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THE UN SYSTEM'S MANDATE AND RESPONSE TO ORGANIZED CRIME



June 2019





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Acknowledgements

The authors would like to thank the Government of Norway for funding this report as part of the UNTOC Watch project, Aleksi Knuutila for building the interactive tool, and Julia Stanyard, Lia Johansen, and Ariadna Andreu Villasevil for conducting initial research for the interactive tool.

Introduction

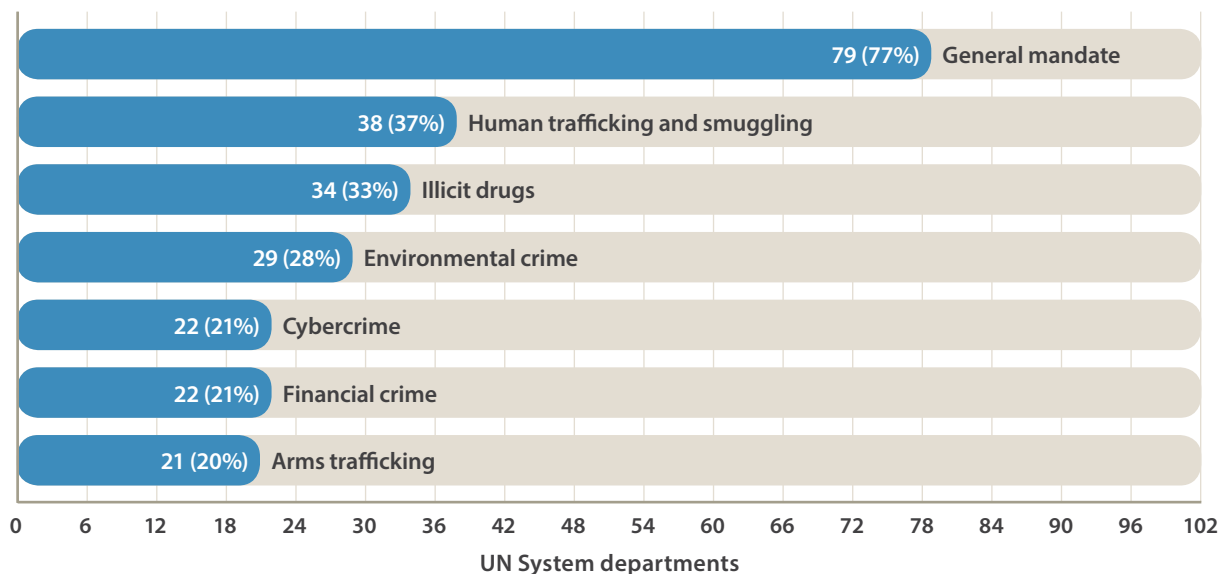
From peace operations to how to better manage forests and food supply chains, the United Nations (UN) is engaged in the fight against organized crime and efforts to mitigate its impact within the ambit of the UN's wider goals: peace and security, human rights and sustainable development.

Mandates relating to key crime types are often allocated to one or more agencies or departments across the UN System, but, as always, mandates evolve, and information about these mandates and the relevant programmes and activities carried out by agencies can be fragmented, scattered and duplicatory. For some emerging or resurging forms of crime, mandates allocated decades ago have required a far more comprehensive set of responses in their contemporary forms.

To better understand the UN's overall mandate for addressing organized crime, the Global Initiative conducted a desk review of the UN's entities and agencies to identify their mandates and working agendas for organized crime, specifically in relation to the UN's work on six crime types that have had major impacts on broader UN goals, including the UN Sustainable Development Goals (SDGs). This paper is a companion piece to an interactive online tool, which displays the organized-crime agendas within the UN System. The tool's purpose is to provide a better understanding of the UN's counter-crime work and serve as a basis for discussion about how organized crime challenges, which are now far-reaching and serious, could be more effectively met and how UN System resources can be used more coherently.

The mandate for addressing organized crime extends across the UN System in a way that is expansive, exhaustive and certainly under-appreciated. A review by the Global Initiative has identified a working agenda for 79 out of the UN's 102 entities, bodies and agencies, or nearly 77 per cent.¹ The research (see Figure 1) found that 37 per cent of these entities address human trafficking, and 33 per cent work on illicit drugs. Environmental crime was third, with 28 per cent of entities addressing related issues. Cybercrime and financial crime both saw 22 out of the 102 entities addressing the issue (21 per cent), and arms trafficking is worked on by 21 entities, yet this understanding of arms trafficking does not include illicit chemical and nuclear material trafficking. This paper examines the implications this has for the UN System given such a widely dispersed mandate.

Figure 1: Percentage of UN System departments focusing on each type of organized crime



Organized crime is a cross-cutting threat to the goals of many different sectors, in all three core areas of the UN's work: peace and security, human rights and development. Previous analysis conducted by the Global Initiative found that organized crime affects a high proportion of the SDGs.² An additional Global Initiative review of UN Security Council (UNSC) resolutions in 2018 found that 22 of the 54 resolutions (40 per cent) referred to a form of organized crime,³ showing a significant recognition of the problem on the international security agenda.

Given the diverse nature of organized-crime threats, it is possible to argue that perhaps it is only right that the requirement to respond to organized crime is distributed across the UN System so widely. But without a coherent strategy underpinning this wide mandate, responses to organized crime across the system can be fragmented, and opportunities to achieve synergies and learn lessons from responses are not maximized, or perhaps not realized at all.

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Organized crime is a challenge that rises and falls on the global policy priority list. The diversity of illicit markets and the fact the harm caused by organized crime tends to be more corrosive in nature than sensational mean that it is often overlooked or downgraded on the priority list. However, over the past two decades, there have been certain points when the threat of a specific form of organized crime became so compelling that it demanded an urgent response from the international community and the UN System. These flashpoints in the debate – for example, during the piracy crisis in the Gulf of Aden in 2011/12 (see page 3), or the demand for a response to human smuggling and trafficking in 2016/17 – have regrettably shone a light on the UN System's shortcomings rather than draw attention to the efficacy of the world's global governance mechanism to respond to shared, transnational threats that require collective response.

Many efforts have been made to create better UN System coherence, but with the global scale and impact of organized crime on the rise, the need to recognize its corrosive impact on major UN objectives should be an imperative for the following reasons:

- Organized crime is a leading cause of violence and homicide globally.
- Criminal interests and corruption in natural-resource sectors are leading drivers of deforestation and unsustainable natural-resource extraction.
- Organized crime has a destructive impact on governance, anti-corruption, economic development and trade, and environmental protection efforts.
- Serious rights violations to individuals are caused by organized crime, such as the interlinking phenomena of modern slavery, forced labour, human trafficking and aggravated smuggling.

It is very clear when looking at the spread of activity across the system that the issue is not solely a law-enforcement problem. Threats posed by criminal groups are wide-ranging: they impact good governance, breed corruption and weaken development agendas. A holistic view of the issues aligned with increased coherence would help shrink the learning curve on the pervasive impact of organized crime on international security, development and human rights.



Learning lessons from the UN response to piracy off the coast of Somalia

The case of countering piracy off the coast of Somalia, one of the isolated examples where multilateral action has achieved a significant and sustained reduction in the scale of a transnational threat, offers a number of interesting lessons on the requirements for successful international responses to organized crime.

The counter-piracy response was led by the Contact Group on Piracy off the Coast of Somalia (CGPCS), established in January 2009 by UN Security Council Resolution 1851, which 'encourages all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast'.⁴

Despite the obvious synergies with the UN's own function, the CGPCS was intentionally created outside of the UN System, in order to 'maintain a high degree of flexibility both in terms of membership and activities'.⁵ The group comprised more than 60 countries, 20 organizations, policymakers, the military, international NGOs, defence organizations, the private sector, seafarers' organizations and industry bodies, among others.

The lessons learned from this case, and reflections on it, which have been manifold, suggest that the elements that made the counter-piracy response successful were:

- Having, in the first place, a distinct and measurable threat: piracy incidents were clear, unambiguous and easily counted, thereby ensuring that both the problem and efficacious solutions could be easily understood.
- Member state leadership and considerable political will: the cost of piracy incidents both to the state and to the private sector and, again, the visibility of the threat, ensured that there was political will both from key states and the private sector to respond swiftly, with plentiful resources to be applied to the problem.
- Coordination with the private and civil-society sectors: whereas public-private partnership is often confrontational, and characterized by levels of mistrust, here interest between the public and private sectors to respond to piracy were aligned, and cooperation was effective.
- An integrated response: it was consistently recognized throughout the counter-piracy response that a security-only strategy would not be effective. Therefore, a comprehensive approach was taken, encompassing legislative change, best-practice documentation and dissemination, common policy, capacity building to key states, complemented by development interventions targeted at the enabling environment.
- A regional approach: as Somalia was such a weak state, with limited to no capacity to control its own waters or address the implications of piracy online, the responses were consistently designed as regional in nature, including incentives to neighbouring countries to provide a framework to buffer the weak states.
- Analytical and responsive: the CGPCS was an active and inclusive coordination forum, which included a very strong analytical component that provided regular data on the changing scope of the problem, ensuring that the group had the capacity to monitor progress and adapt to changes in the market, thereby ensuring that responses stayed aligned to the nature of the threat.

The UN System did not distinguish itself in its response to this crisis, largely owing to the challenges of a fragmented mandate, excessively restrictive bureaucracy and the absence of a robust standing coordination



mechanism. In the early phase of the problem, before the CGPCS was created, the UN Law of the Sea Commission, UNODC and the International Maritime Organization (IMO) consistently competed to lead the debate. And as resources began to flow, a number of UN agencies fought to capture them for the implementation of programmes, because no working relationship between the three entities had been determined before the issue became a pressing priority. The potential for the UN System to play a leading, or even an effective convening role, was therefore largely regrettably sacrificed.⁶

Addressing criminal markets across the UN System

This section addresses the specific crime types reviewed for the study, but first looks at the criminal-justice architecture that shapes many responses to crime at the UN. The global crime agenda relates to several connected regimes within the UN: the UN Convention against Transnational Organized Crime (UNTOC), the Commission on Crime Prevention and Criminal Justice (CCPCJ), the Commission on Narcotic Drugs (CND), and the UN Convention against Corruption (UNCAC). Adopted November 2000, UNTOC is the main instrument at the UN for combating organized crime and contains three key protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.⁷ The UNTOC is governed by a Conference of the Parties, which has five working groups, including on each protocol, to focus on specific areas of work.

In many ways, though, work related to the UNTOC agenda is carried out across the other conventions as well. For instance, the CCPCJ has an open-ended intergovernmental expert group meeting on cybercrime, which is the main mechanism for ongoing cybercrime discussions at the UN; the CND adjudicates on global drug policy, which includes combating drug trafficking and organized-criminal groups involved in these processes; and the UNCAC addresses corruption associated with specific crimes, such as environmental and wildlife crime.

Figure 2: Establishment of key organized-crime conventions and commissions of the UN



In fact, the CND preceded the CCPCJ by nearly 50 years and early thinking on addressing crime at the UN was always intertwined with addressing illicit drugs, as can be seen in the name of the UN's main crime agency, the UN Office on Drugs and Crime (UNODC). Since the 1990s, UNODC's mandate has expanded to a great degree, as it serves as the secretariat for each of the conventions, protocols and commissions noted. It is the central agency within the UN focused on organized-crime issues, with departments dealing with Organized Crime and Illicit Trafficking; the Human Trafficking and Migrant Smuggling Section (HTMSS); the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism; the Global Firearms Program; and the UNODC Global Programme for Combating Wildlife and Forest Crime.

UNODC also has a presence at the level of field programming. A 2017 survey by the UN Department for Economic and Social Affairs (DESA) showed that of the 130 countries where the UN System has a UN Country Team, UNODC



is a resident agency only in 29 per cent, non-resident in a further 25 per cent, and entirely absent in 46 per cent of all places where the UN has a presence.⁸ According to its own information, UNODC has 10 country offices and 30 project offices, giving it representation in fewer than 40 countries.⁹ As the entity with leadership and coordination responsibilities on most crime issues, this could cause a disconnect on strategic coherence in field-level implementation.

Despite UNODC's dominance over the global counter-crime instruments, a brief review of the six crime types reviewed for the interactive tool reveals the sprawling nature of UN responses to organized crime, in part because UNODC's focus has been predominantly on technical assistance for the implementation of the legal instruments, rather than work with affected communities, civil society or other stakeholders. While organized crime might be interpreted by some as solely a criminal-justice matter, our review revealed organized-criminal activity intersects with many UN agendas across the system, and many UN agencies contribute to raising awareness, shaping responses and combating organized crime across these six crime categories, discussed below.

Human trafficking and smuggling

Human trafficking and smuggling, the most frequently addressed crime type, arise across a number of agendas, including peace and security, protection of refugees, women's empowerment, children's rights, global health and human rights.¹⁰ Our desk review showed that 37 per cent of UN System entities address human trafficking. From the CCPCJ to the Commission on the Status of Women, UN commissions have deliberated and passed resolutions to strengthen responses to the phenomenon, setting the stage for wide-reaching action across the system. Yet, in reality, human trafficking remains one of the most under-litigated crimes at national level. The UNODC is the lead agency addressing human trafficking from a criminal-justice perspective, as it is the custodian of the UNTOC protocols on smuggling and human trafficking. It is also the lead agency for the Inter-Agency Coordination Group against Trafficking in Persons, the principal forum for coordination on human trafficking within the UN System, and it manages the Voluntary Trust Fund for Victims of Human Trafficking.

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A number of entities that are focused on migration and humanitarian responses also work to counter human trafficking and smuggling. The International Organization on Migration (IOM), which became a related organization to the UN in 2016, has worked on countering trafficking since the 1990s and has assumed a continued role in this area while broadening its work on trafficking in humanitarian settings. Entities leading humanitarian responses, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the UN Office for the Coordination of Humanitarian Affairs, address human trafficking in emergency settings. For instance, IOM and UNHCR are the co-leads of the Global Protection Cluster Task Team on Anti-Trafficking in Humanitarian Action, focusing on how to integrate trafficking concerns into existing efforts to improve response and outreach.

Two key objectives in The Global Compact for Safe, Orderly and Regular Migration, for which IOM is the secretariat of the follow-up mechanism, are to strengthen responses for human trafficking and smuggling, and the disaggregation of the two crimes.¹¹ In light of the growing concern over recent years about the role of smugglers in irregular migration, interest among agencies in understanding the phenomenon is growing. For example, the IOM has built into its Global Migration Data and Analysis Centre a dedicated focal point on human smuggling. Meanwhile, work



outside of the UN System by civil-society groups working on migration, as well as considerable funding made available by the EU, are likely to contribute to this trend, especially as UNODC remains concentrated only on criminal-justice responses to the phenomenon.

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Related phenomena are addressed in other quarters, such as the International Labour Organization’s (ILO) work on forced labour and modern slavery, and the Food and Agriculture Organization’s (FAO) work on forced labour in the fishing and agriculture industries. The Special Representative of the Secretary-General (SRSG) for Children in Armed Conflict deals with conscription of children into armed groups, and the SRSG on Sexual Violence in Conflict addresses human trafficking for sexual exploitation as a form of sexual violence in conflict. Agencies such as the World Health Organization (WHO) and UNAIDS address the crime in terms of the impact on victims from a health perspective, and in particular the transmission of HIV/AIDS.

In recent years, this agenda has assumed an elevated level of urgency and has fostered a discussion within the UN about how best to respond to interlinking and overlapping phenomena: smuggling, trafficking, forced labour and modern slavery – particularly related to conflict situations. This has been largely due to the dramatic rise of smuggling and trafficking through Libya to Europe, and egregious violations of international law, such as the open slave markets in territories controlled by Islamic State of Iraq and the Levant in Syria and Iraq. Starting in 2015, the Security Council raised the general profile of the issue across the UN System. For instance, UNSC Resolution 2388 (2017) calls for strengthened efforts across the UN System, from increasing attention within peacekeeping and special political missions to improving the UN’s procurement and supply chains to annual reporting by the Secretary-General on these issues. As such, a number of entities, including UNODC, the Counter-Terrorism Executive Directorate (CTED), the Secretary-General’s Office, ILO, the Special Rapporteur on trafficking in persons, especially women and children, and the UN University have all responded to this call to action.

The SDGs, also in 2015, called for a broader perspective in shaping responses across related crimes. For instance, the ILO-led SDG Target 8.7 calls on states to take ‘immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms’. Further trafficking targets exist in other SDGs, such as under SDG 5 (Gender Equality), led by UN Women, and SDG 16 (Peace, Justice and Strong Institutions), led by the UN Development Programme (UNDP). The trafficking agenda continues to expand at the UN, and maintaining a focus on smart and impactful responses will be critical.

Illicit drugs

The agenda for illicit drugs and combating drug trafficking has primarily existed within the CND. This agenda-setting commission is supported by the quasi-independent International Narcotics Control Board, and UNODC as its secretariat. The WHO is mandated with reviewing the health risks and benefits of the use of psychoactive substances through its Expert Committee on Drug Dependence. A number of other agencies have worked on trafficking-specific aspects related to customs and detection, such as the Universal Postal Union and the UN Conference on Trade and Development (UNCTAD). Meanwhile, the Security Council addresses drug trafficking in relation to conflict situations on its agenda, as well as in relation to financing of terrorism.



As this is the longest-running ‘crime’ agenda at the UN, it may be surprising that across the system, agencies continue to struggle to work towards the same goals or within shared frameworks on illicit drugs. A number of UN entities have noted that the drug policy agenda should not sit solely within a ‘drugs and crime’ agenda; in fact, our research found that 33 per cent of UN entities work on drug policy. The WHO plays a clear role in determining health properties for licit and illicit substances. Advocacy in the 1990s around the need to address HIV/AIDS helped expand the drug policy agenda to other areas of the UN, including UNAIDS and UNDP. During that time, UNODC also established a programme to address HIV prevention among people who use drugs and people living in prison settings. The early imperative that was set by the high rates of transmission demanded a swift and coordinated UN System response, yet coordination among agendas has remained circumspect. In fact, UNAIDS has found that HIV infections among people who inject drugs are rising, while the incidence of HIV infection globally (all ages) declined by 25 per cent between 2010 and 2017.¹² One area of contention has been the call from a number of UN agencies, including WHO, UNAIDS and the Office of the UN High Commissioner for Human Rights (OHCHR) to decriminalize drug use. In 2018, the UN’s Chief Executives Board approved a common position that in fact calls for the promotion of decriminalization, as an element of alternatives to conviction, yet there remains sufficient latitude to allow different agencies to follow different agendas.¹³

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In the past, the development aspect of drug policy has been restricted to alternative development, an agenda related to reducing illicit crops, an agenda managed by UNODC rather than by the development arm of the UN. In more recent years, however, and in relation to the establishment of the SDGs in 2015, a wider interpretation of how the development agenda and drug policy intersect has been explored at the UN, including the impacts caused by both drug policy and the drug trade.

The 2016 UN Special Session on the world drug problem, convened by the General Assembly saw wide participation by UN entities, and states delivered an outcome document that offers a wider, whole-of-UN approach to drug policy, while overall drug policy continues to sit within the CND and UNODC. A recent report by the UN System coordination Task Team on the Implementation of the UN System Common Position on drug-related matters¹⁴ points towards a more cohesive and system-wide understanding of the issues. This is part of a larger effort within the UN System to build greater coherence within the UN on drug policy, whose siloed approach has been criticized over the years for working at cross-purposes with different agendas. For example, according to the Global Commission on Drug Policy, ‘[t]he hegemony of Vienna-based UN entities persists, and there is still too little space for other UN agencies based in New York, Geneva and Nairobi to be involved fully in a debate that remains anchored to an overly repressive approach.’¹⁵

Environmental crime

Our desk review showed that 28 per cent of UN System entities address environmental crimes within their agendas. The UN Environment Programme (UNEP) is the secretariat for a number of global agreements on the environment, including for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Minamata Convention on Mercury and the Montreal Protocol on Substances that Deplete the Ozone Layer, among other environmental treaties. Within UNEP, the Division on Environmental Law and Conventions works to enhance the



implementation and enforcement of environmental law in relation to environmental crimes, ranging from wildlife crime to illicit gold mining in relation to mercury controls. The UN Forum on Forests has committed to significantly reducing illegal logging and its associated trade as part of its 2017 Global Forest Goals.

Agencies ranging from the FAO to UNESCO help tackle environmental crimes. The FAO's work on forest management includes an assessment of law-enforcement capacity needed to tackle forest crime. It takes a lead role in several initiatives, including co-coordinating the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, and lending technical expertise and playing a convening role for the UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD), which includes attention to illicit activity causing deforestation. UNCTAD provides technical assistance on traceability, together with the CITES secretariat, in efforts to end the poaching and trafficking of protected species.

Cybercrime

The CCPCJ has served as the primary UN body for cybercrime debates. In 2010, the CCPCJ established an open-ended Intergovernmental Expert Group Meeting on Cybercrime (EGM), as well as the Global Programme on Cybercrime within the UNODC, funded by Australia, Canada, Japan, Norway, the UK and the US. The EGM was formed to conduct a study of cybercrime and responses by states, the international community and the private sector. This resulted in the Comprehensive Study on Cybercrime, which has been used as a reference document by member states. The EGM continues to be the main mechanism for ongoing cybercrime discussions at the UN. Some have called the expert group 'the only platform within the United Nations' to exchange information and examine options for responses to cybercrime, and, in 2017, the CCPCJ consolidated the group's role by asking it to function as 'the platform for further discussion on substantive issues concerning cybercrime'.¹⁶ That said, the EGM does not set directives for the UN System on cybercrime; this would typically be the mandate of the CCPCJ.

“When it comes to cybersecurity debates, efforts are made to distance cybersecurity from cybercrime agendas within the UN System.”

Across the system, agencies and bodies approach cybercrime from different angles. Our desk review showed that 21 per cent of UN System entities address aspects of cybercrime (excluding cybersecurity). As noted, the UNODC's Global Programme on Cybercrime provides technical assistance to states on cybercrime, and hosts an online cybercrime repository, including a case-law database. The Security Council's Counter-Terrorism Committee addresses the use of information and communications technology by terrorist organizations, ranging from the use of social media to set narratives to the use of cryptoassets. The executive directorate of the Counter-Terrorism Committee (CTED) has worked on projects addressing these phenomena, such as Tech Against Terrorism, which partners with technology companies to share best practices while advocating for industry self-regulation.¹⁷ The International Telecommunication Union, which helps govern global telecommunications networks – but not the internet, to date – offers several programmes to combat cybercrime, including the Honeypot Research Network and the Abuse Watch Alerting and Reporting Engine, which increase the ability to collect and analyze data for malicious activity.¹⁸

A number of agencies also address cyber-enabled crime from within their mandates. For instance, UNICEF works to combat online child abuse and exploitation; OHCHR's Special Rapporteur on violence against women, its causes and consequences has published a report on online violence against women and girls; and the Special Representative of the Secretary-General on Violence Against Children has programming and reporting on online sexual abuse as well



as cyberbullying. However, when it comes to cybersecurity debates, efforts are made to distance the cybersecurity from cybercrime agendas within the UN System, with the former relating to the international peace and security agenda, and the latter the criminal-justice agenda.

Financial crime

The global framework to respond to illicit financial flows and financial crimes is a patchwork of independent conventions, standards and initiatives that have developed organically, rather than as an integrated system, and have different governance and membership arrangements. One OECD study found, for example, that while IFFs appear directly in only one SDG target (16.4) alongside organized crime, it was inter-related to a further 18 targets, spread across ten SDG goals.¹⁹

Financial crimes, such as money laundering and illicit financial flows (IFFs), are addressed within a number of areas, including development, rule of law, public administration, and in relation to the laundering of funds from other crime types. Our desk review found that 21 per cent of UN System entities address financial crimes. The CCPCJ and UNCAC both play a central role in setting the agenda at the UN on financial crimes. At the same time, financial crimes are inherently connected to the Security Council's sanctions work, and the Security Council's Counter Terrorism Committee addresses illicit flows in the financing of terrorist organizations.

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UNODC has a Global Programme on Money Laundering, and provides support to member states in achieving compliance with the standards laid out under the Financial Action Task Force process. The UNDP, IMF, World Bank and others address financial crimes from a governance and development perspective.

UNDP's Global Anti-Corruption Initiative focuses on strengthening systems, institutions and civic engagement to combat corruption, and to better manage and deliver public resources.²⁰ The World Bank's efforts include support for anti-corruption efforts and improved auditing, as well as assistance on policies relating to public financial management, tax evasion, public procurement, trade facilitation and border crossing, natural-resource management and economic regulation. The UNODC and the World Bank have a joint initiative to document and support stolen-asset-recovery initiatives. The Committee of Experts on Public Administration engages with national public administrations on issues such as financial crime and corruption. UNCTAD and UNODC, as co-custodians of SDG Indicator 16.4.1 (Total value of inward and outward illicit financial flows (in current United States dollars)), are leading work to develop a statistical methodology and a measurement standard to estimate IFFs, while the World Bank is developing new tools to monitor and measure IFFs at country and regional levels. The UN Economic Commission for Africa has coordinated the High-Level Panel for Illicit Financial Flows from Africa initiative, which has endeavoured to create a common continental platform for engagement. Furthermore, the UN Institute for Training and Research (UNITAR) provides training programmes in topics such as anti-corruption.

Increasingly, the so-called follow the money concept (or financial flows analysis) is being applied in response to specific illicit markets, including piracy, human smuggling and trafficking, natural-resource governance and wildlife crime, among others. This has meant that agencies leading the sector have attempted to develop their own



approaches to financially quantifying flows in their own markets or geographies. The risks to the safety of UN staff and consultants involved in assessing illicit financial flows and sanctions adherence have proven considerable. The absence of a common methodology that would allow longitudinal analysis or comparability, and, more importantly, the coordination with the arms of the system and the political support to leverage change in response to the findings of the analysis, arguably make this freewheeling experimentation highly risky.

Arms trafficking

The disarmament agenda at the UN addresses arms trafficking as a risk to peace and security. Our desk review found that 20 per cent of UN System entities work on combating arms trafficking. The UN Disarmament Commission (UNDC) has taken up the issue of diversion to illicit markets. Among the recommendations in its 2017 report, the UNDC encourages states to prevent the diversion of conventional weapons into the illicit market or to criminals, illegal armed groups, terrorists or other unauthorized recipients. The UN Office for Disarmament Affairs (UNODA), through its agenda on Conventional Weapons, addresses the illicit flow of small arms and the opportunities for criminal groups to access and divert accessible weapons and ammunition. The regional disarmament branches of UNODA carry forward the agenda at the regional level, including implementing programming to combat the illicit arms trade.

The UN Institute for Disarmament Research (UNIDIR) conducts independent research on disarmament and related problems, particularly international security issues. Within its conventional-weapons programme, it focuses on weapons and ammunition management in fragile settings, tackling the illicit global arms trade and providing support for the implementation of global instruments and guidelines. UNIDIR also acknowledges specifically that fragile or conflict-affected states are often disproportionately burdened by the illicit flow and availability of arms and ammunition.²¹

Although the issue of chemical weapons is not considered a part of traditional arms trafficking, a key priority of the Organisation for the Prohibition of Chemical Weapons (OPCW) is to prevent the re-emergence of chemical weapons, recognizing that these kinds of weapons may re-emerge through state-sponsored programmes, the actions of terrorist or other criminal groups, or lone individuals.

Figure 3: Examples of UN task forces and interagency groups



Cross-cutting impacts of organized crime

Organized crime, and the peace and security agenda

The Security Council has called attention to the links between organized crime and certain crime types in relation to specific conflicts on the Council's agenda, and it has also periodically taken up thematic discussions of issues, including piracy, and links between terrorism and organized crime. Research by the Global Initiative found that in 2018, 40 per cent of the 54 Security Council resolutions referred to some form of organized crime,²² showing a significant recognition of the problem on the international security agenda. Further analysis showed that, out of the total 1 113 UNSC resolutions and presidential statements from 2000 to 2017, 387 resolutions (34.8 per cent) referenced or discussed organized crime in relation to a conflict setting, 62.8 per cent of which concerned a country or region in Africa.²³ However, translating this call to arms by the world's pinnacle of the peacekeeping hierarchy into a response has often proven confused, disconnected and under-resourced in practical terms.

The Security Council establishes mandates for peacekeeping and political missions globally. The Department of Peace Operations (DPO), which implements peacekeeping missions, addresses some criminal activity directly, such as arms trafficking in relation to disarmament efforts. But, in general, peacekeepers themselves do not address issues of local policing, and have even served as catalysts for criminal activity, such as human trafficking for sexual exploitation. The UN Police, housed within DPO, works directly on policing matters by supporting, or, where mandated, acting as a substitute or partial substitute for host-state police capacity. In this role, they have addressed, among other things, serious and organized crime.²⁴ DPO missions also address organized crime within the rule-of-law agenda. The UN's work in conflict prevention and peacebuilding, managed by the Department of Political and Peacebuilding Affairs, extends beyond traditional preventive diplomacy to involve a wide range of relevant disciplines – among them poverty eradication and development, human rights and the rule of law, elections and the building of democratic institutions, and the control of small arms.

MONUSCO: Illicit economies task force

The role of criminal networks – trading in particular in minerals and other natural resources – in fuelling armed-group violence in the eastern DRC has long been recognized. Estimates from the UN Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) value illicit natural-resource exploitation in eastern DRC at over US\$1.25 billion a year.²⁵ However, actively combating criminal networks operating in the region has not formed a major part of the peacekeeping mission's activities.

In response to Security Council Resolution 2277 (2016)²⁶ – which mandated MONUSCO to address insecurity through enhanced analysis of criminal networks – a Criminal Networks Task Force was established, bringing together representatives from the UN Police, mission forces, the Group of Experts on the region, and other UN departments, including those working on human rights. The task force was created to support a mission-wide strategy with three main aims: to curtail the impact of criminal networks on the civilian population; ensure that UN resources are not unintentionally diverted to criminal actors; and help build effective state institutions through support to judicial processes and anti-corruption activities, and by ending impunity.²⁷

Since its inception, the task force has supported work in different areas of the mission's work, from the mapping of armed groups' involvement in the illegal exploitation of natural resources, to reviewing support for anti-corruption initiatives. Throughout 2017, activities aimed at combating illicit charcoal trade in North Kivu province included targeted military operations based on intelligence gathered by the task force,



strategies to reduce charcoal use (and inadvertent participation in the illicit economy) by personnel and in refugee camps, and support in investigation and prosecution of environmental crimes.

Although it is difficult, at an early stage and in the absence of publicly available information, to fully evaluate the impact of the task force, it does provide an example of the value of direction from the Security Council in elevating counter-crime initiatives to higher up on the peacekeeping agenda and addressing the (increasingly recognized) intersections between organized crime and conflict.

Sanctions committees established by the UN Security Council address organized-criminal activity when it relates to conflicts or threats to peace and security that are on the Security Council's agenda. Criminal activity has been included in sanctions regimes as listing criteria, and determinants for sanctioning individuals or entities. For example, the Democratic Republic of the Congo (Resolution 1533 (2004)) listing criteria for Travel Ban and Assets Freeze include 'individuals or entities supporting the illegal armed groups in eastern DRC through the illicit trade of natural resources'.²⁸ Monitoring groups, which support the work of specific sanctions committees, also provide analysis on organized-criminal activity in relation to their mandated issue. For instance, the ISIL (Daesh) and Al Qaeda Sanctions Committee monitoring group report in January 2019 examined instances of overlap between international terrorism and transnational organized crime.²⁹ In June 2018, the Security Council added six individuals to its Libya sanctions regime for their role in human trafficking and migrant smuggling. This was unique, in that only two were also linked to militia activity.³⁰

“In June 2018, the Security Council added six individuals to its Libya sanctions regime for their role in human trafficking and migrant smuggling.”

The Counter-Terrorism Committee of the UN Security Council (CTC) recognizes that terrorist groups can be linked to organized-criminal groups and that they may also involve themselves in criminal activities, such as extortion, kidnapping for ransom, drug trafficking, human trafficking or arms trafficking for revenue. Therefore, a number of its focus areas, for example terrorism financing, address organized-crime themes. The CTED, which carries out the policy decisions of the CTC, engages in work on terrorism and organized crime. In recent years, it has focused on specific crime typologies, such as human trafficking, as well as methods of operation and financing for terrorist activity, such as the use of information and communications technology.

Human rights and development

Ensuring the respect for and adherence to human-rights norms and standards is another core pillar of the UN System's mandates and founding ethos. Here again, organized crime features as a structural spoiler and presents an ongoing concern to the human-rights agenda.

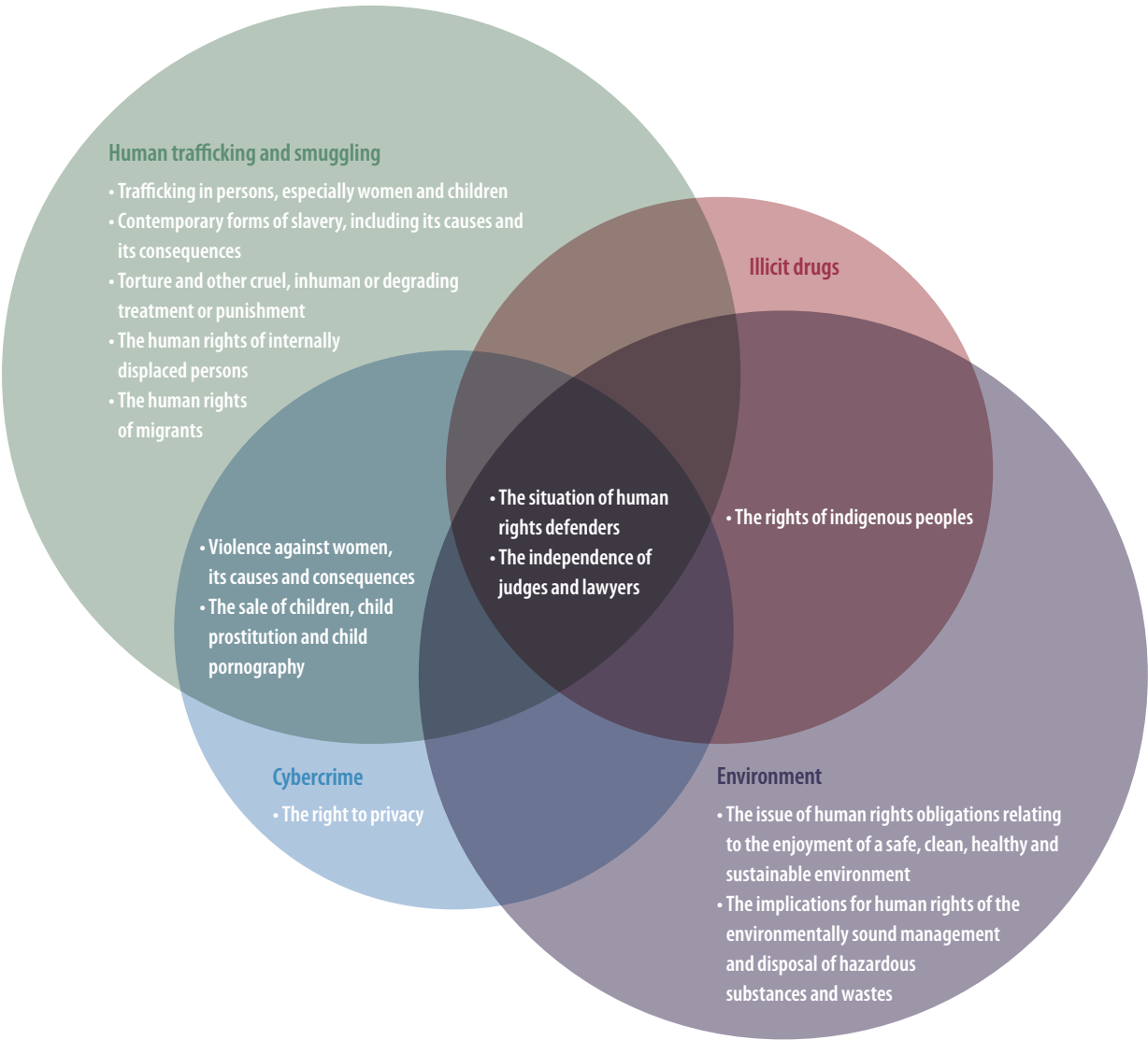
The Human Rights Council (HRC) has deliberated on and provided advice on the enjoyment of human rights in relation to a number of types of organized-crime, and has appointed several Special Rapporteurs focused on the consideration of illicit markets and their impact. The HRC deliberates on both the impacts of certain criminal activities on the enjoyment of rights, as well as impacts on human rights brought about by responses to criminal markets by states. The OHCHR, at the request of the HRC, contributes to high-level processes, such as the 2016 and 2019 High-level General Assembly and CND meetings on the world drug problem. For instance, the OHCHR developed



its Recommended Principles and Guidelines on Human Rights and Human Trafficking to advise how anti-trafficking efforts can integrate human rights into their analysis and responses to trafficking.

Organized crime is a cross-cutting threat to many core development objectives: it threatens directly not only specific goals, such as the reduction of poverty and the promotion of economic growth, but also the general maintenance of global biodiversity and sustainable environments; the building of safe and inclusive societies; the promotion of public health and people’s well-being; and the orderly management of migration. A number of agencies across the UN are working on the topic in these contexts, for instance UNDP, UNEP, UN-Habitat and the ILO, to name just a few. Previous analysis conducted by the Global Initiative found that organized crime affects many of the SDGs,³¹ and countering organized crime is referenced in Target 16.4 as an element of the overall blueprint for sustainable development.

Figure 4: OHCHR Special Rapporteurs that consider illicit markets



Source: International Justice Resource Center, https://ijrcenter.org/un-special-procedures/#Special_Rapporteurs



Implications

Implications of this analysis suggest although the criminal-justice aspects of organized crime may be well covered (though overlaps between instruments still contribute to duplication and contestation in some areas), increasingly imperative cross-cutting responses to organized crime – encompassing development, human rights and international security – lack a strategic framework.

There is, consequently, no common narrative, nomenclature or analytical framework for organized-crime issues either at the policy level or to guide programming. The UNTOC provides very limited definitional assistance – it defines what constitutes an organized crime group, but not what should be considered organized crime itself. UN country teams and peacekeeping operations are therefore left to define – or more likely overlook³² – for themselves what they consider as organized crime in the context in which they work. This, in turn, impacts how they view and respond to organized crime and its connection to the state, and the extent to which they recognize how the problem is impacting other development priorities. In this sense, any efforts to work towards coherence at the policy level should translate to efforts at the field level.

“Implications of this analysis suggest although the criminal-justice aspects of organized crime may be well covered, increasingly imperative cross-cutting responses to organized crime lack a strategic framework.”

What materializes, as we have argued, is an over-reliance on criminal-justice interventions, and a duplication of programming interventions. Even on the most basic forms of technical cooperation, for example police reform, there are a proliferation of UN System bodies that work regularly on police reform issues: the UN Police for post-conflict settings, and UNDP and UNODC in broader contexts. But OHCHR, UNICEF and UN Women also focus on specialized capacity-building efforts for police reform. The situation is similar for other parts of the criminal-justice system.

On other crime markets; in new and emerging issues, such as responding to IFFs; or on high-priority threats, such as the terrorism/trafficking nexus in the Sahel or the irregular migration surge in Libya, the level of incoherence and duplication can be even more acute. Existing programming may have established levels of trust between a particular agency and government, giving them the opportunity to lead in engagement and fundraising, to the exclusion of the proper mandate holder. The lack of donor coherence can also result in the bilateral and multilateral donors funding duplicatory initiatives.

Most importantly, while the prioritization around organized crime ebbs and flows depending on the nature of the threat, on those occasions where the imperative peaks, the lack of a designated entity and a framework for cooperation (exacerbated by the promise of plentiful resources in an era where funds for development interventions have in reality been diminishing), usually triggers an inchoate and sub-optimal response from the UN System, which draws criticism from member states.

As an example, a mapping and review conducted for the EU for programmes on counter-terrorism and organized crime in the aftermath of the 2011 Mali crisis found 40 separate interventions focused on building capacity of the police service to respond to crime and terror, funded by 10 different donors, and implemented through a range of implementing partners, as well as directly.³³

This policy and programmatic incoherence mean that the UN System risks failing to learn lessons from approaches in different jurisdictions, or between crime-type approaches, in particular regarding the more experimental and



contemporary development-style interventions. It also creates structural challenges to addressing cross-cutting thematic issues, such as peace and security, and human-rights matters, and to addressing the impact of organized crime on governance, anti-corruption efforts, economic development and trade, and environmental protection.

Lack of coordination and the inability to learn lessons from different interventions, or to examine the results in different environments hinder the achievement of efficiencies of scale, create duplication of effort, and hamper planned, predictable interventions at country level. The lack of internal coherence in the UN System also makes it more challenging for its agencies to engage with non-UN System agencies, such as civil society and the private sector.

The disconnect may lie in the fact that organized-criminal activity cuts across the work of the UN, yet member states, as the agenda setters, have different sets of priorities in different arenas. Put differently, while an issue is addressed in many areas, it is worked on in different ways. Even attempted coherence across the health and drug policy agenda on HIV/AIDS since the 1990s continues to stall because of an inability to align policy choices, and therefore inability to align programming. Given the contemporary rate of growth of illicit markets, and the arguably existential threat posed by, for example, environmental degradation and species extinction, the UN System cannot currently afford to work at cross purposes. The SDGs offer an overarching framework for agenda setting, and indeed, include many of the crime types looked at in this study. Finding ways to better align the work across agendas will not only help address specific phenomena, but will also help the UN to achieve its broader goals.

Recommendations

Recognizing that organized crime is unlikely to ever be, nor should be, one of the primary priorities of the UN System, there is plenty of evidence and reason to suggest that the issue needs a more considered and coherent approach to how the problem and its implications are addressed.

The mandates and response to organized crime are cross-cutting through the UN System, which is appropriate. But, as with other cross-cutting issues, the ability to centralize tools and approaches, and the capacity to coordinate and learn lessons are still important.

The following recommendations lay out a way forward for bringing a more coherent framework to the UN System's approach to countering organized crime, which would reinforce the System's potential for leadership, maximize its impact, and optimize resource allocation.

1. **Comprehensive mapping of mandates and actions, across the UN System:** this report presents an initial desk review, without the benefit of exhaustive consultations with the different parts of the System. A more comprehensive survey that covers official mandates and working agendas, and which catalogues programmatic activities at the field level, would give a far clearer sense of where duplications and gaps are acute and require rationalization.
2. **Development of an organized-crime strategy for the UN System,** to ensure a common definitional framework and nomenclature, and to consider system-wide principles for engagement. This does not have to designate organized crime as an independent priority, but could make explicit linkages to where and how organized-crime awareness and response need to be formally and systematically integrated.
3. **Clearer communications strategy from the Secretary-General's Office** on the priority to respond to organized crime across different markets, and which consistently reinforces the messages of the strategy.
4. **A concerted effort to document and share lessons learned** and promising practices in the fight against organized crime and criminal actors, which cuts across different individual illicit markets.



5. **Working group to bring together actors cross-cutting the SDG targets**, which will require directly addressing organized crime or one illicit market to reach the target. At the current time, more effort has been spent defining separate indicators, without recognizing the interconnections between mandate areas.
6. **Appoint an organized-crime focal point within the Resident Coordinator** and Deputy Special Representative of the Secretary-General support system to engage with UN country teams, and integrate political economy of illicit flows, markets and actors into the Common Country Analysis process as a precursor to the UN Development Assistance Framework.
7. **Consider a rapid response mechanism**, similar to the Mediation Support Unit in the Department of Political Affairs, or the Rapid Response Unit of OHCHR, which could enable a short-term surge capacity for international experts to conduct multi-sectoral assessment, to mediate with the relevant parts of the system, and support the design of integrated security and development programming.



Notes

- 1 The researchers used an organizational chart from 2018 and accounted for reforms to the UN departments of Political Affairs and Peacekeeping Operations, see https://www.un.org/en/aboutun/structure/pdfs/17-00023e_UN%20System%20Chart_8.5x11_4c_EN_web.pdf. This paper and tool use the term 'mandate' for these purposes to describe an explicit mandate provided by one of the UN governing bodies. It also cites where entities have working agendas on organized crime or specific crime types.
- 2 Organized crime: A cross-cutting threat to sustainable development, 13 January 2015, <https://globalinitiative.net/cross-cutting-threat-to-development/>.
- 3 See Organized crime: A growing concern on the Security Council agenda, <https://globalinitiative.net/scresolutions/>.
- 4 Security Council Resolution 1851, The situation in Somalia (S/RES/1851), 16 December 2008, <http://unscr.com/en/resolutions/1851>.
- 5 Thierry Tardy, 'Introduction', in Fighting piracy off the coast of Somalia: Lessons learned from the Contact Group, EUISS, October 2014, 7, <http://www.lessonsfrompiracy.net/files/2014/11/EUISS-Report.pdf>.
- 6 One of the authors, as well as other members of the Global Initiative, was involved in the counter-piracy response at the time.
- 7 UNODC, United Nations Convention against Transnational Organized Crime and the Protocols Thereto, <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>.
- 8 UN DESA, Survey of Resident Coordinators 2017, February 2017, <https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/files/en/2018doc/sgsr2018-survey-report-rc.pdf>.
- 9 UNODC, UNODC Field Offices, <https://www.unodc.org/unodc/en/field-offices.html>.
- 10 For the purposes of this study, we combined human trafficking and smuggling into one category, yet most mandates were found to be specifically related to human trafficking.
- 11 Global Compact for Safe, Orderly and Regular and Migration, 13 July 2018, https://refugeemigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf.
- 12 UNAIDS, Health, rights and drugs: Harm reduction, decriminalization and zero discrimination for people who use drugs, 2019, https://www.unaids.org/sites/default/files/media_asset/JC2954_UNAIDS_drugs_report_2019_en.pdf.
- 13 UN System Coordination Task Team on the Implementation of the UN System Common Position on drug-related matters – see Annex 1, What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN System on drug-related matters, March 2019, https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN_Entities/What_we_have_learned_over_the_last_ten_years_-_14_March_2019_-_w_signature.pdf.
- 14 Ibid.
- 15 The Global Commission on Drug Policy, Drug policy and the sustainable development agenda, September 2018, http://www.globalcommissionondrugs.org/wp-content/uploads/2018/09/ENG-2018_SDGPaper_WEB.pdf.
- 16 Summer Walker, Cyber-insecurities? A guide to the UN cybercrime debate, Global Initiative, 2019, <https://globalinitiative.net/wp-content/uploads/2019/03/TGIATOC-Report-Cybercrime-in-the-UN-01Mar1510-Web.pdf>, p 4.
- 17 See Tech Against Terrorism, <https://www.techagainstterrorism.org/about/>; see also, UN Security Council Counter-Terrorism Committee, the Permanent Mission of the Republic of Korea, CTED and ICT4Peace launch next phase of Tech against Terrorism, <https://www.un.org/sc/ctc/news/2017/11/30/permanent-republic-korea-cted-ict4peace-launch-next-phase-tech-terrorism/>.
- 18 Summer Walker, Cyber-insecurities? A guide to the UN cybercrime debate, Global Initiative, 2019, <https://globalinitiative.net/wp-content/uploads/2019/03/TGIATOC-Report-Cybercrime-in-the-UN-01Mar1510-Web.pdf>, p 11.
- 19 Ebba Dohlman and Tom Neylan, Policy coherence in combating illicit financial flows, OECD, http://www.oecd.org/gov/pcsd/IFFs%20thematic%20module%20v12cl_for%20web.pdf.
- 20 UNDP, Global Anti-corruption Initiative (GAIN) 2014–2017, [http://www.undp.org/content/dam/undp/library/Democratic Governance/Anti-corruption/globalanticorruption_final_web2.pdf](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Anti-corruption/globalanticorruption_final_web2.pdf).
- 21 UNGA, Report of the Director of the United Nations Institute for Disarmament Research on the activities of the Institute for the period from January 2017 to May 2018 and the proposed programme of work and financial plan for 2018 and 2019, UN Doc. A/73/256, 25 July 2018, <http://www.unidir.ch/files/files/Director's%20Report%202018.pdf>.
- 22 See Organized crime: A growing concern on the Security Council agenda, <https://globalinitiative.net/scresolutions/>.
- 23 Ibid.
- 24 See United Nations Peacekeeping – Policing, <https://peacekeeping.un.org/en/policing>.
- 25 MONUSCO, UNEP, UN Great Lakes, Experts' background report on illegal exploitation and trade in natural resources benefitting organized criminal groups and recommendations on MONUSCO's role in fostering stability and peace in eastern DR Congo, 15 April 2015, https://postconflict.unep.ch/publications/UNEP_DR Congo_MONUSCO_OSESG_final_report.pdf.
- 26 UNSCR 2277 (2016), <http://unscr.com/en/resolutions/2277>.
- 27 Information on the task force provided from a background note prepared for an Expert Dialogue on UN Peace Operations and Organized Crime: Current Practices and New Challenges, 6–7 March 2018, convened by ZIF and UNU-CPR.
- 28 UNSC, Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, <https://www.un.org/securitycouncil/sanctions/1533>.



- 29 UN Doc. S/2019/50. S/2019/503/2518-22791, Twenty-third report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2368 (2017) concerning ISIL (Da'esh), Al-Qaida and associated individuals and entities; see https://www.un.org/sc/ctc/wp-content/uploads/2019/02/N1846950_EN.pdf.
- 30 UN News, As Security Council imposes sanctions on six human traffickers in Libya, UN chief calls for more accountability, 8 June 2018, <https://news.un.org/en/story/2018/06/1011751>.
- 31 Organized crime: A cross-cutting threat to sustainable development, 13 January 2015, <https://globalinitiative.net/cross-cutting-threat-to-development/>.
- 32 Walter Kemp, Mark Shaw and Arthur Boutellis, The elephant in the room: How can peace operations deal with organized crime?, International Peace Institute, 2013, https://www.ipinst.org/wp-content/uploads/2013/06/elephant_in_the_room.pdf.
- 33 EU Mid-Term Review of the CT Morse Project, 2014, http://ct-morse.eu/wp-content/uploads/2015/12/EU_Mid-Term-review-of-the-CT-Sahel-Project_Final-Report-2014.pdf.







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