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**The impact of institutional weakness on the presence of
organised crime: A case study on Paraguay and organised
crime in the Triple Frontier**

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UoG Student Number: 2685506M

DCU Student Number: 21109346

CU Student Number: 28022885

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ABSTRACT

This thesis examines the institutional weakness of the Paraguayan state and its impact on the presence of organised crime in the Tri-border region between Paraguay, Brazil and Argentina. To do so, it employs a methodological design based on a case study of the institutional weakness of the Paraguayan state and its implications for the development of organised crime activities during the presidential term of Horacio Cartes (2013-2018). The methodological design also includes two sub-case studies analysing the institutional weakness of the Public Prosecutor's Office and the National Police, as well as the infiltration of organised crime in these institutions. The analysis allows for the identification of common patterns between the two institutions which reveals institutional weakness due to non-compliance and instability. Furthermore, these results go hand-in-hand with the presence of organised crime in the tri-border area during the period under study. This criminal presence was consolidated by the commission of various acts of violence that were rarely perpetrated by organized crime in Paraguay before the period of study. There is a close link between the presence of organised crime groups and the weakness of the Paraguayan state. Therefore, policies aimed to mitigate organised crime should not ignore the situation of institutional weakness since this constitutes one of the root causes associated with the presence of organised crime groups.

KEYWORDS

Organised Crime, Transnational Organised Crime, Triple Frontier,
Institutional Weakness, Corruption, Legitimacy of Institutions, Horacio Cartes

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LIST OF ABBREVIATIONS

ANR	Asociación Nacional Republicana
CBI	Comisión Bicameral de Investigación (Bicameral Commission of Investigations)
CPI	Corruption Perceptions Index
CV	Comando Vermelho
EPP	Ejército del Pueblo Paraguayo
GDP	Gross Domestic Product
HC	Horacio Manuel Jara Cartes
OC	Organised Crime
OCG	Organised Crime Group(s)
PLRA	Partido Liberal Radical Auténtico Party
PCC	Primeiro Comando da Capital
PYG	Paraguayan Guaraní
SEPRELAD	Secretariat for the Prevention of Money Laundering (Secretaría de Prevención de Lavado de Dinero o Bienes)
TABESA SA	Tabacalera del Este SA

TOC	Transnational Organised Crime
TOCG	Transnational Organised Crime Group(s)
TBA	Tri-border Area
UN	United Nations
UNTOC	United Nations Convention against Transnational Organised Crime
US	United States of America
USD	United States dollar

I. INTRODUCTION

The tri-border area where Paraguay, Brazil and Argentina converge is a hotspot for the presence of organised crime and the connection between the latter and terrorist organisations. Since the 9/11 attacks, the tri-border, also referred to as TBA in this research, has become one of the areas of significant academic and political attention, as it is considered the scene of one of the greatest security threats in the region. Ciudad del Este (Paraguay), Foz do Iguazu (Brazil) and Puerto Iguazú (Argentina) are the largest cities located in this region. Historically, Ciudad del Este has been the epicentre of various illegal activities in this area, as it is a geographical point that offers diverse advantages for international trade. Furthermore, the political and institutional conditions in Paraguay present distinct advantages that influence the prevalence and proliferation of transnational organised crime endeavours.

The main objective of this research is to analyse Paraguay's institutional weakness and its impact on the presence of organised crime. To this end, this dissertation comprises the analysis of two specific Paraguayan institutions in charge of combating organised crime, the Public Prosecutor's Office and the National Police, focusing on the presidential period of Horacio Manuel Cartes Jara, between 2013-2018. To achieve this objective, the main research question is: "What is the impact that the institutional weakness of the Paraguayan State has on the presence of organised crime groups in the Triple Border between Paraguay, Brazil and Argentina?".

Addressing the main research question of institutional weakness and its implications for the presence of organised crime in the TBA is relevant and very necessary for several reasons. Firstly, in terms of national security, organised crime is a phenomenon that threatens the stability and security of a state. Therefore, the study of institutional weakness, as one of the most determining factors in the presence of organised crime is fundamental. When state institutions lack legitimacy or fall into situations of vulnerability and

fragility, they can provide a propitious scenario for criminal organisations to strengthen their presence through the easy corruptibility and impunity of public institutions. The study of the presence of organised crime and its relationship with institutional fragility allows us to understand the main structural weaknesses that foster criminal activity and, with this knowledge, to have the necessary tools to mitigate the problem. Conversely, this study is also essential in terms of governance and rule of law, since the presence of organised crime can also exacerbate institutional fragility, weakening legitimacy and the capacity of institutions to adequately fulfil their objectives.

Secondly, this study is also relevant because it constitutes a serious problem for regional stability and security. The transnational nature of organised crime groups in the TBA constitutes a regional threat, as criminal networks move rapidly across the region, increasing their area of influence and their criminal activities in other countries.

Furthermore, this study has relevance in terms of economic and social development. Both institutional weakness and organised crime can have a negative impact on a country's economic and social development. This is because they undermine the essence of institutions, weaken state capacities and lead to the misuse of state resources. In addition, corruption and impunity surrounding this phenomenon can affect economic development in the sense that it becomes a less coveted area for the development of foreign investments. Similarly, social development can be undermined by the power of criminal organisations, as their infiltration into institutions increases corruption and the diversion of funds intended for areas such as health and education becomes more likely, widening the socio-economic gap.

Finally, this study will provide valuable insights for the formulation of policies to mitigate this threat. In general, studying how institutional weakness influences the presence of organised crime in the TBA is relevant because it allows us to determine which are the main structural weaknesses that

undermine the legitimacy of the state, giving rise to scenarios conducive to the increased presence and power of criminal organisations.

This dissertation comprises five chapters, the first being the introduction, which aims to establish the framework of the study and its relevance. The second chapter constitutes the literature review, which seeks to identify the main academic contributions on the topic of study and the main gaps. The third chapter comprises the theoretical framework containing the main conceptualisations that will help to understand the phenomenon of organised crime, institutional weakness, and the relationship between the two. This chapter also contains the methodology that will be implemented for the collection, processing, and analysis of the issue under study, as well as the justification of the timeframe and the case chosen for the study. The fourth chapter develops the case and the sub-cases of study; it examines the main elements surrounding the weakness of institutions and the presence of organised crime during the period under study. Then, the fifth chapter comprises the analysis of the case and sub-cases, identifying similarities and differences between the two sub-cases, as well as the final analysis of how Paraguay's institutional weaknesses have affected the presence of organised crime during the period studied. In addition, this chapter concludes with a brief reflection on the upcoming scenario in Paraguay in relation to organised crime with the next government that will take office on 15 August 2023. Finally, the sixth and last chapter comprises the conclusion of this research, which, in addition to summarising the main findings, provides policy recommendations that should be taken into account to reverse the advanced presence of organised crime in the TBA.

II. LITERATURE REVIEW

The so-called “Triple Frontier” or TBA is an area known for the convergence of Paraguay, Brazil and Argentina, located in the centre of the South American continent. This region has significant geographic, demographic, economic and geopolitical characteristics that have contributed to the region’s becoming a hotspot for the development and proliferation of criminal activities carried out by organised crime groups (OCGs). Organised crime (OC) in this region is a long-standing problem that has been the focus of much research and analysis in recent decades, as it is one of the most prevalent problems at the national level in Paraguay and the regional level in South America.

This literature review will therefore examine the main existing sources that describe and analyse the fundamental characteristics of OCGs in the TBA, the factors that facilitate their presence in this region, the activities that are part of their dynamics, the main initiatives to combat OC, among other elements that facilitate the understanding of this phenomenon. The aim of this chapter consists not only in recognising the main academic contributions to the phenomenon under investigation but also to identify gaps in the literature and highlight the relevance of this study.

Cuervo (2018) presents the detailed context in which OCGs emerged in the TBA and the path taken to become a hybrid threat to the region. The author also provides a fairly comprehensive understanding of the modus operandi of criminal organisations in the TBA that has led them to strengthen their presence in the region (Cuervo, 2018). Cuervo (2018) argues that the epicentre of OC is located on the Paraguayan side of the TBA and attributes this issue to the fragility of Paraguay's institutions. However, despite briefly mentioning this, the author does not delve into the role of institutions in the context of the proliferation of OCGs. Similarly, Bartolomé (2002) provides a characterisation of the region that, according to Cuervo's (2018) research, still exemplifies the current context as well. The existing literature agrees that OC activities in the

region are essentially based on drug trafficking, smuggling, counterfeiting and money laundering; activities that have Ciudad del Este as one of their main base of operations and which Paraguayan institutions have not been able to stop (Bartolomé, 2002; Cuervo, 2018).

Regarding the modus operandi of criminal organisations, Devia-Garzón (2019) provides an extensive analysis which concludes that OC networks act under a feedback logic; that is, a chain of activities that includes smuggling, money laundering, arms trafficking, counterfeiting, drug trafficking and corruption, and that feed each other to develop effectively (Devia-Garzón *et al.*, 2019). From the author's perspective, corruption is the activity that guarantees the development of all other criminal activities (Devia-Garzón *et al.*, 2019). Other significant articles on OC activities in the TBA include: “Mecanismos de contrabando y tráfico en la Triple Frontera” by Cardin (2011), “Paraguay: la tierra escondida. Examen del mayor productor de cannabis de América del Sur” by Garat (2016), “‘We think globally’: the rise of Paraguay's Tabacalera del Este as a threat to global tobacco control” by Gomis et al. (2018), “Good neighbours: Smuggling across South America's Triple Frontier” by Global Initiative (2014), and “Narcotráfico y Tráfico de Armas en la Triple Frontera: Evolución del subcomplejo regional de seguridad del Cono Sur” by Quiroga Petrelli (2021) which seek to analyse in detail the different activities carried out by OCGs in the TBA. These activities are mainly concentrated in smuggling, drug trafficking, arms trafficking, smuggling and money laundering, and are linked to deep institutionalised corruption.

In addition to all the activities traditionally and historically linked to OC, there is a significant convergence between OC and Middle Eastern terrorism in the TBA that has been widely mentioned in the existing literature. Several studies on the subject can be found in the literature; most of them argue that this relationship stems from the terrorist attacks in Argentina in the 1990s. The existing literature agrees on this issue that this convergence occurs in the

absence of a strong state structure. Bartolomé (2002) offers a fairly comprehensive overview of what was happening more than two decades ago between OC and terrorism in the TBA. Furthermore, Bartolomé (2002) explains the different links that raised suspicions that terrorist organisations such as Hezbollah, Al-Qaeda or Hamas had a strong presence in the TBA and a nexus with OCGs, which allowed terrorist organisations to finance their activities. In the same vein, Sverdlick (2005) proposes the evident existence of mutual reciprocity between OCGs and terrorist networks, as both activities support each other and rely on corrupt authorities to be successful in their activities (Sverdlick, 2005). Sverdlick (2005) not only contributes, together with Bartolomé (2002), to elucidate the link between terrorism and OC in the TBA region but also guides the study of the phenomenon towards a deeper understanding of the role of the state in the consolidation of OC. In this sense, Sverdlick (2005) not only mentions the factor of corruption but also other factors such as the low salaries of public officials and impunity that are part of the characteristics of Paraguayan state institutions. Pérez Calderón (2018) uses empirical evidence to explain the presence of terrorism in the TBA, describing it as a passive presence, and suggesting its nexus with OC based on a relationship of reciprocity. Furthermore, this relationship is rooted in legal businesses sustained by both groups under the protection of the prevailing corruption in the region (Marín Osorio, 2015).

The literature concerning OCGs in the TBA is an aspect of considerable importance and relevance in academia. Devia-Garzón et al. (2019) make a clear distinction between the main OCGs in the TBA, which are classified into “native” and “non-native” groups. In the first category are mainly the Primeiro Comando da Capital (PCC) and the Comando Vermelho (CV) that emerged in Brazilian territory and expanded to various countries, settling mainly in Ciudad del Este (Devia-Garzón et al., 2019). In the same vein, Jański (2022) makes a great contribution to the subject by elucidating the emergence, consolidation and expansion of these two OCGs. In addition to academic

articles, the literature on this matter comprises Insight Crime research and analysis articles such as “While Taking Paraguay-Brazil Border, PCC Tries to Control Its Own” by Dudley and Taylor (2020), “Red Command” (‘Red Command’, 2017) and “Is Gang War in Brazil Behind Recent Violence in Paraguay?” by LaSusa (2017), which look into the two main native OCGs in the Triple Frontier. Finally, Devia-Garzón et al. (2019) introduce Chinese, Russian and Japanese Yakuza mafias among the non-native groups, whose role in OC in the TBA predates the presence of native groups in the region studied.

Regarding government initiatives against transnational organised crime (TOC) carried out by the three TBA countries, there are some relevant contributions in the literature. Marin Osorio (2015) provides a relevant analysis that mainly questions the responsibility of the three countries involved and the failure of all multilateral attempts to curb OC in the TBA, without overlooking the fact that Paraguay has a great responsibility that has been exercised in a less evident way than Brazil and Argentina, i.e. with many shortcomings in relation to its peers. Furthermore, Marin Osorio (2015) contributes to the present study in that it provides an in-depth analysis of how legality merges with illegality in the TBA, mainly in Ciudad del Este, which makes the investigation of illegal activities even more complex, making it possible for OC operations to succeed. With all three countries involved, there is a need for joint work; however, Paraguay's structural problems demand greater attention (Marin Osorio, 2015). Pérez Castro (2019) has criticised the measures taken by the three countries involved in the phenomenon under study to fight against OC in the TBA. As a conflict involving three neighbouring countries and with both people and goods flowing from one border to the other, it is inconceivable to carry out offensive measures against OC in an exclusively individual and uncoordinated manner between the three countries (Pérez Castro, 2019). A problem of a transnational nature must be tackled domestically but also in a coordinated manner and tune with the measures of neighbouring countries.

This academic research aims to focus on the study of Paraguay's institutional weakness and its relation to the presence of OC in the TBA, where the analysis of the political, economic, social and commercial dynamics of Ciudad del Este plays a decisive role. In this sense, Kosmynka (2020) emphasises this city as an important point of OC operations in the TBA, for being a place of criminal activities such as piracy, human trafficking, and arms trafficking, and one of the most important drug trafficking routes in the region. Along the same lines, Martínez Saldívar (2021) emphasises the role of Ciudad del Este in the study of OCGs in the TBA suggesting that the Paraguayan political system is the most affected by corruption (Martínez Saldívar, 2021).

In relation to the institutional weakness of the Paraguayan state, relevant studies address Paraguay's institutional structure and its limitations, although without focusing specifically on the correlation between the institutional situation and the presence of OCGs in the TBA. Sampó (2007) highlights the fact that Paraguay has not been able to strengthen its institutions since the fall of the military dictatorship of Alfredo Stroessner (1954-1989) or even during the subsequent democratic transition. This transition has been, more than anything else, written on paper, but not carried out through a profound and real system of modifications in the state structure which, during the dictatorship, was reflected in authoritarianism and political vices such as corruption, clientelism, etc. (Sampó, 2007). Sampó (2007) does not aim to include OC as part of the object of study; however, it proposes that in order to deeply understand the elements that destabilise Paraguay's security, it is necessary to delve deeper into political and social phenomena. These phenomena include the strong two-party system and the hegemony of the Asociación Nacional Republicana Party (ANR), the same party that plunged the country into the longest dictatorship in South America. Sampó (2007) argues that the same political structure created and used by Stroessner's regime endured during the democratic transition and continues to be used today so that corruption is

strongly institutionalised. Political violence emerged in Paraguay as a result of exclusion and corruption (Sampó, 2007).

Another relevant article for the literature review is the one by Reman (2013), through which the author addresses the fragility of Paraguayan democracy from two perspectives: the social, which relates to the unequal distribution of wealth in Paraguay, and the political, which highlights the hegemony of a political party, the ANR, responsible for having contributed to the Paraguayan Congress being considered one of the most corrupt in the region (Reman, 2013). Reman (2013) argues that Paraguay is a clear example of the fragility of democracies in Latin America.

Other researches focus on the analysis of OC and grey zones, without comprehensively addressing the underlying problem of the institutional weakness of the state. Grey zones are those areas within a national territory where there is a power vacuum; these areas are generally exploited by OCGs to carry out activities related to drug and arms trafficking, smuggling, etc. The TBA is widely known as one of the grey zones of South America. Buelvas (2019) argues that the porosity of the borders that characterises the TBA is the responsibility of the three countries in the region; however, the author emphasises Paraguay's system of corrupt officials and institutions that are incapable of fulfilling their objectives. The author establishes a precedent of great relevance in the field of the interaction between OCGs and institutional weakness. However, while recognising the importance of grey zones in the phenomenon under study, it is essential to further analyse institutional weakness as the source that creates an environment conducive to the formation of such grey zones.

In the Latin American context, the political history of this region has very similar characteristics. For this reason, several studies on the impact of institutional weakness and its relationship with OC have been identified in other countries in the region. Aguirre and Herrera (2013), Pérez (2020) and

Fernandez-Montesinos (2021) are some of the authors who have analysed institutional weakness in Mexico and its close relationship with the phenomenon of OC. Aguirre and Herrera (2013) argue that the failure of the strategy against OC in Mexico lies in the lack of political will to address the root causes of this issue. The Mexican state's failure to improve the rule of law and strengthen its institutions has meant that personal interests or those of a particular group have prevailed over national interests (Aguirre and Herrera, 2013). This naturally leads to the infiltration of public institutions by criminal networks who, through illegal financial resources obtained from OC activities, unbalance the legitimacy and purpose of public institutions (Aguirre and Herrera, 2013). Perez (2020) states that the increased presence of OCGs in Mexico responds to a logic of circular causality, related to institutional weakness and a crisis of the state that derives from institutional weakness. On the other hand, Fernandez-Montesinos (2021) adds to this situation, social and economic factors that also weaken the capacity of institutions, emphasising poverty and inequality that easily lead to clientelistic and corrupt environments. Fernandez-Montesinos (2021) further argues that combating OC is not only a police issue but above all a political issue that needs to be addressed.

The existing literature has mainly addressed the dynamics and drivers of OC in the TBA, as well as initiatives to mitigate its presence in this region. However, it has been found that the literature has paid less attention to the structural problem of institutional weakness. Although corruption is mentioned as one of the factors facilitating organised crime, institutional weakness has been neglected, a phenomenon that involves much more than corruption, but also the inability of institutions to fulfil their objectives or the unwillingness to do so. Despite the importance of the credibility and legitimacy of institutions in this context, there are not enough initiatives or research in the institutional area that could pave the way for more efficient programmes in the fight against OC.

There is a clear gap in the study of institutional weakness as a facilitating factor of OC in the TBA. This gap, additionally, is even more prevalent in Paraguay, as Garaat (2016, p. 7) explained: “del asunto apenas se ocupa un puñado de especialistas y políticos. En la academia, las referencias al narcotráfico son fragmentadas y escasas. En el país reina el miedo y el silencio ante estos asuntos” [the issue is barely addressed by a handful of specialists and politicians. In academia, references to drug trafficking are fragmented and scarce. In the country, fear and silence reign in the face of these issues]. Further study of this phenomenon, mainly from an institutional perspective in Paraguay, is imperative if the aim is to understand, analyse in depth and propose solid solutions that are conducive to weakening the presence of OCGs in the TBA.

Furthermore, little or no attention has been paid to the infiltration of OC into Paraguay politics since the time of Stroessner's dictatorship and its consolidation in the democratic era. In particular, the literature is still incipient in terms of the study of the government of Horacio Manuel Cartes Jara (2013-2018), mostly known as HC or simply Cartes, an influential businessman who became president despite his alleged links to OC. There have been publicly reported accusations that HC was allegedly buying the favour of various political and judicial authorities. In addition, the US government has sanctioned him and some of his companies for being allegedly involved in suspected activities. However, domestic investigations against him have been dismissed or failed to make progress.

Because of this, it is argued that the originality of this project lies in its being one of the first contributions in the field of the institutional weakness of the Paraguayan state and its impact on OC in the TBA, more specifically during the presidential administration of HC. While the existing literature makes considerable reference to the corruption factor, this study aims to analyse corruption not as a phenomenon carried out merely in the outer rungs of the

security forces or the judicial system, but as a complex phenomenon that is sustained from the very core of state institutions. Moreover, while corruption is an important factor in institutional weakness, this study recognises that there are other elements which also contribute to this problem, such as impunity, lack of training and insufficient resources, which together make for a state's institutional weakness.

Therefore, a comprehensive analysis of these structural factors is crucial to develop more effective strategies in the fight against OC and strengthening institutions in Paraguay. For this purpose, the following chapter aims to clarify the conceptual framework related to OC, institutional weakness, and their interrelationship. A thorough understanding of these elements within the context of this study will be fundamental to establishing the basis for the subsequent analysis.

III. THEORETICAL FRAMEWORK AND RESEARCH METHODS

3.1 Theoretical Framework

This chapter presents a thorough examination of the phenomena of CO and institutional weakness. Regarding CO, this section aims to establish a clear definition that contributes to the identification of OCGs. Then, its organisational structure, main activities, its presence in a globalised context and the main causes associated with the emergence of CO will also be analysed in depth to understand the phenomenon in all its complexity. This is followed by a detailed analysis of institutional weakness, starting from its definition and typologies to its interrelationship with OC. Therefore, this chapter aims to lay the conceptual foundations that are indispensable for a good understanding of the phenomenon under study and its subsequent application in the specific case study.

3.1.1 The Transnational Organised Crime Phenomenon

3.1.1.1 Definitions of Organised Crime and Transnational Organised Crime

One of the most frequently cited definitions of OC is that of the United Nations Convention against Transnational Organised Crime (2004, p. 5), a treaty sponsored by the UN to combat TOC, which establishes in Article 2.a that OC is:

A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

While the definition provided by the Convention is one of the most widely used in the study of OC and contributes to a superficial understanding of these

phenomena, the complex and multifaceted nature of OC requires a more in-depth description. The need for a definition of OC has often led to the generalisation –or even oversimplification– of a phenomenon as complex as organised crime, which, moreover, evolves in complexity and extension over time. Several authors, such as Von Lampe (2016) and Abadinsky (2012), have widely acknowledged the difficulty of constructing a generally accepted definition of OC. Despite this conceptual challenge, the aforementioned authors also admit the importance of having a conceptualisation of the phenomenon for legal, policy and research purposes (Abadinsky, 2012; von Lampe, 2016). Understanding OC from a broader perspective, these authors have attempted to describe the phenomenon by identifying the most salient attributes or dimensions that characterise it.

Von Lampe (2016) has broken down the phenomenon of OC into three basic dimensions of it: its activity, structure and governance. Regarding the activity, this notion considers that criminal activities are organised through “a certain level of sophistication, continuity and rationality” (Von Lampe, 2016, p. 27). As for the structure: OCGs have connections with other criminal groups. These connections are often significantly complex and can be based on market-based interactions, interactions between members of the same organisation operating under the same instructions, and network-based interactions that share social ties but operate independently (von Lampe, 2016). Finally, in terms of governance, this notion refers to the relationship that criminals come to establish with political power, either by replacing the legitimate government or by establishing a relationship with political elites (Von Lampe, 2016). Von Lampe's work, recognising the complexity of the phenomenon, proposes these “dimensions” that may vary from group to group, so there is no single dimension that is identical across all OCGs. Furthermore, Von Lampe (2016) recognises that these dimensions are interdependent; the characteristics of one dimension can define those of another. The type of

criminal activities, for example, defines the type of governance a group requires (von Lampe, 2016).

Conversely, Abadinsky (2012) has undertaken the compilation or identification of eight distinct characteristics that serve to elucidate the intricacies inherent in the realm of OC. These attributes are considerably more specific, which constitutes a breakthrough in the study of OC, laying the fundamental foundations for the precise identification of this phenomenon.

Has no political goals: a fundamental characteristic of OC, which even helps to identify it from terrorism, is that it is not motivated by political ideologies or social doctrines; the objective is purely monetary (Abadinsky, 2012). While OC undoubtedly requires working together with political power, this link is based on optimising the economic results it can obtain from political power, not on a particular political identity (Abadinsky, 2012).

2. *Hierarchical*: the concept of authority is deeply rooted in the structure of an OCG whose structure has at least three permanent ranks with hierarchical attributions (Abadinsky, 2012).

3. *Limited or exclusive membership*: the qualifications for membership in an OCG have to do with a variety of considerations such as ethnic background, kinship, race, and criminal records, among others (Abadinsky, 2012). An OCG defines these qualifications and if any of them are missing, membership would not be possible (Abadinsky, 2012).

4. *Constitutes a unique subculture*: rooted in a culture that is different from that of mainstream society (Abadinsky, 2012).

5. *Perpetuates itself*: the structure of the OCG is designed and its members are instructed so that the group will persist over time, even in the absence of current members (Abadinsky, 2012).

6. *Willingness to use illegal violence*: the use of violence is understood and accepted as a fundamental means of achieving objectives (Abadinsky, 2012).

7. *Monopolistic*: the constant quest for hegemonic power is an aspiration of OCGs, which is obtained “by the threat of violence, or by corrupt relationships with law enforcement officials” (Abadinsky, 2012, p. 4).

8. *Governed by rules and regulations*: As in any organisation, an OCG has rules and regulations

(Abadinsky, 2012). Unlike other kinds of organisations, “in organised crime, a rule-violating member is not fired but, more likely, fired upon” (Abadinsky, 2012, pp. 4–5).

Although the definition of OC from the aforementioned eight attributes is extensive, Abadinsky's (2012) proposal is one of the most complete conceptualisations of this phenomenon, which leads us to a more precise understanding of the complexity of this phenomenon. Having identified the main features of this complex phenomenon, it is now essential to establish the threshold at which OC becomes TOC.

In this regard, the United Nations Convention Against Transnational Organized Crime and The Protocols Thereto (2004, p. 6) establishes that OC becomes a transnational offence when:

- (a) It is committed in more than one State; (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) It is committed in one State but involves an organised criminal group that engages in criminal activities in more than one State; or (d) It is committed in one State but has substantial effects in another State.

Based on these delimitations, it is understood that what separates the concept of OC from TOC is the territorial scope of their operations. That is, while OC is planned, developed, controlled and has substantial effects within a single state, TOC takes place in more than one across borders.

The terms OC and TOC are constantly used interchangeably despite a subtle but clear difference. This indistinct use of the term may be due to the fact that several of the activities carried out by OCGs have historically been linked to the transnational dimension of OC, such as the drug trafficking industry or smuggling, activities that are practically trans jurisdictional or transnational in nature (Williams, 2012). Likewise, TOC has grown substantially due to “the

globalisation of trade, technology, transportation, transportation, communications, information, and financial systems provides new opportunities for criminal enterprises to operate across” (Williams, 2012, p. 109). Similarly, globalisation has increased population dynamics and has led to an increasingly digital money-based financial system that allows for faster and anonymous movement of funds (Williams, 2012). These are a few instances stemming from the process of globalisation that have engendered a noteworthy escalation in the transnational scope of OC. In essence, the transnational dimension of this phenomenon is very closely linked to the phenomenon of OC, which today can hardly be planned, executed, controlled or have substantial effects only within a single territory, due to the very nature of the activities carried out by these groups.

Due to the inherent limitations within the scope of this research, an exhaustive examination of each definition attributed to the phenomenon of OC has been unattainable. Nevertheless, the reviewed literature on the definitions of this phenomenon has illuminated the complex nature of OC, so defining this phenomenon concisely or succinctly is a challenging task. Furthermore, the close correlation between OC and its transnational dimension often leads to the interchangeable use of these terms, even though they can be distinguished based on the territorial scope of their operations. Finally, this research is not intended to delve into the territorial scope of OCGs in the TBA, so the term organised crime will largely be used to encompass all organised criminal activities, whether domestic or transnational in nature, in the TBA.

3.1.1.2 Structure of Organised Crime

Another aspect that adds to the complexity of the phenomenon of OC is its structure. This can vary according to the aims, interests or characteristics of its members. For this reason, three main typologies of groups have been identified: those with a defined hierarchical structure, those with common cultural or ethnic traits, and finally, groups related to business class economic

relations (*Organized Crime Module 7 Key Issues: Models and Structure*, no date). However, the structure of criminal groups can present itself in a hybrid form, combining more than one model of structure.

3.1.1.2.1 Bureaucratic/corporate/organisational model

Some OCGs are organised in a hierarchical structure, which clearly distinguishes the bosses or leaders of the organisation from the other members of the group (*Organized Crime Module 7 Key Issues: Hierarchical Model*, no date). The structure is similar to that of a government, hence top-down, whereby orders are issued from above and then followed at the operational level by other members of the group (Albanese, 2015). Abadinsky (2012, p. 10) explains this model of structure based on six attributes:

A complicated hierarchy; an extensive division of labour; positions assigned on the basis of skill; responsibilities carried out in an impersonal manner; extensive written rules and regulations; and communication from the top of the hierarchy to persons on the bottom, usually in written (memo) form.

3.1.1.2.2 Cultural Model

Other OCGs have cultural or ethnic traits that delineate their structure. These groups are organised on the basis of social and cultural connections, such as racial, national or cultural ties, which allow them to lay the foundations of the organisation based on trust (Albanese, 2015; *Organized Crime Module 7 Key Issues: Local, Cultural Model*, no date). They are predominantly smaller in size, operating in small territories. It does not differ in terms of the operating system from the other models, as the activities are maintained, it is only the connection and link between its members that distinguishes it from the others (*Organized Crime Module 7 Key Issues: Models and Structure*, no date).

3.1.1.2.3 Business Model

This model represents those OCGs that respond to the needs and demands resulting from illegal activities, such as drug and arms trafficking. The dynamics of this type of organisation are very similar to those of a legitimate business, with the difference that this category of groups operates outside that legitimacy (Albanese, 2015; *Organized Crime Module 7 Key Issues: Enterprise or Business Model*, no date). Economic rather than hierarchical or cultural factors drive the structure of this model; indeed, this model is considered to be “the product of illicit market forces” (*Organized Crime Module 7 Key Issues: Enterprise or Business Model*, no date, para. 4)

3.1.1.3 Activities

With the advent of an increasingly globalised world, the flow of people, goods and money became easier and faster. This also opened the way for a variety and complexity of economic activities, but at the same time gave rise to an underground economy in which illegal activities are the order of the day. OCGs carry out diverse and complex criminal activities that can be classified into two main groups: the provision of illicit goods and/or services and the infiltration of legitimate businesses or governments (Albanese, 2015). The first category encompasses those activities that seek to satisfy the demand for illicit products such as drugs or weapons, or even legal products that do not comply with the relevant regulations, such as those that are smuggled (Albanese, 2015). Illegal services such as sex work carried out through human trafficking, are also found in this group of activities. OCGs identify and use vulnerabilities to their advantage to carry out these activities (Albanese, 2015). On the other hand, infiltration presents more violent characteristics, exercising the use of force to obtain benefits and weaken public institutions (Albanese, 2015). These include extortion and corruption (Albanese, 2015).

3.1.1.4 Organised crime in a globalised world

OC does not exclusively affect the state where criminal activities are carried out, but transcends borders, expanding the effects of such activities (Fernandez-Montesinos, 2021). Criminal organisations generally seek to expand the scope of their operations. Fernandez-Montesinos (2021) exemplifies the phenomenon of globalisation through criminal organisations such as the PCC, as one of the largest criminal organisations in Latin America. This organisation started initially in Brazil, but quickly expanded to Paraguay and Bolivia, and has a smaller presence also in Colombia, Peru, Uruguay and Venezuela (Fernandez-Montesinos, 2021).

In such a globalised world, OC is —practically— conceivable only from its transnational dimension. The challenge for criminal organisations is no longer only to infiltrate state institutions, but also to expand to other parts of the world through illegal activities such as drug trafficking or money laundering (Fernandez-Montesinos, 2021).

3.1.1.5 Causes of organised crime

Albanese (2015) explains the possible causes of OC from four fundamental perspectives: positivist, classical, structural and ethical.

The positivist perspective perceives OC as a result of internal or external influences such as psychological, social, economic or biological factors (Albanese, 2015). This perspective, however, fails to explain the causes of the criminal decision, focusing exaggeratedly on external or internal influences on behaviour (Albanese, 2015), calling into question why not all human beings in unfavourable situations do not become criminals. The classical perspective, on the contrary, suggests that delinquency arises as a “result of a free will decision” guided by the “pain-pleasure” principle (Albanese, 2015, p. 95). This perspective overemphasises that OC arises as a means to maximise pleasure at the minimum possible pain, a product of voluntary decisions to

offend, leaving aside several influential factors, such as social or structural ones, and generalising the delinquent condition of all human beings (Albanese, 2015). On the other hand, structuralists argue that certain circumstances lead to criminal behaviour, giving the state a fundamental role in the picture and minimising the role of the individual as well as individual responsibility (Albanese, 2015). Finally, “the ethical perspective views crime as a moral failure in decision-making” (Albanese, 2015, p. 97). The decision to commit criminal acts is closely linked to the “lack of education and experience in ethical decision-making” (Albanese, 2015, p. 97) and therefore advocates education to prevent organised crime.

Having examined each of the main perspectives explaining the causes of OC, it is pertinent to mention that these approaches are not mutually exclusive and can complement each other to provide a broader and deeper explanation of the causes of OC. Organised crime can therefore be explained on the basis of multidisciplinary approaches that address the complexity of motivations or situations that lead to the formation of OCGs. However, without neglecting or minimising individual motivations, this study aims to focus on the structural perspective in order to measure the impact that weak state institutions have on the presence and consolidation of OCGs. This perspective also allows us to identify immediate structural deficiencies and thus propose solutions to reduce the presence of OCGs.

3.1.2 Institutional Weakness

Structural factors, as mentioned above, while not focused on determining the causes that motivate the emergence of OC, are considered to be the conditions that tend to favour this activity. This is because OC finds its ideal place to be created, grow, and subsequently consolidate itself, in an environment of an absence of power and laws and, therefore, severe problems of governance and legitimacy (*Organized Crime Module 6 Key Issues: Structural Factors*, no date), characteristics traditionally linked to weak institutions. Weak

institutions tend to have high rates of corruption and the inability to fully control certain areas of a national territory, which allows criminals to take advantage to infiltrate institutions and thus strengthen their criminal operations (Brinks, Levitsky and Murillo, 2020). To this end, this section focuses on the definition of institutional weakness, types of institutional weakness, corruption as one of the main factors associated with a weak institution, and the link between institutional weakness and the phenomenon of OC.

3.1.2.1 Defining Institutional Weakness

In order to conceptualise institutional weakness, it is essential to first lay the foundations for the definition of an institution. Thereafter, it is possible to conceptualise a weak institution and distinguish it from a strong institution. (Formal) institutions are a set of rules created by humans, which constitute the result of norms that shape human behaviour in society (Brinks, Levitsky and Murillo, 2020). This set of rules ultimately aims to reduce uncertainty and ensure the best welfare in life in society (Brinks, Levitsky and Murillo, 2020). Ostrom (1986) defines institutions as the result of the efforts of a group of individuals to achieve order and predictability based on a clear definition of the actors and their attributions, how they acquire or disengage from their positions, their expected behaviour and the consequences of non-compliance.

Having said this, one can proceed to the definition of institutional weakness. Brinks, Levitsky and Murillo (2020) explain the phenomenon of institutional weakness on the basis of an equation suggesting that the greater the distance between the institutional outcome and what would have been the pre-institutional outcome, the greater the degree of strength of the institution. That is, institutions are created for a specific purpose, either to bring about change or to maintain the status quo, so the greater the distance between institutional outcomes and the pre-institutional context reflects a greater degree of strength (Brinks, Levitsky and Murillo, 2020). Conversely, the closer the institutional outcomes are to the pre-institutional ones, the greater the institutional

weakness. In sum, the objectives for which institutions are created may vary from institution to institution; therefore, the analysis of the degree of strength should consider “not only whether they endure or generate compliance but also how much work they are doing to generate or prevent change” (Brinks, Levitsky and Murillo, 2020, p. 11).

The key to defining institutional weakness or strength is therefore the degree of consistency between the objectives of an institution and the actions of the institution concerning its objectives (Brinks, Levitsky and Murillo, 2020). The full achievement of its objectives is not always a reflection of institutional strength; this is because many institutions set more ambitious objectives than others, so those with ambitious objectives appear at first glance to be weaker when in fact they are working towards their objectives; however, since they are very ambitious, they do not achieve full achievement (Brinks, Levitsky and Murillo, 2020). Thus, the dimension of strength or weakness is measured more in terms of consistency with institutional objectives rather than full compliance with them. It can thus be assumed that institutional weakness is a reflection of little or no coherence in the actions of institutions in relation to the objectives for which they were designed and created.

A distinction must be made between the phenomenon of institutional weakness and failed states in order to understand the case study that will be analysed below. While failed states have no enforcement capacity, states with problems of institutional weakness are considered to be those that, despite having a minimum of power and legitimacy, do not have the capacity to enforce norms in certain areas of their territoriality (Brinks, Levitsky and Murillo, 2020). While failed states have completely lost their capacity to protect, collect and deliver basic services, states with institutional weaknesses have serious problems of corruption, lack of resources, and other shortcomings, although they still have legitimacy —albeit limited— to govern and guarantee certain basic services such as security or education. For this reason, the case study in

this research is examined from the perspective of institutional weakness, not state failure.

3.1.2.2 Typologies of institutional weaknesses

Institutional weakness is commonly associated with the failure to achieve its objectives, however, Brinks, Levitsky and Murillo (2020) propose three typologies of institutional weakness that can manifest themselves in three ways: insignificance; non-compliance; or instability. In the following, each of the typologies of the phenomenon studied will be briefly reviewed.

First, insignificance, i.e. the lack of a specific purpose or objective of an institution, makes it a weak institution (Brinks, Levitsky and Murillo, 2020). Without a specific and clear purpose, the actions taken by an institution do not make any difference between the institutional and pre-institutional outcomes (Brinks, Levitsky and Murillo, 2020). Institutions can gain or lose significance if situations or context change (Brinks, Levitsky and Murillo, 2020).

On the other hand, non-compliance can be understood as the unwillingness or inability of relevant actors to comply with the rules set by institutions (Brinks, Levitsky and Murillo, 2020). Unwillingness is a precisely voluntary act, i.e. actors decide to bypass the rules, and thus benefit themselves or others (Brinks, Levitsky and Murillo, 2020). Corruption is one of the most frequent mechanisms of non-compliance. Non-compliance can also be due to the inability of actors to comply with objectives, even if the government apparatus is willing to enforce the rules (Brinks, Levitsky and Murillo, 2020). Inability is closely related to human resource shortages, and poor public salaries, among others (Brinks, Levitsky and Murillo, 2020).

Finally, instability occurs when the rules governing institutions do not persist over time, i.e. they change when the chips are turned over in government (Brinks, Levitsky and Murillo, 2020). The authors mention several Latin American countries, such as Ecuador or Bolivia, which have undergone

several constitutional changes, making them vulnerable to instability. Before institutions reach equilibrium, they are changed again (Brinks, Levitsky and Murillo, 2020). It is worth noting that, in this regard, Paraguay has retained the same constitution since its promulgation in 1992, and reform has rarely been discussed. This does not exempt Paraguay from experiencing institutional weakness due to instability, because “nor is an institution's persistence always a sign of its strength” (Brinks, Levitsky and Murillo, 2020, p. 24), it simply makes it potentially less vulnerable to those countries with more frequent institutional changes.

3.1.2.3 Corruption and institutional weakness

Corruption is defined in general terms as the action and effect of altering the expected functioning of something (Méndez Giraldo et al., cited in Vargas Ferreira, Aguayo Ruiz Diaz and González Kunert, 2019), but it can manifest itself in different ways: in public, business or social corruption. Political corruption is the abuse of power in public office for personal gain; business corruption, on the other hand, is also an abuse of power but within the private sphere; and, finally, social corruption is that in which abuses in society are circumscribed, such as police corruption, tax corruption, among others (Vargas Ferreira, Aguayo Ruiz Diaz and González Kunert, 2019). There are as many conceptualisations of corruption as there are corrupt acts in the world; however, a common point among most of the existing definitions in the literature is that corruption is an activity that constitutes an abuse of power carried out outside the legal framework that can take place both in the private and public sphere, with significant side effects and with the aim of obtaining some particular benefit (Estévez, 2009).

Another classification of corruption is presented by Sampó (2004, p. 3) as “Pequeña Corrupción y Gran Corrupción” [petty corruption and grand corruption]. The former represents those actions in the mainly administrative sphere that generate social and political apathy, as well as distrust of politics

(Sampó, 2004). The second, also known as political corruption, is that which takes place at the highest levels of government and delegitimises the government and its officials (Sampó, 2004). In this sense, Sampó (2004) reinforces the idea that grand corruption, a phenomenon that develops more frequently in states with problems of institutional weakness, also ends up having an impact on petty corruption, as it increases the feeling of distrust and the erosion of institutions (Sampó, 2004). In this way, it can be inferred that political corruption exercised by high local authorities has a direct effect on lower administrative levels, such as the police, the civilian population, and other levels of society.

Political corruption, in addition to being one of the manifestations of institutional weakness through non-compliance, is considered both a cause and a consequence of institutional weakness. Corruption and institutional weakness have a reciprocal relationship that feeds back on each other, as they are closely related. Sampó (2004) explains in this sense that corruption is generated more easily and more frequently in weak institutions, and that institutional weakness is propitiated by corruption (Sampó, 2004). In other words, acts of corruption, such as bribes received by high-level authorities, can be carried out more easily when the institution is weak because impunity will allow corrupt acts to be carried out without major inconveniences, avoiding possible investigations or sanctions for the authorities involved (Estévez, 2009). Similarly, these acts of corruption end up generating a generalised sense of distrust towards institutions, which weakens the legitimacy of the institutions themselves (Estévez, 2009).

Causes and consequences of political corruption

The causes of corruption are very varied and even more so considering the diversity of societies, institutions, cultures, and individuals in which these practices are generally carried out (Graaf, 2007). Estévez (2009) identifies the main and most frequent causes of corruption in political, economic and social

terms. Politically, the main causes of corruption are the concentration of power in the hands of a few, the imbalance of unitary or federal power that lacks centralised agencies that guarantee transparency, a deficient democratic system, incipient democracies without a strengthened national identity; bureaucratic deficiency, state capture by certain private companies or individuals, political influence on judicial functioning, and lack of trust in institutions (Estévez, 2009). These are the political circumstances conducive for corruption to emerge and take place.

In terms of economic reasons, Estévez (2009) explains that the following economic factors cause corruption: very restrictive or interventionist rent-seeking behaviour; bribery in public investments such as procurement; low levels of training of the workforce employed in the public sector; natural wealth is proportional to rent-seeking behaviour and therefore also to corruption; incipient economies that present greater opportunities to obtain dirty money; high levels of inflation or informal economies (Estévez, 2009).

Finally, social reasons play a lesser role but are summarised in the following factors: cultural differences comprising cultures that are more or less receptive to acts of corruption; gender incidence according to which women are more reluctant to bribes than men, who in many societies continue to dominate the public sphere; high levels of ethnolinguistic fractionalisation; high levels of poverty; institutionalised corruption; lack of transparency in information; low levels of trust towards institutions in society; among others (Estévez, 2009).

On the other hand, the effects of political corruption on the state structure are also too varied and too high. The clearest consequence of corruption is the loss of legitimacy that governments suffer from the people (Estévez, 2009). The status of the civil service is degraded and it becomes a profession known for facilitating personal gain (Estévez, 2009). The loss of trust in state institutions and their authorities also generates political instability (Sampó, 2004). These symptoms are in turn reflected in society, reproducing the same practices in

different spheres of social life (Sampó, 2004). Consequently, this set of situations reinforces the deterioration of government transparency and legitimacy until corrupt actions cease to be a source of astonishment in social and political life and, instead of being the exception, become an increasingly frequent norm.

In addition to the aforementioned aspects, the effects of corruption on state institutions are not limited to the above. Corruption, by causing a loss of state legitimacy and opening the way for different types of negotiations, allows for the infiltration of OCGs within the state structure (Sampó, 2004). This is because a weak institutional structure, on which a state rests, constitutes a propitious scenario for the development of criminal activities, through the negotiation of criminals with high-level public officials, which is based on the payment of bribes (Sampó, 2004). The vicious circle between institutional weakness and corruption leads to public officials ceding or failing to exercise state sovereignty over certain areas of their territory, which facilitates the penetration of criminal networks into institutions, taking advantage of this power vacuum. The infiltration of these criminal groups into state institutions allows them to obtain benefits such as impunity, leading public officials to a state of complicity in criminal activities. Consequently, criminal groups achieve a certain degree of strengthening and proliferation, as they have the necessary conditions to operate more easily through this mechanism.

In short, it can be concluded that corruption can be both a cause and a consequence of institutional weakness because it not only promotes the latter but also develops more easily in the context of institutional weakness. Corruption weakens the legitimacy of the state and is easily reproduced in areas other than politics. Corruption is also a fundamental element of institutional weakness, as it is through corruption that criminal organisations filter into the state structure, which will be discussed below. Indeed, corruption not only facilitates the entry of criminal organisations into the state structure

but also allows them to proliferate. This series of events that corruption leads to ends up affecting the state in various areas, such as legitimacy, public confidence and national security, among others.

3.1.3 Organised crime and institutional weaknesses

As previously introduced, institutional weakness plays a key role in the establishment and expansion of complex phenomena such as OC. A state lacking consolidated institutions offers favourable conditions for new forms of enrichment —mostly illegal— to emerge (Fernandez-Montesinos, 2021). Fernandez-Montesinos (2021, p.5) argues that “la delincuencia organizada y la debilidad institucional son la cara y la cruz de una misma moneda” [organised crime and institutional weakness are the heads and tails of the same coin] (Fernandez-Montesinos, 2021, p. 5) because they are inevitably related and OC is not only a consequence of institutional weakness but depends on it in order to establish and consolidate itself (Fernandez-Montesinos, 2021).

By saying this, Fernandez-Montesinos (2021) tries to illustrate the relationship between the two phenomena, which form a whole, although they play different roles. OC is linked to state structures because it relies on them to carry out its activities; and the state, through its institutions, is both judge and party to the problem because it simultaneously opposes and endorses OC (Fernandez-Montesinos, 2021).

Pérez (2020) formulates a theoretical assumption that suggests that in the context of institutional weakness, state functions become both strong and weak at the same time. That is, they become strong in terms of the deployment of repression and security forces, but at the same time they become weak and incoherent in relation to protecting the physical integrity of the population and safeguarding their legitimacy in the eyes of citizens (Pérez, 2020). Moreover, in this context, OC increases its power, disintegrating the civilian population

and increasing its power of influence over the territory of the state (Pérez, 2020).

The favourable conditions that institutional weakness provides to OC networks are mainly related to high levels of corruption. The latter undermines the legitimacy of institutions, allowing the infiltration of criminal networks within state institutions (Fernandez-Montesinos, 2021). It is through corruption that OCGs receive the necessary protection to continue and strengthen their activities (*Organized Crime Module 4 Key Issues: Links to Corruption*, no date). To do so, these criminal groups must secure border crossings or the main routes through which they transit to carry out their illegal activities, pay bribes to public officials to ensure their protection, as well as make payments to manipulate court cases and position politicians in their favour (*Organized Crime Module 4 Key Issues: Links to Corruption*, no date). These are just some of the many ways OCGs find to infiltrate state institutions.

To summarise the context of institutional weakness and its role in the development and proliferation of OC, the main favourable conditions that stand out in this scenario are the following:

- High levels of corruption → make it easier for OCGs to carry out their illegal activities.
- Low legitimacy and lack of trust in institutions → hampers law enforcement and policing thus also allowing the infiltration of OCGs into the State.

Finally, after delving into the definitions of OC and institutional weakness, as well as the main elements associated with these phenomena, it is concluded that the relationship between the two lies mainly in the fact that, due to a state's institutional weakness —reflected in factors such as corruption and the lack of legitimacy or trust in institutions—, OCGs tend to infiltrate public institutions at an accelerated pace. This consequently leads to a vicious circle

because OCGs' infiltration also damages state institutions, making them even weaker.

3.2 Methodology

This chapter aims to lay the foundations of the methodology that will be used for the development of this research. To this end, the research question will be presented first, together with the methodological design. Next, the justifications necessary to understand the selection of the case study as well as the sub-cases and the timeframe will be provided. In the same vein, this chapter outlines the methodology used for both data collection and subsequent analysis. Finally, this chapter concludes with the main limitations of this research. Therefore, this chapter in general aims to provide a comprehensive overview of the entire methodological structure which will be used in this research.

3.2.1 Research Question and Research Design

The main objective of this research is to elucidate the impact of institutional weakness on the presence of OCGs. This research aims to contribute to a better understanding of the role of institutions in the context of OC, which will in turn contribute to the identification of possible tools for the planning, development and/or implementation of more efficient strategies to mitigate this phenomenon. This study is based on the case of the institutional weakness of the Paraguayan state and its implications for the presence of OCGs operating in the Triple Frontier that connects Paraguay, Brazil and Argentina, over the period 2013-2018. The main research question is: "How does the institutional weakness of the Paraguayan state influence the presence of organised crime groups in the Triple Border between Paraguay, Brazil, and Argentina?"

The methodology chosen for this research is qualitative research focusing on institutional weakness and its linkage with the presence of OC in the TBA.

Qualitative research will facilitate the search for depth in understanding the relationship between these two phenomena studied, being the approach conducive to “in-depth exploratory studies” (Biggam, 2008, p. 96). Furthermore, the research strategy contemplates a case study since this methodological design allows for an in-depth understanding and intensive analysis of complex phenomena (Bryman, 2012). Focusing the research on the phenomenon in the studied region will therefore allow for an understanding not only of its characteristics, including its context and dynamics but also of its complexity.

To delve deeper into institutional weakness concerning the presence of OC, the research design also includes the “case within a case” strategy which in a case study allows the phenomenon of interest to be divided into smaller units or sub-cases; “dividing a single case into a subset of smaller cases provides the opportunity to identify similarities and differences between the sub-cases” (Mills et al, 2010, p. 135). The research will therefore study institutional weakness and its impact on OC through the study of two sub-cases: the Public Prosecutor's Office of Paraguay and the National Police of Paraguay. The objective of this strategy is to identify the main institutional weaknesses of these two institutions in order to determine whether these deficiencies have implications for the presence of OCGs.

3.2.2 The Rationale for the case study and sub-cases selection

The rationale for the selection of the case study lies in the fact that the Triple Frontier has become one of the areas of greatest OC presence in the South American continent. The TBA is an area that is conducive to criminal activities such as money laundering, illegal arms and drug trafficking, and human trafficking, conducted by numerous OCGs that rely on the beneficial characteristics of the region for their activities. Moreover, it is one of the few areas in the region where a convergence between OC and terrorism has been observed.

Furthermore, the reason for selecting the Paraguayan state as the focal point for investigating institutional weakness stems from the fact that, even though OC operates in the Tri-Border region, encompassing Paraguay, Brazil and Argentina, it is predominantly the Paraguayan side of the border where most criminal organisations have settled and from where they carry out their illegal activities (Bartolomé, 2002; Sverdlick, 2005).

Furthermore, for the analysis of institutional weaknesses, a study will be made on the main public entities that work constantly in the fight against OC: the Public Prosecutor's Office of Paraguay and the National Police of Paraguay. They both play a key role in the investigation, prevention and mitigation of OC, and a coordinated work and effective communication between the two is crucial in the framework of OC investigations. In summary, these two sub-units have been selected due to their pivotal role as the primary institutions engaged in combating OC in Paraguay.

3.2.3 The Rationale for the Timeframe

The justification for the timeframe of the research, between 2013 and 2018 corresponding to the Paraguayan presidential term of HC, lies in the fact that during this period there was one of the first and largest manifestations of violence in the TBA by members of the hegemonic OCGs, the PCC and the CV, when they robbed a security company, besieging a large part of Ciudad del Este and exposing the National Police's weaknesses to reduce the criminals or even control the situation. This violent manifestation of OC was followed by other significant expressions of violence by OCGs and became a major national security event during this period.

No less important in the selection of this timeframe is the fact that HC is one of the most economically and politically powerful businessmen in Paraguay. Despite severe and forceful accusations of involvement in illegal activities, he became president of the Republic of Paraguay without having even voted in

general elections and with less than three years of registration in the Permanent Civic Registry; he even changed the internal rules of the most powerful political party in the country, the ANR, so as to be eligible to run for and reach the Lopez Palace (*Horacio Cartes, el candidato que nunca votó - Paraguay.com*, no date).

During his government, important changes were made to legislation to improve transparency in public administration, such as Law N° 5.282 “De Libre Acceso Ciudadano a la Información Pública y Transparencia Gubernamental” [Law on Free Citizen Access to Public Information and Governmental Transparency]. However, the perception of corruption escalated and became a more significant problem during his presidential period (*Latinobarómetro*, 2013; *Latinobarómetro*, 2018). Furthermore, a few years after the end of his presidential term, he was accused by the US Treasury Department of engaging “in acts of corruption before, during and after his term as president of Paraguay. Cartes' political career relied upon and continues to rely on corrupt means for success” (*Treasury Sanctions Paraguay's Former President and Current Vice President for Corruption*, 2023, para. 4). His government had significant political support in the various branches of government, allegedly achieved through a systematic scheme of bribery of legislators, an act the United States accuses him of orchestrating due to his substantial economic influence (*Treasury Sanctions Paraguay's Former President and Current Vice President for Corruption*, 2023). As can be seen at a glance, his administration made attempts to project an impression of progress and advancement in public administration, despite contradictory practices. This aspect renders his presidential tenure worth studying, as it underscores the notion that institutional fragility is not always readily discernible through casual observation.

3.2.4 Data Collection and Analysis

In terms of data collection, the research relies on document analysis as the principal methodology for data collection. The bibliography comprises mainly government reports, research reports, public opinion polls, academic articles and media.

The analysis comprises the study of the presence of OC in the TBA, as the dependent variable, and the study of the institutional weakness of the Paraguayan state as an independent variable. For the analysis of the presence of OC, as the dependent variable, academic articles and media reports will be used.

On the other hand, for the study of institutional weakness as the independent variable, corruption and the legitimacy of institutions will be studied as the main factors associated with institutional weakness. For this purpose, the results of the Latin American public opinion survey “Latinobarómetro” will be used. This survey provides relevant information on the perception of corruption at the country level, so in order to analyse this factor, the data corresponding to the period studied will be taken into account, i.e. the opinion reports from 2013 to 2018. The numbers regarding the perception of corruption will serve as an indicator of the increase or decrease of corruption in the HC administration. In the same way, the report provides information on trust in institutions, a determining factor for their legitimacy. For this purpose, data corresponding to 2013 and 2018 will also be used. For the two sub-cases, the same factors will be analysed based on the Atlas de la Violencia e Inseguridad en Paraguay 2017 [2017 Atlas of Violence and Insecurity in Paraguay], which presents the 2017 National Victimization Survey indicating the percentage of victims of corruption and the entities involved, including the National Police and the Public Prosecutor's Office, as well as results on trust in the institutions studied.

Subsequently, based on the results of the sub-case studies, the patterns of similarity and difference between the two public institutions under study will be analysed. Finally, the analysis of the relationship between corruption and legitimacy and the infiltration of OC in these institutions will be presented, and the chapter concludes with an examination of the impact of the institutional weakness of the Paraguayan state on the presence of OC in the TBA.

3.2.5 Limitations

There are inherent limitations to this study, as well as issues associated with a country in which research in terms of institutional weakness is still at an early stage of development, particularly when considering its link to the presence of OC. These very limitations of the study, i.e. the scarce academic or scientific production in this area, might even indicate potential symptoms of institutional weakness.

The proposed research will also be limited in scope in that no interviews will be conducted with representatives of Paraguayan public institutions responsible for the fight against OC. This is because the involvement of both HC and the influential ANR party, the most preponderant and powerful political party in the country, generates an atmosphere of caution and reticence around the research. This limitation, however, is intended to be alleviated by the extensive analysis of investigations previously carried out by other researchers, mainly by investigative organisations focused on OC in the Latin American region.

Besides, it is crucial to highlight that, while the results of the study of the Public Prosecutor's Office and the National Police can be generalised to represent the institutional dynamics in relation to OC in Paraguay, they cannot be generalised to peer institutions in Brazil and Argentina linked to the fight

against OC in the TBA, since the political and institutional dynamics may present other challenges and limitations specific to the national context.

Guided by the methodological design presented in this chapter, the following section will present the information collected within the framework of the study of Paraguay's institutional weakness and its implications for the development of CO activity in the TBA during the period 2013-2018.

IV. CASE STUDY: Institutional Weakness and Organised Crime in the TBA

The main purpose of this chapter is to study Paraguay's institutional weakness during the HC government and its relationship with the presence of OC. To this end, first of all, the main aspects of the presidential government under study will be examined in depth, with an emphasis on institutional weakness as a phenomenon deeply rooted in Paraguay's political history. Likewise, in order to determine the main shortcomings of the government under study, the main opinion polls will be examined to explore the perception of corruption and trust in institutions during this period. Subsequently, this chapter will elaborate on the OC phenomenon in the TBA, the main groups involved and their operations in the region. All of this will lead to the analysis of institutional weaknesses and the infiltration of OC into state institutions during the period under study. Secondly, this chapter includes the sub-case studies, which aim to examine two of the main institutions involved in the fight against OC. Finally, in order to analyse institutional weakness within this period, the perception of corruption and trust in these institutions as well as the assessment of OC infiltration in them will also be evaluated.

4.1 Overview of the Administration of Horacio Manuel Cartes Jara

After a long period of six decades of government by the ANR in Paraguay — Paraguay's hegemonic political party—, in 2008 a political alliance distant from the ANR emerged for the first time in the country's democratic history, with Fernando Lugo as president. His government was marked mainly by social reforms focused on improvements in the health system, education and poverty alleviation. In 2012, a controversial impeachment trial of the incumbent constitutional president ousted Lugo, generating an environment of political, legal and economic uncertainty, as well as diplomatic isolation and a completely divided country. It was in this context that HC, a businessman from a wealthy family who set up an extensive holding of companies in

various areas such as finance, agriculture, food and tobacco, emerged as a political figure. His arrival in politics was controversial; he registered, at the approximate age of 53 in the Permanent Civic Registry in 2009 to vote for the first time (Ortiz de Zárate, 2013). He also became a member of the ANR and influenced the change in the Statute to reduce the year of seniority from 10 to 1 to be a presidential candidate for this party (Ortiz de Zárate, 2013). He was elected as president of the Republic of Paraguay on 15 August 2013; with him came an absolute majority in the Lower House and a simple majority in the Upper House for the ANR, i.e. a significant party support in the legislature (Ortiz de Zárate, 2013).

In a scenario of political and economic uncertainty, HC is credited with having restored some economic stability to the country. Without delving into specific intricacies, during his government, Paraguay maintained a GDP above the average for Latin America and the Caribbean, as indicated by World Bank figure (*World Bank Open Data*, no date). Furthermore, financial risk during his government recovered and remained stable and with a positive outlook between January 2014 and December 2018 (*Paraguay - Credit Rating*, no date). For a landlocked country, economic stability is a determining factor for attracting foreign investment, which is motivated by a flexible and investment-friendly tax system as well as economic stability. In addition to this, HC ended his administration with fewer civil servants than he received in 2013 (*La Unión*, 2016), a remarkable event for a country where the political system retains clientelistic practices and public procurement has always been closely linked to these practices. During his mandate, HC also implemented the much-needed law “De Libre Acceso Ciudadano a la Información Pública y Transparencia Gubernamental” [Law on Free Citizen Access to Public Information and Governmental Transparency], with the intention of making public administration more transparent (*Promulgan ley de libre acceso a la información pública*, no date). In general terms, Cartes' mandate returned the country to economic stability and certain political stability, mainly in the first

years of his government, compared to the circumstances in which the country found itself at the time he took office, following one of the most emblematic political impeachments in the region.

The political stability seen during his first years in office was completely overshadowed after HC attempted a constitutional amendment in the Senate in March 2017 to allow for the re-election of presidents in Paraguay and thus extend his term as president. It is important to note that Paraguay has experienced the longest dictatorship —35 years— in the history of South America, which has influenced the ban on presidential re-election and generated sensitivity around this issue. The ban on presidential re-election not only has a legal basis but also evokes painful memories in a population that has suffered considerably for 35 long years. In this context, a widespread fear persists regarding the accumulation of power and perpetuation in office, a concern that is still alive and well in Paraguayan society. Moreover, the amendment as a method of partially modifying the constitution, rather than constitutional reform, was highly contested and controversial, since many jurists argued that the only way to change it is through constitutional reform. As a result, Cartes' attempted amendment generated repudiation and strong political tension which, in the midst of massive demonstrations, resulted in one death —committed by the National Police inside the headquarters of the main opposition political party, the Partido Liberal Radical Auténtico Party (PLRA)— and the partial burning of the National Congress. In the end, HC did not succeed in his aspiration for re-election but left the country once again divided between those who supported the amendment of the Constitution and those who did not.

As was to be expected, public opinion expressed its dissatisfaction with Cartes' presidential term not only in demonstrations but also in opinion polls. Approval of the HC government's performance declined considerably within this period; in 2013, 30% approved of his administration, 26% and 29% in

2015 and 2016 respectively; in 2017, there was a considerable drop of only 21%, culminating its mandate in a 23% approval rating for 2018 (*Latinobarómetro*, 2013; *Latinobarómetro*, 2018). A significant drop of 7 points since the beginning of his presidential term. The quest for re-election was not the only reason for the drop in approval, as Cartes was criticised mainly for disproportionately favouring the business sector at the expense of the majority. Among the benefits to the business sector, he stalled measures designed to increase the tax on soybeans, the main export product, which is taxed at 10% (Wahren, 2018). On the other hand, he rejected the increase in budgets for education and public health (Wahren, 2018). In short, economic stability is not at all conducive to economic development when public policies postpone human rights tasks such as education and health. All this explains why only 10% of the Paraguayan population said in 2018 that Paraguay “governs for the good of all the people”, compared to 87% of the sample who say that the government is governed for the interests of a powerful group for their own benefit and not for the common good (*Latinobarómetro*, 2018, p. 39).

No less important than the aforementioned are the links with OC of which HC is accused. From before, during and after his presidential administration, HC has been the subject of accusations of links to illegal activities. In particular, he has been linked to illegal businesses since the 1980s, when he was a fugitive from justice due to these businesses and apparently upon his return he faced justice and his case was dismissed (Ortiz de Zárate, 2013). Allegations of links to cigarette smuggling, money laundering and other illegal activities burden the political figure of HC. However, he never faced any trial confirming these links during his presidential term. Nevertheless, on 22 July 2022, the US State Department stated that “durante su mandato, Horacio Cartes, utilizó la presidencia del Paraguay para obstruir una investigación de crimen transnacional que involucraba a sus socios. La obstrucción de Cartes fue diseñada para mitigar el riesgo político y legal para sí mismo” [during his

tenure in office, HC used the presidency of Paraguay to obstruct a transnational crime investigation involving his associates. Cartes' obstruction was designed to mitigate political and legal risk to himself] (Martinez, 2022, para. 6). He was also accused of documented involvement with foreign terrorist organisations (Martinez, 2022). HC later received further sanctions from the United States, which, despite not making public the evidence found, claimed to have documentation supporting the connection of HC with organised crime and terrorist organisations. Although these external accusations and sanctions took place outside the timeframe of the study, it serves as a reference for the further analysis of Cartes' possible interference in the public forces that may have prevented the corresponding investigations from being carried out during his government. Undoubtedly, the figure of HC is linked to accusations of links and activities that threaten not only national security but also the legitimacy of public institutions and the general management of public affairs. For this reason, the following sections aim to delve deeper into the aspect of corruption and trust in institutions during this period of presidential government under study.

4.2. Examination of Corruption and Institutional Trust (2013-2018)

For the study of institutional weakness in Paraguay, it is necessary to refer to the levels of corruption and trust in institutions, because, as seen in the theoretical framework, these are two of the main symptoms that restrict the proper functioning of institutions. In the case of Paraguay, corruption and the lack of legitimacy and trust in institutions are undoubtedly inseparable from the national reality. Although the aim of this section is to study the government of HC, it is necessary to clarify that both institutional weakness and the factors associated with it are not phenomena that develop from one government to the next; rather, they are built up progressively in the face of various social, political, economic or administrative deficiencies. However,

these phenomena can be accentuated from one government to the next depending on the policies and practices carried out by each government.

Institutional weakness in Paraguay has roots that were consolidated through the military dictatorship of Alfredo Stroessner because it was governed by and for the ANR. Alfredo Stroessner consolidated his power through the 'coloradización' of the state, that is, a process whereby state institutions, including the Armed Forces, had to respond to the interests of the ANR (Sampó, 2007). The model of government was that of the so-called 'Trilogy of Power', where the state, the army and the ANR were the three pillars of power and worked together for total control, suppressing opposition, benefiting certain favoured sectors and violating human rights.

Paraguay has not been able to strengthen its institutions since the fall of the military dictatorship and subsequent democratic transition (Sampó, 2007). The democratic transition was merely a political opening to the previous political regime that resulted in a fragile democracy (Simón, no date, cited in Sampó, 2007). From the democratic transition until the time of this study, the same political party that governed during the dictatorship, the ANR, remained in government, with a brief exception in the presidential period from 2008 to 2013. The Republic of Paraguay inherited from the military dictatorship a paternalistic political model whereby the ANR 'seccionales' (subsidiaries) are in charge of providing basic services such as health, housing, labour and others; in other words, it replaces the duties of the State (Garat, 2016)

The aim of this contextualization is to show that the factors that contribute to the institutional weakness in Paraguay cannot be attributed solely to the actions of a single government, but rather represents a persisting pattern that transcends successive administrations. However, as the timeframe of this research covers the period of HC only, the panorama of corruption and the credibility of institutions during the years 2013-2018 will be the subject of this section as part of the analysis of institutional weakness. To this end, it should

first be noted that the evolution of corruption is a complex phenomenon to assess because there are no statistics on it; the information available on corruption comes mainly from the media reporting corruption scandals and opinion polls. Latinobarómetro reveals that between 2013 and 2018, corruption in Paraguay has climbed among the country's most important problems. At the beginning of Cartes' term, corruption ranked fifth among the most important problems, and in 2018 it ended up in second place (*Latinobarómetro*, 2013; *Latinobarómetro*, 2018). The perception for the years 2014 and 2015 is not provided by the survey, however, for the rest of the presidential term, corruption progressively climbed to position itself as the second most pressing problem in the country.

Corruption as the most important problem in Paraguay (*Latinobarómetro*, 2013; *Latinobarómetro*, 2018):

- ❖ **2013:** 5th place
- ❖ **2016:** 4th place
- ❖ **2017:** 3rd place
- ❖ **2018:** 2nd place

In this sense, Transparency International's Corruption Perceptions Index (CPI) provided contradictory information, which interprets the perception of corruption as having a favourable result for the government of HC, as can be observed in Table 1 (*2018 Corruption Perceptions Index - Explore the results*, 2019).

Year	Score	Rank
2013	24/100	150/177
2014	24/100	150/177
2015	27/100	130/168
2016	30/100	123/176
2017	29/100	135/180
2018	29/100	132/180

Table 1: Perception of corruption between 2013-2018. Own elaboration.

Source: Latinobarómetro, 2013-2018.

As for bribery, Latinobarómetro surveys in 2017 shed light on bribery in Paraguay, which along with Venezuela and the Dominican Republic have the highest perception of bribery, meaning that half or more of the Paraguayan population considers it feasible to bribe a police officer, judge or ministry official.

Probability of bribing public officers in 2017:

- ❖ Probability of bribing a police officer: 57%.
- ❖ Probability of bribing a judge: 49%.
- ❖ Probability of bribing a ministry official: 51%.

On the other hand, regarding trust in institutions, the Latinobarómetro for the years 2017 and 2018 comprise the figures for trust in the main institutions of democracy and the State, including the Church, the Armed Forces, the Police, the Electoral Institution, the Judiciary, the Government, the Congress and the Political Parties. No information was obtained for the years 2013 to 2016.

Trust in Institutions 2017-2018		
Institution	2017	2018
Church	77%	82%
Armed Forces	40%	52%
Police	21%	34%
Electoral Justice	17%	26%
Judiciary	15%	24%
Government	16%	21%
Parliament	10%	25%
Political Parties	12%	26%

Table 2: Trust in Paraguayan institutions between 2017 and 2018. Own elaboration. Source: Latinobarómetro, 2017-2018.

Although information has only been collected on the perception of trust in institutions during the last two years of Cartes' government, perception indicators during 2017 are alarming. 2017 was a politically unstable year, with strong demonstrations and much discontent from a large part of the citizenry that condemned the attempt to amend the National Constitution to allow for presidential re-election, promoted by HC. On the other hand, there was an increase in the trust placed in all institutions during 2018. However, it is relevant to note that this context could be significantly influenced by the fact that Paraguay held elections to have its new authorities in April 2018. In April 2018, new general elections were held and on 15 August 2018, Cartes' mandate came to an end.

In both years –and historically– the Church is an extremely important political force in Paraguay. As an institution with great power of influence in the entire Latin American region, the 2017 Latinobarómetro ranked Paraguay as the country with the greatest trust placed in the Church. The Church,

therefore, by relying on the trust of the citizenry, still has enough power to influence state policies.

On the other hand, the armed forces are the most trusted state institution after the Church. Despite the fact that the armed forces are generally blamed for inefficiency in the fight against the EPP, cases of corruption within the armed forces have not been publicised in many situations.

In the Electoral Justice, the Judiciary and the Parliament, citizens ranked Paraguay with the lowest percentage of trust in all of Latin America in 2017. Meanwhile, trust in the police, the government and the political parties remained weak and among the worst percentages of trust.

This concludes that the issue of corruption occupied an increasingly important place in the Paraguayan citizen landscape during the government of HC. In addition, the perception of the feasibility of bribery of different government institutions is considered one of the highest in the region, with more than 50% of the population considering it likely in 2017. The CPI, on the other hand, establishes a slight improvement in the perception of corruption in Paraguay during the government of HC. Trust in institutions ranked, in general, among the worst perceptions of trust in the entire region in 2017, which would be closely linked to how Paraguayan society perceives corruption and the feasibility of bribery within public institutions, exposed by Latinobarómetro.

4.3 Tri-Border Area (TBA) as a regional Organised Crime epicentre

The TBA presents remarkable geographic, demographic, economic, and geopolitical attributes that have made it a hotspot for the development and proliferation of criminal activities carried out by OCGs to the extent that it has become one of the foremost security concerns within the South American continent. These elements are also seen as facilitating factors that have enabled the settlement, expansion, and proliferation of organised crime factions within this region.

- Geography: The TBA is marked by hydrographic boundaries. The Paraná River marks the territorial boundary of Paraguay to the west, Brazil to the northeast and Argentina to the southeast; similarly, the Iguazú River separates Brazil to the north and Argentina to the south. At this juncture of convergence lie the urban centres of Ciudad del Este in Paraguay, Foz Do Iguacu in Brazil, and Puerto Iguazú in Argentina. This region is rich in natural resources; it is home to the Guaraní Aquifer, “an underground freshwater reserve of 1,200,000 km²” (Giménez & Montenegro, 2010 cited in Cuervo, 2018, p. 47). The Itaipu hydroelectric dam, shared by Brazil and Paraguay, was considered as the largest hydroelectric power plant in the world until 2014 (*Itaipu Binacional | Líder mundial en generación de energía limpia y renovable*, no date).
- Demography: Important infrastructure projects carried out in the region between 1965 and 1986, such as the hydroelectric dam (1974-1984) (Marín Osorio, 2015) and the Puente Internacional de la Amistad bridge connecting the cities of Foz Do Iguacu and Ciudad del Este (1965) (Montenegro, 2007), contributed to the integration of these borders and, consequently, to population growth (Cuervo, 2018). The Triple Border received an important wave of migrants, particularly of Lebanese origin (Marín Osorio, 2015), motivated by the commercial stimulus promoted by the then-dictator of Paraguay, Alfredo Stroessner, from the 1960s onwards, which attracted traders from various parts of the world (Renoldi, 2015), China, Japan, Russia, etc. (Marín Osorio, 2015).
- Geopolitics: Mercado Común del Sur (MERCOSUR), comprising the three countries of the Triple Frontier together with Uruguay, turned this area into a geostrategic region. The purpose of this economic block is to foster the integration of local economies into the regional market in order to generate greater trade opportunities (*¿Qué es el*

MERCOSUR?, no date). This treaty includes free movement between member countries for citizens and facilities for the business sector to establish businesses in any member country (*Estatuto de la Ciudadanía del Mercosur*, no date).

- Commerce: Ciudad del Este is a free trade zone since 1960 and its easy access from Brazil makes it a thriving economic dynamism. Annually, it can generate up to 15 million dollars, making it one of the cities with one of the most commercial cash transactions in the world (Devia-Garzón *et al.*, 2019). The 1980s saw the commercial boom in the cities of Ciudad del Este and Foz Do Iguacu, which substantially attracted shopping tourism or commercial tourism in these cities (Cuervo, 2018; Devia-Garzón *et al.*, 2019).
- Political context: The systematic corruption of the authorities played a decisive role in the constitution of this zone as an area conducive to the illegal activities of OC (Sampó, 2007).

4.3.1 Organised Crime Groups in the TBA

In the TBA, organised crime groups are of both native and non-native origin, with native groups being those that emerged in one of the countries that make up the TBA and non-native groups those that come from third countries.

4.3.1.1 Native groups

Two of the most powerful are the Brazilian gangs Primeiro Comando da Capital (PCC) and Comando Vermelho (CV). Both criminal organisations are characterised by having emerged in Brazilian prisons, in Rio de Janeiro and Sao Paulo, respectively, as a response to the precariousness of the penitentiary system. One of their main activities is drug trafficking and they seek to eliminate intermediaries in the illegal drug market chain (Devia-Garzón *et al.*, 2019). Furthermore, a singularity of the PCC and the CV is that they do not have that well-marked hierarchical structure that characterises drug cartels, but

a relatively more horizontal, and even fraternal, structure (Martens and Villalba, 2019), which has a significant impact on the operational system of these organisations. Prison police repression, institutional corruption and social vulnerability aggravated the situation of these prison factions (Jański, 2022).

The expansion of these groups in Brazil was violent, based on terrorist attacks, assassinations of authorities and civilians, robberies and, above all, internal disturbances in the different penitentiaries to achieve the expansion of criminal groups throughout Brazilian penitentiaries (Jański, 2022). As these criminal groups expanded in the Brazilian territory, they also progressively extended their criminal activities and their area of influence internationally (Jański, 2022). The spread of these groups in the Triple Frontier, more specifically in Paraguay, occurred in a very similar way, with the difference that by that time, these gangs already had a significantly strengthened structure and the necessary resources to achieve their objectives. Today, it is estimated that the PCC and CV groups control at least 80% of the drugs produced in Paraguayan territory (*El crimen organizado se instala en un Paraguay conmocionado por la violencia*, 2022) and dominate a large part of the drug trafficking routes in the region (Dudley and Taylor, 2020).

Primeiro Comando da Capital (PCC): In 2010, the “Projeto Paraguai” or Paraguay Project officially emerged with the intention of expanding its presence and eliminating the existing chain of intermediaries mainly in Paraguay, recognising the importance of this country, not only as one of the main producers of marijuana in the world but also as one of the most important cocaine routes (Paes and Nunes, 2018). Before 2010, however, the PCC already had contacts in Paraguay with whom it worked together, but illegal activities such as drug trafficking relied on intermediaries (Paes and Nunes, 2018). It was not until around 2014 and 2015 that the PCC began to concretise its presence in Paraguay (Paes and Nunes, 2018). At that time, the “Rei da

Fronteira” (King of the Border) in Pedro Juan Caballero, a Paraguayan border town known for drug trafficking, was Jorge Rafaat Toumani, who controlled the region, from the illegal trafficking of products through charges of up to 5% of the goods in circulation, to the complicity of local political and police authorities (Martens and Villalba, 2019). Rafaat was killed—despite a complex security system—by a large group of hitmen, allegedly jointly perpetrated by the PCC, the CV and a known drug trafficker Jarvis Chimenes Pavão (Martens and Villalba, 2019).

Just ten months later, in April 2017, the PCC again demonstrated that it could have even more firepower and attack capacity than the security forces themselves. For at least 30 minutes, Ciudad del Este was in the hands of a group of 50 people who executed the largest robberies in the country's history by blowing up the vault of the Prosegur company and successfully escaping from the crime zone (Martens and Villalba, 2019). The criminal group set fire to several access points to the crime zone across the city, leaving the National Police unable to react (Dudley and Taylor, 2020). Dudley and Taylor (2020) mention that the police had concluded that the attack had been carried out in a personal capacity by certain members of the PCC, but not by the criminal group because the latter did not take responsibility. This is not, however, a very logical conclusion, firstly because of the level of organisation and the resources used for the heist, including firearms, explosives, drones and other large-scale elements. Moreover, one of the maxims of the PCC is that “O crime fortalece o crime” [crime strengthens crime] (Roberto de Campos, 2020, p. 137), so it should not be strange that members of the PCC carry out crimes on behalf of the criminal group and not with the intention of benefiting themselves in a particular way, but precisely to strengthen the PCC. Finally, it seems, rather, a way to avoid raising public awareness that a certain region of Paraguay is at least partially controlled by one of the largest criminal groups in Brazil and to deny the reality that shows that in this area, the security forces do

not have the capacity to detect, contain or mitigate possible attacks on national and regional security.

The PCC currently has a presence in at least 14 penitentiaries in Paraguay and has “baptised” several members of Paraguayan origin thanks to its rapid expansion (Martens and Villalba, 2019). As in Brazil, when faced with disturbances generated by the organisation, prison authorities decided to transfer certain members of the group to other penitentiaries, which allowed the group to expand very quickly. The presence of the criminal group is also noticeable in the penitentiaries. In 2019, the PCC murdered ten prisoners, beheading five, burning alive three others, and shooting and beating two others who were part of the Rotela Clan, a Paraguayan criminal group dedicated to drug micro-trafficking that also operates from prisons (‘Rotela Clan’, 2020). This attack was labelled by Paraguayan society as the most violent riot in the country's history (*La Nación*, 2022), imposing itself as a criminal group not only against Paraguay's security forces but also against any local adversary.

Comando Vermelho (CV): In Paraguay, the CV managed to gain control of one of the smuggling routes from Paraguay to Brazil in the 2000s and operated mainly through CV group leader Luiz Fernando da Costa, alias "Fernandinho Beira-Mar" (‘Red Command’, 2017). The CV in Paraguay has lost considerable ground, since the arrival of the PCC but is still estimated to have control of marijuana and cocaine trafficking routes from Paraguay and Bolivia to Brazil (‘Red Command’, 2017). Jański (2022) clearly graphs the situation of these two rival groups, the PCC and the CV, arguing that while the PCC has been growing and strengthening since its inception, the CV has been considerably weakened, even leading to the formation of new criminal groups from the CV.

In Paraguay, the CV is being progressively displaced by PCC forces. Moreover, because both the CV and the PCC engage in the same criminal activities, they were under a non-aggression pact to avoid any confrontation

between the two gangs, a pact that would have ended after the crime against Rafaat (Dudley and Taylor, 2020). Each began to seek a monopoly of the region on its own, with the PCC being able to take control over the CV (Dudley and Taylor, 2020). But this breach of the non-aggression pact brought with it a lot of violence in the border areas with Brazil, which is due to the quest for control by both criminal groups (LaSusa, 2017).

Finally, the history of PCC and CV groups reflect not only social inequalities or the precariousness of penitentiary systems, but also an institutional weakness, the inefficiency of security forces, and the need for coordinated and joint work between countries in the region to address this phenomenon. Understanding the economic, political and social power that these criminal groups have acquired, it makes sense that authors such as Martens and Villalba (2019) propose the inefficiency of a mere 'iron first' repression as a means to solve a conflict of such magnitude. The former president of Paraguay, HC, on several occasions, promised 'iron first' to combat OC and that OC would not 'set the agenda' of the government (*Horacio Cartes promete combatir al EPP con «mano dura»*, 2013; Mereles, 2015), when during his government Paraguay was severely affected by extreme manifestations of violence by these criminal groups.

Ejército del Pueblo Paraguayo (EPP): The EPP is a Paraguayan guerrilla involved in drug trafficking at domestic level. The territory controlled by this guerrilla group is used for marijuana cultivation and clandestine airstrips for marijuana trafficking (Southwick, 2013). The Paraguayan National Police has confirmed existing ties between the EPP and the PCC, which are based on mutual support to carry out their operations with greater efficiency and security ('Se confirman vínculos entre el EPP y EL PCC', 2017). Despite brief periods of weakening as a guerrilla group, it regained its strength in 2015 and is a key player in marijuana production and drug trafficking from Pedro Juan Caballero City to Brazil (*Perfil de Paraguay*, 2021).

4.3.1.2 Non-native groups

While the literature on OC does not delve much into these groups, some authors estimate that the main groups are the Chinese and Russian mafia (Marin Osorio, 2015; Cuervo, 2018; Devia-Garzón *et al.*, 2019), as well as the presence of criminals of Arab origin (Bartolomé, 2002; Marin Osorio, 2015). Prior to the entry of native criminal groups into the TBA, several of these non-native groups had already settled in the region (Cuervo, 2018). The Chinese mafia, for example, began to settle in Ciudad del Este mainly in the 1980s (Cuervo, 2018) and was linked to illegal trade, mainly. Russian mafias, on the other hand, arrived in the 1990s and the main groups include Podolkaya, Mazukinskaya and Tambovskaya, mainly linked to arms smuggling and drug trafficking (Quiroga Petrelli, 2021). Finally, in the late 1960s, a large group of Arab immigrants arrived and settled in the TBA, more specifically between Ciudad del Este and Foz Do Iguazu (Montenegro, 2007).

4.3.2 Modus operandi of OC at TBA

The *modus operandi* of OC in the TBA comprises several activities that complement each other, creating a feedback loop. This cycle is composed of several activities that have different functions. The first classification comprises activities that have the function of economic productivity, such as smuggling of goods, arms and drugs. There are also activities with the function of protecting productive activities, such as corruption of local authorities, through bribery, intimidation or joint work. Finally, there are activities that fulfil a financial function, such as money laundering, which legalises the money obtained from productive activities and allows for the financing, for example, of activities with a protection function. These activities support each other and enable criminal activities to be carried out efficiently. The OC cycle in the TBA can therefore be divided into three main groups of activities according to their function and some of the most common activities are the following:

- Smuggling: Ciudad del Este is also the epicentre of smuggling (*Good neighbours: Smuggling across South America's Triple Frontier*, 2014). Border smuggling in the region is not only limited to original but also counterfeit and stolen goods (Bartolomé, 2002) and can take various forms: land, river and air (clandestine landing points). Smuggling also involves —and to a greater extent— the tobacco industry in Paraguay, and the Global Initiative Against Transnational Organised Crime reports that, despite the fact that Brazil does not legally import a single Paraguayan cigarette, this merchandise represents around 30% of the market in Brazil and 60% in the state of Paraná (where Foz Do Iguacu is located) (*Good neighbours: Smuggling across South America's Triple Frontier*, 2014).
- Counterfeiting and piracy: Among the eighteen Notorious Markets for Counterfeiting and Piracy, Paraguay is one of them on the 2022 list and has been named in the report over 20 years (*2022 Notorious Markets for Counterfeiting and Piracy*, 2023). Counterfeiting and piracy not only harm brands and consumers, but also the state and national security as they engage in tax evasion, and provide funding for organised crime.
- Drug trafficking: Drug trafficking is undoubtedly one of the most prominent activities in Paraguay's border region with Brazil. Today, Paraguay is considered the largest producer of marijuana in the region and, according to official data, moves some 800,000,000 dollars a year in cocaine trafficking and 709,500,000 million dollars in cannabis exports (Garat, 2016). Moreover, today Paraguay is no longer just a country of collection and transit, but also a processor of cocaine paste, with the main laboratories located in Pedro Juan Caballero and Ciudad del Este (Quiroga Petrelli, 2021). Drug trafficking routes mainly involve Paraguay's borders with Brazil, located in the east of the former, and may coincide with the same smuggling routes. Drug

trafficking uses land routes, via the bridges linking the two countries, as in the case of the Amistad International Bridge; river routes via the Paraná River; and air routes, via clandestine airstrips in the border area (Quiroga Petrelli, 2021).

- Money laundering: Money laundering is a practice closely associated with Ciudad del Este (Devia-Garzón *et al.*, 2019), an illegal activity that is considered the main mechanism through which the proceeds of illegal activities enter legality (Cuervo, 2018).
- Terrorism: The TBA is not considered a hotspot for the development of terrorist activities and in general South America has been far from being the focus of terrorist attacks in recent decades. However, there is evidence of the existence of links between terrorism and OC in the TBA. This link is believed to be based primarily on the illicit financing of terrorism by criminal networks in the TBA and is a symbiotic nexus, “because both groups operate in network structures that at times intersect” (Sverdlick, 2005, p. 8).

4.4 Institutional Weakness in Horacio Cartes' Government and its Connections to Organised Crime

Based on the results provided by Latinobarómetro, the period of HC was marked by a sharp rise in corruption as an important and urgent problem to be solved for citizens. The probability of bribing public authorities, furthermore, rose to more than 50 per cent. At the same time as corruption rose on the public agenda and the likelihood of bribery increased, trust in institutions was among the lowest in the region, suggesting that this same lack of trust is closely linked to corruption. For greater clarity, the perception of corruption generates distrust towards institutions, and that same distrust, consequently, could further provide the ideal scenario for corruption, in both cases weakening public institutions.

This perception of corruption, which was on the rise during his government, was later reflected in a detailed report on the links and financial movements of Cartes Group companies during his administration by the Secretariat for the Prevention of Money Laundering (SEPRELAD) —Paraguayan institution dependent on the Presidency of the Republic—, submitted to both the Public Prosecutor's Office and the US Treasury Department in 2022 (*ABC Color*, 2022a). This report revealed the network of companies through which HC may have laundered money from illegal activities. Furthermore, the report explains that the Cartes Group's company TABESA SA had a network of buyers who “simulated” millionaire purchases of a suspicious financial nature, moving money in America, Europe and Asia, and other tax havens (*ABC Color*, 2022b). In addition, several political figures and public officials received significant sums of money from companies linked to HC; high-ranking officials, such as the then head of SEPRELAD, Óscar Boidanich, received millionaire sums of money monthly from companies linked to the Cartes Group, such as Tabesa, during Cartes' presidential term (*ABC Color*, 2022c). Cartes' sworn declarations also revealed that he tripled his wealth during his five years as president (*ABC Color*, 2022b), which raises considerable concern, given that he had already established himself as one of the most influential and affluent entrepreneurs in the nation prior to assuming the presidency.

Other reports by the Bicameral Commission of Inquiry (CBI) of the National Congress also shed light on further evidence of links between HC and illegal activities such as money laundering. In the “Investigation into money laundering and related crimes attributed to Mr Darío Messer and his associates”, Cartes was identified as a business partner of Darío Messer, a subject accused of money laundering in Brazil, who through a complex money laundering system used the Paraguayan financial system, circumventing all types of money laundering prevention controls (Querey, 2019). Furthermore, Messer received protection from Paraguayan state institutions that neither

investigated him properly nor executed arrest warrants (Querey, 2019). Similarly, Banco Amambay S.A., now Banco Basa, owned by HC, was a means for Messer to launder money and the bank did not generate any reports to the Paraguayan anti-money laundering authorities (Querey, 2019). Having been involved in the Lava Jato, one of the largest money laundering schemes in Latin American history, Messer not only received institutional protection during the HC government but also had proven links to the then president of the Republic, HC (Querey, 2019). Although Messer has been sentenced to 13 years in prison in Brazil, his case remains unpunished in Paraguayan territory. Another CBI report presented in 2022 denounced the complicity of the Public Prosecutor's Office in not even investigating the allegations against HC and his links to Dario Messer's money laundering network, nor allegations of cigarette smuggling ('Algunos hallazgos y sugerencias de la CBI sobre el contrabando de cigarrillos', 2022). In this sense, the report was revealing in its attempt to explain the complex system by which TABESA SA, owned by HC, conducts the business of cigarette smuggling in the TBA and other border regions of Paraguay with Brazil. In addition, the report provides significant evidence of the modus operandi of the Cartes group's numerous companies, many of which reportedly function only as fronts. The report indicates business links of this HC-linked network in tax havens, as well as his link to the cigarette smuggling business and both terrorist and OC organisations ('Algunos hallazgos y sugerencias de la CBI sobre el contrabando de cigarrillos', 2022).

The Public Prosecutor's Office made no significant progress in these cases, neither during the HC administration nor after receiving the SEPRELAD or CBI report in 2022. However, after these reports, the US government implemented sanctions against HC in two instances (first in 2022 and later in 2023), accusing him not only of being involved in the illegal activities to which he has historically been linked, such as cigarette smuggling but also of having links to organised crime and terrorism (Martinez, 2022; *Treasury Sanctions Paraguay's Former President and Current Vice President for*

Corruption, 2023). Although the US government lacks adequate power to influence domestic affairs, the sanctions imposed on HC evidenced a marked institutional weakness, suggesting a lack of political will to investigate any indicator of illegal activity related to his person, because having the resources—including documentary ones—to investigate the facts of which HC is accused, it did not proceed to make any progress.

In this context, the irruption of OCGs characterised by their extreme violence has established their effective presence in Paraguayan territory. In March 2016, they perpetrated an act of hired assassination of a highly unusual nature for the Paraguayan context towards Rafaat. Similarly, in 2017, the PCC took control of Ciudad del Este, practically annulling the capacities of the National Police. The PCC has become one of the most powerful organisations in the region, with an area of absolute control over large swathes of Paraguayan territory and, by controlling border crossings, it is estimated that it would have to authorise the smuggling of cigarettes as well as any other illegal passage of goods or people. In a raid in which three members of the PCC were arrested, cigarettes from the TABESA company, owned by HC, were also seized, suggesting a potential link between the company and the criminal group (De Freitas, 2017; ‘Se confirman vínculos entre el EPP y EL PCC’, 2017). During Cartes’ government, there have been other cases of large-scale violence perpetrated by OCGs. Previously, Paraguayan guerrillas were the main concern at the national level, but the presence of OC undoubtedly emerged as one of the most significant threats during this term. While the presence of the TOC in the region known as the Triple Frontier has been noted for decades, it was during this government that their presence became more evident due to the level of violence they deployed. These successful manifestations of violence serve as fertile ground for their consolidation, as they demonstrate their dominance and control in this geographic area.

The institutional weakness during HC government is mainly reflected in the acts of corruption that linked OC and its illegal activities with state institutions, restricting —or at least postponing— investigations that could lead to the clarification of these punishable acts. OC is a complex system of relationships between “professional criminals, politicians, law enforcement agents and various businessmen” (Block, 1983, cited in von Lampe, 2016, p. 28). This system of links serves the development and expansion of the activities of criminal organisations; to perpetuate their illegal operations, they need to penetrate state institutions and structures, thus undermining the legitimacy and credibility of the state (Fernández-Montesinos, 2021). Corruption is therefore the main means that connects organised crime with state institutions (Fernández-Montesinos, 2021). To the extent that money laundering is the vehicle that allows illegal activities to be carried out (Sverdlick, 2005), political corruption is the engine that allows illegal profits to continue to be generated and the scope of illegal activities to expand. This presidential term was framed under the dynamics of covering up illegal acts, influencing the attributions of the different state institutions, which highlights the lack of compliance with these attributions and the evident private benefit at the expense of the state.

4.5 Sub-cases: Public Prosecutor's Office and National Police

4.5.1 Public Prosecutor's Office of Paraguay

A. Overview of the Public Prosecutor's Office

The Public Prosecutor's Office, known as the "Ministerio Público", is an autonomous institution that represents society before the jurisdictional bodies of the State. It enjoys functional and administrative autonomy, and must therefore function in a fully impartial manner, independent of the interests or influences of other branches of government. The Public Prosecutor's Office is headed by the Attorney General, who is appointed by the President of

Paraguay with the approval of the Senate. Its main functions are based mainly on the promotion of public criminal action aimed to defend national interests and the respect for constitutional rights (*Ministerio Público*, no date).

To further understand its work, the strategic axes of the Public Prosecutor's Office include: representation of society for better access to justice and social redress; effectiveness and efficiency in investigation; institutional strengthening for the defence of diffuse interests and indigenous peoples; quality control of prosecutorial management; and available information and citizen participation (*Ministerio Público*, no date).

In terms of organised crime, this institution plays a fundamental role as it directs the investigation of punishable acts and promotes public criminal prosecution, through the work of prosecutors, designated officials and their auxiliary bodies. During the presidential term of HC, the designated Attorney General was Francisco Javier Díaz Verón, who took office in 2013 and retired in early 2018, due to an investigation against him for illicit enrichment and money laundering (*Caso Javier Díaz Verón: El ex fiscal general está acusado desde el 2019 y su causa fue elevada a Juicio Oral, se encuentran pendientes la resolución de recursos planteados por la defensa*, 2022).

The Public Prosecutor's Office has deputy prosecutors' offices and units specialised in different punishable acts, such as the Specialised Unit in the Fight against Smuggling, the Deputy Anti-Kidnapping Prosecutor's Office, the Deputy Prosecutor's Office for Economic Crimes and Anti-Corruption, the Deputy Prosecutor's Office of the Specialised Unit in the Fight against Drug Trafficking. New specialised units were created in this presidential term, such as the Specialised Unit against Money Laundering (2015) and the Deputy Prosecutor's Office for Organised Crime (2018) (*Ministerio Público*, no date).

B. Examination of institutional weakness

In accordance with the above, the absence of official corruption indicators limits the study of this phenomenon. Consequently, the corruption perception and trust indices provided by the 2017 Atlas of Violence and Insecurity in Paraguay are the closest data to the phenomenon under study. In this sense, corruption victimisation, which is based on the payment of bribes to a public official to do or not to do something, was 5.9% in 2017, at the national level (Martens, 2018). Of this affected population, 1.60% stated that the institution to which the perpetrator belongs is an official of the Public Prosecutor's Office (Martens, 2018).

The survey also measures victimisation by region of Paraguay, taking into account results from Asunción (capital), central, north, Chaco, east, south and centre. The results suggest that the region that suffered most from corruption is the eastern region, with 9.8% of corruption victimisation. It is worth noting that the Triple Frontier is located in this region, which is relevant to the object of study. Likewise, in the eastern region, the Public Prosecutor's Office was held responsible for 2.3% of corruption incidents (Martens, 2018).

Confidence in the Public Prosecutor's Office at the national level, on the other hand, is 49.3% (Martens, 2018). This distrust is not due to a lack of knowledge of the Ministry's functions, as 76% of the sample said they were fully aware of the Public Prosecutor's Office's powers, at the national level (Martens, 2018). In terms of regional results, 52.6% of the population said that the Public Prosecutor's Office was not very or not at all trustworthy in the eastern region (Martens, 2018). Similarly, 68.4% of the population in the eastern region stated that they were aware of the Public Prosecutor's Office's attributions (Martens, 2018).

The Public Prosecutor's Office faced important challenges during the government of HC. Starting with the head of the institution, Javier Díaz

Verón, who stepped aside from his post in January 2018 after an investigation was launched against him due to an illicit enrichment of more than ten billion PYG (equivalent to more than one million three hundred thousand USD) between 2008 and 2017, as well as his wife, accused of having laundered money (Rojas, 2022). The former state attorney general received one of the first “Significantly Corrupt Person” designations in Paraguay from the United States government. In addition to illicit enrichment, the former prosecutor was denounced for influence peddling by placing family members and close associates in public office (Rojas, 2022).

As if the mere illicit enrichment of none other than the former attorney general were enough, a link between him and companies belonging to the Cartes Group casts further doubt on the autonomy of the institution in relation to the other branches of government. The brother of the former attorney general is a politician and senior public official who, after being implicated in a corruption scandal in the public administration, started promoting the re-election of HC; the investigation against him subsequently ceased (Lezcano, 2018). Also, the manager of Tabacalera del Este SA (TABESA), José Ortiz, made several calls to the attorney general during the demonstrations against re-election in March 2017 (Lezcano, 2018). A murder during the demonstrations, for which HC was blamed, went unpunished (Lezcano, 2018). In addition, the former prosecutor's sister, who owns a notary's office in the eastern region of the country, provides services to Cartes Group companies, including Banco Amambay and Tabesa, two of the group's largest (Lezcano, 2018).

Therefore, one of the most important weaknesses of the Public Prosecutor's Office corresponds to the typology of non-compliance. The institution's strategic axes are not entirely effective in practice, as the performance of public officials, starting with the head of the institution, has put private interests above those of the society to which they are beholden. Institutional weakness is not only due to non-compliance but also, to a lesser extent, to the

instability that is generated from one government to the next, despite the fact that the institution enjoys autonomy in relation to other branches of government. This is due to the fact that the Ministry has strong ties and relevant allegations of particular links with the former Executive, particularly with president HC, so that a change of government can destabilise the institution's strategic project to a greater or lesser extent.

4.5.2 National Police

A. Overview of the National Police

The National Police of Paraguay is the main law enforcement agency in the country; it operates under the Ministry of Internal Affairs. Its main representative is the Commander of the National Police, appointed by the President of the Republic. The official website of the National Police states that the strategic objectives of this institution are based on improving internal security and combating corruption to improve the image of the institution, among other objectives (*Misión y Visión*, 2017).

During the government of HC, three commanders took over the leadership of the National Police; Francisco Pastor Alvarenga Núñez occupied the role of commander from April 2014 until May 2015, after being charged in a corruption case for the diversion of fuel and illicit enrichment, acquiring a six-year custodial sentence in 2022 (Noguera, 2022). Subsequently, Crispulo Edith Sotelo Cáceres took over as the new commander in May 2015 until April 2017, after the riots generated in response to the demonstrations against re-election in March 2017, when a young leader of the main opposition party (PLRA), Rodrigo Quintana, died in the hands of the National Police and inside the PLRA premises (*Última Hora*, 2017). In April 2017, Luis Carlos Rojas Ortiz took over as interim commander of the National Police, who was the deputy commander at the time of the murder of the young leader (*Última Hora*, 2020).

B. Examination of institutional weakness

The institutional weakness of the National Police can be attributed to a number of factors, with corruption being one of the main reasons for the lack of trust in this institution. The 2017 Atlas of Violence and Insecurity in Paraguay reveals that, within the 5.9% of corruption victimisation, 42.20% of the affected population stated that the institution responsible for acts of corruption is the National Police, which, compared to the Highway Police, the Municipal Police and the Public Prosecutor's Office, respectively, is the institution to which these acts are most attributed (Martens, 2018). Likewise, victimisation by region suggests that in the Eastern region, the National Police is responsible for 27.30% of corruption in the region, being the second least affected region by National Police corruption (Martens, 2018).

On the other hand, the 2017 Atlas of Violence and Insecurity in Paraguay also reveals that trust in the National Police is at a mid-point, with 49.9% of the population considering it not very or not at all trustworthy and 49.6% suggesting that it is a trustworthy institution (Martens, 2018). Although these trust indices do not seem very alarming, in 2017, the *Latinobarómetro* ranked Paraguay as the country with the second lowest trust in the police, only behind Mexico, which demonstrates a clear problem of trust in this institution that is so important for national security (*Latinobarómetro*, 2017). At the national level, practically the entire population is aware of the functions of this institution, with 97.1% saying that they know what this public entity is for (Martens, 2018). Specifically in the eastern region, 54.9% of the population considers the National Police to be not very or not at all trustworthy (Martens, 2018). In the eastern region, 98.4% of the population is aware of the National Police's duties; in other words, being aware of the functions of this institution, the population's low level of trust could be based on the fact that the institution does not fulfil or steps outside these duties (Martens, 2018).

In addition to the persistent problem of corruption and the alarming position of trust in the National Police at a regional level, in times of crisis or conflict, the Ministry of Internal Affairs, and consequently also the National Police, suffers very frequent dismissals or changes of authorities, generating instability within the institution. In five years, HC had three different commanders at the head of the National Police, some of whom were accused of irregularities in their functions. The institutional weakness of this entity lies mainly in non-compliance, caused by corruption and the lack of trust it generates. However, it is also worth noting that there is a certain degree of instability within the institution, which could generate scenarios conducive to the fragility of the institution.

4.5.3 Infiltration of OC within the Public Prosecutor's Office and the National Police

The infiltration of OC in the two institutions studied, the Public Prosecutor's Office and the Paraguayan National Police, is a complex phenomenon to quantify. This is due to the fact that infiltration occurs by stealth, mainly through the corruption and complicity of public authorities. Following the route that connects public authorities and OC is a challenge in itself, but it is even a greater challenge when institutional weakness means that the very authorities in charge of investigating or combating this type of criminal presence are the ones involved in illicit enrichment and corrupt networks. Although the infiltration of OC into public institutions is not quantifiable in Paraguay, its existence is clear, and the main symptom of this is illicit enrichment coupled with the free will of OC. High-ranking authorities of both the National Police and the Public Ministry have been linked to illicit money and accused of being at the service of OC, selling confidential information in the performance of their duties that ends up damaging national security (*El Nacional*, 2023).

The National Police has consistently been the target of allegations of links to OC, including the payment of bribes to public officials in exchange for information and protection. By way of illustration, as a paradigmatic example of this phenomenon, during the government of HC, corruption networks were dismantled in the department of Alto Paraná within the National Police through which OC made ‘welcome gifts’ to the authorities on a systematic (monthly) basis, in order to ensure the success of their operations. Heads of investigations, and anti-narcotics chiefs of Alto Paraná, among other key officers, were involved in these networks (Asmann, 2017; *Última Hora*, 2018). This also explains the assertions of Martens, a criminologist and academic focused on OC in Paraguay, that police officers, as well as prosecutors, have houses and motor vehicles that are much more valuable than their salaries as public officials would allow them to acquire, suggesting the presence of a clear illicit enrichment from illegal activities (*La Unión*, 2023). In other words, there is systemised corruption within the National Police that is responsible for sustaining the operations of organised crime.

On the other hand, in the case of the Public Prosecutor's Office, the dynamics of infiltration are even more secretive than in the National Police, as cases are revealed less frequently; nevertheless, this does not imply that the prevalence of systemic corruption within the institution is any less pervasive compared to the Police force. Proof of this is that the Attorney General during the period of HC was one of the first Paraguayans to receive the designation of ‘highly corrupt’ by the US government, with imminent illicit enrichment during this presidential term. The Prosecutor's Office has also been widely questioned for failing to carry out robust investigations into HC after evidence was presented against him, showing alleged links to OC and terrorism by Seprelad, CBI, and the US government.

The presence of criminal organisations represents a threat to the autonomy and integrity of the entities in charge of combating organised crime. Through

access to considerable sums of dirty money, these networks systematically offer bribes to public authorities in exchange for protection, complicity or impunity. Corruption is facilitated by weak state institutions, which allow the infiltration of these criminal groups. However, this infiltration also further undermines the strength of institutions by undermining their legitimacy and trust and making them dependent on personal gain at the expense of the common good.

Having deeply examined the case study and the sub-cases, this chapter has identified corruption as one of the main problems surrounding institutional weakness in Paraguay during the period of study. Likewise, lack of trust in institutions is also a major problem for the legitimacy of the institutions as citizens lose confidence that institutions will strictly fulfil the objectives for which they were created. Furthermore, this chapter has shown that the presence of organised crime in the TBA has been strengthened during this period, through acts of extreme violence and the permanent entry of the PCC into Paraguay. The following section aims to combine the information collected on institutional weakness and the presence of organized crime in order to develop a proper analysis that will lead to answering the research question.

V. DISCUSSION

5.1 Identifying Similarities and Differences between the Two Analysed Sub-Units

Both the Public Prosecutor's Office and the National Police are two of the most significant institutions in the fight against OC in Paraguay. Although they have different attributions, both institutions complement each other very closely, since their ultimate aim is to defend the rights of citizens and to mitigate crimes related to OC. Furthermore, both have the responsibility to work in a coordinated and cooperative manner, with the aim of promoting the optimal development of their respective institutional functions. In general terms, both entities play a significant and indispensable role in the public sphere.

Taking into account the definition and typology of institutional weakness discussed in Chapter 3, the objectives of the institution as well as the degree of consistency between the objectives and its actions determine mainly the weakness or strength of an institution. Based on this, institutional weakness due to insignificance, then, does not apply to either of the institutions studied since they are fundamental entities, especially in the fight against OC, and their significance is well grounded in their institutional objectives. However, both show a strong and notable institutional weakness due to non-compliance, mainly, and an institutional weakness due to instability. The information gathered in the previous section suggests that the institutions studied do not carry out coherent actions in relation to their institutional objectives. In both institutions, the institutional weakness due to non-compliance can be attributed primarily to a deficiency in political determination, which is further exacerbated by a pervasive culture of corruption. Similarly, the typology of institutional weakness due to instability has also been identified; since certain political figures, such as the president in the period studied, HC, manage to obtain a very important level of influence in public life that can lead to the

instability of an institution's actions in the change from one government to another.

In terms of non-compliance, both institutions are linked to a systematic and complex network of corruption that starts at the highest levels. It has often been suggested that corruption, mainly in the police, has its origins in the lack of resources and low salaries of the police who control Paraguay's border territory. However, the highest authorities of both institutions have been involved in major corruption scandals during the period of HC, so it can be suggested that corruption actually goes far beyond the low salaries of lower-ranking public officials; rather, it is present in the very foundations of these institutions.

In terms of regional corruption, the 2017 Atlas of Violence and Insecurity in Paraguay suggests that the region of Paraguay most affected by corruption is the Eastern region of the country, where the TBA and a department bordering Brazil are located. According to the statistics, the population affected by corruption cases in the Eastern region considers the National Police to be more responsible than the Public Prosecutor's Office for acts of corruption in this region. However, one should not overlook the fact that the population more easily and more frequently turns to the National Police than to the Public Prosecutor's Office, where only certain cases of investigation related to punishable acts will proceed. In other words, the corruption carried out within the National Police is more visible to citizens on a daily basis due to their more direct proximity to this institution.

The perception of trust in the institutions studied does not reveal that there is a solid base of credibility on the part of citizens towards these institutions.

Latinobarómetro suggested that —at least in 2017— trust in the police in Paraguay was the lowest in the Latin American region. In itself, the indicators of trust in the police in Paraguay are worrying, but the fact that it ranks last in trust at the regional level is even more alarming given that this is a region with

severe problems of corruption and lack of institutional legitimacy. Trust in the Public Prosecutor's Office is not encouraging either; however, in this regard it is worth noting that the main acts of corruption within the institution and the omissions of investigations into corruption and other illegal activities were mainly dismantled after the Cartes administration. Several reports and international sanctions revealed that the Public Prosecutor's Office acted in bad faith during the Cartes administration, in the first instance, and after his mandate, in the second, as it was found that several pieces of evidence of illegal activities were ignored and even concealed. Therefore, the perception of trust in the Public Prosecutor's Office may be greater than in the Police, but the evidence suggests that it has also been guilty of severe breaches, with the difference that the corruption of the Public Prosecutor's Office was carried out in a more secretive manner, and is therefore perceived to a lesser extent than in the case of the National Police.

In terms of weakness due to instability, both institutions show symptoms of this type of weakness. In theory, for example, one of the significant differences between the two institutions is that while the Public Prosecutor's Office is an institutionally autonomous entity, the National Police depends directly on the executive branch, more specifically, on the Ministry of Internal Affairs, and thus on the executive branch. However, in practice, despite this clear constitutional difference, the Public Prosecutor's Office has been accused of irregularly benefiting HC, when he was a representative of the executive, by ignoring allegations of irregularities during his government, such as the abuse of power by the police when they entered the PLRA headquarters and murdered a youth leader, corruption scandals and links to illegal activities. Cartes' influence on the Public Prosecutor's Office, however, went beyond his role as president of Paraguay, as during the presidential term that followed, the Public Prosecutor's Office also ignored the various evidence presented against him and his links to political corruption and illegal activities. In other words, the level of political interference in the Public Prosecutor's Office hints at the

institutional instability within it, as it is subject to the particular interests of external political influences. In the same sense, the National Police also suffers from a certain degree of instability, mainly due to constant changes in the corresponding authorities, but also because of the same instability generated by a change of government, since, as it depends on the executive branch, interests and approaches can vary significantly.

Finally, both institutions were found to be closely linked to the infiltration of OC during the period under study. While the Public Prosecutor's Office has demonstrated this infiltration through impunity and the ignoring of significant reports of such activities, the National Police was involved in the transfer of confidential information to OC and the protection of such organisations in exchange for bribe payments from OC. In general terms, both institutions are institutionally weak due to both non-compliance and instability, which has allowed not only the presence of OC within these institutions but also a further strengthening of the operations of some of the most powerful OC organisations in the region on Paraguayan territory during the government of HC.

5.2 Assessing How Weak Institutions in Paraguay Affect the Presence of Organised Crime in the TBA

Institutional weakness in Paraguay is a determining factor in the presence of OC. Paraguay failed to strengthen state institutions after the 35-year dictatorship of Alfredo Stroessner, where the government not only prioritised private interests and employed corrupt practices within the state machinery but also provided protection and support to the drug trafficking and smuggling sector (Ortiz de Zárate, 2016; Salinas Benitez, 2022), the main activities of OC at the time, making the field of illegality flourish even more in the country. Illegal activities such as drug trafficking became so pervasive in the public sphere in Paraguay that even today it is difficult to dissociate the state from drug trafficking activity and vice versa (Salinas Benitez, 2022). That said, it is

acknowledged that OC has been operating in Paraguayan territory for several decades, and its influence in the public sphere has not been countered since the democratic transition.

The government of HC, tainted by constant allegations of illegal activities such as cigarette smuggling, money laundering, influence peddling, etc., exacerbated the situation of institutional fragility. Corruption became the second most important problem in his government and along with the excessive trust in the Church in relation to the extreme distrust of state institutions, they reflect a society that considers state institutions to be at the service of private interests, not at the service of the common good. The main allegations of irregularities in his government took the form of a series of reports and international sanctions after his presidential term, exposing the complicity of public institutions to favour his private interests and the lack of independence and autonomy of public institutions during this presidential term when various indications of irregularities by his government were ignored. Institutional weakness due to non-compliance and instability thus weakened the legitimacy of institutions in relation to OC, favouring the free reign of OC in the TBA and its expansion even to other regions.

The presence of OC, especially of the main and most powerful criminal organisation in the region, PCC, was strengthened in the TBA during the presidential term of HC. The phenomenon of OC has prevailed in this geographical area for an extensive period of more than thirty years, however, its presence acquired a significant dimension during the period under study due to the forceful irruption of groups such as the PCC, mainly, and the CV. During this mandate, these groups carried out primary violent actions as a means to establish their dominance and exert their power of influence in the region.

The PCC is considered the largest criminal group operating in the country, due to the large number of members that make up the organisation and the fact that

it is the main operator of the main smuggling routes, arms trafficking and drug trafficking. As the history of OC in Paraguay indicates, the PCC intensified its presence in Paraguayan territory during the period of HC; the PCC's "Projeto Paraguai", which consisted of expanding its operations into Paraguayan territory, was presented to its members in 2010, but it was not until Rafaaf's assassination in 2016 committed within Paraguayan territory that this OCG became the "King of the Border", due to its power, influence and areas of control in Paraguay's border areas with Brazil. Moreover, by 2018, the PCC was already operating not only in Paraguay's border region but also in further areas of the country. Stated differently, the government of HC served not only to strengthen the presence of these organisations by their first violent incursions into the Triple Frontier and other border areas, but also as a mechanism for expansion into further regions of the country.

This is not to deny the fact that different TOC organisations were already operating in the TBA long before the arrival of the PCC in Paraguayan territory, but the level of rapid expansion of it as well as its level of violence increased considerably with the PCC in the country. In other words, with the PCC in the TBA, it is no longer just families or limited groups involved in large-scale criminal activities with modest influence in the country, but a large and powerful group operating inside and outside the prisons, with a significant level of expansion, both in number of members and territory of control. It is worth mentioning that, although the PCC is the most important group in the region, it is far from monopolising the criminal market in the TBA. Its expansion in Paraguayan territory also ends up indirectly favouring the presence of other criminal organisations by creating an environment conducive to OC. During this presidential term, for the first time in Paraguay's history, the guerrillas took a back seat on the national security agenda, and organised crime organisations became the main threat to the country's security.

As has been argued throughout the analysis, Cartes' influence goes far beyond his presidential administration. Despite reports of his links to illegal activities and international sanctions condemning his links to criminal and terrorist organisations, Cartes will come to power again on 15 August 2023, with the assumption of his former finance minister, Santiago Peña, as the next president of Paraguay. The investigative report by SEPRELAD revealed millionaire payments that Peña received from companies belonging to Cartes' business group, as part of a series of payments to high-ranking public officials during Cartes' mandate. Peña's presidency from 2023 is subject to the political line and interests of HC, in that all the party and parliamentary support that Santiago Peña will enjoy, in reality, responds directly to the political figure of Cartes.

Not only can Santiago Peña not dissociate himself from Cartes upon assuming the presidency, because he has no political support independent of Cartes, but also because the irregular payments he received from the Cartes Group went unpunished, demonstrating that the same line of action and interests during the period of HC will continue in force for the next five years. With complete impunity and protection, private interests could continue to put the already fragile state institutions on the table, favouring the continued expansion of OC not only in the TBA, but in all the territory of Paraguay that criminal organisations consider favourable.

The infiltration of OC into public institutions is so advanced that rolling back the level of influence and control of OC in the TBA is irreversible if the same line of action that Cartes has taken to confront criminal organisations is followed. On the contrary, under the same 'iron first' approach implemented by Cartes, which turned out to be inadequate, OC will continue to advance and further weaken the institutions in charge of combating this phenomenon. Similarly, it is clear that if the same political class and public officials that have led to the evident advance of OC during the years 2013-2018 continue to

have control over the public institutions in charge of the fight against OC, it is implausible to expect a substantial deviation from the current trajectory. This entails ensuring that national interests are placed above personal interests as a means to effectively pave the way towards strengthening institutions and counteracting and reversing the advance of this phenomenon.

VI. CONCLUSION

Throughout this research it has been shown that OC in the TBA is on the rise, becoming one of the most important hybrid threats to regional security. Ciudad del Este, a Paraguayan city located in this region of the South American continent, has served as a base of operations for many OC organisations native and non-native to the region, as well as a close link to terrorist organisations, for several decades. In fact, during the dictatorship of Alfredo Stroessner (1954-1989), various infrastructure works, tax flexibilities, encouragement of immigration, the extensive availability of natural resources, and scarce border control made the city a thriving area for the effective development of OC. With the transition to the democratic era, the management of public institutions in Paraguay persisted in a manner reminiscent of the dictatorial era, thereby perpetuating a system characterised by corruption and protection for criminals.

After an extensive analysis of the study period corresponding to the presidency of HC and the performance of the main institutions responsible for combating organised crime, the Public Prosecutor's Office and the National Police, it has been concluded that institutional weakness has a direct impact on the presence of OC. That is to say, as institutional weakness intensifies, it gives OC free rein to operate with impunity and thus increases its level of influence and control. It should be noted, on the other hand, that with an increased presence of OC, institutions also become even more fragile, as they prove inadequate to achieve their stated objectives, succumbing to corruption through the acceptance of illicit incentives. Consequently, trust and legitimacy in public institutions crumble. In this sense, this research has shown that the situation of institutional fragility worsened during the period studied, a phenomenon that coincides with an evident increase in the influence and presence of the OC in the TBA.

As a sign of the clear institutional weakness manifested during this period under study, the high levels of perception of corruption, the likelihood of bribery perceived by society, and the low trust in the institutions studied were presented, as well as the documentary evidence of irregular activities by this government under study in the SEPRELAD reports (2022), the CBI reports (2019; 2022), and the US government sanctions on HC, the then Attorney General of the State during Cartes' term, and other senior public officials. These reports materialised during a presidential period subsequent to the one studied; however, because the indications and signs of irregularities occurred during the period studied and were ignored by the authorities in charge of investigating and combating irregular activities in public office, it is concluded that the very fact that these international reports and sanctions did not emerge during the government studied is a clear sign that public institutions do not enjoy full autonomy and do not comply with institutional objectives. This, once again, explains the lack of trust in them, as well as the level of corruption and bribery perceived by society.

On the other hand, the presence of organised crime in the TBA was evidenced by the violent manifestations of the OC that took place in Ciudad del Este and other border regions during the period under study. These events set an important precedent in the history of OC, as they have allowed organisations such as the PCC to establish themselves as a powerful and influential group in Paraguayan territory, opening the way to other regions of the country that had never before experienced the violent conditions generated by OC. This leads to the conclusion that the OC organisations will continue to try to extend their operations throughout Paraguay, a terrain that has proven fertile for the development of OC activity. This is a momentous development for a country that was not characterised by high crime rates by regional standards. The immediate future, however, does not show optimistic signs that this course will change drastically in the coming years.

Finally, based on this research, the following policy recommendations are suggested:

- First, it is necessary to understand that the fight against OC in Paraguay cannot be efficient if first of all the institutional framework is not reformed. This means that ensuring public transparency and accountability of public officials is essential; without it, OC easily infiltrates institutions, making its presence difficult to detect and consequently making the fight against OC even more difficult.
- On the other hand, the ‘iron fist’ policy used in populist speeches and policies is ineffective and needs to be reformulated. The Cartes government implemented this policy in HC’s discourse, and in practice, OC intensified its presence during this period. This policy only gives OC more tools to continue improving its operational mechanisms in order to be detected to a lesser extent.
- The State must focus on social inclusion. Although Paraguay is experiencing continuous economic growth, if this advantage is not used for the country's economic development, social inequality and the wide gap between socio-economic classes will further encourage the advance of organised criminal activities.
- Once Paraguay has strengthened its institutional and social situation, it will be necessary to move towards stronger international cooperation efforts in the fight against OC.

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