

THE GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME

POLICY NOTE

Strengthening the UN-System response to organised crime and illicit trafficking

June 2017



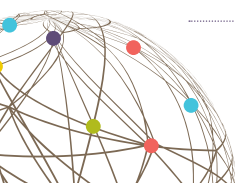
What the UN cares about

Organised crime and illicit trafficking affects almost all of the priorities and values which the United Nations was established to uphold. Criminal groups undermine human rights through violence (at levels that are often as high or higher than in conflict zones), they persecute communities, business and state officials with extortion and threats; they destabilize peace and security by sustaining wars through resourcing armed groups and terrorists, and frustrating or warping peace processes; they distort politics and undercut governance through corruption, influence trading and the funding of political parties; they promote species depletion and climate change through burgeoning illegal wildlife trade, illegal fishing and sustaining trade in timber and charcoal; and they undermine trust in the now essential networks of global trade and communication.

Yet, a set of oft promoted traditional responses to organised crime and illicit trafficking may do as much damage as good. State violence targeted against “criminal groups” often catches the poor and marginalised in its vortex, leaving rich and influential crime bosses in safety (or even in government). Specialised police units may be directed at opposition politicians as much as at organised crime, and tough military-style measures against poaching, migrant smuggling or drugs can become ends in themselves, not resolving problems, but absorbing resources and creating militarised institutional interests in furthering a war on organised crime.

Purists may argue that addressing organised crime and controlling borders is the preserve of sovereign states, and that the role of the UN should be limited to facilitating international cooperation. Yet, trafficking flows seldom only affect one state, traversing or spilling over often into territories where institutions are weak and vulnerable; illicit markets are often enabled by large numbers of people which means there is no possibility of “arresting your way out of the problem”, and have been shown to be responsive to sets of social, political and economic incentives and policies. Furthermore, evidence has conclusively shown that action both on supply and demand will be essential to draw illicit markets to a close.

The United Nations is uniquely positioned to develop a new and more holistic framework for response. Not only, as stated, does organised crime and illicit trafficking affect the UN’s mission of human rights, peace and security and sustainable development, but a fragmented, poorly conceived or exclusively policing or “rule of law” response, will not mitigate the real impact of organised crime. It may contain the losses, but it will alienate many ordinary people, and in the worst case drive them further into the hands of criminal, corrupt and violent networks. State responses alone will not be enough.



Achieving effective combinations of the necessary policy levers is extraordinary difficult. It requires a new vision of what can be achieved; more effective institutional architectures; the development of new skills and expertise; and unprecedented leadership from the UN senior leadership cadre. There is already evidence that this process is underway. But what remains absent is an overarching strategy to pull it together, to move beyond established frameworks, and achieve higher levels of coherence and innovation.

From resolution to response

Across its diverse organs and bodies, the UN has become increasingly cognisant of the threat presented by organised crime to its core mandates.

The last year has seen a plethora of resolutions on organised crime and illicit trafficking. The Security Council has become increasingly seized of the matter. In 2016 alone, resolutions have been passed on the intersection between human trafficking and conflict (S/RES/2331); smuggling of migrants (S/RES 2312); as well as to address the role of criminal groups and illicit flows in contexts as diverse as Libya, Guinea-Bissau (S/RES/2267), Colombia (S/RES/2261); Afghanistan (S/RES/2274) and the DRC (S/RES/2277). 28 Resolutions referenced organised crime in 2014; and 24 in 2015 – a decade prior these numbers were in the low single digits.

In 2016 alone the UN General Assembly and its Committees considered issues of illicit financial flows (A/RES/71/213); the world drug problem (A/RES/71/211); cybercrime, security and the right to privacy; human trafficking, and within the context of a moratorium on the death penalty (GA/11879), for which drug trafficking has become the leading cause of judicial executions.

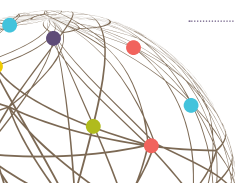
Addressing organised crime and illicit markets are explicitly included as targets in the 2030 Agenda for Sustainable Development (SDGs) (A/RES/70/1), both directly and indirectly. Goal 16.4 has targets to reduce illicit financial flows and specifically to end organised crime. But more broadly, achieving additional targets in the SDGs will require action against organised crime across a range of sectors, including:

- Goal 3 in health, where targets on AIDS prevalence (Goal 3.3), substance abuse (Goal 3.5) and access to safe, effective and quality healthcare (Goal 3.8) will require addressing the role of counterfeit medicines;
- For environmental sustainability and biodiversity, Goal 15.7 on trafficking of wildlife is a critical concern, and Goals 14.4 and 14.6 that relate to addressing illegal fishing.
- Goals supporting the achievement of safe and productive lives are also called into question, where trafficking in women and girls is an issue (Goal 5.2); trafficking in children (Goal 16.2), forced labour (Goal 8.7) and the protection of migrant workers from exploitation (Goal 8.8);
- Finally, promoting urban development and safe settlements will also require addressing criminal violence (Goal 11.1).

The global recognition around the critical need to address organised crime and its impacts is gaining momentum, but answers appear in short supply. While United Nations Convention against Transnational Organised Crime (UNTOC), with its 187 States parties, is one of the most ratified of UN treaties, equalling landmark global legislation such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) or the Treaty on Non-Proliferation of Nuclear Weapons, it falls short on tangible evidence of implementation. In the past years, efforts to put forward a review mechanism have stalled, leaving UNTOC with little way to measure progress.

Putting the pieces together

Few policy sectors covered by the UN-System have been left untouched by this unprecedented (and often unacknowledged) recognition that to allow the further development of organised crime and illicit flows will have serious consequences for the achievement of the System's core mandate.



Yet, while organised crime is often highlighted as an issue, the response is pigeonholed as a “rule of law” or “criminal justice” concern. Yet, all the evidence points to the absolute requirement to respond more effectively to the phenomenon from a societal, developmental as well as a security perspective.

While this balance is widely acknowledged in debates on the matter they have yet to coalesce into a broader-based institutional response. This is also reflected in both a division between agencies and programmes at headquarters level, but also continue misalignment in the field around achieving a coherent response across different sectors. For example, in 2011, a Task Force on Organised Crime established by the previous Secretary-General was formed but achieved little purchase in a context where the overall discussion remained stove-piped and an overall vision was lacking.

At an operational level, a growing number of UN Peacekeeping Operations have been charged with addressing the political economy of illicit flows and their impact on peace negotiation and mediation, peacekeeping and stability, and political transitions. These include in theatres in West Africa; the Sahel, the Maghreb, Central Asia, and Eastern Europe. Yet, most resolutions on the issue that mention organised crime or illicit flows provide little if any content or guidance on how the system should respond. The UN as an institution is short on the correct skills, and all too often turns quickly to established sets of law enforcement responses with states and not civil society and communities at their centre.

Beyond UNODC, specialised agencies both in their respective headquarters and at the UN Country Team level, including UNDP, UNEP, UNICEF, WHO, UNFPA, UNHCR, UNIDO, IOM and WIPO are all working to integrate and understand how to mitigate and respond at a programmatic level to the impact of different organised crime groups and flows on their individual mandates for protection and development, often without the necessary coordination structures able to facilitate those processes, or the necessary engagement with other parts of the System.

Finally, despite the impressive number of ratifications under the UNTOC, as tool for mobilising global action, promoting international cooperation, or indeed for having impact on the nature of the threat of transnational crime, the Convention is falling short. The language of development is largely missing from its discussions, with the focus largely on criminal justice responses and improved law enforcement and judicial cooperation between states. Debates within the Conference of Parties of the Convention lack urgency, are increasingly politicised and no longer align with the cross-cutting and pernicious threat that organised crime and illicit trafficking has been proven to present to efforts to alleviate poverty and inequality or to achieve sustainable development. They further fail to connect the occurrence of crime to the impact that illicit flows and criminal networks have on global governance, and as spoilers to peace and security.

Defining a response

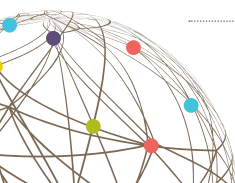
At its current trajectory and without an adequate response, this is not a challenge that is dissipating. Despite the slowdown in the global economy (and in some cases because of it), there is strong evidence that illicit flows have strengthened and contribute to and exacerbate global poverty and inequality. Their nature and impact will continue to be a constant drumbeat as illicit markets evolve in terms of sophistication, the use of violence, and their connections to on-going conflicts and political instability. Smuggling and trafficking in diamonds, drugs, counterfeit products, gold, timber, charcoal, wildlife, antiques, oil and people are all intertwined with – both as cause and result – of current conflict and political instability.

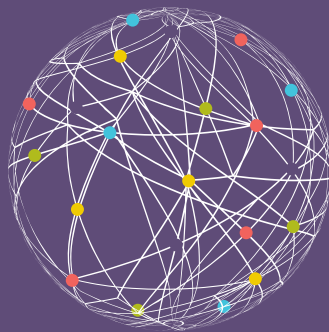
These together have clear impacts on the quality of global governance and human rights. The association of criminality and governance is increasingly widespread and troubling, as a growing number of regions struggle to deal with the infiltration of criminal interests in both central states and local government. There is no region in the world where rhetoric and responses of these kinds have not become a serious and compelling issue.



Concerned by these developments, the Global Initiative has hosted several dialogues bringing together a range of actors, including senior UN staffers, concerned with the growth of organised crime. Their purpose was to debate not only the changing contours of the debate but the response. The core policy points drawn from these engagements can be summarised across 10 key areas for action for the UN-system under a new SG:

- 1.** Establish a clear vision at the highest level of the organisation as to what can and must be achieved to face the challenge across all sectors of the organisations work. Aim to publish a single UN-system report on the organisation's strategy and response to organised crime and illicit markets. This should include an assessment of the impact of diverse resolutions on the organisation, and be used to build political momentum with strategic Member State partners from all regions across the diverse areas where organised crime is present as a policy issue, including through highlighting issues related to distorted development, environmental consequences and the impact on politics including political party funding.
- 2.** Re-establish an inter-agency group on organised crime for the UN-system with a broad mandate to share information, align programmes and achieve greater coherence. Replicate such a group at country or regional level in regions, conflict zones and states badly affected by illicit flows and organised crime.
- 3.** Ensure a central repository of information and data on global illicit flows within the UN-system with inputs from across the organisation. Build information on the nature and impact of organised crime into the briefing material of senior staff, including the SG. Establish a system of key indicators for measuring organised crime and its impact and align these with discussions around the achievement of the SDGs.
- 4.** Bolster the capacity of peacekeeping missions to collect, analyse and respond to information on illicit markets and their connections to the political economy of conflict and peace.
- 5.** Explicitly reach out to local communities affected by organised crime and associated violence. Draw together UN expertise on building community level resilience to organised crime to determine critical guidelines and lessons learned. Support and draw on the work of civil society and independent media in reporting on organised crime, illicit trafficking and its impact. Monitor and highlight attacks by criminal organisations and networks against activists who are increasingly in the front line of the struggle against organised crime and corrupt governance.
- 6.** Determine a set of guidelines for the operation of specialised law enforcement units and militarised responses, including with respect to human rights issues, and use this as a framework for programme support in the area of security sector reform. Distribute both of these widely to UN Member States.
- 7.** Assess as a matter of priority lessons learned from UN programmes targeted at organised crime – for example the investigative commission in Guatemala and the response to piracy off the coast of Somalia – and also determine the degree to which the UN Convention against Transnational Organised is being effectively utilised by Member States.





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