the dominant partner and controlled the *Capo Bastone* and *Contabile* positions while the Molè family controlled the *Capo Crimine* position (Gratteri 154).

Gratteri explains that a *locale* is a relatively simple institution that can be replicated outside of Italy (70). *Locali* have been documented in Australia, Canada, Argentina, Germany,

Holland, France, Spain, Switzerland, Colombia, and the United States. To a lesser extent, there is evidence of ‘Ndrangheta operations in Syria, Turkey, South Africa, Morocco, and Russia (Rinaldi). Without a hierarchical system like the Sicilian *Cupola*, ‘Ndrangheta clans are able to make independent business arrangements with one another and with outside organizations like the Mexican drug cartels or human trafficking groups in the Middle East and Africa.<sup>2</sup>

‘Ndrangheta clans are also free to specialize in the type of criminal enterprise that suits their location in the world and adjust to changes in the market (Rinaldi). For example, the Nirta clan has formed a *locale* in South America specializing in trafficking cocaine to Gioia Tauro, in addition to partnering with the Strangio clan to form another *locale* in Germany for distribution. Meanwhile the Di Giovane clan uses its *locale* in Switzerland to import hashish. The Timboli, Sergi, and Barbaro clans operate several *locali* in Australia for the purposes of arms and heroin trafficking (Rinaldi). Some ‘Ndrangheta clans with heroin trafficking connections to the Middle East made the transition to human trafficking when the Syrian Civil War and subsequent asylum opportunities in Germany created a new demand for entry into Europe. This flexible network allows ‘Ndrangheta to move the supply to the demand, whether its human beings from Syria to Germany or cocaine from Colombia to Italy (Rinaldi).

The establishment of this network of *locali* around the world is part of a criminal “colonization” process, made possible by previous waves of emigration out of Calabria. Since the emigration out of Calabria in the 1950s and 60s it has become very apparent to international law enforcement that ‘Ndrangheta clans can establish themselves far outside of their native communities through a form of colonization. According to the 2013 Italian Organized Crime Threat Assessment published by Europol:

<sup>2</sup>The *Cupola* or Commission is an institution created by the Sicilian Cosa Nostra to act as its governing body. The *Cupola* featured representatives of the different mafia territories and was used for the mediation of disputes, sanctioning disciplinary action, and the general regulation of mafia activities. Its existence was revealed to Italian law enforcement by Tommaso Buscetta, a former mafioso and informant, during maxi-trials of the late 1980s and early 1990s.



‘Colonisation’ is a term frequently used to illustrate the expansion of the ‘Ndrangheta outside its native region of Calabria. ...Cosa Nostra and other Sicilian groups do not try to replicate their basic structures away from Sicily, but they tend to send emissaries. Not so with the ‘Ndrangheta, which implants perfect copies of its essential structures in territories not under its control, pursuing a long-term strategy of progressive infiltration in new economic and social environments... Consolidated and better integrated immigrant communities of Calabrians all over the world provided fertile ground for external offshoots of the criminal organisation (11).

Since Italian unification during the 19th century, emigration out of Southern Italy and into states throughout Europe and the Americas has been commonplace. Much of this phenomenon was due to persistent economic underdevelopment in the region. As a result, Italians left Southern Italy in waves, the largest of which occurring between 1951 and 1965. During this period an estimated 4,661,000 individuals would leave Italy (“Italiani Emigrati”). This period also marks the largest exodus of Calabrians, which would make up a significant portion of those emigrating out of Italy. The most predominantly Calabrian waves of emigration out of Italy arrived primarily in Canada, Germany, Argentina, and Australia during this period, while Calabrian immigration to the United States peaked before the First World War and fell steadily for the rest of the 20<sup>th</sup> century. The immigrant communities in which ‘Ndrangheta operates today were established during this 14 year period between 1951 and 1965, and the organization still relies on them for recruiting local Calabrian membership. These communities

were “consolidated and better integrated,” and provide “fertile ground for external offshoots of the criminal organization” (Europol 11). New *locale* members in Canada, Australia, Germany, or Argentina are integrated into the host community, likely to hold Italian and local citizenship, and receptive toward ‘Ndrangheta structures such as its initiation ritual and practice of intra-clan marriage.

Tony Vallelonga, born Domenicantonio Cosimo Vallelonga, left Calabria as a teenager in 1963 amidst the wave of emigration from the region. He went on to have a successful career in Australia as a property developer and active member of the large Calabrian community in and around Perth, the capital of Western Australia. It is still unclear whether Vallelonga became an initiated member of ‘Ndrangheta in Calabria as a teenager or after immigrating to Australia (McKenzie). According to Nicola Gratteri, Perth and its suburbs in Western Australia falls under the *locale* of the Romeo clan (236). It is likely that Vallelonga worked as an affiliate of the Perth *locale* as his property development business grew and he began to enter local politics in Sterling, a suburb of Perth. He was elected to the Sterling City Council and served four terms as the city’s mayor from 1997 to 2005 (McKenzie). The extent to which Vallelonga facilitated ‘Ndrangheta activity in Australia during his time as an elected official has not yet been revealed by Italian investigators, but it is suspected that he may have manipulated waste disposal, building contracts, and law enforcement, potentially even using his licit businesses for money laundering and cover for the *locale* activity (McKenzie). Vallelonga retired from elected office in 2005 as a popular local leader, known for his involvement in a children’s charitable foundation and work in the development of Sterling. He was even named an Honorary Freeman of the City of Sterling for his service and continues to swear in city’s newly elected mayors (Pond).

In 2009, Vallelonga visited his hometown of Siderno, Calabria. During the visit he held a

meeting in a laundromat with the *Capo Bastone* of the Siderno *locale*, a man named Giuseppe Commisso (McKenzie). Italian law enforcement under the direction of Nicola Gratteri had arranged a wiretap of the laundromat to listen to Commisso's conversations about 'Ndrangheta operations and inadvertently caught and later identified Vallelonga as well. The conversation between the two men involved a debate over the creation of a new *locale* in Perth to be controlled by Commisso. Vallelonga argued that he and the other Australian bosses would not approve such a *locale*, warning, "As long as I'm alive, you don't get a *locale* and that's that!" (McKenzie).

In 1992, Italy passed a package of anti-mafia legislation that provided for the use of undercover operations and wiretaps, and criminalized the buying of votes on the part of elected officials (UNODC). This legislation made the material gathered at the Commisso-Vallelonga meeting admissible in Italian courts, and successfully demonstrated their 'Ndrangheta association according to the legal standard set forth by Article 416 of the Italian Penal Code. This article, first introduced to the code with the 1982 La Torre Law, criminalizes "Participation in an organized criminal group" and broadly defines participation as:

- Organizing, directing, aiding, abetting, facilitating or counseling the commission of a crime involving an organized criminal group.
- Participation in criminal activities of an organized criminal group.
- Agreement to commit a serious crime (conspiracy).

According to the law, “when three or more persons associate in order to commit several criminal offences, those promoting or setting up or organizing such association shall be liable, for this sole offence, to imprisonment for 3 to 7 years. For the sole fact of participating in the association, the punishment shall be imprisonment for 1 to 5 years. Those directing the association shall be liable to the same punishments as those promoting it” (UNODC).

Vallelonga was accused under Italian criminal law of participation in an organized criminal group. In his conversation with Commisso, he demonstrated extensive knowledge of and participation in ‘Ndrangheta activity in Calabria and Australia, speaking not only as a participant, but one in a position of authority attempting to promote, direct, and organize the group (UNODC). Tony Vallelonga was not aware of the investigation until 2011, when it was announced that Nicola Gratteri was seeking an extradition to prosecute him in Calabria for participation in an organized criminal group. The announcement came as an enormous surprise to the entire country, and particularly in the communities around Perth and Sterling (McKenzie).

The extradition request stalled almost immediately (McKenzie). The reason for the ultimate failure of the request can be found in the fine print an international diplomatic agreement between Italy and Australia. The two countries established an extradition treaty in 1985 entitled “Treaty of Extradition Between Australia and the Republic of Italy,” which came into force in 1990. In Section 1 of Article 2, “Extraditable Offenses,” the treaty states:

Extraditable offences are offences which, at the time of the request for extradition, are punishable **under the laws of both Contracting Parties** by imprisonment or other deprivation of liberty for a period of at least one year or by a more severe penalty. Where

the request for extradition relates to a person convicted of such an offence who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty, extradition shall be granted only if a period of at least six months of such penalty remains to be served (Federal Register).

The part of Article 2 Section 1 that requires the offense to be “punishable under the laws of both Contracting Parties” is typically referred to as a “dual criminality” clause. This requirement is a common component of extradition treaties, as it prohibits extradition in cases where the offender broke a law that exists in the country seeking the extradition but does not exist in the host country. A dual criminality requirement would, for example, allow the U.S. government to lawfully refuse a request by the Chinese government to extradite a Chinese individual residing in the United States for breaking a censorship law that does not exist in the United States but does exist in China. In this way, Article 2 Section 1 of the Australia-Italy extradition treaty effectively prevents the Australian government from extraditing Tony Vallelonga, because the Australian penal code does not criminalize participation in an organized criminal group as severely or as broadly as its Italian counterpart.

In Australia, the task of combatting organized crime is complicated by the country’s form of federalism. Australia is a federation made up of nine separate jurisdictions, each with their own sets of laws, including six states, two territories, and the Commonwealth. This arrangement makes it difficult for Australia to create a united front in the criminalization of participation in an organized criminal group (Sergi 327). In the Tony Vallelonga case, the relevant state law would be the Criminal Organizations Control Act in Western Australia, enacted in 2012. However, this legislation does not criminalize the behavior of Tony Vallelonga during his 2009 visit to Calabria

because it is written very generally, while its Italian counterpart specifically defines ‘Ndrangheta association as a criminal association and provides for jail time. The Western Australian legislation only goes so far as to enabling “control orders to be made to disrupt and restrict the activities of members and former members of the organization and certain other persons” (Federal Register). Western Australian law enforcement can use evidence such as Tony Vallelonga’s laundromat conversation to secure a declaration stating that a particular association is a criminal association, which then gives the state more scrutiny power in the form of infiltration or surveillance, in order to obtain evidence of actual crimes committed by members. Whereas in Italy, Tony Vallelonga’s laundromat conversation is sufficient proof of participation in the activities of ‘Ndrangheta, an organization specifically identified as being a criminal association, earning him a guaranteed prison sentence.

In a paper titled “Countering the Australian ‘Ndrangheta,” Anna Sergi explains:

Within the more general approach against organized crime as seen across Australian jurisdictions, the only way to actually criminalize mafias would be by adding the ‘ndrangheta to the list of proscribed criminal associations. This, however, is bound to be a very unpopular choice: first, because it would carry the risk of criminalizing ethnic connotations (the Calabrian element of the ‘ndrangheta) and second, as said, because we do not actually know how *formal* is the organizational structure of the Calabrian clans in Australia. The risk would be, once again, to target (ethnic) identities and not (mafia) behaviors, which the ‘ndrangheta exhibits also in Australia (329).

Anna Sergi proceeds to discuss the ways in which Australia can thread the needle and criminalize criminal behavior and not ethnic identity, and upholds the Italian La Torre Law and American Racketeering Influenced Corrupt Organizations Act as examples for doing so. But the situation in Australia is such that its anti-association laws are not really anti-mafia laws, and the differences between the Australian and Italian penal codes with regard to criminal associations render the possibility of dual criminality and extradition impossible in the case of Tony Vallelonga. Moreover, the extradition agreement between Italy and Australia requires that the relevant offense be punishable under the laws of both countries “at the time of the request for extradition.” Western Australia’s Criminal Organizations Control Act was not enacted until 2012, while Nicola Gratteri’s request was made in 2011. Essentially, the window for arresting and prosecuting Tony Vallelonga closed the moment he returned to Australia from his 2009 trip to Calabria.

The problem has not only affected the prosecution of ‘Ndrangheta in Australia. In 2012, Nicola Gratteri remarked, “it is ten years since we told the Canadians to pay attention because ‘Ndrangheta is very present in Canada, mostly in Toronto... We did not have good collaboration with the Canadian police” (“Italian prosecutors”). Gratteri identified the same problems with the Canadian case: Canadian law enforcement is unwilling to aggressively prosecute ‘Ndrangheta activities in Canada and will not allow the Italian state to do so in its place through extradition because of the country’s lack of a mafia-association law (“Italian prosecutors”). In this way, ‘Ndrangheta *locali* in Canada enjoy the same protection as their Australian counterparts. In fact, there are currently 30 Canadian citizens identified by Italian law enforcement as participants in ‘Ndrangheta criminal activities, and nearly a third have outstanding Italian arrest warrants. These individuals are effectively shielded by the legal asymmetry between the two countries (“Italian

prosecutors”). Meanwhile in Argentina, another prominent ‘Ndrangheta base, Article 210 of the country’s penal code “provides the offense of *asociación ilícita*, and punishes anyone who takes part in an association of three or more persons “*dedicated to the commission of crimes*” (Savona 243). Argentinian courts are able to categorize Italian mafia-type association as an association dedicated to the commission of crimes and prosecute ‘Ndrangheta members more actively or fulfill the dual criminality requirement for extradition to Italy (Savona 243). As a testament to the legal symmetry between the two countries, Argentina granted an Italian request for the extradition of Pantaleone Mancuso, a high-ranking member of the Mancuso clan, in 2014 for his ‘Ndrangheta association. Legal symmetry is a powerful weapon against ‘Ndrangheta, but it requires a community-wide agreement on legal principles like mafia association. Without this agreement, ‘Ndrangheta will always be able to reconstitute itself in a new corner of the world where it can continue to operate, out of the reach of justice.



## Conclusion

Franco Roberti served as the Italian National Anti-Mafia Prosecutor and head of the National Anti-Mafia and Counter-Terrorism Directorate from 2013 to 2017. During his time as the country's top anti-mafia prosecutor, Roberti was a vocal critic of the lack of legal integration in the international community. In 2016, during a panel hosted by John Cabot University in Rome, Roberti identified "irregular legal symmetry between different countries," "scarce international cooperation," and "differences between judicial systems" as significant barriers to the prosecution of transnational organized crime (Roberti). His emphasis on the concept of legal symmetry serves as a warning to the international community. Since the 1990s, states have demonstrated an aggressive capacity to pursue economic integration, but ignore the implications of this integration on the expansion of organized crime. Economic integration and the surging commerce that comes with it must be complimented with legal integration, which allows parallel legislation to span borders with the same ease demonstrated by criminal organizations. As the international community grapples with the global economy, the world's youngest economy, inconsistencies are bound to arise until they are ironed out. However, the gap between economic and legal integration is one of the most glaring inconsistencies due to the extent to which it has empowered criminal organizations like 'Ndrangheta.

No one ever said growing up was easy, but the global economy is arguably over 25 years old. 25 years have passed since the world was first confronted with the challenges of rapid globalization. States must recognize that the commerce that benefits them also presents opportunities to parasitic actors outside the licit economy. Only when the international community begins the aggressive pursuit of anti-mafia legislation criminalizing mafia association outside of Italy, combined with commitments to provide the technology, manpower,

and information needed to secure international commercial hubs like the Port of Gioia Tauro, will it begin to curtail the capacity to of 'Ndrangheta to produce tens of billions of dollars in annual revenue through a legacy of exploitation, extortion, murder, corruption, fraud, environmental damage, in addition to the trafficking of human beings, drugs, weapons, and contraband.

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