



TRANSNATIONAL ORGANIZED CRIME

An impediment to fulfilling
'our common agenda'

BACKGROUND PAPER

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The UN Secretary-General's report *Our Common Agenda* sets out a number of noble objectives to address the major issues facing our planet today.¹ Organized crime is a cross-cutting threat to the achievement of these objectives. This paper has been prepared by the Global Initiative Against Transnational Organized Crime (GI-TOC) as an input to the work of the High-Level Advisory Board on Effective Multilateralism (HLAB). It assesses the threat posed by transnational organized crime and the response of the international community to it, highlights the harms posed by organized crime and makes a number of recommendations to enhance multilateral responses to this global problem.

A GLOBAL THREAT

Organized crime spreads fear and violence, undermines development, fuels – and profits from – conflicts, accelerates environmental degradation, endangers health, exploits global public goods, and increases inequality, bad governance and corruption.² As shown in the first-ever Global Organized Crime Index, criminal actors span countries and regions; traverse the underworld and upperworlds of business and politics; and have penetrated state institutions. All member states of the United Nations are affected as countries of origin, transit or demand for the goods and services of criminal groups. Indeed, more than three-quarters of the world's population live in countries with high levels of criminality.³

Therefore, organized crime is contributing to a breakdown of our societies and the international system, and impedes a breakthrough to a better, more sustainable, peaceful future for our people and planet. Because of its transnational and corrosive nature, organized crime is an issue that cries out for greater resilience within communities and greater cooperation between states.

Transnational organized crime was high on the political agenda in the 1990s because of concerns about its growing impact on national and cross-border security risks, and its worldwide expansion, partly a function of rapid globalization. Responding to this challenge, UN member states adopted in 2000, by consensus, the UN Convention against Transnational Organized Crime (UNTOC, or the Palermo Convention) and its three protocols. However, the attention of states soon shifted to other priorities, such as terrorism, sustainable development, climate change, wars and the financial crisis. High-level statements acknowledged the serious threat posed by organized crime but these were generally not matched by implementable remedial action.

As organized crime slipped down the international agenda, criminal networks were quick to seize opportunities created by conflicts, instability, underdevelopment, inequality, demographic changes, such as youth bulges, rapid urbanization, and the freer flow of people, money and goods. Criminals also adapted quickly to take advantage of new digital technology and weak regulation, and offshore havens, fragile states, free trade zones and regions rich in natural resources. In the past 20 years since UNTOC, organized crime has become more networked, agile and adaptive. In the process, networks have gained wealth, influence and power – often at the expense of the most vulnerable. In much of this, they have been assisted by enablers in the 'upperworld', including public office holders, legal and financial experts, and transportation companies.

Despite the serious and global nature of this problem and the fact that there is a global instrument to deal with it, international efforts remain largely fragmented, reactive, inadequate and unevaluated. Meanwhile, criminal groups are highly adaptive in seeking out new markets, opportunities and taking advantage of new technologies.

Therefore, organized crime is an issue that deserves the urgent attention of the HLAB, and a more strategic response.

¹ See UN, Common Agenda, 2021, <https://www.un.org/en/content/common-agenda-report/>.

² The global illicit economy: Trajectories of organized crime, GI-TOC, March 2021, <https://globalinitiative.net/analysis/global-organized-crime/>.

³ Global Organized Crime Index 2021, GI-TOC, September 2021, <https://ocindex.net/>.



BREAKDOWN: THE HARMS OF ORGANIZED CRIME

Organized crime is an impediment to realizing each of the 12 UN75 Commitments:

1. Leave no one behind

Organized crime deepens fissures in societies and exploits the vulnerable, thereby impeding development and creating a deadly legacy. Women, youth, the poor and marginalized groups are particularly vulnerable. In some parts of the world, desperate people are forced to engage in illicit economies to survive. State responses can sometimes reinforce inequalities.

2. Protect our planet

Organized crime is profiting from the illegal exploitation of the natural environment. Illegal logging; illegal, unreported, unregulated fishing; illicit wildlife trade; and dumping waste are contributing to unsustainable growth and the destruction of the global commons.

3. Promote peace and prevent conflicts

Organized crime undermines sovereignty, profits from instability and make conflicts harder to resolve. Even in times of peace, the costs of violence associated with transnational organized crime far outweigh those caused by terrorism or conflict.⁴ Homicide rates are higher in some crime-ridden neighborhoods than in war zones.

4. Abide by international law and ensure justice

Through corruption and violence, criminal groups leverage unfair advantages, and buy power and impunity. This can lead to the criminalization of governance, which undermines democracy and the rule of law, threatens fundamental freedoms and causes instability.

5. Place women and girls at the centre

Women and girls are especially vulnerable to certain types of organized crime, such as human trafficking, while young men are often the victims and perpetrators of organized crime.

6. Build trust

Corruption drains resources from public services, administration and security, and erodes trust in institutions. The connectedness of political, business and criminal actors breaks down the social contract, while a criminal culture spreads fear, breaks down social, family and community bonds, and shrinks the space for free media and civil society.

7. Improve digital cooperation

Criminals have been quick to exploit disruptive technology. Lack of regulation of the Internet creates opportunities for criminal activity through online platforms for criminals to trade and move money less perceptibly.

⁴ Ibid, p. 7



8. Upgrade the United Nations

Unchecked criminality undermines many of the goals of the United Nations, such as the Sustainable Development Goals, slowing climate change, and promoting international peace and security. Criminal groups corrupt and threaten UN staff.

9. Ensure sustainable financing

Resources devoted to tackling organized crime are relatively limited within regional and international organizations, while heavy-handed security responses divert resources from development. Community-based and development-related interventions designed to reduce vulnerability to organized crime are often short-term.

10. Boost partnerships

International instruments and institutions designed to prevent and fight crime are often unable to meet the task, while the impact of organized crime continues to grow. State-embedded criminal actors facilitate illicit economies, hamper resilience to organized crime and increase the impact of criminal agendas, which erodes trust and partnership between states. Civil society is meanwhile afforded only restricted access to multilateral discussions on organized crime.

11. Listen to and work with youth

Young people are disproportionately affected by organized crime, both as victims and perpetrators. It is therefore vital to engage with young people to reduce their vulnerability and keep them off the escalator of crime.

12. Be prepared

Dealing with organized crime tends to be reactive and based on insufficient information. Responses are characterized by sluggish procedures and limited cooperation. Meanwhile, criminals cooperate across borders, adapt quickly and innovate technologically.

INADEQUATE INTERNATIONAL RESPONSE

The UN response to organized crime is often thought of, in a narrow sense, as implementing the UNTOC (with its three protocols on human trafficking, migrant smuggling, and illicit firearms manufacturing and trafficking), and its drug control regime. There is also the UN Convention against Corruption, which includes linkages to transnational organized crime. However, the fight against organized crime and efforts to mitigate its impact are reflected within a much wider ambit of the UN's goals and activities in seeking peace and security, human rights and sustainable development. A 2019 review by the GI-TOC identified a mandate to address transnational organized crime in 79 out of the UN's 102 entities, bodies and agencies, or nearly 77 per cent. The mandate for addressing organized crime extends across the UN System in a way that is expansive, exhaustive and certainly under-appreciated.

The challenges faced in tackling this widespread phenomenon include strategic and programming shortcomings.

At the strategic level, multilateral efforts to combat transnational organized crime are driven by governments. Some challenges inherent in this are:

- Some states do not want to 'internationalize' what they regard as a national crime issue; nor do they want to focus on uncomfortable truths about threats to their sovereignty.



- There is a tendency to ‘securitize’ responses to organized crime, which often serves only to exacerbate the problem. Human rights and fundamental freedoms are violated, exacerbating existing vulnerabilities. Experience shows that a whole-of-society approach is needed.
- In some cases, actors who are supposed to be part of the solution are part of the problem: corrupt and state-embedded criminal actors undermine national security and international cooperation. For the UN, as a state-based organization addressing the root causes of this problem is extremely challenging.
- Not all states share the same priorities or approaches when it comes to tackling transnational organized crime, with domestic political priorities and geopolitics influencing positions.
- Democracies are more resilient to organized crime than authoritarian states.

Therefore, dealing with organized crime is often a contested issue, both at the national and multilateral levels.

Among the programmatic shortcomings of the current international approach are:

- 1. Insufficient information and analysis of organized crime.** There is a dearth of information about organized crime. Those engaged in organized crime and those attempting to restrain it are opposed to transparency – for different reasons. Furthermore, there are gaps in information, an over-reliance on national crime statistics (including seizure data), and insufficient analysis of the data. Therefore, the problem and its impact are insufficiently understood. This is an impediment to evidence-based policy.
- 2. Lack of a global strategy to address this global problem:** Despite the serious and global nature and impact of transnational organized crime, there is no overarching strategy to address it. As a result, tactics are largely national, reactive and disjointed. Furthermore, the lack of a global strategy undermines the UNTOC, hampers multilateral cooperation and restricts the effectiveness of UNODC.
- 3. Disjointed governance and executive responses:** The UN system of governance is fragmented when it comes to the issue of organized crime. The issue is covered by a wide range of bodies and executive structures. The current approach is uncoordinated, lacks an overarching strategy, and there is insufficient evaluation of the effectiveness of responses by UN member states and executive structures. Furthermore, global governance to address organized crime is weak in areas not covered specifically in the UNTOC, such as cybercrime, environmental crime or crimes committed in the global commons.
- 4. A reactive approach to a quickly evolving problem.** In the past 30 years, organized crime has evolved faster than our ability to understand or control it. There is a need for improved strategic anticipation and early warning, to be proactive rather than reactive.
- 5. A blind spot in relation to the impact of organized crime on conflict.** Organized crime is a clear and present danger in almost every theatre where there are peace operations. Yet organized crime has been a blind spot of the international community in terms of peace operations and spoilers who profit from instability can derail peace processes.
- 6. Siloed approaches to tackling organized crime and corruption.** Organized crime is lubricated by corruption. Corruption buys protection and impunity, and the proceeds of crime fuel corruption. Therefore, the two are closely intertwined – ‘organized corruption’. Yet the tendency is to look at the two separately, including through two separate UN conventions.
- 7. No international jurisdiction for the crimes covered by the UNTOC.** Currently there is no place to bring people involved in transnational organized crime to justice. Neither the UNTOC nor the UNCAC provide for international jurisdiction for the types of offences that they cover. This enables criminals or perpetrators of grand corruption to escape justice.
- 8. An international financial system that enables secrecy.** A financial system has been intentionally developed to shield, preserve and grow wealth for plutocrats. Criminals and corrupt officials are able to exploit illicit financial



flows that are part of legal structures but which are partly beyond the sight and reach of regulatory bodies and law enforcement. This includes tax havens, offshore and secrecy jurisdictions, and systems that are lax in declaring beneficial ownership. Criminals also take advantage of trade that flows in opaque ways, for example through free trade zones. And they generate value in the vast informal economy.

9. **Insufficient support for communities plagued by crime.** In captured states or where there are powerful state-embedded actors it is difficult to promote integrity and fight crime from the top down. However, in such cases a bottom-up approach is vital. Enhancing community resilience to organized crime can enhance safety, create new opportunities and have wider benefits beyond reducing the threat posed by organized crime.
10. **Insufficient cooperation in what is a complex and transnational problem.** Organized crime is too complex and widespread for diplomats or law enforcement officials to deal with on their own. It requires a whole-of-society approach, including the state's agencies, civil society and the private sector. Furthermore, the problem cannot be tackled in isolation: by definition, a transnational problem requires a multilateral response.

BREAKTHROUGH: TEN IDEAS FOR MORE EFFECTIVE MULTILATERALISM AGAINST TRANSNATIONAL ORGANIZED CRIME

The international community is facing its biggest test since the establishment of the United Nations. We are at an inflection point where the system is under stress, and new threats and challenges are emerging. Organized crime is in the vortex of most of these changes, either enabling or profiting from them. Repeating the same procedures with the same tools and approaches that have thus far yielded limited success will not change the trajectories of organized crime. It is time for fresh ideas and new approaches to diminish the harms posed by organized crime.

As UN Secretary-General Antonio Guterres writes in his report *Our Common Agenda*, 'the Organization [the UN] must evolve in response to a changing world to become more networked, inclusive and effective.'⁵ Such an approach is certainly needed in relation to dealing more effectively with transnational organized crime.

With this in mind, and reflecting on the shortcomings identified above, we present the following ten recommendations for the consideration of the HLAB:

A strategic approach

1. **Develop a clearer picture of the global crime scene:** Create an independent body for collecting, analyzing and publishing information on TOC.
2. **Formulate a global strategy against TOC:** Identify the building blocks of a global strategy to enhance international cooperation against transnational organized crime and be more anticipatory and strategic in order to take the first-mover advantage away from criminals, especially in relation to new technologies.
3. **Encourage fusion and foresight:** Create a fusion and foresight centre within the UN that looks at the impact of organized crime on development, peace and security, and brings the issue to the attention of the UN, *inter alia* in the context of a Strategic Foresight and Risk Report (as called for by *Our Common Agenda*).

⁵ UN, Common Agenda, 2021, <https://www.un.org/en/content/common-agenda-report/>, p. 18.



Cohesion across agendas

- 4. Improve global governance and executive responses:** Enhance coordination across the UN system in line with a global strategy to mainstream the issue of preventing and combating organized crime more effectively into the work of the UN and regional organizations, and to generate more effective policy responses.
- 5. Mainstream organized crime into the Agenda for Peace:** Mainstream anti-organized-crime mandates and measures into peace operations; ensure peace operations have sufficient tools and analysis to deal with organized crime; provide guidance on the crime–conflict nexus to peacemakers; and prioritize the rebuilding of credible and legitimate law enforcement and justice institutions in post-conflict settings.
- 6. Break down silos between corruption and organized crime:** Seek more interlinkages between the UNCAC and the UNTOC, and their implementing bodies.
- 7. End impunity, strengthen international jurisdiction:** Explore the possibility of establishing an international court for cases involving transnational organized crime and grand corruption; and establish a pool of prosecutors and criminal justice experts to provide a surge capacity of independent experience to supplement local capacity.
- 8. End financial secrecy:** Support adoption of the UN Tax Convention and efforts by the OECD to end base erosion and profit shifting, document and disrupt illicit financial flows, and increase transparency of free trade zones.

Networked response

- 9. Support community resilience:** Scale up support for local actors; mainstream resilience to organized crime into peacebuilding and initiatives to create safer communities; engage the private sector and civil society more actively in enhancing community resilience; raise awareness about the harms of organized crime; and encourage greater social reuse of recovered assets of crime. Pay special attention to reducing the vulnerability of youth to organized crime.
- 10. Adopt more networked and inclusive responses:** Extend crime prevention and crime fighting networks beyond the current multilateral system to include a wide range of actors, including local activists, mayors, academics, law enforcement and the private sector. In particular, ensure that civil society – and particularly those most affected by organized crime – have opportunities for effective participation. This should make the multilateral system more accountable, inclusive and effective.

In sum, what is urgently needed to strengthen the effectiveness of multilateral responses to transnational organized crime is better global data on the plethora of illicit markets and criminal actors that are now a reality in order to support the implementation of inclusive and networked responses. This would bolster international efforts to prevent and combat transnational organized crime, and reduce the harmful impact of this scourge on the achievement of common goals designed to improve the planet, prosperity and peace.

