

**Organised crime:
A challenge to (inter)national policy**

**A discussion paper presented by the
German Commission for Justice and Peace**

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1. Introduction

At the latest since the Russian Federation's war of aggression on Ukraine, which has violated international law, national and international security policy has once again become the focus of social debates.

The discourse has many facets: What are the threats not only to Western democracies, but also to the international peace order? What role do military strength and deterrence play in this situation? How can energy and food security be guaranteed? How important is the protection of our environment in these considerations?

With unsparing harshness, this war has revealed the limits of our lifestyle, the vulnerabilities of our form of society and the fragility of the international order. It is therefore more than necessary to discuss all these questions on a broad social scale and to find political solutions. The German Commission for Justice and Peace is actively involved in this process. In this regard, it is not only a matter of making the insights of Catholic social and peace teachings fruitful for these debates, but also of uncovering blind spots in the discourse. From our perspective, the manifold security threats posed by organised crime (hereafter abbreviated as OC) are such a blind spot. In this sense, this publication is intended as a contribution to the discussion for a future national and international security policy in a comprehensive perspective.

Unlike military conflicts, rising energy prices, etc., the threat potential of OC is by no means immediately evident. This is largely due to the fact that it is part of the nature of OC to operate above all in secret. Nevertheless, it poses a threat that can hardly be underestimated. However, this discussion paper is by no means intended to be a comprehensive compendium of OC - the phenomenon is too complex for that. The complexity already begins with the fact that it is by no means clear what is meant by OC. Our primary aim is to raise awareness of this issue and to shed more light on a few selected aspects of OC.

With this intention, the German Commission for Justice and Peace has already decided in 2019 to deal with the political implications of the phenomenon of OC. To this end, an interdisciplinary expert group was set up, which accompanied the drafting of this discussion paper and submitted it to the Commission for adoption.

In summary, this publication aims at three points:

- (1) Contribution to the social debate in Germany.
- (2) Sensitising the church public in Germany to this topic.
- (3) Providing a basis for further discussions with our international partners.

2. Organised Crime - a neglected issue in Church and society

On 21 June 2014, Pope Francis gave a remarkable homily in Calabria, Italy. In this stronghold of the 'Ndrangheta, he imposed on the members of the Calabrian Mafia one of the most severe punishments known to canon law - excommunication. He justified the exclusion from the ecclesiastical community with its socially destructive orientation, which is, however, characteristic of all mafia and mafia-like forms of crime:

"This is 'Ndrangheta: Adoration of evil and contempt for the common good. This evil must be fought, it must be cast out! One must say 'no' to it! The Church, which I know is so committed to raising awareness, must be ever more concerned that goodness prevail. Our kids demand it, our youth, in need of hope, demand it. Faith can help empower us to respond to these needs. Those who follow this evil path in life, such as members of the mafia, are not in communion with God: they are excommunicated!"

In terms of content, this papal statement comes as little surprise, since it is virtually obvious that participation in criminal organisations is not compatible with the Gospel message of peace. However, Pope Francis' clear words should not obscure the fact that the Catholic Church's relationship to mafia organisations has been quite contradictory in the past and that the Church's social and peace teachings have so far remained largely silent on mafia groups and their activities. Vittorio Alberti, coordinator of the Vatican working group on the excommunication of mafias, resolutely pointed out this deplorable state of affairs to the news portal Vatican News in 2021:

"We became aware that in the social teaching of the Church, in canon law and in the Catechism there is no mention of the excommunication of mafiosi."

Even if the mafia must not be equated with the phenomenon of OC, these statements can nevertheless stand pars pro toto for the Church's approach to OC. For the systematic void within the Roman social and peace teachings with regard to the mafia also means that this also exists with regard to OC, which is to be understood more comprehensively.

The above-mentioned sermon should therefore by no means be understood as the final point of the church's confrontation with OC; rather, it is an impetus for us to continue and deepen our reflections. The basis for this reflection is not only the insights gained from the learning process of ecclesiastical social and peace teaching, but also in particular the experiences of numerous local churches which are confronted with considerable problems as a result of these criminal activities. It is therefore all the more necessary to enter into a phase of universal church debate, since the social and security challenges posed by the mafia have hardly been taken note of and considered in church and theology so far.

This blind spot in church teaching can also be found in the official statements of the Church in Germany. For example, the German bishops' publication "Gerechter Friede" ("A Just Peace") from 2000 did not yet deal with the phenomena of OC. Considering that many local churches - in Mexico, Colombia, Italy or Albania, among others - are

confronted with OC and its effects on a daily basis and that church representatives are threatened and killed by its actors, there is an urgent need to catch up in this regard.

However, it is not only the church discourse in Germany that reveals a need for future development with regard to OC. Also, in social debates in Germany, it plays only a subordinate role. This may be due to the fact that the perception of this range of topics in Germany is often distorted. There should be no doubt that the annual Federal Situation Report of the Federal Criminal Police Office (BKA) is regarded as the main source of information on OC activities in Germany. It is, however, often overlooked that this situation report only represents an investigative perspective of the police and should be read accordingly:

For example, in 2020, according to the Federal Situation Report, the most frequent offences in the context of OC in Germany were narcotics, economic and property crime; these three areas are responsible for approx. 70% of the total occurrence of OC in Germany. Since these statistics only reflect the offences recorded by the police, it must be assumed that the number of unreported cases is higher. In addition, it depends on the concrete police work and thus on the type of offences, their classification and their prosecution. Thus, forms of crime such as drug offences which, inevitably, take place in public spaces repeatedly, are more likely to be registered and recorded by the police. Furthermore, it must be taken into account that these statistics only reveal the visible side of OC; in addition, OC also has a hidden side which is about the establishment and maintenance of power structures, social influence, etc. This corresponds to the common expression of OC as "crimes without visible victims", which hardly appear in police statistics. One might think here of victims of illegitimate (structural) violence, which is about intimidation and maintaining or gaining power.

As important as sources of information such as the Federal Situation Report are, it must not be forgotten that these do not portray reality, but represent only sections of it.

Yet another aspect of reality attracts public attention. As a rule, the public is interested in those forms of OC that are connected to socially irritating topics, such as the smuggling of people in the course of international migration flows or those that can be presented particularly well in the media, such as so-called clan and rocker crime. The picture painted by the media can easily awaken feelings of insecurity in the population, which must be taken seriously. At the same time, it must be asked whether and to what extent such a sentiment corresponds to the real pressure felt.

It would therefore be wrong to think that OC does not play a role in the public consciousness, but it can at least be stated that perceptions of OC only fragmentarily reflect reality.

Finally, it must be noted that the public discourse on OC does not do justice to its complex destructive potential. The consequences of OC are capable of permeating entire societies by fuelling fears and insecurities or even undermining trust in state law

enforcement and the state's monopoly on the use of force. As will be shown, OC threatens the security of people and their coexistence in societies and states on several levels. In this context, the concept of **human security** proves to be a suitable instrument for grasping the multidimensionality and complexity of the threats posed by OC. This is because it also includes security risks such as health hazards, environmental degradation and social problems, because they represent a danger to the peaceful coexistence of people.

3. Definitions of organised crime and their suitability

Numerous different forms of crime in the public sphere fall under the generic term OC; a conceptualisation of this phenomenon is correspondingly difficult. In Germany, however, a definition has been established that was developed as early as 1990 by the joint working group "Justice and Police". This describes OC as follows:

"Organised crime is the planned commission of criminal offences determined by the pursuit of profit or power, which individually or collectively are of considerable significance, if more than two participants work together for a longer or indefinite period of time in a division of labour a) using commercial or business-like structures, b) using violence or other means suitable for intimidation or c) influencing politics, the media, public administration, the judiciary or the economy".

This German working definition recognisably places the main emphasis on the commission of certain offences. In contrast, the European Union Agency for Law Enforcement Cooperation (Europol) draws more attention to the aspect of criminal communitisation or forms of organisation of OC. This is what it says on the Europol website:

„OCGs [Organised Crime Groups] are as varied as the markets they service and the activities they engage in. In many cases, OCGs reflect the societies, cultures and value systems they originate from. As societies across Europe become more interconnected and international in outlook, organised crime is now also more connected and internationally active than ever before. Since the year 2000, the United Nations Convention against Transnational Organized Crime has provided an internationally shared definition of an organised criminal group as 'a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit.' [...] However, this definition does not adequately describe the complex and flexible nature of modern organised crime networks. OCGs operate in a criminal economy dictated by the laws of supply and demand and are favoured by social tolerance for certain types of crime such as the trade in counterfeit goods and specific frauds against public authorities or large companies. These factors will continue to shape the organised crime landscape. Individual criminals and criminal groups are flexible and quickly adapt to exploit new victims, to evade countermeasures or identify new criminal opportunities.“

Specifically, Europol speaks of criminal groups, networks or experts who are active in the following areas, e.g. through corruption, violence, online trade, etc: Money laundering, cybercrime, drug production and trafficking, fraud, illegal waste trade, crimes against intellectual property, smuggling of migrants, property crime, corruption in sports, trade in endangered species, arms and human trafficking.

Many other attempts at definitions could certainly be made here and we will refrain from introducing a further definition of OC into this discourse. However, in our opinion, the comparison and interplay of the two definitions presented already makes the decisive point clear: **the comprehensive and potentially society-destroying character of OC.**

The term OC as a collective term thus stands for organised structures, i.e. structures based on the division of labour, which are fundamentally characterised by a striving for financial gain and/or power of influence in the criminal milieu and/or in society. OC actors use a whole range of criminal activities based, among other things, on violence, deception and intimidation. Even though OC structures often operate in an international network, their individual actors or units of action belong to a certain society and culture, which shapes both their (criminal) ethos and their understanding of law/injustice. This enabling and experiencing of belonging makes membership in such an organisation or network, each with its own ethos and rules, particularly attractive to some. The cultural embeddedness of OC points to another side that needs to be taken into account. **The success of OC depends not only on their aggressive representation of interests and the veil with which their activities are covered, but also on the degree of social and political tolerance, approval or even support. The decisive factor is that there is a social demand for the offers and services of OC groups in the first place.**

4. Social-ethical aspects of organised crime

4.1. Organised crime in the light of Catholic social teaching

The Church's social teaching traditionally has its basis in the following principles: the principle of personhood or human dignity, the principle of justice, the principle of solidarity, the principle of common good orientation and the principle of subsidiarity. In the recent past, another principle has been added: that of sustainability. According to Catholic conviction, these principles form the framework that supports successful human coexistence.

At the centre of Catholic social teaching is the principle of human dignity, which elevates the human being to the centre and starting point of all social and political reflection. However, social teaching does not take a neutral standpoint. Rather, it is characterised by the fact that all political and social developments are to be evaluated first and foremost from the perspective of the poorest and that the aim must be to improve

their living conditions. This basic conviction is expressed by the paradigm of the preferential option for the poor. And so, it is also necessary to evaluate the phenomenon of OC primarily from the perspective of the victims.

Based on the principle of human dignity, the aforementioned concept of human security is particularly compatible with the social teaching of the Church. This concept expands the concept of security, which in classical security policy primarily encompasses the security of states, by asking about the security risks for individual people. We therefore also understand this concept as an unfolding of universal human rights, especially Article 3, which states: "Everyone has the right to life, liberty and security of person." Through this extension, such important issues as human rights, integral development opportunities and basic justice issues take on a special significance in the security discourse.

If one looks at the phenomenon of OC from this perspective, it reveals its massive social hostility and destructive power. **The willingness to use violence and power for one's own goals, in order to be able to exploit and humiliate victims without hesitation, deeply violates their human dignity. For in this way they are completely instrumentalised and degraded.** This is in absolute contradiction to the principle of human dignity, as is made particularly clear in the example of forced prostitution. It is also a violation of the principle of the common good when social systems are undermined for exclusively particular interests by illegally influencing decision-makers through corruption, for example. The principle of solidarity, which is inextricably linked to the priority option for the poor, is violated when OC actors exploit people's plight for profit, as in the case of trafficking. The principle of sustainability is disregarded through offences in the area of environmental crime, such as illegal waste disposal. And finally, OC groups massively violate the principles of justice with their offences by disregarding the legal systems of societies and states. In doing so, they not only call these legal systems into question, but are also able to weaken the confidence of the population in the validity and enforcement of laws. Since in democratic societies based on the rule of law these laws have their foundation in general human dignity and respect for human rights, this also closes the circle to the violation of the principle of personhood. This brief overview thus shows that OC violates central demands of Catholic social teaching and the concept of human security for just, peaceful and sustainable societies and their organisation by, among other things, massively questioning the general validity of various human rights, ignoring central demands for justice and impeding the integral development of people and societies.

Of course, it is true for the vast majority of crimes that they ignore ethical principles, laws and rules. Compared to "normal" crime, the exceptional danger of OC lies in the fact that the crimes committed within this framework are neither random nor sporadic, but are carried out systematically and on a large scale. It is part of the business basis of OC to either undermine or exploit the legal order of a state and the moral foundation

of a society, instead of disobeying this or that law unplanned, on occasion or out of necessity. In this sense, OC is fundamentally antisocial and dangerous to the public.

4.2. The current importance of organised crime

Forms of OC have probably existed at all times but today we are confronted with new developments.

It is obvious that the current prevalence of OC goes hand in hand with global societal trends: At the social level, the simultaneity of local positioning and inter- or transnational networking has been promoted by general globalisation trends and the advancement of information technology and digitalisation. The erosion of the world order - noted from various sides - the rise of autocratic systems and so-called fragile states, the increasing socio-economic inequality within and between states and the gradual loss of importance of international organisations are also likely to provide a rich breeding ground for criminal activities. But this structural framework is only one side of the coin. In order for criminal activities to unfold at all within this framework, the individual and collective willingness to engage in illegal activities is necessary on the other side. The criminals' pursuit of power and quick money thus corresponds with the greed, desires and inclinations of those who make use of OC. The tendency to approve or even admire ruthless and unscrupulous behaviour when it serves personal gain weakens society's power of resistance against OC.

This rough sketch of the phenomenon of OC necessarily remains incomplete, especially since it is not our intention to present a comprehensive analysis of OC here. It is neither possible to derive an effective approach to prevention from it; for this it is necessary - in addition to what has been described so far - to take a look at the respective contextual conditions that enable and drive OC.

4.3. The social embeddedness of organised crime

A prominent feature of OC is its transnationality, i.e. individual groups or networks work together in a planned manner across national borders and are dependent on each other due to their division of labour. This is particularly evident in narcotics offences: there are cultivation or production sites, delivery routes for required materials and chemicals, transport routes for the substances and finally collection sites. Cocaine, for example, is mainly produced in Latin America, shipped by sea to a European cargo port and from there distributed overland in Europe. Sometimes consumption also increases over time in important transit areas. This example not only shows that transnationality must not be reduced to the fact that foreign groups of perpetrators are active in a certain country, but also how important infrastructure or the connection to global trade networks are for certain OC activities. This transnationality plays a separate role in cyberspace, since state borders play only a subordinate role there, if at all. Therefore, what is more important is structured transnational cooperation, without

which criminal activity in its entirety would not be possible. For within such a networked approach, the individual actors and the activities are interdependent.

Of course, there is not enough space here to look at all the specific and contextual enabling conditions of the various OC phenomena. In general, however, it is true that OC structures gain a foothold wherever there are favourable conditions for their activities and the risk of detection and prosecution is as low as possible. This inevitably brings fragile states and societies affected by conflicts into the centre of attention, even if one must not succumb to the fallacy that these are per se OC focal points. However, in such an environment, conditions are often found that offer sufficient leeway for OC activities. These include - among many other conditions - an inadequate legal framework, weak law enforcement and a high susceptibility to corruption. Equally significant are the lack of future prospects within the population and precarious living conditions. They increase the likelihood that parts of the population will be recruited or instrumentalised for OC activities. Cultivation, production, smuggling activities or illegal trade often offer one of the few possibilities to make a living.

The comparatively favourable conditions for OC in weaker and disadvantaged societies and states should not obscure the fact that OC has also gained a foothold in developed states - albeit in different forms. They offer, for example, profitable sales markets for various illegal narcotics, advantageous circumstances for the production and distribution of synthetic drugs, more or less great opportunities for money laundering or political influence through corruption. To put it bluntly, one could say that operating in such contexts requires a higher degree of professionalisation, organisation and concealment from OC actors. To a certain extent, therefore, the enabling conditions described above also apply to these states. In Germany, for example, complaints have been repeated for years that the public and political interest in certain forms of OC - for example money laundering - is extremely insufficient and that both the personnel and the material resources of the law enforcement agencies do not meet the challenges. In addition, there is the paradox that the actions, procedures and processes of such states follow laws and rules, which makes their actions transparent, predictable and calculable for OC actors. Of course, this does not change the fact that legal formality and law-abidingness in measures and procedures of state organs are high goods that must not be jeopardised or abandoned for the sake of fighting OC. That would cause the state itself to acquire criminal traits.

Operating OC on a large scale requires considerable organisational skills. Its actors use both similar and different conditions in their areas of operation. This involves regional differences, the difference between rural and urban areas, between border regions and inland regions. This flexibility and adaptability explains their depth of social penetration. The elites are more likely to form various kinds of white-collar crime, while drug smuggling, for example, is more likely to be carried out by socially weaker groups. Spreading into different milieus makes OC a cross-cutting social issue that manifests

itself in many facets. It often hides behind the façade of bourgeois normality. Only in special situations does it deliberately display the ruthlessness of its willingness to use violence in order to achieve certain goals, such as securing its supply chains. Because social attention mobilises the state authorities and harms business.

4.4. Organised crime in Germany

Even if there is neither a past nor a present of OC in Germany as in Italy or Mexico, for example, it would be a serious mistake to assume that OC does not exist in Germany. Indications clearly point to the fact that in this country the dangers posed by OC to our society tend to be underestimated. In this context, it must be warned against absolutising the case figures regularly published in the BKA's Federal Situation Report. On the one hand, a high number of unreported cases can be assumed in this area. On the other hand, experts believe that the willingness of the population to report OC is extremely low. Many people focus on the individual criminal events and not on their being embedded in larger systemic contexts.

One reason for this perception deficit can be the cultural reception of OC. For example, on the occasion of the 50th anniversary of the film "The Godfather" in German cinemas, the journalist Petra Reski explains how much our patterns of perception of the Mafia or organised crime have been shaped by this and other films of this kind. She writes in her article of 03 March 2022 "Dirty deals, neatly staged" on ZEIT Online:

"It [the film] embodied the idea of a good mafia with a human face, as guardians of old values like family, justice and honour [...]. [...] Mafia films provide justifications for violence: if you want to get to the top, you have to be tough and cruel, even against yourself, but especially against others. Such underdog stories are often free mafia PR. Legends of saints full of heroic deeds and trials that aspiring Mafiosi have to pass on the way to their own canonisation. The only thing that has changed since the Godfather is the form: It is no longer the Mafioso himself who is exalted, but the degree of violence he uses. No more bosses in pinstripes, but skinny boys in pants, track suits, faded jeans or greasy leather jackets. However, this portrayal is only more realistic at first glance; it does not scratch the myth of the Mafia. On the contrary: the crueller the Mafia appears in the cinema and on television, the greater the rapture of the bosses. The fear of the Mafia is their symbolic capital. It doesn't bother them when their brutal sides are staged on film, it rather increases their prestige."

Certainly, one does not have to follow this analysis in detail, but overall it provides a correct and important indication of the way in which media and culture are able to influence our perceptions of OC. It should therefore not be surprising to discover various patterns of perception of OC in different societies. It is crucial to become aware of such patterns and to deconstruct them in order to grasp the reality of OC. As diverse as the forms of OC are, as diverse are its actors: the drug dealers around the corner, members of rocker clubs, businessmen in suits, entrepreneurs... One should therefore

be careful not to assign a certain appearance of people, conveyed by the media, to the criminal sphere and to take stereotypes for real. At the same time, however, one must certainly ask which indicators ensure that people turn to OC and what role a lack of integration into society plays in this context.

With a view to the situation in Germany, the question arises as to whether those politically responsible take the OC dimension in the area of white-collar crime seriously enough. Internationally, Germany is considered a paradise for money laundering, a problem that can hardly be tackled due to the understaffing of the law enforcement agencies. German society is also regularly confronted with economic and financial scandals that arouse the suspicion of having at least OC-like structures and patterns of behaviour:

- the Cum-Ex scandal (share transactions in connection with which taxes were refunded that were not paid at all);
- the so-called Panama Papers (suspicion of money laundering through letterbox companies);
- the Wirecard scandal (falsification of balance sheets and share manipulation at the DAX company Wirecard AG);
- Exhaust gas or diesel emission scandal (illegal manipulation of the engine technology of various car manufacturers to circumvent legal exhaust gas limits).

All these cases also show that OC does not take place solely in the so-called underworld. Rather, it often seems characteristic to blur the boundary between the underworld and the upper world by creating dependencies or even forging alliances between both areas. Thus - voluntarily or forced, intentionally or deceived - bank employees or banks, lawyers or law firms, notaries or members of parliaments and political parties can be involved in OC activities. Not only in Germany, but all over the world, OC actors would not be able to pursue their criminal activities if there were not a whole army of accomplices who supported and promoted OC by collaborating or looking the other way.

In addition to the examples mentioned here, there are of course other criminal activities that clearly belong to the area of OC, as can be seen from the annual BKA Federal Situation Report. The overall picture leads to the conclusion that OC poses a real threat to Germany's social order and its citizens. However, there is no reason to sketch out horror scenarios. Compared to other countries, Germany has a relatively high level of OC resilience, so that the possibilities for political influence by OC groups in Germany seem to be clearly limited.

All this therefore justifies neither reporting that stirs up fears nor a policy of appeasement. The fight against OC requires great attention and vigilance, which must be reflected in the form of reliable and sufficient funding, more intensive efforts in international cooperation and in the field of prevention.

4.5. Organised crime as a security ethics and policy issue

As already described at the beginning, OC unfolds a complex destructive potential whose scope can be illustrated by the concept of human security. Building on this basis, however, it is also necessary to consider the effects of OC within the framework of the traditional concept of security, at the centre of which the states are primarily located. Only in this interplay can the aforementioned complex destructive potential unfold, which poses a threat to people and endangers the internal and external security of societies and states. All of this together requires not only special public attention, but also thematic anchoring within security policy.

According to our understanding, security policy is that part of (national, European and international) politics that deals with the perception, analysis, prevention and handling of possible and acute internal and external threats to states. The normative core of security policy is on the one hand the human being and his/her protection and well-being in an international perspective and on the other hand the orientation towards the common good. From the point of view of a Christian peace ethic, security policy is therefore based on the following pillars:

- the respect, enforcement and realisation of universal human rights;
- a rules-based international order and compliance with international treaties and agreements;
- constructive state cooperation in international institutions;
- the promotion of democracy, co-determination and social participation;
- the priority treatment of civil conflict management;
- the involvement of non-state actors in conflict prevention, management and post-conflict support.

If one looks at OC from a peace and security policy perspective, one may realise that the traditional separation between external and internal security - at least in this area - is in principle outdated. The international interconnections of OC do not allow its threat potential to be assigned to only one of these areas. Thus, in terms of security policy, OC must be regarded as a danger that requires an interconnection of these security areas. These challenges will be outlined in the following:

Most forms of OC are directly associated with serious human rights violations. This is evident when OC actors use violence to advance their interests by resorting to violence themselves or by fuelling or prolonging existing armed conflicts in so far as it serves their interests. As a result, they violate their victims' right to physical integrity - in extreme cases even their fundamental right to life. In doing so, they create a climate of insecurity and unpredictability that provokes a feeling of defencelessness in societies where OC has a strong presence. The inner connection between OC, violence and human rights violations is immediately obvious, but it does not cover the entire range of possible violations of fundamental rights. Drug trafficking, for example, disregards the right to health of the user, because the drug market is essentially based on the physical and psychological dependence of the buyer. The forced prostitution of women

(and men) or the illegal disposal of toxic waste also put people's health at risk, as do counterfeit medicines or violations of safety standards in the construction industry. Every time, it is accepted that people will come to harm - physically or mentally, in the short term or permanently - and in extreme cases that they will die.

Of course, there is not only one manifestation of OC, so that depending on its specific form, different human rights violations have to be taken into account. However, the common denominator of such crimes is to use their victims and not infrequently also the perpetrators at the lower levels of the hierarchy for the sake of profit and power, and this instrumentalisation directly targets the heart of human rights - inviolable human dignity.

Despite the necessary emphasis on human rights, the perception of the damage caused by OC must not be anthropocentrically narrowed. For it also has an impact on the surrounding world - theologically speaking: on the entire, i.e. also non-human, creation. This damage is caused by the smuggling of endangered animal and plant species, the illegal exploitation of natural resources, e.g. through the unlawful clearing of the rainforest, poaching or the unauthorised disposal of (toxic) waste. Such forms of OC systematically destroy the world's basic resources and are in blatant contradiction to the Sustainable Development Goals - a United Nations agenda up to the year 2030 with goals for sustainable development that should serve sustainable peace, prosperity and the protection of the planet. This aspect of OC has received far too little public attention so far.

The more closely a society is interspersed with criminal networks, the more strongly and sustainably it is disintegrated and its order of values and security called into question. Their activities create uncertainty and fear among the population, the appearance of more or less comprehensive social anarchy or they replace legitimate power with criminal power. OC creates lawless spaces that elude police and social control and in which even brutal crimes go unpunished. The state loses its monopoly on the rule of law, the law and regulations are emptied of their meaning. **Taken to its logical conclusion, OC, as a systemic evil, destroys the most fundamental condition of any state, namely the trust of its citizens in a just legal order that protects them and, to this end, is generally enforced against infringement.** This is all the more true when representatives of the state and politics are themselves involved in the machinations of OC by allying themselves with criminal structures through corruption or allowing themselves to be degraded to compliant agents.

In the long run, this undermines trust in politics and leads to the unpredictability of the state in domestic and foreign policy. It would be fatal to carelessly assume that democracies are immune to the virus of OC and its effects. Trust in the rule of law is a precious and at the same time fragile asset, as populist propaganda demonstrates in a frighteningly impressive manner. It is not limited to denouncing individual political decisions or a certain political party or direction; it threatens the basic consensus of democratically

organised states, which relies on a majority weighing of interests and decision-making on behalf of and for the benefit of the population. The fact that this does not always happen deserves criticism, but to expose democratic decisions and procedures to the suspicion that they only serve the self-interest of certain groups or are influenced by corruption, violence or intimidation in the sense of the OC undermines the legitimacy of democracy as such. If the state actually or supposedly fails, the risk increases that citizens will take the law into their own hands, by force if necessary. The emergence of citizens' militias therefore always signals an extremely worrying development.

With regard to the significance of OC, such tendencies are revealing because the absence of state services in the areas of supply and security often favours the establishment and expansion of OC structures that, to a certain extent, provide a substitute. This makes it understandable why OC flourishes especially in countries where the state cannot or can no longer fulfil its most basic tasks. As a result, OC often has a stabilising function by ensuring a certain degree of order, providing protection or enforcing the law. In this way, OC gains acceptance among the population and establishes itself in society. Beyond the law, OC fills the vacuum created by the absence of the state and produces a social space in which a minimum of supposed security prevails, produced by illegitimate violence. To the extent that OC becomes structurally entrenched in state and society, it becomes increasingly difficult to fight it with police and legal means.

This overview sufficiently shows that the social dangers emanating from OC can hardly be overestimated. In extreme cases, their power can destroy entire states. In some countries it is said that there is no problem between the state and OC because the state is identical with OC and vice versa. Under this assumption, the state serves neither the welfare of the citizens nor the common good, but the interests of unscrupulous criminals. Their inconspicuousness should not obscure their danger to the internal and external security of the state and society.

5. Impulses for dealing with organised crime

Against the background of the above description of the complex destructiveness of OC, it is a concern of the German Commission for Justice and Peace to promote the necessary social and political discourse with some impulses on how to deal with OC. It is not within our competence and therefore not our aim to make concrete suggestions to the law enforcement agencies on how to improve their work. Rather, we would like to draw attention to the broader perspectives of OC prevention.

5.1. Organised crime as an international challenge

OC transcends national borders and so it follows that: **The fight against OC serves not only national self-interest, but is also crucial for overcoming poverty and underdevelopment in other regions and thus for a global common good. In this respect, the fight against OC must increasingly be organised interna-**

tionally. It is not only a task for individual states, but a challenge for the entire international community. National measures to prevent and combat OC must therefore be embedded in a common international strategy in order to have a chance of success in the long run. For Germany and within Europe, the close cooperation within the EU at all levels offers favourable starting conditions for this. However, the efforts made so far are not sufficient; rather, there is a need for more intensive and closer cooperation between the individual states. On the one hand, this can be done through stronger networking and a faster and more effective exchange of information between the national security authorities. These exchange platforms must be put in a position to perceive the dynamically changing forms of OC in order to be able to flexibly adapt political, police, etc. reactions to them. It would also be desirable to expand and strengthen Europol. However, an increase in personnel and material resources at Europol alone will not be enough. Equally necessary are a pan-European understanding of OC, a common will to combat OC at all levels and a form of prevention that is not based solely on security policy considerations but also - for example - takes into account issues of development or social security within the EU.

Finally, in a larger international context, it should be considered how cooperation beyond the EU would be possible and useful, or how existing programmes might be improved and expanded. Opportunities for such cooperation already exist within the United Nations Office on Drugs and Crime (UNODC) or on the basis of the United Nations Convention against Transnational Organised Crime. As much as such international cooperation is to be welcomed, it must not be reduced to the area of support and the establishment of law enforcement agencies. Rather, integral aspects such as prevention, development cooperation, social policy or, for example, anti-corruption campaigns should also be considered here. In its current form the international criminal police organisation (Interpol) is only partially suitable for this task. As a platform for the exchange of information between national police authorities, Interpol certainly increases the degree of networking in the international fight against crime, but beyond that it has hardly any strategic or coordinating function.

5.2. Actors in the fight against and prevention of organised crime

At the national level, the primary actors in the fight against OC are the competent state bodies, especially the judicial and law enforcement authorities and intelligence services. They must be adequately equipped in every respect through political decisions in order to be able to fulfil their task as successfully as possible. We expressly want to emphasise that such initiatives have the support of the Church, because without well-equipped state security forces it is not possible to contain and combat OC. We are also aware of the enormous stress to which the employees of the state organs are exposed in the fight against OC. The gathering and viewing of evidence, for example in the area of child abuse, leads many people to the limits of their mental and emotional resilience. In the form of police chaplaincy, the churches provide an indispensable service here by having chaplains accompany and support these people.

The socio-ethical embedding of the analysis of OC presented here, however, also necessitates the realisation that police or intelligence work alone is not enough in the fight against OC. A strategy is needed that integrates the efforts of police and security authorities on the one hand and civil society on the other, as well as social and educational policy measures, and that finally links national and international efforts. The diversity of criminal activities, their division of labour and coordination as well as international networking make it imperative to understand and organise the fight against OC as a cross-sectional task. Churches can also contribute to this by actively combating the dangers and temptations of OC as an integral part of society, by taking preventive action according to their possibilities and by cooperating with state authorities in an appropriate way. One example is the Santa Marta Group, in which high-ranking church representatives, law enforcement officials, governmental and non-governmental organisations develop joint strategies against human trafficking. In December 2022, for example, an action plan against human trafficking was published in cooperation between the German Bishops' Conference and the Santa Marta Group.

This appeal is also directed at the managers of transnational companies. Within their organisations, they should make use of all possibilities, e.g. to create an awareness of white-collar crime's harmful impact on society. Their corporate actions must neither promote or enable OC, nor have criminal features themselves. This requires a comprehensive rethinking of corporate ethics. In this context, some consideration must also be given to dealing with so-called whistleblowers. Insofar as they bring criminal involvement and activities to the light of day, they do not deserve slander and persecution, but the protection and recognition of society. Dealing with them in an appreciative manner could increase their willingness to report and, in the long run, ensure that companies and organisations shy away from the risk of engaging in criminal activities.

Every weakness of politics, state and society makes it more difficult to contain or even overcome OC. It would be ideal to avoid OC completely through prevention. This will

probably never be achieved, but at least the direction in which the fight against OC has to move is made clear.

5.3. Prevention as a task for the whole of society

OC must not only be punished in terms of the legal system. Much also depends on ensuring that such illegal structures and activities cannot gain a foothold in society in the first place. This is precisely the objective of prevention.

The societal character of this task is obvious. It is right and important to recognise and name it. But this accentuation must not lead to individual responsibility being pushed into the background. Even if threats and reprisals, including physical violence, are part of the usual instruments of the OC actors, people do not always come into their sphere of influence by force. Too often they succumb voluntarily or carelessly to the temptations of OC. For this reason, it is important to focus not only on law enforcement but also on the individual responsibility of each consumer, investor and corporate executive when it comes to preventing OC activities. The ethical principle "do no harm" can easily be translated into the legal principle "do no crime". This implies a general duty not to engage in criminal activities. This is because most forms of OC are essentially dependent on the existence of a demand for illegal offers, goods and services. The offers, however, are not necessarily the main incentive for the emergence of a market, but the demand. However, this demand often originates outside the criminal sphere. If it were possible to reduce this demand out of a sense of personal responsibility and not restrict it solely through legal prohibitions, the financial attraction of many OC activities would disappear and no longer outweigh the risk of discovery and punishment.

Other ways to curb illicit markets, some of which are highly controversial, include smart and responsible legalisation programmes or the creation of state-regulated and controlled markets. These would offer consumers an alternative to participating in criminal activities. Such options need to be legally secured, but in doing so they must in no way lead to tolerance or promotion of unethical behaviour. Moreover, they are usually also highly dependent on public acceptance, for example among residents, business people or the citizenry.

Important components of prevention are people with a stable character and moral orientation, and thus their education, which is aimed at developing a resilient identity and moral integrity. Parents and families have a duty to make the principle of "do no crime" a habit that determines personal ethics through age-appropriate methods. The state and society have a duty to support parents, schools and other institutions that work with children and young people; it is important to provide social assistance and training for young people in order to make it more difficult for OC to recruit young people or to form special structures. Children and young people are often defenceless victims of OC - also

by being seduced and forced to fulfil certain activities in the hierarchies of OC. By supporting and encouraging them in a special way, we also make it clear that social change is possible. They represent our hope and are our guarantors of change.

In addition, we see a great need for a broader and more intensive range of political education. Dealing with the issue of OC makes us vividly aware of how important democracy and the rule of law are for people's sense of security. We must not take these achievements for granted; they must be fought for and defended every day. We firmly believe that people who recognise and appreciate the value of these and other liberal democratic constitutional principles are less vulnerable to the lure of OC.

However, all these measures must of course be embedded in a process of exchange in society as a whole that constantly reflects on the normative foundations of social togetherness, struggles for them and assures itself of them.

The churches are particularly challenged in the field of prevention, too. In their own structures, they must stand at all levels as allies at the side of those persons, initiatives or organisations that oppose OC. Church institutions have to inform themselves (or be informed of) where they are vulnerable in the context of their activities and take precautions against criminal influence. This applies, for example, to aid programmes in certain countries, whose material or financial support provided by believers must not be misused. Church banking institutions are not allowed to invest in companies or economic sectors linked to OC. This prohibition also applies, of course, to investments by public and private donors or participation in illegal business in order to make profits or avoid losses. Companies suspected of having links to OC should not receive orders from anyone, least of all from the Church. The financial, material and spiritual help that we offer out of our faith must not be instrumentalised or misused for illegal machinations.

However, the Catholic Church also has specific resources that can be put at the service of combating and preventing OC. We think, for example, of its constitution as a universal church, which represents a uniquely connected presence of church institutions all over the world. This church network is characterised by a fundamental sense of trust within relationships that not only facilitates cooperation but also serves as a security policy seismograph that can draw attention to worrying developments at an early stage. Church representatives can thus address problems in good time and sensitise politics and society to possible dangers.

Finally, we would like to emphasise the special importance of controlling investments and financial transactions, which is extremely difficult. Therefore, all political and legal measures are useful that serve the transparency of money flows and business relations, whose many ramifications and complicated structure mostly serve the purpose of concealment. Of course, the responsibility of politics is not limited to regulatory activity. The personnel, financial and technical equipment of the state's investigative

and law enforcement agencies has already been mentioned. Through appropriate further education and training measures, their staff must also be sensitised to the various forms of OC, their procedures and the dangers they pose.

At this point, we would also like to emphasise the need for information and education work that helps people, civil society and the private sector to develop vigilance and resilience. We suggest that an interdisciplinary body be established to produce a regular independent security report on behalf of the federal government focusing on OC and signalling the importance that this issue should have on the political agenda and priority list. Finally, as the German Commission for Justice and Peace, we call on the German government to advocate for uniform, effective standards at the European level, to push for closer cooperation between the security authorities and to take the problem of OC into account more strongly than before in German development cooperation. Last but not least, we recommend that within the federal government's guidelines on crisis prevention and in the national security strategy, OC should be more strongly addressed as an influential factor in aggravating conflicts and destabilising peace policy.

With regard to the churches, we see their contribution in strengthening civil courage in society. This includes, of course, that they and all their organisations and companies unequivocally condemn all OC activities and their actors. In addition, it is important to recognise and put an end to possible connections and involvement in OC activities. No one knows better than they do that there is no blessing in dirty or even bloody money.

6. Conclusion

OC poses a threat to our security, our coexistence and the integrity of states on several levels. With this discussion paper, the German Commission for Justice and Peace wants to draw attention to this potential for destruction and invite a broad social and political debate on how to prevent and combat OC. We are sure that there are still many aspects that we have not considered or that need to be further intensified. But we are convinced that we can interpret this worldwide rampant phenomenon as a sign of the times. Among other things, it is important for us to point out that structures and actors of OC are so powerful because they provide a supply for an existing demand. It is the demand for power and influence, for money, for the next high, sexual satisfaction, cheap brand-name clothes and status symbols and much more. Although we do not want to diminish the importance of structural facilitators of OC, this demand points to individual and social values that have come apart. It seems that one's own interests, one's own needs and one's desire for recognition are increasingly being realised at the expense of society. Quite a few people more or less consciously are prepared to degrade their fellow human beings and the world around them to their accomplices. Without falling into the false mode of individualistic moral preaching, we should take a deeper look at social culture. As long as we do not succeed in overcoming this demand based on greed and the need for recognition, and adequately address the underlying deeper needs of people, we will hardly be able to win the battle against OC.