

CUBA'S ECONOMIC LIBERALIZATION AND THE PERILS TO SECURITY AND LEGALITY

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A common feature of democratization processes across countries is a decrease in societal order. Political liberalization increases the number and types of citizens' demands. Previously ignored groups now become relevant to both governments and those wishing to become government. However, existing institutions are not equipped to cope with the new demand. The rule of law worsens, criminal organizations see openings, and citizens may become disenchanted with liberalization itself (Huntington, 1969; O'Donnell and Schmitter, 1986; Dahl, 1971; Diamond, 1999; Ceobanu, 2011; Corbacho, 2012).

There are different variations of this phenomenon in many countries, such as in Latin America and countries in the former Soviet bloc in Europe.

Cuba has entered an era of gradual, and sometimes erratic, liberalization, which may also imply public order will weaken. Among other things, the Cuban government has allowed for increased foreign direct investment, relaxed remittance restrictions, relaxed restrictions for Cubans to travel abroad, and permitted Cubans to own small businesses. On the political and humanitarian side, it has loosened constraints on travel, allowed for NGOs, and is slightly more tolerant of (some) political dissident groups. Admittedly,

these are very preliminary steps, since most features of the Cuban regime are non-democratic.

While these measures bode well for its economic future, and are tentative steps towards a more democratic regime, transitions towards democracy are notoriously tricky (Diamond, 1999). Cuba faces many challenges in this respect.

Even though it is not a violent country, there is significant criminal activity in Cuba: black markets for all kind of goods and services, prostitution, robbery, illicit drugs trafficking, among others. Illegality is also an issue in Cuba. There is strong evidence of widespread corruption by public officials (Díaz-Briquets and Pérez-López, 2006).

For the near future, conditions are also prone for increased crime and violence. Cuba has a strategic geographical location, ideal for criminal activities (Brown, 2002), especially for smuggling illicit goods, drugs mainly, from Central and South America into the United States.

Economic conditions are also conducive to more crime in Cuba. Citizens currently experience poor economic conditions. In the short-term, many Cubans will not benefit economically from liberaliza-

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tion, which may induce them to engage in criminal endeavors.

Our research contributes to the literature on democratic transitions and public order. We seek to provide answers to questions such as: How does crime change after countries transition from autocratic regimes to more liberal regimes? What factors determine the variations in crime in countries that have transitioned from autocracies to more liberal regimes? Does the type of transition affect the levels of crime that we would subsequently observe?

Our research design combines different methods and sources, given the absence of accessible and reliable public information and the obstacles to freely collect data in Cuba. We utilize: library research; news data collection from official and independent sources; interviews in different locations in Cuba, Miami, and Mexico City; statistical information from Cuba's statistics agency; and information from international organizations that unsystematically report on Cuba.

In the next section we explore the existing general knowledge on how order is affected as nations liberalize their economies and politics. In the second section we briefly outline Cuba's current liberalization processes. We then analyze Cuba's current public order and security conditions. In the fourth section we analyze the dangers to order and security in Cuba. At the end, we discuss policy implications of our work.

PUBLIC ORDER AND LIBERALIZATION

There exists a significant body of work explaining the relationship between public order and liberalization. There seems to be agreement in the literature that an inverted U shape curve—violence in the vertical axis and democracy in the horizontal axis—relates these two variables: there should be order at the extremes of regime type, full autocracy and full democracy, and increasing, then decreasing, disorder as we move from an autocracy to democracy (Huntington, 1968; Dahl, 1991).

The mechanism linking democratization and public order states that as nations democratize, demands from societal groups tend to increase. This is the result of increasing pluralization. These groups were not able to raise their petitions under the previous re-

gime because power distribution was not favorable to them.

The problem—which negatively affects order—is that institutions are slower to change than society. To the degree that demands are not fulfilled, specific societal groups incentives may seek to satisfy their demands through illicit means. This is most related to Durkheim's (1897) hypothesis that rapid social change leads to societal deregulation and anomie and, in turn, to higher crime. Diminished public order is then reflected in a wide range of circumstances, such as weak rule of law and corruption and crime; all of which we know severely affect the wellbeing of societies.

These are circumstances that any country in a process of democratization would experience to different degrees. Perhaps, the most paradigmatic cases are the countries in the former Soviet bloc. These countries suffered rapid and drastic transformations of their social and political institutions, which altered the order that was rigidly enforced by the state during the days of communism. Thus, crime, violence, and corruption worsened. The historical legacy of communism still haunts these countries in various ways (Kitschelt, 2003; Pop-Elches, 2007; Pridemore and Kim, 2006; Welsh, 1996).

New governments were unable in many cases to maintain acceptable levels of public order. Crime and violence increased significantly in many countries. The homicide rate in countries in the Soviet bloc went from an annual average of 5.2 per 100 thousand habitants in the decade previous to the fall of communism (1980–1991), to an annual average rate of 11.5 in the five years afterwards (1992–1996).

There are multiple explanations for the increase in crime in former communist countries in Europe. Many link the eruption in crime to the previous structures and culture inherited from the previous communist regimes (Rose et al., 1998; Harper, 1999; Kitschelt 2001; Brovkin, 2003; Pop-Elches, 2007).

CUBA'S TENTATIVE LIBERALIZATION PROCESS

The Cuban regime has had the capacity to gradually adapt to changing circumstances, especially after the

fall of the USSR. The measure of success for the ruling coalition has been to remain in power, which they have achieved, although it has come at a significant cost to the well-being of Cubans, whose standard of living has significantly deteriorated in many respects (Rojas, 2015).

As a consequence of the Special Period,² minor reforms were introduced in the direction of liberalizing the economy and, only barely, politics, given the negative effects on economic and social disparities (Mesa-Lago, 2002). But the main changes up to date began with the (temporary at that time, but permanent afterward) transfer of power from Fidel Castro to his brother Raúl on July 31, 2006. In 2008 Raúl was named President of the Council of State and of the Council of Ministers, which signaled that power was fully transferred to him. Since then, a series of reforms have taken place, many of which have liberalized specific aspects of the Cuban economy.

A main area of reform has been the size of bureaucracy, mainly because the state was near bankrupt, or bankrupt, in 2011. It was accepted that there were between 1.3 and 1.8 million “unnecessary” state workers, representing 26% to 36% of total employed citizens (Mesa-Lago, 2015, 28–29).

Retrenching such a large number of employees required opening opportunities in the non-state economy. Thus, some restrictions for small businesses owned by citizens (*cuentalpropistas*) were relaxed, especially those related to tourism, like restaurants (*paladares*) and bed and breakfasts (Domínguez, 2013; Mesa-Lago, 2015). A 2013 law reduced the state monopoly on the purchase and sale of agricultural products in 3 provinces (Mesa-Lago, 2015: 26). A new Foreign Investment Law that opens the door for joint ventures between the Cuban state and foreign firms was adopted in 2015.

Restrictions for Cubans to travel abroad have also been relaxed—except for those identified as part of the regime's political opposition—which, along with fewer restrictions at Cuban customs, have helped to

import a greater deal of consumer goods, especially electronics, like TVs, cell phones, and laptops. Very importantly, it has also helped Cubans to have a greater exposure to ideas from abroad. Yet, not all is good news, and the liberalization process faces some significant challenges.

Note, however, that even as the Cuban regime shows some signs of economic liberalization, politics are still autocratic. This nation is classified by all reputed metrics—such as Freedom House—as a non-democratic regime.

CURRENT PUBLIC ORDER CONDITIONS

One of the most fascinating—yet tragic by any means—things about Cuba, is the ability of the regime to keep order, despite the widespread presence of illicit activities in daily life, and the lack of obvious police and military presence on the streets (for an authoritarian regime).

This is not an order based upon democratic principles. Order is kept by a blend of intimidation, selective redistribution of public resources, and an effective propaganda apparatus. Repression of political dissidents is strongly enforced, yet most illicit acts in the ordinary realm are tolerated to some degree.

Assessing the degree of order in Cuba is not straightforward. Cuban citizens live in two dimensions simultaneously: a legal world with multiple restrictions and outdated rules, and an illegal world that adapts to a reality in which the rules do not make sense.

The legal world focuses on keeping a strict and rigid control on all aspects of life in Cuba such as jobs, salaries, businesses, sports, art, and education. The main goal in the illegal world is survival (*resolver*). It allows citizens to make Cuba a more livable place.

The Cuban government is aware of the illegal activities that take place. Most likely it decides to tolerate those that support the survival of the current system, and to not tolerate the ones that threaten public order.

2. The Special Period (*Período Especial*) is an extended period of economic crisis that started with the collapse of the Soviet Union in 1991 and the subsequent end of the Council for Mutual Economic Assistance (COMECON).

It is fundamental to consider that many formally-defined illicit activities in Cuba would not be illegal in a democratic regime, or even in some other authoritarian regimes.

Seen from the outside, many legal regulations seem unnecessary (such as the peculiar restrictions on selling beef). Ultimately, however, these rules have the goal of exercising control in all areas of life, public and private. They create a permanent presence of the state in citizens' minds. Others, however, may very well be the product of internal disorganization or just old rules that have somehow survived.

Data on public security in Cuba is scarce and unreliable, clearly for political reasons. There is scarce data on crimes reported to the authorities, and even less data on perceptions of security, or victimization surveys.

There are not many reports to be found in electronic media either. Electronic newspapers covering Cuba, both official and independent, do not have a section covering crime as it is common in other countries.

Cubans feel proud of the low levels of violence in the island, especially as compared to other countries in the continent. State control over many aspects of citizens' lives is justified by the maintenance of order on the island. Violence usually takes the form of fights among neighbors or family members, and usually do not involve the use of firearms—which are scarce in Cuba—but only knives or machetes, especially in rural areas.

Yet, absence of violence does not imply absence of crime, which worries citizens nowadays, and which could worsen violence conditions in the near future.

One of the very few pieces of information of Cubans' opinion on crime is a survey conducted by the National Opinion Research Center (NORC) at the University of Chicago in 2016. In the survey, 51% of Cubans considered that the situation regarding crime is very or extremely serious.

In the following paragraphs, we present some of the most common illicit activities in present-day Cuba. The information comes from official statistics, news reports and the interviews that we conducted. Four types of crime are of utmost relevance in terms of a

future deterioration of order in Cuba: black markets, homicide, money laundering and illicit drugs.

Black Markets

There are black markets for almost any good and service in Cuba, either legal or illegal. It all originates with the state's restrictions on production, sales, and consumption. As in the former communist nations in Europe (Los, 2003), in Cuba exists a shadow economy—or “second economy”—in which most goods are traded in parallel to the state-ruled economy.

It takes many different forms. Because of insufficient supply at state grocery stores, and because the state has the monopoly on the sale of most goods, citizens may turn to underground stores that sell basic goods such as sugar or cooking oil. These goods are usually stolen by workers from state restaurants, grocery stores, and warehouses.

The biggest threat is that, as restrictions are relaxed in Cuba, these already existing criminal networks diversify their workings to more noxious goods, such as illicit drugs, or to human trafficking.

Homicides

The official homicide rate for 2016 reported by the Cuban government is 5.0 per 100,000 inhabitants. This is quite good as compared to the average of the Americas, 20.9 homicides per 100,000 inhabitants, similar to the United States (5.4 per 100,000 inhabitants), and below the global average (8.2 per 100,000 inhabitants) (UNODC). This rate seems reasonable, and closely matches what we recorded in Cuba as part of our field work.

As compared to the average for Latin America and the Caribbean in 2016, 23.2 homicides per 100,000 inhabitants, Cuba's rate is low. If we compare Cuba to its neighbors in Central America, the island has the lowest homicide rate (at least for the year 2016, the latest available year for Cuba in the UNODC series).

If we consider that Cuba shares (or could share) much of the characteristics that have detonated crime and violence in the region—such as, corruption, non-democratic practices, and drug trafficking—

then, Cuba is at great risk of spiraling crime and violence.

Another dimension to consider regarding Cuba's homicide rate is regime type. Cuba is far more violent than other non-democratic regimes (as classified by Freedom House). Compare Cuba's rate of 5.0 homicides per 100,000 inhabitants with China's rate of only 0.9 homicides per 100,000 inhabitants, and Vietnam's of 1.5 per 100,000 inhabitants in 2016; This comparison places serious doubts on the efficacy of the Cuban government to impose societal order.

Illicit Drugs

The available information does not allow to fully assess the type and magnitude of the illicit drugs problem in Cuba. Yet, different pieces of information give us some insight on its current status and how it may evolve into the near future.

As most casual observers in Cuba may witness, there is drug consumption by Cubans and by tourists. This is confirmed by the many accounts from official speeches, commentaries, and publications that show a significant concern from the Cuban government about this issue.

Because of the tight control that the state has over rural areas and roads, it is unlikely that illicit drugs are being produced in Cuban soil, at least in great quantities (Galeotti, 2006; Arias Fernández, 2012).

Neither is there strong evidence of Cuba being part of an active drug trafficking route. There is, however, evidence of attempts—mostly failed—to introduce drugs into Cuba by sea and at airports. These events are only but a small sample of what could come if conditions relax in Cuba, given that there is great pressure to use Cuba as part of a Caribbean drug trafficking route.

Money Laundering

One of the most significant changes to Cuban regulations in the last decade was to allow for limited private economic activity in some areas. It has allowed for alternative sources of income, other than work for the Cuban state. Overall, this has been positive for the well-being of Cubans, yet, it has also engendered some negative practices, such as money laundering.

The conditions in Cuba are conducive to money laundering. It is a perfect recipe: an economy that desperately needs funds, a corrupt government, and a significant demand for money laundering from individuals and criminal organizations in the region.

Currently, media reports point to Cubans living in Florida cleaning money through relatives and acquaintances in Cuba by investing in a restaurant or a bed and breakfast. Most likely, this is done with the complicity of the Cuban authorities.

THE PERILS TO ORDER

As we have described in the previous section, crime is present in nowadays Cuba, and chances are that it would increase. In this section, we discuss some of the main variables controlling crime that would decrease order in Cuba as this nation liberalizes.

Necessity and Culture of Illegality

In Cuba, there is not an obvious and objective standard that distinguishes the licit and the illicit on moral grounds. After so many years of harsh living conditions and absurd legislation, citizens tend to justify corruption and crime under a wide set of circumstances (Bobes, 2007).

The limit seems to be determined by survival and need: an activity engaged upon to ensure survival, is tolerated and justified by most members of society.

Bureaucratic red tape and absurd legislation make it justifiable for citizens to conduct illegal actions. Over time, the distinction between “good” and “bad” regulation has come to be blurred.

A key question here is how difficult it would be to re-program how Cubans think about what is legal and illegal, and the subset of specific circumstances under which it is justifiable to break the law. Changing this culture has proven to be difficult, as in the case of post-communist nations in Eastern Europe (Brovkin, 2003; Harper, 1999).

Economic Regulation

As a result of a state running the economy for so long, nearly 60 years in the case Cuba, and the dominance of politics over the economy, Cuban economic regulation is full of inefficient rules, some of which make political sense, but many that are only atomisms.

As expected, prices are severely distorted, especially salaries, and incentives are not in place to support legal conduct. This is fertile soil for crime.

For some years now, the Cuban state has tolerated illicit activities in the economy, especially the existence of black markets, which, given the irrational norms, are necessary for the survival of most Cubans. A new regime would face the dilemma of enforcing the law, with harsh short-term consequences for the population, or tolerating black markets, with negative consequences for the rule of law. This is not a unique problem to Cuba, as many developing countries face similar dilemmas, for instance, regulating and enforcing the law regarding informal markets.

Another potential risk for maintaining order in Cuba is how the Cuban state self-dismantles its economic activity. To the degree that privatizations and public-private partnerships are conducted in a corrupt manner, the less likely it is that the Cuban economy would render the expected results for most of its citizens.

The experience from Central and Eastern Europe is not especially encouraging. After the fall of communism, the new economic structure that emerged in many countries consisted of oligopolies—many of which were controlled by former bureaucrats from the previous regime (Los, 2000).

In the Soviet Union, there are reports pointing to a well-planned scheme to keep in the hands of public officials the funds, properties and resources of the Communist Party going back to 1984, well before Perestroika (Block, 2003).

A similar process seems to be happening in Cuba. There is evidence showing that the military has appropriated many businesses, especially in tourism, which is the equivalent to controlling Cuba's natural resources. A hypothetical new state may be created as a "criminal state" (Los, 2000, 155; Handelman, 1994, 81).

Corruption

Corruption is ubiquitous in Cuba. Multiple evidence and the mere structure of the regime suggest that corruption is embedded at all levels of government (Díaz-Briquets and Pérez-López, 2002 and 2006).

Because of the ubiquity of the state in Cubans' lives, citizens experience corruption from public official most days of their lives. Cuban bureaucracy is notoriously inefficient and scarcity is high; these are key incentives for corrupt practices. Moreover, the autocratic nature of the current regime inhibits any resistance by citizens to corruption.

The negative impact of corruption disincentivizes private economic activities, which are just legally emerging in Cuba and, more importantly, corruption negatively affects democratization processes (Diamond, 1999; Erikson, 2007).

To the degree that there are more business opportunities in Cuba, and more money flows into the island, the more opportunities will be for corruption. Highly corrupt states are more likely to experience crime and violence.

IMPLICATIONS AND POLICY RECOMMENDATIONS

Assuming an incremental process of liberalization in Cuba, the existing evidence points to a significant decrease in conditions affecting public order: an increase in crime, violence, and corruption.

Yet, it should be noted that the solution is not to slow down or retract on liberalization, but continue pushing for greater economic and political freedom, while taking the appropriate measures to counter their perils to order and legality.

To conclude, we present specific recommendations we believe would increase Cuba's chances for a successful transition. These recommendations are designed to minimize escalation in crime and violence, while increasing chances of a successful transition to a liberalized economy and democratic regime.³

Special attention needs to be put towards subpopulations at risk of being driven to greater criminal activi-

3. A more developed version of these proposals is in: www.cubaseguridad.org

ty. The black population and the young have been disadvantaged politically and economically by the regime. They need to receive focalized aid, and special consideration should be given to integrate them into a democratic system.

Investment in Cuba must be monitored, with focus on two areas. First, money flowing into Cuba as private investment should be monitored for money laundering. Second, investment whether alone, or in joint ventures with foreign partners, that increases the influence of the military in Cuba should also be monitored. Under the current regime, it may be difficult to obtain detailed information on these two matters, but there is aggregate data that can be used for this purpose.

It is fundamental to have a clear map of criminal networks operating in Cuba, though many seem to be harmless and the product of bad economic regulation. Yet, these structures must not be underestimated, as they may easily transform into more problematic criminal organizations, or create links to existing criminal organizations in Latin America and the United States. If initial conditions do not improve, this nation is in grave danger of becoming a hot spot for criminal organizations in Latin America. It is important to note that the solution is not for Cuba to backtrack on its reforms and return to a fully state-

controlled economy run by an autocratic government. To improve the Cuban citizens' well-being, it is necessary for the island to democratize, since most of the current illegality is closely linked to the current authoritarian institutions.

The Cuban government needs incentives to provide data on public safety. At the very least, data is needed on homicides and robbery, but, information on drug-related crime is highly desirable. This information is fundamental to properly assess current conditions and future trends. The United Nations Office on Drugs and Crime (UNODC) could be a useful ally in requesting this data.

Significant efforts must be undertaken to change Cuban's current culture of illegality. Aid and advice to NGOs in Cuba (of any type) should include some sort of training on what corruption implies and its consequences. Training on entrepreneurship is also a high priority.

It is important to note that some of institutions of the Cuban state have some degree of legitimacy among the population, especially those that fulfill welfare purposes. As welfare programs, such as education and health deteriorate, citizens would seek for other means to compensate. This may also imply an increase in criminal activity in Cuba.

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