

HISAR SCHOOL

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“Globalization: Creating a Common Language”

Special Assembly 1: Drugs and Crime

The question of transnational organized crime



**RESEARCH
REPORT**

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Forum: Special Assembly 1: Drugs and Crime

Issue: The question of transnational organized crime

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Introduction

For the last century, organized crime has been a pervasive and oriented problem for nations across the globe. In recent years, as economic and political globalization surges with bringing many social benefits; it also created space for criminal groups to move to an international basis. The formation of these multilateral crime networks helps domestic groups to develop and participate in activities like trafficking of drugs, arms, people, toxic waste, stolen natural resources or protected animals' parts. This is certainly challenging multiple and variant legal frameworks and causing more obscurity for taken measures to be implemented. Furthermore, transnational organized crime is now a part of globalization and an issue that concerns many states, requiring a consensual definition and international cooperation.

Definition of Key Terms

Globalization

Globalization focuses on the nations and people's interactions and integration. As people come together and their connectivity increases, the contact of the whole globe increases.

Organized Crime

Organized crime is defined as a group of centralized criminals, engaging in illegal activity, usually in the aim of profit.

Transnational Organized Crime (TOC)

Even though United Nations and United Nations Office on Drugs and Crime (UNODC) does not have a specific definition of transnational crime, there is a criterion as follows:

Transnational organized crime groups are groups consisting of three or more persons who are gathered in the aim of obtaining financial or material benefit. The crime should violate the laws of multiple countries and be "punishable by at least four years' incarceration."

Criminal Networks

Criminal networks could be considered as the alterable interconnectivity between the local mafia and crime groups. It is a colossal part of organized crime. The constant trades and connectedness between the domestic mafia and mob groups increase the rates of organized crime.

Multilateral Agreements

The term multilateral refers to the parties which are involved the agreements. It has two or more parties, contributors within the agreement. A treaty signed by several countries could be considered as a multilateral treaty.

General Overview

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Transnational organized crime (TOC) is a 21st-century problem, which constantly increases with the interconnectedness of nations and crime networks. In order to understand how transnational organized crime spreads, the incentives and motivations behind the trades and the legal framework of the situation should be considered.

Organized crime as smuggling of opium rarely reaches to almost 1500s. Later on, throughout the last two centuries, it has been fully present in some countries, usually recognized as “gangs” or the “mafia”. Even though Japan and Sicily had centuries-old criminal groups, they mostly flourished in the 1950’s. With Prohibition in the United States, centralized syndicates became more common and resumed gambling and narcotic activities. In 1991, with the dismantling of the Soviet Union, Russian statistics indicate the formation of 5,000 organized crime groups, which currently operate internationally (4).

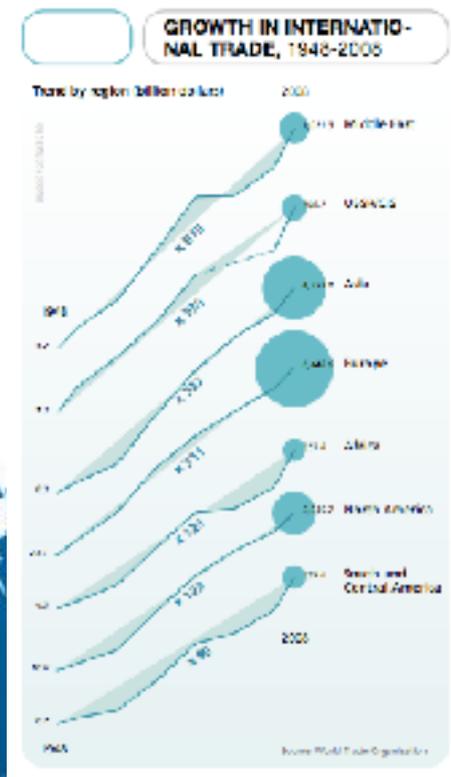
One of the main aims behind the generation of such groups is financial profit. This profit could come from various activities like drug trafficking. For example, ‘Ndrangheta, a mafia organization originated from Southern Italy-Calabria, is one of the most influential organized crime groups, specifically in Europe (5). ‘Ndrangheta’s operations were primarily limited to Calabria until the end of 20th-century, which kept it in a singular jurisdiction and a smaller area. The fact that this organization operated within the borders of Italy shows that transnational crime was not yet present.

In addition to past organized crime groups, it is important to keep in mind that there are numerous motifs and reasons that organized crime stays relevant to this day. There are many factors like economic crises, growing unemployment, and limitations on legal job opportunities, which make having a steady income even harder. Therefore, illegal ways become more preferable with the aim of monetary aid. Moreover, the sudden increase in population and youth also affects the expansion of such businesses. It is estimated that %85 of youth lives in developing or emerging countries, referring to its Gross National Income (GNI) and industrial development (1). The fact that the majority lives in developing countries mitigates job opportunities, indicating that many turns to criminal activities with the aim of income, renewing organized crime groups. These were national issues until around 1970s. Currently, the world is more connected than ever. International trade alone increased substantially, as can be seen from the graph. According to the World Trade Organization, between 1996 and 2007, the number of goods transferred worldwide has increased from 332 to 828 million tons (1). Communication, trade, and traveling became easier. However, as globalization evolves, so does its exploitation; creating new ways for organized crime to cross borders. For example, ‘Ndrangheta, became more prevalent not only in Italy anymore but in Europe, expanding its drug supplies to Colombia after 1970.

A slight but important distinction to keep in mind at this point while describing this phenomenon is between international and transnational crime (4). International refers to crimes that violate international law, protocol and treaties. Transnational law, according to UN’s definition is “offenses whose inception, prevention and/or direct or indirect effects involving more than one country.” With transnational crime, there is a flow from a country to another, whether it is drug trafficking, endangered species or money. This flow could be facilitated and often neglected in conflicted areas and times of crises like sudden refugee flows.

Drug and Human Trafficking

Drug trafficking is a highly common trade within criminal groups but also one branch that UNODC doesn’t have much information about. According to the World Drug Report, in 2007 illegal drug use exceeded



The Threat of Transnational Organized Crime Report ‘Growth in International Trade’ graph

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to 172 and 250 million adults (1). In contrast to other types of transnational organized crime, drug trafficking thrives with global demand. For example, drug trade reached its peak in West Africa between 2004 and 2008 and Colombian crime groups started distributing drugs to both Europe and South America.

Human trafficking has been one of the fastest growing businesses and third most profitable branch of organized crime after drugs and weapons. It was first recognized as a crime with the Convention on Transnational Organized Crime. Countries have been trying to tackle this problem, which is worth almost \$32 billion, by modifying their national legislation. However, dominating and threatening victims using violence keep the business quieter. Human trafficking also involves smuggling in most cases. A study conducted by the UNODC shows the high rates of refugee smuggling affecting 2.5 million people and is worth around \$6 billion, solely in 2016 (1).



Firearm Trade

Firearm trade could divide into two sub-groups: arms for protection and crime, arms for conflict. Focusing on arms for conflict, civil wars and dissensions highly boost illicit firearm trades, manifesting a market of \$1 billion per year. These exchanges cause more than three thousands deaths per year. This threat is in numerous parts of the world. With Middle East and conflicted African countries taking the lead, there is also trades between the US and Mexico.

Endangered Species

Not limited to arms and drugs, the trade of endangered species is very common. This could be ivory for accessories or whales. In the aim of preventing these transactions, 175 parties accepted the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1975. CITES have increased the number of caught operations; however, it is still a big issue in transnational organized crime. Especially between East Asia and Africa, thousands of elephant tusks and ivories are transferred and thousands of animals are killed in the process.

These situations compromise the welfare and safety of people as well as the legitimacy of law enforcement. With billions of dollars smuggled from companies, developing countries are severely harmed in their economy and institutions. Not only in means of economy but human rights are also neglected and lives are endangered. A solid example for TOC's result would be the rates of homicide in Jamaica and Haiti. The two countries could elevate their growth rate by %5.4 if homicide rates were reduced to be equal to Costa Rica (4). Crime degrades institutions that are trying to grow and corrupt law enforcement with bribery. Even though nations unite more on the issue, the current situation is still quite pervasive.

Major Parties Involved and Their Views

United Nations Office on Drugs and Crime (UNODC)

UNODC has started its operations in 1997. It has actively produced reports and threat assessments with the motto "Let's put them out of business." It has operations on drug busting and sending teams to targeted regions as well. UNODC is open to cooperation on organized crime and drugs with its collected data and reports, as well as action plans.

United Nations Interregional Crime and Justice Research Institute (UNICRI)

UNICRI has been founded in 1969 in Italy, operating as one of the five UN research institutes. UNICRI offers a great deal of data pooling and has close ties with UNODC. It mostly focuses its aim to

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promoting safety in targeted regions. It is certainly a reliable resource and ground for United Nations to cooperate.

Italy

The mafia groups within its borders have long affected Italy. Specifically pervasive in Southern Italy, such as Sicily and Calabria, Italy has the gateways for transnational organized crime in Europe. Crime networks traversed from the MENA region to Italy with the sudden refugee flow starting from 2015 (6).

Mozambique

The Mozambican government has tried their best to reduce their crime rates over the years. However, transnational organized crime is still a large part of the country. Bordering many countries in beside the Indian Sea, trade flows go across the Mozambican border. Stockpiles of illicit small arms and elephant tusks have been found within its borders. The government has tried to implement UN programs to reduce such crimes. However, Mozambique still has one of the highest crime rates in Africa.

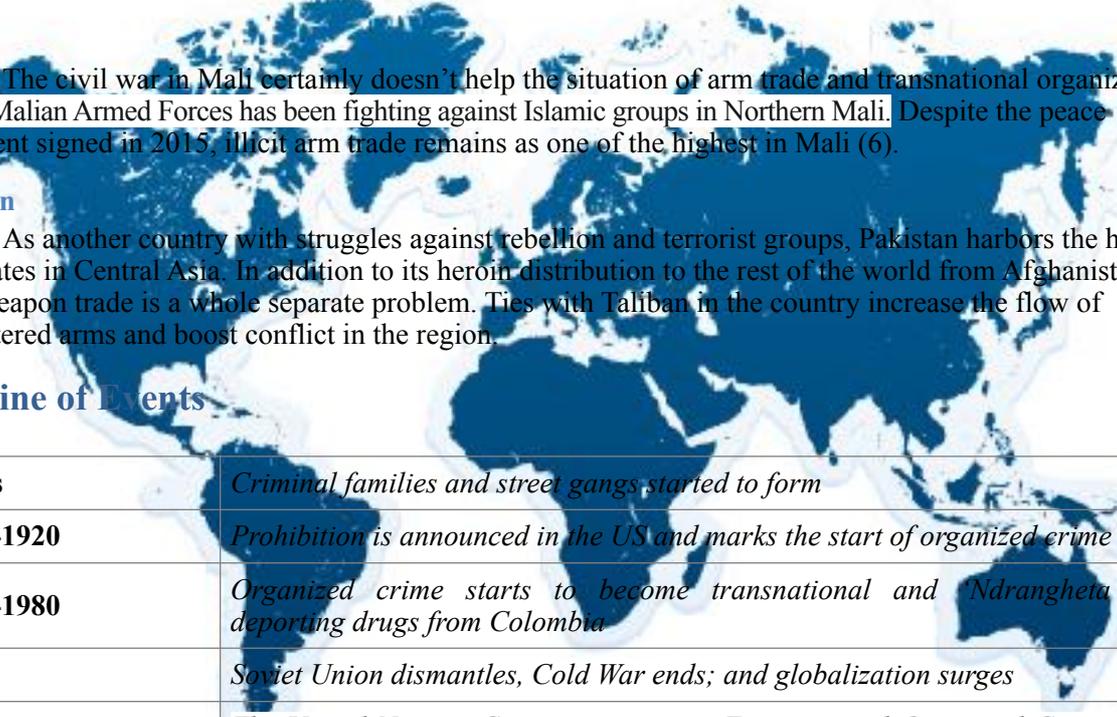
Mali

The civil war in Mali certainly doesn't help the situation of arm trade and transnational organized crime. Malian Armed Forces has been fighting against Islamic groups in Northern Mali. Despite the peace agreement signed in 2015, illicit arm trade remains as one of the highest in Mali (6).

Pakistan

As another country with struggles against rebellion and terrorist groups, Pakistan harbors the highest crime rates in Central Asia. In addition to its heroin distribution to the rest of the world from Afghanistan, illicit weapon trade is a whole separate problem. Ties with Taliban in the country increase the flow of unregistered arms and boost conflict in the region.

Timeline of Events



1800s	<i>Criminal families and street gangs started to form</i>
1919-1920	<i>Prohibition is announced in the US and marks the start of organized crime</i>
1970-1980	<i>Organized crime starts to become transnational and 'Ndrangheta starts deporting drugs from Colombia</i>
1991	<i>Soviet Union dismantles, Cold War ends; and globalization surges</i>
15 November 2000	<i>The United Nations Convention against Transnational Organized Crime is held and necessary protocol is taken into measure</i>
29 September 2003	<i>The UNCTOC gets into force</i>

Treaties and Events

- The United Nations Convention against Transnational Organized Crime (UNTOC), 15 November 2000 (A/RES/55/25)

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https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf

- United Nations Convention against Corruption, 31 October 2003 (A/RES/55/61)
<http://www.unodc.org/unodc/en/treaties/psychotropics.html>
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1998
<http://www.unodc.org/unodc/en/treaties/illicit-trafficking.html>
- ECOSOC Resolution 2005/17
<http://www.un.org/en/ecosoc/docs/2005/resolution%202005-17.pdf>

Evaluation of Previous Attempts to Resolve the Issue

There have been several attempts to solve the issue of transnational organized crime in different regions. However, the United Nations Convention on Transnational Organized Crime (UNTOC) has been an unprecedented international step. In order to tackle the issue of TOC, international consensus and cooperation are crucial. Even though TOC has been a significant milestone, it rarely got executed in 2003 and its execution was quite uneven due to different legislative systems of different countries. A second prominent problem in TOC is the fact that not every country ratified the convention like Congo and Iran, which disturbs the necessary international consensus (11).

Moreover, the restrictions in the protocol can be necessary; however, they simply cover or eclipse the problem for a short notice since new ways of illicit trade reappear in oriented ways, maybe ways that weren't taken into consideration.

Data collecting is also a fundamental part of creating solutions for TOC. UNICID and UNODC have consistently produced global and regional reports about the threats that transnational organized crime presents. Both organizations separately work and collect data on crime networks, helping investigations to go through. Data accumulation and organization is most certainly necessary; however, implementing and reviewing the data also matters just as much. Unfortunately, the TOC and reports have been helpful throughout the past ten years but lacked a review mechanism.

Governments independently worked on their national security and organized crime protocols as well. The Obama government in the US has taken initiatives and new strategies against transnational organized crime and domestic crime. This national step confiscated %75 more currency, %31 more drugs and %64 more weapons (7). In Asia, leaders have decided to form the Association of Southeast Asian Nations (ASEAN) and ASEAN Economic Community (AEC) in the aim of proposing a legal ground and market in order to demotivate illegal activity in the region. By 2014, this community ranked as one of the biggest economies and decreased rates of criminal activity (10). Although these are all relevant initiatives, they are not equally taken into measure. Since TOC is a highly global problem, individual and cooperative work is very necessary. Restricting and suppressing all ways of illegal trade might not be the ideal solution. It is important to turn to the problem's root and try to satisfy the same needs in legal ways.

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Possible Solutions

The issue of transnational crime is a modern and evolving problem. In order to come up with solutions, one must consider every aspect of illicit trades. Why do people turn to illegal activities for profit? How can nations enhance border security? Before trying to find answers to these questions, it is important to start by the root of the problem. Some motivations behind transnational organized crime were stated in prior parts of this report, like economic crises, growing unemployment, and limitations on legal job opportunities. This could even expand until a simple want for power. Therefore, understanding these incentives and trying to channel them to legal satisfaction becomes crucial for long-term solutions. This doesn't mean that restrictions are to be abolished. They can be necessary but should not be the primary solution since it has repeatedly failed.

First of all, international implementation is a fundamental aspect. A specialized team from both UNODC and UNICRI should review CTOC and the produced threat assessment reports. Identifying countries that the protocols cannot be implemented or the reason countries that didn't ratify the convention might help. Building this review mechanism can update the convention in ways that the protocol will be implemented in every country. The review mechanism should also include the evaluation of international legislations. Improving certain conventions like the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is an important point.

Secondly, reviews of the incentives behind the crimes are significant as well. The reasons behind people preferring organized crime should be found in the process of tackling the issue. If the identified needs can be channeled and satisfied in legal ways, it would be a major breakthrough in transnational organized crime. In order to do so, more international organizations like AEC could be built. This would both boost a thorough international cooperation and create more economic opportunities.

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