

**GLOBAL  
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AGAINST TRANSNATIONAL  
ORGANIZED CRIME

# ALL ROADS LEAD TO ROME

**Towards a coordinated multilateral response  
to organized crime and corruption**

Ian Tennant

MAY 2021

## ACKNOWLEDGEMENTS

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Cover: The G20 leaders' summit will be held in Rome in October 2021.  
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## SUMMARY

This year, Italy holds the presidency of the G20, and continues to chair its G20 Anti-Corruption Working Group. One of the priorities of the group for the year is to draw attention to the importance of and galvanize improved responses to the links between organized crime and corruption.

Addressing these links is difficult, however, partly because of the lack of accepted definitions and universal understanding of both terms. Besides, the two phenomena – organized crime and corruption – have tended to be researched and addressed as two separate issues, and, likewise, multilateral responses also tend to address them separately.

This report is titled ‘All roads lead to Rome’ because the G20 leaders’ summit, held in Rome in October 2021, comes at a time when the issues discussed here need to be taken more seriously and more urgently. It is clear that the strategies and tools we use to tackle organized crime and corruption at the multilateral level are not the same, and are applied separately, as opposed to in a connected way and, most importantly, there is a lack of a coherent vision to inform how the range of measures should be used more coherently. Organized criminals and corrupt networks exploit this lack of coordination and vision, and use their powerful networks to get round the barriers that the international community has put in place – and they are succeeding. If we can build a more comprehensive, robust and coherent global system of coordination and purpose of vision, we give ourselves a better chance against the seemingly insurmountable challenges that we face in unpicking the links between organized crime and corruption.

The experts consulted for this brief all acknowledged the massive scale of the challenges that we face, and explain what is missing in our response. But they also offer signs of hope, and recommendations for making change through the international system, including the need to treat organized crime and corruption together as ‘organized corruption’ as a single phenomenon rather than as two distinct problems.

### Method note

To better understand the manifestations of the links between organized crime and corruption, the Global Initiative Against Transnational Organized Crime (GI-TOC) consulted with a number of leading thinkers from our Network of Experts and convened a GI-TOC Network Dialogue to discuss the issue. These interactions have provided the author of this report with the background and expert information to:

- outline an understanding of the links between organized crime and corruption, and how they are manifested;
- analyze the scale of the threat that the links between organized crime and corruption present;
- assess the adequacy of the current range of multilateral measures used to respond to them; and
- make recommendations for improvements to the international system.

The following GI-TOC Network members were interviewed for this report in February 2021. They contributed to the report’s drafting and are quoted here: Jay Albanese, Lucia Dammert, John Githongo, Heather Marquette, Tariq Khosa and Uglješa (Ugi) Zvekić. On 4 March 2021, over 50 GI-TOC Network members attended a thematic discussion on this issue chaired by the author, and addressed by Gladwell Otieno and Uglješa (Ugi) Zvekić, whose contributions during this event are also recorded in the report.

## ACRONYMS AND ABBREVIATIONS

CCPCJ	Commission on Crime Prevention and Criminal Justice
CND	Commission on Narcotic Drugs
FATF	Financial Action Task Force
GI-TOC	Global Initiative Against Transnational Organized Crime
UNCAC	UN Convention against Corruption
UNGASS	UN General Assembly Special Session on Drugs
UNODC	UN Office on Drugs and Crime
UNTOC	UN Convention against Transnational Organized Crime





## INTRODUCTION: TWO SIDES OF THE SAME COIN

Corruption and organized crime are mutually interlinked and have a symbiotic relationship. Corruption is the means by which organized crime can function and flourish in any society; organized crime provides the financial and social incentives for individuals to become engaged in corrupt activity. The visible harms of organized crime and corruption are most keenly felt in places where corruption and organized crime work hand in glove; where local politicians and crime bosses are linked – or even one and the same; where businesses have to pay protection rackets; where public contracts can be won only through bribery. However, there are also parts of the world where corruption and organized crime go hand in hand, but the harms are less visible, namely in the West, where the world of finance and business processes the proceeds of crime, and in the global community of cyberspace, where criminals can do business concealed in the shadows of the online world.

This symbiotic relationship can be seen in high-level cases of grand corruption and political malfeasance, but it also manifests itself in more everyday scenarios and interactions. It can be seen, for example, in the fraudulent issuing of firearm licences in South Africa;<sup>1</sup> in the protection and patronage networks developed between local gangs and politicians in Kenya;<sup>2</sup> in illicit markets operated by state officials in Iran;<sup>3</sup> and in the criminal culture of organized corruption in the Western Balkans countries.<sup>4</sup> These types of organized criminal corrupt practices are replicated the world over, and have come to the fore more recently in the exploitation of the COVID-19 crisis by organized crime groups and their political accomplices.<sup>5</sup>

▲ A screenshot showing representatives from the G20 during an online conference of the G20 summit, Saudi Arabia, November 2020. © Kyodo News via Getty Images



**Fraudulent issuing of firearms licences is but one manifestation of the organized crime–corruption link.** © Shaun Swingler

At the global level, the international financial system, and the secrecy and loopholes that still exist within it, allows criminal assets to be invested and laundered to the tune of 2.7% of global GDP.<sup>6</sup> The FinCEN files confirmed the scale of the illicit finance that flows through the system and how it keeps the wheels of organized crime and corruption well and truly greased.<sup>7</sup>

The scale of the challenge of both organized crime and corruption, and the damage that they do when they work well together, is difficult to overstate. And on paper at least, the need to tackle organized crime and corruption is accepted by governments and the international system. The range of international organizations, frameworks, agreements and action plans dealing with organized crime and corruption is immense. The United Nations has adopted conventions on both transnational organized crime (in 2000) and corruption (2003), as well as the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). There are also several regional and multilateral conventions, declarations and action plans. The UN system continually adopts resolutions and statements on organized crime and corruption issues through the General Assembly and, increasingly, the Security Council, the Economic and Social Council, and the annual Commissions on Crime Prevention and Criminal Justice (CCPCJ) and Narcotic Drugs (CND).

These resolutions translate into an enormous range of guidelines, standards and norms, capacity-building programmes and other field missions led by the UN Office on Drugs and Crime (UNODC), the UN Development Programme and other parts of the UN system. The Conferences of Parties to the UN Convention against Transnational Organized Crime (UNTOC) and the UN Convention against Corruption (UNCAC) take turns each year in producing new soft law and recommendations, along with the countless recommendations produced by their subsidiary bodies. In addition, law enforcement and criminal justice systems make use of international bodies, such as INTERPOL and EUROPOL, to cooperate on the problem.

So, with all of these instruments and tools available, why do we face an ongoing problem? Why is it that this plethora of conventions, action plans, statements, resolutions, frameworks and mechanisms cannot stem the tide of organized crime, powered and lubricated by corruption, and tackle the way assets and proceeds are laundered with such ease? Why is there not a sufficient understanding of the scale and the threat of organized crime, and why is there not a coherent vision or strategy on how to respond?

This paper confronts these questions, with a view to informing upcoming policy debates, especially at the G20 Anti-Corruption Working Group and as the world prepares for the upcoming UN General Assembly Special Session on Corruption and the UK presidency of the G7. It also reflects on the 14th UN Congress on Crime Prevention and Criminal Justice held in March 2021 in Kyoto, and on the first year of the UNTOC Review Mechanism, since its launch in 2020.

## Definitional challenges

Despite the existence of two widely ratified UN conventions, UNTOC and UNCAC, 'transnational organized crime' and 'corruption' are both amorphous terms and lack widely accepted definitions. There are many definitions of organized crime to be found – some that emphasize criminal structures, activities or operational capacities.

But the reality is that what we understand as organized crime takes many forms, from a small street gang to international cartels. The same is true of corruption, which is understood in many different ways, and runs a wide spectrum from a small bribe paid to a local council official for speedy paperwork completion, to multibillion-dollar state procurement deals. In terms of perception, what one person might deem to be corrupt, another might consider a shrewd or normal way of conducting business.

This paper does not attempt to redefine the terms 'organized crime' or 'corruption', but seeks to understand their varied manifestations, and builds an argument to use Zvekić's broader definition of 'organized corruption' as the underlying problem, and one that needs a comprehensive and visionary response.





▲  
A political rally in Kenya.  
In some countries, there  
is a patronage relationship  
between certain politicians  
and organized crime.  
© Simon Maina/AFP via  
Getty Images

## ORGANIZED CRIME– CORRUPTION NEXUS: WHERE DO THE LINKS MANIFEST?

**T**o those involved in studying and analyzing corruption and organized crime, the complex but pervasive links between the two may seem obvious. But, as Heather Marquette and Caryn Peiffer point out in their forthcoming paper on the subject, ‘Corruption and organised crime have, for the most part, always been separate fields of study with some limited overlap; indeed, organised crime does not feature widely in anti-corruption research and policy, if at all.’<sup>8</sup>

This separation in the field of study and analysis is unfortunately often mirrored in the uncoordinated and divergent processes that govern international policy and responses to organized crime and corruption. Based on recent research conducted by the GI-TOC and on information provided by the Network of Experts for the purposes of this paper, we draw on a number of examples and cases to demonstrate the inextricable and interdependent links that we see in contemporary illicit markets. Those links are evident, for example, in the convergence of organized crime, corruption and the corporate world in developing countries:

It is important not only to think of the thugs, gangsters, and militias that are typically associated with the term organized crime, but to broaden our understanding of the term. Those corporations that systematically act without ethics to evade regulations and taxation to build their business and grow their market share and that use corruption as a systematic practice to influence market decisions should also be considered organized crime. There are important overlaps between corporate crime and organized crime, as well as state-corporate and state-organized crime.<sup>9</sup>



Jay Albanese provided some illuminating examples in the developed world, including the key role that Western multinational corporations play in facilitating organized criminal behaviour around the world. The Panama Papers and FinCEN files showed how banks operated as the facilitators of organized crime.<sup>10</sup> A BuzzFeed report finds that ‘the giants of Western banking move trillions of dollars in suspicious transactions, enriching themselves and their shareholders while facilitating the work of terrorists, kleptocrats and drug kingpins’.<sup>11</sup>

In another case cited by Albanese, the Airbus foreign bribery case – which was found to have continued for several years between 2008 and 2015 – showed how a major multinational ‘engaged in and facilitated a scheme to offer and pay bribes to decision makers and other influencers, including to foreign officials as well as non-governmental airline executives, around the world’.<sup>12</sup>

Meanwhile, Deutsche Bank was found to have ‘engaged in a criminal scheme to conceal payments to so-called consultants worldwide who served as conduits for bribes to foreign officials and others so that they could unfairly obtain lucrative business projects’.<sup>13</sup>

Manifestations of similar interactions between the criminal, business and political world are also seen at the local level, away from the boardrooms of international banks, but on the streets in loose but enduring alliances. GI-TOC research has shown how gangs and politicians engage in organized criminal behaviour in Kenya:

The symbiotic relationship between corrupt political figures and criminal figures is rarely direct. Campaign managers or other intermediaries act as middlemen between politicians and gang members, and the main actors will rarely transact directly.<sup>14</sup>

Sometimes the relationship between organized crime and state officials is more direct, and they engage directly in organized criminal activity. For example, GI-TOC research on Iran has found:



*‘The giants of Western banking move trillions of dollars in suspicious transactions, enriching themselves and their shareholders ...’*

JAY ALBANESE

Deutsche Bank was found in 2021 to have engaged in a scheme to conceal corrupt payments and bribes made to third-party intermediaries by falsely recording them on its records. © Thomas Lohnes via Getty Images



The state turns a blind eye to the illicit activities of those loyal to the ruling elite, such as exploiting and manipulating the currency trade and engaging in large-scale smuggling of licit and illicit goods and resources ... Corruption, patronage and clientelism have become the norms in a society that has been formed over decades of de facto rule by unaccountable government institutions ... [A]s stated by a senior professor in Tehran [...], 'no one sees corruption as corruption any more'.<sup>15</sup>

In the Western Balkans, an 'organized corruption' style of governance has been identified through GI-TOC research led by Zvekić, whereby 'political, business and criminal elites collude to preserve and protect their interests and influence over public functions and resources. These practices create a fertile environment for corrupt officials to operate with impunity'.<sup>16</sup> Zvekić's concept of organized corruption is built upon in this paper, as a crucial way of understanding these global and local trends.

According to experts in Guinea-Bissau, 'Drug traffickers support politicians on the understanding that if they win, they will leave the traffickers alone. Politicians also need a way to launder their money, so links with organized crime are useful'.<sup>17</sup>

## The Panama Papers

Revelations made in the Panama Papers in April 2016 resulted in landmark litigation in Pakistan. It was revealed that the then Pakistani prime minister, Mian Muhammad Nawaz Sharif's sons owned undisclosed properties in London (in Avenfield House in central London). Several legal petitions were filed, including one by the then Pakistan opposition leader, Imran Khan, the current prime minister.

The principal criminal charges against Sharif were that he and his dependants had been owners of four apartments since the 1990s and that Sharif's family had failed to justify the legal *bona fide* sources of the purchase of these properties.

Two of the five judges held that a *prima facie* case of misrepresentation and concealment of assets had meant that Sharif had breached constitutional standards of being truthful and upright and hence stood disqualified from holding office. The remaining three judges later disqualified Sharif from holding public office. It was found that Sharif had not been honest with the nation, the Parliament or the apex court with regard to the mode of acquisition and resources for acquiring the properties. The prosecution and complainants alleged that the properties had been bought between 1993 and 1996 through undisclosed resources and money laundering.



Avenfield House, London. © Philipe Ide/Wikipedia

It was also argued that sons of the prime minister had no independent financial source or business with which to buy the London properties. The prosecution established that the apartments had not been purchased with sources of income shown by the accused.

The scale of the challenge of mega-corruption and elite capture was clinically dealt with in the April 2017 judgment authored by Justice Asif Saeed Khosa observed that a prime minister 'immune from touchability or accountability [...] would be nothing short of a disaster'.

– TARIQ KHOSA



It is a pattern that is repeated the world over. And while there are local cultural and economic variations, globalization has generally allowed elite networks and criminal actors to operate with greater ease across borders, exploiting weak regulation and bank secrecy, and making use of enhanced technology.<sup>18</sup> All of this is made easier where corrupt officials help these illicit flows to move. John Githongo described this system in the following way:

The nexus between politics, drugs and money laundering has grown. Corruption is an issue of elite networks whose currency is relationships, especially with politicians and bureaucrats in key ministries, such as finance. These are resilient networks that may include security services, intelligence, military and the police. The other group is the service sector – banks, insurance and the legal fraternity. Client accounts are the black holes through which huge resources can be moved. You just need a good lawyer and banker to extract illicit funds or to launder money through the financial system, which are supposed to be regulated under the global systems. Hollywood mischaracterizes crime: it's actually senior politicians and the service sector. Organized crime has become respectable by using their networks to engage in politics.

The links between organized crime and corruption are therefore recognized at the state level, which at its most extreme can be described as 'state capture'; at the local level, which at its most extreme can be described as 'criminal governance'; and as 'corporate crime' in the private sector, which both facilitates and colludes in organized crime and corruption. All of these phenomena exist on a spectrum, and the manifestations of crime and corruption influence and interact with one another, and are difficult to define and tie down. Organized corruption lies at the centre and is woven throughout, it contributes to and is enabled by state capture, local criminal governance and corporate crime (see Figure 1 and the definitions).

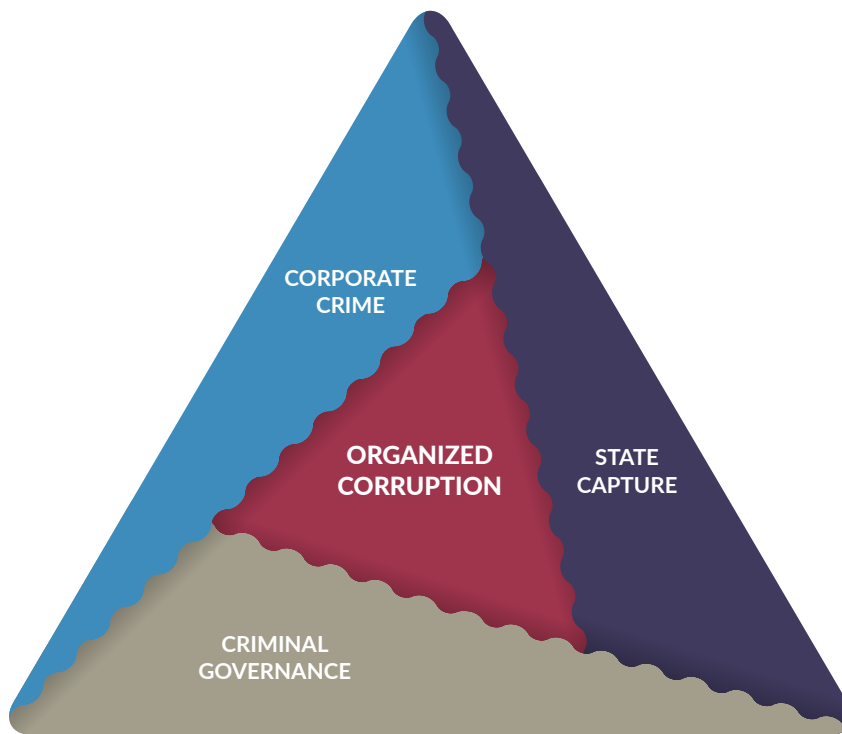
The most important way to understand these phenomena is not by in their definitions, but in how they interact, and the consequent harms that they have on society by undermining the rule of law, democracy and regulations; degrading the environment; undermining public safety and security, and life chances; in the breakdown of service delivery and the economy. In short, organized corruption fuels illicit markets and therefore undermines the legitimacy of states and their pronouncements on the fights against organized crime and corruption.



*'Hollywood mischaracterizes crime: it's actually senior politicians and the service sector. Organized crime has become respectable by using their networks to engage in politics.'*

JOHN GITHONGO





**FIGURE 1** The phenomena linking organized crime and corruption.

## Defining the elements of organized crime and corruption

**State capture:** A term that has come to prominence in the wake of the revelations about widespread organized state level corruption and collusion between the private sector and the government of South Africa under former president Jacob Zuma. According to the BBC, 'state capture describes a form of corruption in which businesses and politicians conspire to influence a country's decision-making process to advance their own interests. As most democracies have laws to make sure this does not happen, state capture also involves weakening those laws, and neutralising any agencies that enforce them.'<sup>19</sup>

The term gained prominence following a 2000 World Bank report<sup>20</sup> that investigated corruption in transitional post-Soviet countries. In their evidence to the South State Capture inquiry, the authors defined state capture as 'the efforts of individuals or firms to shape the formation of laws, policies, and regulations of the state to their own advantage by providing illicit private gains to public officials'.<sup>21</sup> The term is now widely understood in relation to specific cases like South Africa, but there has been a lack of wider take-up globally. It is essentially a more pervasive form of corruption than everyday, straightforward bribery. It can be seen as related to the concepts of kleptocracy and grand corruption, which Transparency International defines as 'the abuse of high-level power that benefits the few at the expense of the many, and causes serious and widespread harm to individuals and society'.<sup>22</sup>

**Criminal governance** refers to the control by a criminal group over a territory or community, where it exercises a quasi-governmental role, assuming power where the state cannot or will not assume the monopoly of the use of force. Criminal governance usually applies in regional or local contexts, as opposed to state capture, which is at the national level. Based on existing work and definitions,<sup>23</sup> the GI-TOC has elaborated the following definition of criminal governance:



Former South African president Jacob Zuma appears before the Commission of Inquiry Into State Capture, Johannesburg, July 2019.  
© Mike Hutchings/POOL/AFP via Getty Images

Criminal governance occurs when criminal organizations take advantage of their intimidating power, and of submission, fear or silence, to exercise control over a community. Through such control, criminal groups govern others by providing criminal protection to both the under-world and the upper world by engaging in illegal markets, the provision of illegal goods and services, and, in some cases, in political activities. Criminal governance has a certain protective and regulatory function among criminals and commonly functions to the detriment of the communities where such power is exercised.

**Corporate crime:** The role that the private sector plays to facilitate and collude with organized crime and corruption can be seen in how organized crime uses the private sector to send illicit financial flows into the legal banking and economic system (either legally or through corruption); how legal and other professional service providers are employed or engaged by criminal groups; and how 'legitimate' companies are used or established by organized criminal groups to infiltrate the licit economy. Globalization and technological development have helped ensure that this now takes place on a transnational scale. This common understanding of organized crime's infiltration into business and government is also being reversed. Instead, we see many cases of organized crime being used as a tool for the public official or agency or corporation to expand its domain, power or profit. This includes public officials or agencies or businesses acting like organized crime groups as well (e.g. by engaging in racketeering activities to pursue their self-serving objectives). Most common definitions of corruption emphasize the public sector and to do not target the role of the private sector, neglecting a critical node in transnational corrupt and criminal activity.

**Organized corruption:** One of things that is difficult to ascertain in the organized crime–corruption nexus is who is capturing whom, or who is corrupting whom. Rather than treating organized crime and corruption as separate phenomena, it is easier to understand the behaviour and culture that drive and perpetuate state capture, criminal governance and corporate crime a nexus that can be described as organized corruption.<sup>24</sup> Zvekić defines organized corruption as the 'involvement and/or use of an organized interest entity, criminal or not, in various forms of corruption and related illicit deeds from the position of power and/or with political coverage to gain financial, political or social benefits. [...] It is not only about systemic illicit financial gains and undue influence in decision making, but also about systemic "buying" and "influencing" of social support to gain or stay in political and economic power.'



▲ Demonstrators in Iceland call for the resignation of Prime Minister Sigmundur Gunnlaugsson following the Panama Papers' revelation that he had sheltered money offshore.

© Bragi Kort/Barcroft Media

## THE SCALE OF THE CHALLENGE

In its references to illicit flows, corruption and organized crime, the harms of organized corruption are recognized by the UN's Agenda 2030, which highlights in particular violence, insecurity and injustice.<sup>25</sup> But there is no corresponding vision or implementation strategy that mirrors this recognition, or that calls into question whether the global community is awake to the scale of these interlinked problems or sets out what needs to be done to address them.

Based on his decades of experience in this field, Albanese said that the scale of the challenge of organized crime and corruption is now 'overwhelming', at 'crisis point' and 'threatens the stability of the world'. Githongo, from his focus on illicit flows and corruption, concluded that the situation is grim because corruption and criminal behaviour have become normalized, and because states have systems and legislation in place against crime and corruption, 'things should be more difficult for the crooks – but they are not'. From her background researching organized crime, corruption and politics in Latin America, Lucia Dammert characterized the challenge as 'huge' – for two reasons. Firstly, she said, there is consolidation of criminal organizations across markets and, secondly, growing links between politics and crime, including increasing dependence on criminal funding for political parties, and cases of criminal figures even running for office. Ugi Zvekić said, 'Over recent years, their [corruption and organized crime's] spread, impact and influence have reached unprecedented levels, with profound effects felt in developed and developing nations alike.'<sup>26</sup>

This understanding is to some extent reflected in recent statements and positions by governments and international organizations. The first ever G20 Anti-Corruption Ministerial meeting included strong statements on the scale of the organized crime–corruption challenge. At this meeting, the Japanese Minister of Foreign Affairs, Uto Takashi, stated, ‘Corruption not only has significant negative impact on economic growth and sustainable development, but also the link between corruption and organized crime has been pointed out, making it a global challenge the international community needs to tackle together.’<sup>27</sup>

Ghada Waly, Executive Director of the UNODC said, referring to the link between organized crime and corruption, ‘The nexus is obvious, and you cannot address one without tackling the other.’<sup>28</sup> At the same meeting, the US representative put it more bluntly:

We know that organized crime exploits corruption in government ranks to operate with impunity as it engages in various illegal [forms of] activity, from drug trafficking to money-laundering. Even worse, some governments themselves engage in corruption. These governments expand their reach and influence through questionable tactics like bribes, fraud, and willful ignorance of criminal behavior by their citizens. This behavior not only distorts competitive business environments, it also puts lives at risk – for example through shoddy infrastructure and construction.<sup>29</sup>

The current Italian presidency of the G20 Anti-Corruption Working Group has said that addressing the links between organized crime and corruption is a priority. In his remarks to the G20 Ministerial Meeting, the Italian Minister of Justice, Alfonso Bonafede, said that the group ‘must take into account that the globalized economy has opened new and sophisticated pathways to corruption, increasingly linked to financial crime, in relation to which it is necessary to take prompt action’.<sup>30</sup> Indeed, Italy has already succeeded in more explicitly applying this priority to the global community, under the aegis of the Conference of Parties to the UNTOC, to which most countries are signed up. At the 10th conference, in October 2020, Italy tabled a resolution celebrating the 20th anniversary of the Convention and calling for enhanced implementation. The resolution included a call to action to countries to: ‘... effectively address links between organized crime and other serious crimes which fall within the scope of application of the Convention, including corruption and money-laundering, as well as illicit financial flows related to proceeds of crimes covered by the Convention.’<sup>31</sup>

So, given such statements, is the stage set for a renewed political push to reassess and strengthen the international response to organized crime and corruption? And will this recognition and rhetoric be matched with an accompanying vision and a comprehensive strategy?



*‘Over recent years, the spread, impact and influence of corruption and organized crime have reached unprecedented levels, with profound effects felt in developed and developing nations alike.’*

UGO ZVERKIĆ





▲ The UNTOC and UNCAC are the key normative and legislative frameworks for international cooperation against organized crime and corruption.  
© UN Photo/Erina Ueta

## EXISTING RESPONSES TO THE CHALLENGE

### Political priorities

We have of course heard these kinds of statements of recognition and intent on both organized crime and corruption before, and over the last few decades international agreements, instruments and cooperation mechanisms have mushroomed as globalization has made it easier for organized crime to expand its reach and interconnectivity. The political recognition of the scale of the challenge in the run-up to the adoption of the UNTOC in 2000 and the UNCAC in 2003 was made very clear. GI-TOC research shows that the issue of organized crime was gradually rising up the international agenda through the 1970s and 1980s, including clear calls for action, such as that for an end to complacency from members of the UN Committee on Crime Prevention and Control in 1990, and subsequent political prioritization of the issues from Italy, and notably the US, which resulted in the creation of much of the international framework that we have in place today.<sup>32</sup> Later, there was a relative decline in the importance given to organized crime as a political priority, following 9/11 and other terrorist attacks, even though the scale of the organized crime threat was not appearing to recede.<sup>33</sup>

In 2010, the then Executive Director of the UNODC, Yury Fedotov, said that 'the threat that organized crime poses to international security and development has ballooned to global proportions'.<sup>34</sup> And, in 2013, the Council on Foreign Relations warned:

Over the past two decades, as the world economy has globalized, so has its illicit counterpart. The global impact of transnational crime has risen to unprecedented levels. Criminal groups have appropriated new technologies, adapted horizontal network structures that are difficult to trace and stop, and diversified their activities. The result has been an unparalleled scale of international crime.<sup>35</sup>

During the UN Crime Congress in March 2021, the GI-TOC published a report, *The Global Illicit Economy: Trajectories of Transnational Organized Crime*, which highlights how, in the space of just a few decades, transnational crime has changed beyond recognition – as has its impact: 'What was once thought of as a handful of mafias operating in a few problem cities has become a pervasive threat to peace, justice and development the world over.'<sup>36</sup>

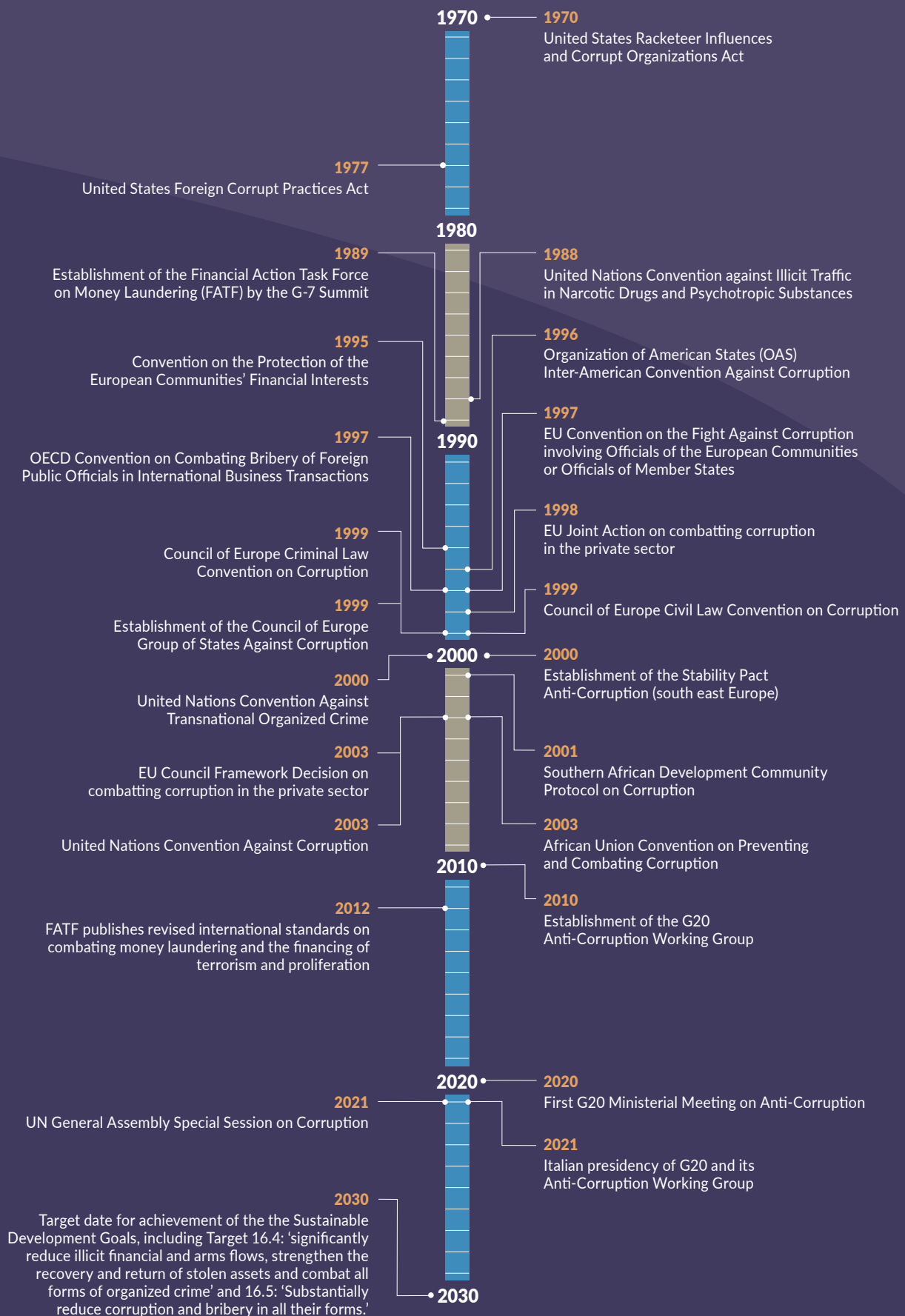
As organized crime has been deprioritized on state agendas, its enabler and facilitator, corruption, is meanwhile rising up the agenda again, after having leap-frogged transnational organized crime as a political priority since the adoption of the UNTOC, and the beginning of the negotiations of the UNCAC in the early years of the millennium. In 2021 there will be a UN General Assembly Special Session (UNGASS) on corruption, which was instigated by Peru and Colombia. This follows the London Anti-Corruption Conference of 2016, hosted by the then UK Prime Minister David Cameron (who himself has recently been accused of corruption in a high-profile influence-peddling scandal).

That the G20 Anti-Corruption Working Group is pledging to prioritize the links between organized crime and corruption offers an opportunity, therefore, to escalate organized corruption to the top of the political agenda, together with corruption, and to address the scale of the threat.

## A fragmented framework

That governments recognize the scale of the joint challenge appears to be reflected in the array of international tools and frameworks that we have at our disposal. The range of technical and practical instruments on offer is unprecedented for law enforcement and criminal justice practitioners at the local, national and international levels (see the timeline).

# TIMELINE OF ADOPTION OF KEY INSTRUMENTS AGAINST TOC AND CORRUPTION



This undoubtedly comprehensive framework, however, lacks an overarching strategy or vision that seeks to undermine the elite networks and modus operandi of organized corruption.<sup>37</sup> Albanese described a disconnected approach across the multi-lateral system, and how the implementation of these multiple efforts appears to be 'separate and largely distinct'. Dammert opined that part of the reason for this fragmentation is the competition between various UN bodies, and the fact that many international organizations are 'fighting for survival'. Khosa described the international community's response as 'lukewarm and disjointed'. Marquette and Peiffer have demonstrated how the commitments to tackle organized crime and corruption seem to operate in parallel rather than in unison. As they conclude: 'Despite obvious overlaps, global policy – as well as research and practice – on tackling corruption and organised crime have remained largely parallel rather than "twin tracks" – cousins, say, rather than siblings.'<sup>38</sup> Marquette and Peiffer believe that the responses to both problems are weaker as a result.

GI-TOC research has shown that the organized crime mandate is spread widely and in an uncoordinated manner across the UN,<sup>39</sup> and the lack of linkages and synergies between the UNCAC and UNTOC in particular are a case in point.<sup>40</sup> Zvekić believes that closer integration is what is required between UNTOC, UNCAC and the Sustainable Development Goals: 'Only in combination will these platforms offer a cohesive and effective crime-prevention strategy.'<sup>41</sup> Said Zvekić:

We have normative platforms [UNTOC and UNCAC] that have to be further elaborated and developed to fully recognize this issue and work on a comprehensive methodology on how to address it because, to this date, there is none. Obviously, this also applies to the governing bodies of these two platforms, which, oddly enough, do not speak to each other. They have become bureaucratic instead of flexible and dynamic.

The UNTOC and UNCAC are the key normative and legislative frameworks for international cooperation against both organized crime and corruption. Notwithstanding the need to avoid conflating the issues, it is important to understand why we ended up with two very similar, but distinct conventions, and subsequently separate bureaucracies and follow-up mechanisms. The UNTOC was negotiated first, and the issue of how to include corruption in the convention was a thorny one – due to definitional challenges, and what 'type' of corruption to include. It was initially agreed that the convention would include measures against corruption linked to organized crime, including provisions aimed at the corruption of public officials. However, the reference to corruption having to involve an organized criminal group was removed in the final version.

Article 8 of the UNTOC requires corruption to be treated as a crime and establishes criminal offences for giving undue advantage to a public official, or for a public official to accept such an offer. It also suggests that states could criminalize these types of corruption offences specifically involving a foreign public official or international civil servant, as well 'participation as an accomplice'.

Given the narrow range of actions on corruption in the UNTOC, it is not surprising that the UNCAC soon came into fruition and became the main vehicle to tackle corruption. This was recognized during the UNTOC negotiations, as it was agreed

*Closer integration is needed between UNTOC, UNCAC and the Sustainable Development Goals: 'Only in combination will these platforms offer a cohesive and effective crime-prevention strategy.'*

UGI ZVEKIĆ



*The G20 now  
plays a key role  
in the world of  
anti-corruption.*

that a process should be started to elaborate a specific instrument on corruption. The UN General Assembly agreed that a new process would start as soon as the UNTOC was finalized.<sup>42</sup> This successful pivot to strengthening the regime against corruption was impressive and swift but, according to experts involved in these processes, the UNCAC quickly drained momentum and political priority away from the UNTOC.<sup>43</sup> Indeed, for the UNCAC it was quicker to agree an implementation review mechanism. Cooperation between the two Conferences of Parties is patchy and focuses on technical, rather than strategic issues, especially since the secretariats of the two conferences were split at an early stage,<sup>44</sup> and the Conferences of Parties to the UNTOC and UNCAC remain separate from each other, as well as from the two substantive governing bodies of the UNODC – the CND and the CCPCJ.<sup>45</sup>

This separation is reflected in the broader lack of cooperation on transnational organized crime and corruption issues across the UN more widely, which leads to the question of Agenda 2030, and its aim to bring together the UN's efforts to achieve sustainable development through an approach based on partnerships. Sustainable Development Goal 16 embodies the UN's response to both organized crime (goal 16.4) and corruption (goal 16.5), under the umbrella of the SDGs, which aim to build peaceful societies and accountable institutions. This is a step forward in terms of prioritizing coordination and synergies between the UN's diverse mandates and missions on organized crime and corruption, but it has not undone the institutional separateness between the different initiatives. There is continued reluctance on the part of some major countries, notably Russia and the US, which have been loath to recognize the organized crime and corruption mandates under the UNODC as being related to sustainable development. In addition, the UN System continues to produce countless resolutions, statements and initiatives on organized crime and corruption in the Vienna bodies, at the Security Council and in the General Assembly without an overarching mechanism to coordinate or bring them all together. As Marquette puts it, 'There are too many "cracks in the system" – vulnerabilities at the individual, systemic, national and global levels that are mitigated through engagement with organised crime and corruption.'<sup>46</sup>

To exacerbate the difficulties within the UN, a large number of instruments used by the international community do not even come under the aegis of the UN. There are instruments under regional organizations, and there is the hugely influential Financial Action Task Force (FATF), which has become the central node of international standards and regulations designed to tackle money laundering and the financing of terrorism.<sup>47</sup> FATF's approach of naming and shaming countries that do not live up to these standards has deep real-world effects around the world, even though only 37 countries and two regional organizations are members of FATF.<sup>48</sup> Unsurprisingly, its approach breeds resentment among non-member countries that fall foul of its assessments. These countries then object to attempts to further tie the work of FATF more closely into the counter-crime efforts of the UN, further hampering attempts at interagency cooperation.

The G20 Anti-Corruption Working Group was launched in 2010 in Toronto, and held its first ministerial-level meeting during the Saudi Arabian G20 presidency in 2020. Thanks to this working group, the G20 has produced its 2019-2021 anti-corruption action plan, which includes wide-ranging commitments to improving cooperation across the multi-lateral system and tackling financial crime through actions on beneficial ownership and asset recovery, among other things.<sup>49</sup> A common criticism of G20 commitments on

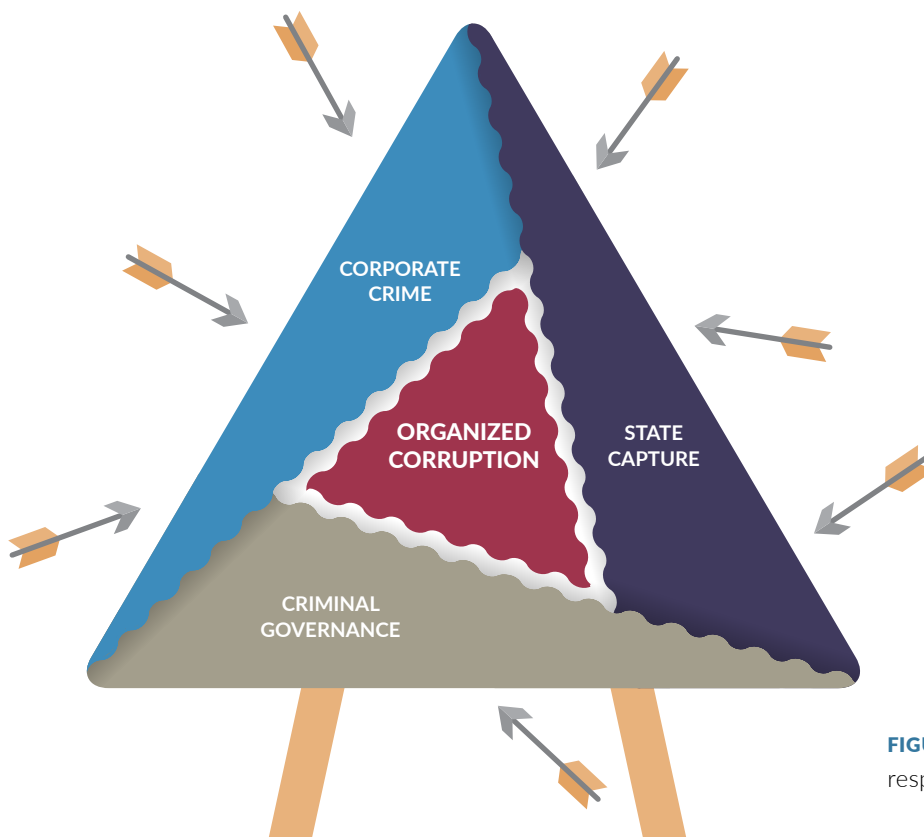
anti-corruption, however, is lack of follow-up. The Italian presidency of the group this year intends to focus on the measurement of corruption, corruption in sports and, importantly, the links between organized crime and corruption.

The other instruments mentioned in this paper are also restricted to certain regions or non-universal groupings, including the OECD, for example, whose bribery convention has only 44 signatories. It is therefore difficult to integrate these into a global understanding or vision of the response.

Despite the progress that has been made in the proliferation of new standards and regulations, none of these processes or instruments has unified the international system into a common, urgent call to action on addressing the links between organized crime and corruption. The upcoming UN General Assembly Special Session on Corruption is unlikely to signal any shift in how we understand or address the major issues, and by all accounts is set to reaffirm existing commitments, as the 14th UN Congress on Crime Prevention and Criminal Justice in Kyoto did in March.<sup>50</sup>

## Missing the target: whacking moles

Returning to the triangle depicting the different manifestations of organized corruption, we can see that the multilateral responses are largely aimed only at certain points of the triangle. In some ways, the existing response can be characterized as a ‘whack-a-mole’<sup>51</sup> strategy – in other words deploying initiatives and conventions that focus on only some parts of the task, but do not successfully address the ‘triangle’ as a whole (see Figure 2). To date, initiatives have not taken aim at the central core of organized corruption, which allows all of the manifestations of organized crime and corruption to thrive.



**FIGURE 2** Fragmented multilateral responses miss the core target.



*‘Many governments embrace the appearance rather than substance of reform – motion without progress.’*

GLADWELL OTIENO



*‘Operational autonomy and professional integrity are essential if we are to deal with national-level corruption.’*

TARIQ KHOSA

The G20, with its Anti-Corruption Working Group, and its stated priority of addressing the links between organized crime and corruption, is well placed, therefore to marshal the international system beyond merely reaffirming these existing multilateral commitments, and imagining what a more coordinated response could look like.

We know that there are not sufficient synergies within the UN system or outside of it. But given the number of instruments and initiatives, what impact are they actually having? For Albanese, this is a key point, and one to which the international community needs to urgently devote more attention: ‘Implementation is different from evaluation. Some [instruments] have been implemented well, others not so well. What has been lacking is evaluation of our efforts in both the corruption and organized crime arenas. The result is that we do not know whether or not our ideas are working in practice, or how they might be revised to increase effectiveness.’<sup>52</sup> When investigating the effectiveness of legal instruments such as UNTOC and UNCAC, this point must be borne in mind. It is one thing to assess a country’s legal application of certain provisions, it is quite another to assess whether that legislation or regulation is having a real impact on the ability of criminal groups to operate in that market or country. It is widely acknowledged that implementation of UNTOC, for example, has been impossible to evaluate in a meaningful way thus far,<sup>53</sup> and that the Implementation Review Mechanism of both UNTOC and UNCAC lack transparency and any sanctions. More broadly, organized crime and corruption, and the measures used against them are notoriously difficult to quantify, particularly when the underlying organized corruption persists despite the adoption of new measures against specific manifestations.

Githongo sees this as a fundamental point: ‘There has been an assumption that if you pass a law and create an institution, then you solve the problem. The normative situation has not been changed, when the same bunch of crooks can work around these bumps in the road.’ Githongo said that despite all of the sophisticated legislation and regulations that exist, it is actually easier now to be a criminal and move vast amounts of illicit assets around the world, due to the corrupt and international elite networks that exist in the worlds of politics, business and finance.

At a GI-TOC Network meeting Gladwell Otieno concurred with this, highlighting how, despite all of the normative progress, ‘there is a democratic recession and a lack of progress on anti-corruption behaviour, particularly in the African region, even after all these years of new ethics, laws, wealth declarations (most of which are actually not accessible) as part of anti-corruption reforms.’

Khosa cited similar issues in Pakistan around how commitments do not work if they are compromised politically. Khosa explained how an anti-corruption agency established in Pakistan in 2000 has often been used as an instrument of political vendetta. Operational autonomy and professional integrity are essential if we are to deal with national-level corruption, he said.

As the Council on Foreign Relations had concluded back in 2013, ‘when political leaders or elites benefit from organized crime, implementation of international frameworks is not feasible.’<sup>54</sup> Otieno described how the same phenomenon is found across

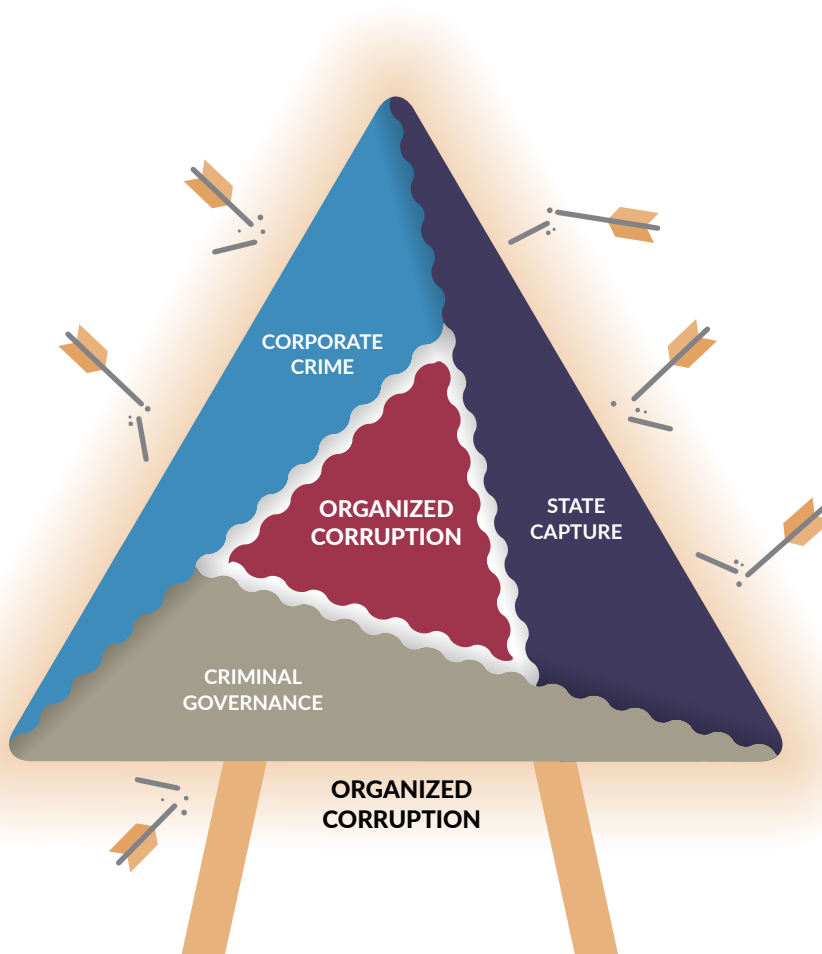
Africa, as anti-corruption commitments often do not translate into action: 'Many governments embrace the appearance rather than substance of reform – motion without progress'. While this may seem an obvious point, it cannot be stressed how important it is and how rarely this is discussed with any degree of honesty. To do so means that international organizations, corporations and Western governments would have to concede their own culpability in the growth of organized corruption. As Dammert put it, 'The problem in some countries is that the same people who are "fighting" organized crime are linked to corrupt practices.'

Returning to the conceptualization of organized corruption as a triangle, the heart of the triangle – organized corruption – can also be visualized as a protective shield that prevents efforts at penetrating and defeating the triangle. All efforts, from local law enforcement, to regional cooperation mechanisms, and multilateral treaties, are hampered by the culture of organized corruption, which ensures that loopholes are maintained, prosecutions are not pursued, offences are overlooked, money is moved, officials are paid off, threats to power in the form of journalists and activists are silenced, and meaningful evaluation and enforcement of international measures are not prioritized by states. We are also unable to penetrate the protective layer provided by organized corruption because our responses are too diverse and fragmented, and they approach organized crime as a primarily technical issue that can be tackled through legislation, technical assistance and implementation of action plans.



*'The problem in some countries is that the same people who are "fighting" organized crime are linked to corrupt practices.'*

LUCIA DAMMERT



**FIGURE 3** The protective forcefield of organized corruption.





▲  
The G20 Leaders' Summit will be held in Rome later this year. Italy chairs its Anti-Corruption Working Group.  
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## THE ROAD TO A COORDINATED RESPONSE: RECOMMENDATIONS

**A**lthough the scale of the challenge described in this paper is immense, the experts we interviewed are hopeful and have formulated a series of recommendations to inform the Italian G20 presidency, and its Rome summit this year, so that the group, and the multilateral community in general, can address these issues in a more fundamental and ambitious way.

'Organized crime needs to be on the agenda across all multilateral bodies – to discuss key issues like political financing and democracy. Separating political from criminal discussions hurts the cause: top-level politicians need to be presented with the scale of the problem, and treat it as a political issue. We also need more transparency, accountability, justice reform, political financing. It is not a technical issue in its own separate sphere. It's the link between politics and crime issues that needs to be built.'

LUCIA DAMMERT

'We need the political will to deal with these issues. Countries have never taken administrative changes seriously. We need to strengthen transparency and ethics – for example, beneficial ownership registers and land ownership. We need to know who are the real owners.'

JOHN GITHONGO

'Independent oversight of commitments made and actions taken is needed with input and data from civil society, along with the development of a meaningful sanctions regime. In this way, civil society can obtain the attention of governments and the corporate community that they might not otherwise get.'

JAY ALBANESE

We need to recognize that the cracks in the system came about because of decisions made by powerful people, and until these are fixed, until we see the political will needed to fix these cracks and deliver genuine resilience, legislation and frameworks that rely on the same powerful people for implementation are unlikely to make any real difference.

HEATHER MARQUETTE

'More attention needs to be focused on the prevention of organized crime and corruption, particularly at the international level, with the aim of integrating the normative and developmental platforms offered by the UNCAC, the UNTOC and the Sustainable Development Goals. Only in combination will these platforms offer a cohesive and effective crime-prevention strategy. In this manner, the preventive measures contained in the conventions can be better leveraged to inform the developmental efforts associated with achieving the Sustainable Development Goals.'

UGI ZVEKIĆ

'Instead of targeted or piecemeal measures that can be manipulated by national authorities, what is needed is a truly global and coordinated action plan on organized crime and corruption to be implemented through the UN and other international instruments of cooperation.'

TARIQ KHOSA

Taken together, the common themes discussed by the experts throughout this process and detailed in this paper lead us to an unavoidable conclusion that the current array of multi-lateral responses aimed at both organized crime and corruption do not take aim at the heart of the problem – the organized corruption that enables and protects from damage all the manifestations of organized crime and corruption, whether in local communities, high-level politics or the world of business. This interconnectivity requires much more than a technical, legalistic or bureaucratic approach. The UN and the wider international community need to raise the approach to a higher level. Below is a short set of recommendations that we offer the G20, UN and all relevant platforms tasked with addressing organized crime and corruption, and, critically, what connect them: organized corruption.

- 1.** Treat organized crime and corruption as closely interlinked issues, as 'organized corruption', which is a pernicious and pervasive threat to security, life chances, the rule of law, the environment and service delivery.
- 2.** Match the response to the scale of the challenge by addressing organized corruption as a political issue, not just a technical one. This means devoting time and resources to reflect on and address the issues in high-level political meetings, and not only in the existing working groups and conferences of parties where implementation of conventions and action plans are the priorities.
- 3.** Coordinate the work of the conferences of parties to the UNTOC and UNCAC and their review mechanisms, and create an interagency task force on organized corruption under the authority of the UN Secretary-General, to be founded at a high-level UN forum. Its mandate would be to bring all the efforts under a strategic umbrella with political authority.
- 4.** Commission a 'blue-ribbon committee' to undertake an overarching analysis of the effectiveness of the current range of responses, to inform the work of the interagency task force.

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# **GLOBAL INITIATIVE**

AGAINST TRANSNATIONAL  
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## **ABOUT THE GLOBAL INITIATIVE**

The Global Initiative Against Transnational Organized Crime is a global network with 500 Network Experts around the world. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime.

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