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Georgetown Journal of International Affairs, Volume 26, Number 1,
Summer 2025, pp. 238-246 (Article)

Published by Johns Hopkins University Press

DOI: <https://doi.org/10.1353/gia.2025.a965801>



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John Polga-Hecimovich

***Abstract.** Transnational criminal organizations (TCOs) require the complicity of states to flourish. Nowhere is this as true as in Venezuela, where the state offers protection for TCOs, fosters the development and transnationalization of organized criminal groups such as Tren de Aragua, and has even turned itself into an organized criminal enterprise as it engages in illicit activities to finance its regime. Due to their embeddedness in the state, fighting TCOs is therefore a difficult task. Among other things, it requires states to exhibit sufficient motivation and resolve, coercive and legal capacity, and the willingness to coordinate internationally.*

Introduction

Transnational organized crime (TOC) in Latin America fuels insecurity, violence, and corruption while posing an existential threat to democratic governance and the rule of law.¹ In a 2024 regional survey, Latin American respondents rated organized crime as the region's top political risk, ahead of concerns such as economic growth, the state of democracy, or the environment.² This reflects the alarming increase in TOC and its effect on citizens' daily lives, especially in places like Ecuador, which previously enjoyed high relative

security. Additionally, TOC causes financial losses, undermines legitimate markets, and drains public resources through enforcement and lost tax revenue.³

In Latin America, economic inequality and poverty push individuals into criminality as a means of survival. Ineffective governance and widespread corruption create an environment in which criminal organizations can operate with impunity. Meanwhile, persistent demand for illegal goods, such as drugs and weapons, provides lucrative opportunities for organized criminal groups. The global cocaine trade, for example, has spawned some of the world's most sophisticated transnational criminal organizations (TCOs), such as Mexico's Sinaloa Cartel and the Jalisco New Generation Cartel, Colombia's *Gaitanistas* and *Rastrojos*, and Brazil's First Capital Command.⁴

Yet, organized crime has flourished not just due to state neglect but also thanks to state protection. While TCOs exploit gaps in authority, corruption, and lack of public trust to establish control, they can also fill governance voids by providing services or protection to local populations. Many seek to capture the state by infiltrating and manipulating political, legal, and economic institutions to serve their interests. This process involves bribing or coercing politicians, judges, law enforcement, and bureaucrats to gain control over policymaking, enforcement, and regulatory systems. This allows TCOs to operate with impunity and shape laws and governance to their advantage, often weakening democratic institutions and eroding public trust. Unlike cooperation, which implies a coexistence where both states and criminal groups maintain some autonomy, state capture represents deeper institutional subversion, where criminal groups dictate governance itself. As a result, most Latin

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The views expressed herein are solely those of the author and do not represent the views of or endorsement by the United States Naval Academy, the Department of the Navy, the Department of Defense, or the United States government.

Americans live under a hybrid form of government in which both the state and TCOs exercise power, often in coordination with each other.

Contemporary Venezuela stands out as an exceptionally severe case of state capture. First, the Venezuelan state offers protection for foreign TCOs within its borders, especially members of Colombia's National Liberation Army (*Ejército de Liberación Nacional*, ELN) and dissidents of the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC), who use Venezuela as a base for cocaine, gas, gold, and human smuggling. Second, Venezuela aids and abets the development of mafia-style *megabandas* (megagangs). Third, Venezuela provided the *Tren de Aragua megabanda* with profitable illicit enterprises such as human smuggling and significantly pushed the group to expand to at least a half-dozen other countries in the Americas, transnationalizing the group during the country's severe economic crisis and subsequent migrant exodus beginning in the mid-2010s. Lastly, the Venezuelan state under Nicolás Maduro (2013 to present) engages in illicit activities such as narcotrafficking and gold smuggling to finance its regime, turning itself into an organized criminal enterprise.

Three preconditions are necessary to effectively contest TOC: political will to confront organized crime, state capacity to carry out operations against TCOs, and coordination with other governments in countries where the TCOs operate. Unfortunately, for Venezuela, the Maduro government has shown a limited interest and ability to combat organized crime, and even less interest in regional or international coordination.

This article argues that the contemporary Venezuelan state maintains a symbiotic relationship with most TCOs. It begins by summarizing existing conceptual frameworks of crime-state relations. The following four sections then examine the different ways through which the state has engaged in transnational organized crime: first, by providing protection for Colombian TCOs within its borders; second, by fostering the development of the *Tren de Aragua* criminal organization; third, by transnationalizing the *Tren de Aragua* as a consequence of the

country's economic crisis; fourth, by allowing the state itself to behave as a transnational organized criminal group—a mafia state—through acts such as extensive and officially sanctioned smuggling of illicit goods. The last section then discusses the ways states may be able to mitigate the effects of TOC.

Conceptual Frameworks for State Support and the Growth of TCOs

Criminal governance flourishes in ungoverned spaces where the sovereign state is weak, ineffective, or corrupt. In places where trust between the government and citizens is low, organized crime can protect citizens in the form of contract enforcement, dispute settlement, and competition deterrents.⁵ Yet, criminal governance is usually embedded within larger domains of formal state power. Criminal organizations may penetrate an unwilling state to exploit its resources, but the state may also tolerate illicit activity in exchange for key benefits, ranging from illicit rents to the neutralization of third-party threats.

There are several significant conceptual frameworks of crime-state relations.⁶ Lupsha's enduring model, which is the oldest and perhaps the most influential, theorizes three types of relationships between the state and organized crime.⁷ The first type is predatory, in which criminal actors seek expansion at the expense of external actors like the state. In a predatory relationship, criminal groups such as street gangs prey upon the resources of local authority structures to maintain dominance over territory, eliminate enemies, and monopolize the illicit use of force. A second type of relationship is parasitic, in which criminal gangs develop a corruptive interaction with the legitimate power brokers and fuse their control of a territorial base with the power broker's need for illicit services. Lastly, a relationship may be symbiotic, in which the criminal organization and the state work with each other for mutual benefit through overlapping membership or clandestine arrangements of reciprocity, collusion, and joint ventures.⁸ As refined by Lessing,

symbiosis includes state actions and policies that inadvertently strengthen criminal organizations and further fuel criminal governance.⁹

In Venezuela, the state maintains a symbiotic relationship with most TCOs.¹⁰ Although many TCOs began as predatory or parasitic organizations, the state turned to them to achieve what it could not achieve alone, from the provision of services and law in rural areas to social and political order in prisons. The state's involvement in organized crime is not merely passive: Venezuela has provided protection, helped cultivate, and exported transnational criminal organizations abroad.

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Protection for TCOs

Foreign TCOs have used Venezuela as a base for their operations since Hugo Chávez's presidency (1999–2013).¹¹ As early as the late 1990s, Chávez permitted the FARC to establish training camps in the western border states of Zulia, Táchira, and Apure. Chávez even ordered Venezuelan military officers to provide logistical support to FARC guerrillas launching raids into Colombia. Although Venezuela possessed the military force, organization, and resources to combat these groups, the Chávez government chose to protect these guerrillas, whom they deemed to be ideological allies. Following the signing of the peace agreement between the FARC and the Colombian government in 2016, Colombian TCOs in Venezuela multiplied and fanned out from the border states into the interior, suggesting that they enjoyed impunity from Venezuelan security forces.¹² In addition to drug trafficking, extortion, and smuggling, these groups also branched out into illegal mining of gold and other minerals.¹³

Under Maduro, the Colombian-Venezuelan border region has become home to the ELN,

the Popular Liberation Army (*Ejército Popular de Liberación*, EPL), members of the former 33rd Front from FARC, *Los Rastrojos*, and the *Clan del Golfo*, and from Venezuela, *Tren de Aragua*, *La Línea*, *La Frontera*, and other smaller groups.¹⁴ They are not just predators. In fact, García Pinzón and Mantilla argue that these groups are part of the governing apparatus in the border area, engaging in the production and trade of illegal goods while also setting rules and providing public goods and services.¹⁵

Widespread reports of collusion between the ELN and the Venezuelan government suggest the ELN has assumed a favored status. In 2017, the non-governmental organization *Fundación Redes* denounced the explicit and officially sanctioned involvement of the ELN in distributing government-sponsored food rations to citizens in those areas, while another report quotes a police officer in Apure state who insinuated that ELN guerrillas had effectively become a police force.¹⁶ This relationship is beneficial for both the guerrillas and the state: the former is able to enrich itself through drug trafficking and other illicit activities while using Venezuela as a refuge, while the latter benefits from having a powerful armed group as an extension of its security forces and a buffer against domestic and foreign threats.¹⁷ In fact, the ELN helped the Venezuelan Army expel a faction of FARC dissidents from Apure in 2022, reducing competition for extortion rackets and social control, which illustrates the symbiotic relationship between the guerrillas and the Venezuelan state. Further lending evidence to this dynamic, a 2023 report from the *Observatorio Venezolano de Violencia* pointed to pacts between the government and the ELN, among others, as contributing factors to improved security perceptions among citizens.¹⁸

Complicity in Fostering the Development of TCOs

Beyond protecting favored organized criminal groups, the Venezuelan state is also actively responsible for their emergence. Chief among these is the notorious *Tren de Aragua*, which probably

arose in 2014 within the Tocarón penitentiary in the state of Aragua.¹⁹ Faced in 2011 with the inability of prison authorities to properly control and protect inmates in its overcrowded and violent prison system, Penitentiary Minister Iris Varela, a Chávez loyalist, handed over de facto control to incarcerated gang leaders known as *pranes* with the understanding that they would keep violence to a minimum and prevent disorder.²⁰ Consequently, in an abrogation of the state's responsibility and a rescission of its monopoly on the use of force, *pranes* became responsible for managing the prisons' black markets and overseeing the internal order among inmates. In exchange, they enjoyed prestige and power, were able to obtain weapons and luxury goods such as televisions and throw extravagant parties, and wielded often brutal control over other inmates. This led to the emergence of *megabandas*, enormous gangs controlled by the *pranes*.

In Tocarón, three inmates—Héctor Rustherford Guerrero Flores (“Niño Guerrero”), Yohan José Romero (“Johan Petrica”), and Larry Amaury Álvarez Núñez (“Larry Changa”)—took advantage of the emerging *pranato* system of criminal governance to assert their presence. Adopting the moniker *Tren de Aragua* in reference to other criminal gangs using “train” in their name (and not the failed railway project, as is often reported), they quickly consolidated control.²¹ The three co-leaders then successfully leveraged the new government control-lending strategy and their alleged links to prominent politicians—including governors, mayors, judges, high-ranking police officials, and Varela herself—to turn the prison into their base of operations.

Tren de Aragua later established a governance model in nearby communities, allowing it to gain legitimacy in civil society and build its power with a strong base of communal support. Among other things, this meant expelling the neighborhood police and offering protection to the population from police abuses and minor crimes committed by common criminals in the form of a protection racket.²² During this phase of its consolidation, several authors highlight that *Tren de Aragua* assumed functions that normally correspond to the state, such as the provi-

sion of security and justice, as well as economic regulation, which created an alternative form of governance in the areas under its control.²³ This perspective expands the understanding of the *Tren de Aragua* not only as a criminal group but also as a criminal governance actor that challenges (or complements) the Venezuelan government's authority.²⁴

Exporter of Organized Crime

The state was also indirectly responsible for turning *Tren de Aragua* from a domestic criminal group into a transnational one during its economic crisis and the resulting exodus of Venezuelans. According to the United Nations High Commissioner for Refugees (UNHCR), more than 7.7 million people have emigrated from Venezuela as a result of the political turmoil, socio-economic instability, and humanitarian crisis, representing the largest external displacement crisis in Latin America.²⁵ The resulting migration flows create security concerns by providing conduits for the spread of organized crime, presenting a greater challenge to weak and failing states than to advanced postindustrial ones.²⁶

Although other Venezuelan organized crime groups like the Meleán crime family or *La Línea* attempted transnational expansion, *Tren de Aragua* most nimbly capitalized on institutional gaps and the mobility of Venezuelan migrants to establish criminal economies adapted to new national contexts, including those of Colombia, Peru, and Chile.²⁷ As Rísquez writes, “the international expansion of the Train of Aragua occurred strictly for economic reasons—tactical rather than strategic, as its members were losing their jobs.”²⁸ The group initially expanded its operations to the porous border region, charging outgoing migrants fees to exit through irregular border crossings (*trochas*) before adopting migrant trafficking as its central activity. It then found success establishing roots in places with large contingents of Venezuelan migrants and fewer local criminal rivals, such as parts of Bogotá, Lima, Santiago, and the Peru-Chile and Chile-Bolivia border areas.²⁹ Unlike Mexican, Colombian, or Brazilian drug trafficking or-

ganizations, which actively sought out foreign markets to control and exploit, the transnationalization of the *Tren de Aragua* was a negative externality of the country's economic crisis and resulting migration. In this sense, the Venezuelan state was at once directly responsible for the rise of *Tren de Aragua* through the deals it brokered with *pranes*, and indirectly responsible for pushing it into other countries.

The Venezuelan State as a TCO

Lastly, beyond the Tillian conception of the state as a protection racket, Chavista political elites have directly engaged in illicit activities like narcotrafficking and contraband smuggling, or otherwise permitted these activities as a part of their authoritarian logic, effectively turning the government itself into a TCO.³⁰ Venezuelan officials have long been implicated in the transnational cocaine trade as part of the so-called Cartel of the Suns, a longstanding and disparate drug trafficking network of state and non-state actors operating with the protection of senior figures in the Venezuelan government, dozens of top commanders, and the Minister of Defense.³¹ Insight Crime notes that the organization is composed of a series of "regional military-political-criminal nodes" bound together by a national regime that guarantees impunity for its allies in exchange for loyalty.³² The transit of cocaine through the country affects production centers in Colombia as well as upstream transit markets and drug destinations, ranging from Honduras and the Dominican Republic to the United States and Europe.

Driven by the same economic devastation, the Venezuelan government has also been active in mineral extraction in the Orinoco Mining Arc since 2016, with much of the gold and other precious metals being trafficked illicitly. Most of Venezuela's gold continues to be smuggled abroad, laundered, and eventually sold to traders and refiners around the world, through Brazil and Colombia, and destined for places like the United States.³³ The armed forces have increasingly made inroads to control mines or extort miners, breeding loyalty to Maduro and providing him with sources of cash. Accordingly,

McCarthy-Jones and Turner argue that contemporary Venezuela has become a paradigmatic example of a subtype of "mafia state"—a state both heavily engaged in cooperation with organized crime groups separate from the state and run as a criminal organization in which the country's political leader presides over a network of family and friends who make private gains from state action.³⁴ Thus, if the Venezuelan government were to successfully fight TOC, it would, perhaps paradoxically, disrupt or eliminate sources of its own authoritarian stability.

How to Mitigate the Effect of Transnational Crime

Even if combating organized crime were the goal of a government, there is no single strategy or best blueprint. As Blattman argues, it is necessary to first make a diagnosis before recommending a treatment. To this end, policymakers need to understand what kind of organized crime problem they have, what capabilities they possess, and what tools are appropriate to the circumstances: hotspot policing, community policing, or urban renewal programs; violence interruption and cognitive behavioral therapy; crackdowns, arrests, or "kingpin" strategies of arresting and jailing leaders, and much more.³⁵ Variations in national contexts and the nature of the criminal group will shape the effectiveness of the responses. For example, in El Salvador, President Nayib Bukele's pivot towards *mano dura*, which has resulted in the formal suspension of constitutional rights, mass arrests, and punitive legal reforms, reduced violence and insecurity tied to MS-13 and Barrio 18. Nonetheless, efforts to emulate the "Bukele model" by Daniel Noboa in Ecuador or Xiomara Castro in Honduras have not been as successful and come at a high cost for democracy, security, and human rights.³⁶

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With that said, there are at least three pre-requisites to fighting TCOs: political will, state capacity, and international coordination. First, the will to fight organized crime is not to be taken for granted. This is especially true when criminal groups enjoy a symbiotic relationship with the state. When individuals and institutions are captured by organized crime, and the state itself enjoys benefits from TCOs, it may take new political actors or an exogenous shock to spur politicians to act. Deals between organized criminal organizations and the state can sour quickly. Before its demobilization in 2017, the FARC cooperated closely with the Venezuelan government, and afterward, the so-called 10th Front dissidents maintained the rebels' connections and alliances in the state of Apure.³⁷ Nonetheless, after an irregular armed group identified as FARC dissidents launched an attack on a Venezuelan army battalion in the town of La Victoria in March 2021, the government initiated military operations against the group.³⁸ Similarly, on September 20, 2023, thousands of police and soldiers surrounded and then took control of the Tocarón prison in an operation aimed at dismantling *Tren de Aragua's* headquarters. Although Niño Guerrero and other leaders appear to have received advanced warning and escaped via a tunnel before the raid, the operation resulted in the loss of the group's headquarters, operating base, and state protection. Although enforcement was selective and the motivations in ordering these assaults unclear, they represent a pivot from previous tolerance of these organized criminal groups.

Second, organized crime takes root and spreads in places of low state presence, where groups fill governance voids by providing services or protection to local populations. In some cases, organized criminal groups may become more powerful than the state, making it difficult to dislodge them even with sufficient political will. The firepower, technology, and resources of some Mexican and Colombian drug-trafficking organizations, for example, supersede those of their respective police forces, if not militaries.³⁹ Likewise, captured or corrupt judiciaries provide few meaningful checks on those capturing them, as Ecuador's "Metastasis" anti-corruption case has shown.⁴⁰ Consequently, fighting TCOs

requires states to develop or exhibit sufficient capacities to reclaim spaces of low state presence, both physical and legal, providing services and security to citizens while simultaneously investing in state security forces and the justice system.

Third, given the transnational nature of these criminal organizations, fighting them requires internationally coordinated responses.⁴¹ Without these responses, TCOs can seek refuge in those places where the government lacks the political will or capacity to fight them, much like left-wing Colombian guerrilla groups seeking safe harbor in Venezuela under the Chávez government. Indeed, strained relations between Colombia and Venezuela for many years impeded attempts to effectively manage complex border issues like migration, contraband trafficking, and the proliferation of organized crime and other non-state armed actors.⁴² A similar lack of regional cooperation between authorities has allowed *Tren de Aragua* to expand its criminal operations in Chile, Colombia, and Peru.

Under Nicolás Maduro, Venezuela is ill-prepared to confront transnational organized crime. In the context of the government's repressive authoritarian apparatus, the symbiotic relationship between groups like the ELN and the need for the government to protect illicit narcotics or gold trafficking in exchange for loyalty are *features* of the regime's governing logic rather than problems, and persecuting these groups would therefore run counter to the government's interests. As a result, the first step towards fighting TOC in Venezuela requires a change in either the current regime's support base or the country's political leadership—neither of which is guaranteed, at least in the short term, in a non-democratic context. A government with the political will to confront organized crime would then have to carry out substantial institutional reform to create the necessary state capacity to pursue TOC groups and hold them accountable. This would require depoliticizing state bodies, reorienting the armed forces, and rebuilding the justice system. Of course, the government would also have to work closely with neighboring states, especially Colombia, to share strategies and intelligence and coordinate their actions.

It is crucial to recognize that organized criminal groups require the complicity of states to flourish.

Regardless of the country, transnational organized crime is undoubtedly one of Latin America's most pressing problems, with groups preying upon and contributing to insecurity, violence, and corruption. It is crucial to recognize that organized criminal groups require the complicity of states to flourish. This problem is worse in places like Venezuela, where TCOs and the state enjoy a symbiotic relationship, and the government protects, aids, or even cultivates criminal groups like *Tren de Aragua*, perhaps the largest and most consequential TCO to ever emerge from Venezuela. There are, however, some common tools that are necessary to fight organized crime, including motivation and resolve, coercive and legal capacity, and the willingness to coordinate internationally. Fighting organized crime requires the right people in power—or the right pressure from others.

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