



## Answering the Challenge of Transnational Organized Crime

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### Introduction

The extraordinary power of globalization has made the world a much richer and in many ways much fairer place, with unprecedented opportunities for vast numbers of people. It also created opportunities for people who would abuse the tools of globalization to break laws in hope of vast profits. While most countries have benefitted from globalization, all also have been affected to some degree by the associated problems of corruption and crime.

Transnational organized crime (TCO) rose to global prominence in the mid-1970s, with the growing influence of Italian crime groups, involved largely in the illegal drugs business, and large scale taxing to evade excise taxes.<sup>1</sup> It emerged as a widespread and global issue in the 1990s, in part due to growing globalization and trade between states. Other factors that have increased the threat of transnational criminal groups include: political turmoil and violence in the Twenty-First Century, technological advances, increased travel between countries, and advances in telecommunications and computer technology<sup>2</sup>. Transnational criminal rings are becoming increasingly more powerful with each passing day, and the time has come for international collaboration on what exactly states, intergovernmental organizations, and other world actors can do

to combat this ever-growing threat to both national and international security.

Previously regarded exclusively as a problem of justice and home affairs, or law enforcement, transnational organized crime increasingly is seen as a challenge to the security of states. Organized crime finances criminal networks that challenge the ability of states to govern their territory. In some countries, the income of organized crime rivals the tax receipts available to the state, their armed forces can be larger and more technically advanced than those of state, and since they are not bound by domestic or international law, organized crime combatants are more likely to attack civilians.

For the 193 Member States of the United Nations, fighting organized crime no longer is an activity that states undertake alone. The most serious crime increasingly must be addressed cooperative by the entire international community. The trans-national nature of crimes like human trafficking and illegal transport of migrants, smuggling illicit drugs or evading excise (import and export) taxes on items like cigarettes, as well as the illicit trade in small arms, all require coordinated global responses. The wealth of transnational crime, typically valued at hundreds of billions of U.S. dollars, requires global coordination of law enforcement resources to combat.

The biggest challenge of transnational organized crime for the United Nations no longer is combatting specific criminal groups or even discrete crime problems. Individual crime fighting usually is the business of states, but sometimes states must cooperate to do the job effectively. For the UN the biggest task is facilitating that cooperation. How to create general

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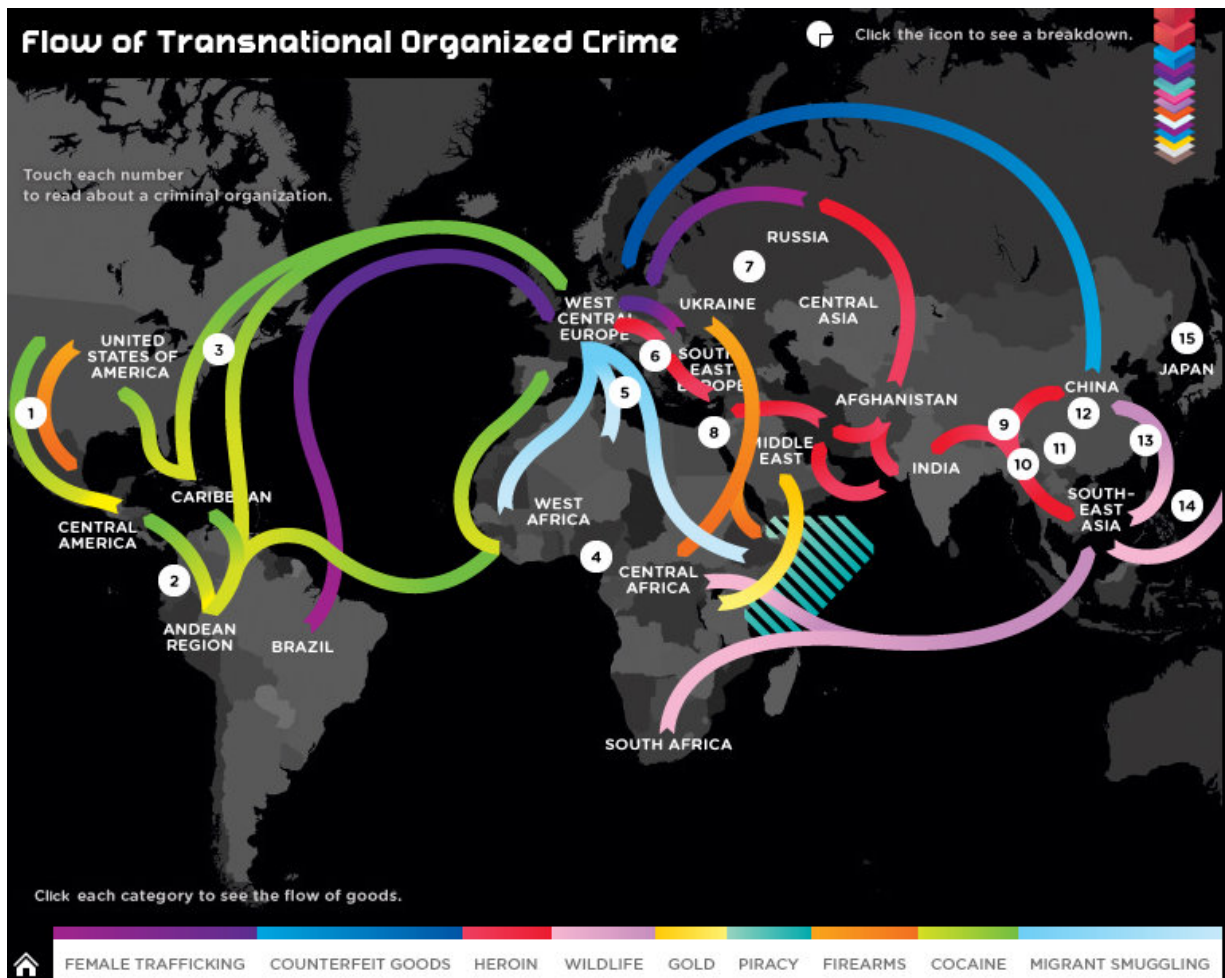
<sup>1</sup>“Transnational Crime-Introduction”. Peace Palace Library-Research Guides-International Criminal Law-Transnational Crime.

<sup>2</sup>“Introduction-A Historical Overview of Transnational Crime-Chapter 1”. David Felsen. Akis Kalaitzidis.

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strategies that gave countries the cooperation they require to prevent and suppress criminal activity where possible, and stop it when it cannot be prevented? The UN focuses mostly on strengthening

existing international organizations and creating new ones, coordinating international funding to fight crime, and building incentives which make crime less likely to emerge.





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## Background

Although there is no single definition for transnational organized crime, it can best be defined as “offenses whose inception, prevention, and/or direct or indirect effects involve more than one country”.<sup>3</sup> Article 2a of the *United Nations Organized Crime Convention* identifies four characteristics of transnational organized crime:

- Consists of a group of three or more people that was not randomly formed
- Exists for a certain period of time
- Acts in concert with the aim of committing at least one crime punishable by at least four years’ incarceration
- Formed in order to obtain, directly or indirectly, a financial or other material benefit<sup>4</sup>

At a practical level, these are criminal problems that no state can be expected to solve acting alone. The causes and consequences of the problem span borders, much like international travel, trade or tourism.

Transnational organized crime weakens all societies, but of course to varying degrees. All societies are affected by illegal drug problems, smuggling and human trafficking. Victims are everywhere. All governments see taxes evaded and investments

<sup>3</sup> “Transnational Organized Crime”, National Institute of Justice (NIJ)-Topics-Crimes and Prevention-Organized Crime, 2016.

<sup>4</sup> “What is Transnational Organized Crime?” United Nations Office on Drugs and Crime (UNODC), 2016

squandered. In some of the worst affected Member States, criminal enterprises can rise to become separate power structures that threaten the ability of the state to achieve much of anything.

There are three primary characteristics of criminals who commit transnational crime:

- They commit violence or other acts which are likely to be intimidated and repeated
- They exploit differences between countries to further their objectives, expanding in power and avoiding detection/apprehension
- Their primary goal is economic/material gain, primarily through illegal activities and investment in businesses<sup>5</sup>

Due to the ever-changing world, and continued interactions between states, transnational organized crime is not a stagnant type of crime; it continuously changes and evolves to keep pace with society and the world. It is an illicit business that transcends cultural, linguistic, social, and geographical boundaries, and one that knows no borders or rules.

After the end of the Cold War, many different states began opening up their borders to increase trade with one another. This crumbling of borders, along with the beginnings of globalization, are two primary factors that gave way to transnational criminal networks. There were a host of other factors that helped these transnational criminal networks flourish, such as

<sup>5</sup> "The Threat of Transnational Organized Crime." United Nations Office on Drugs and Crime. 22 Oct. 2015.

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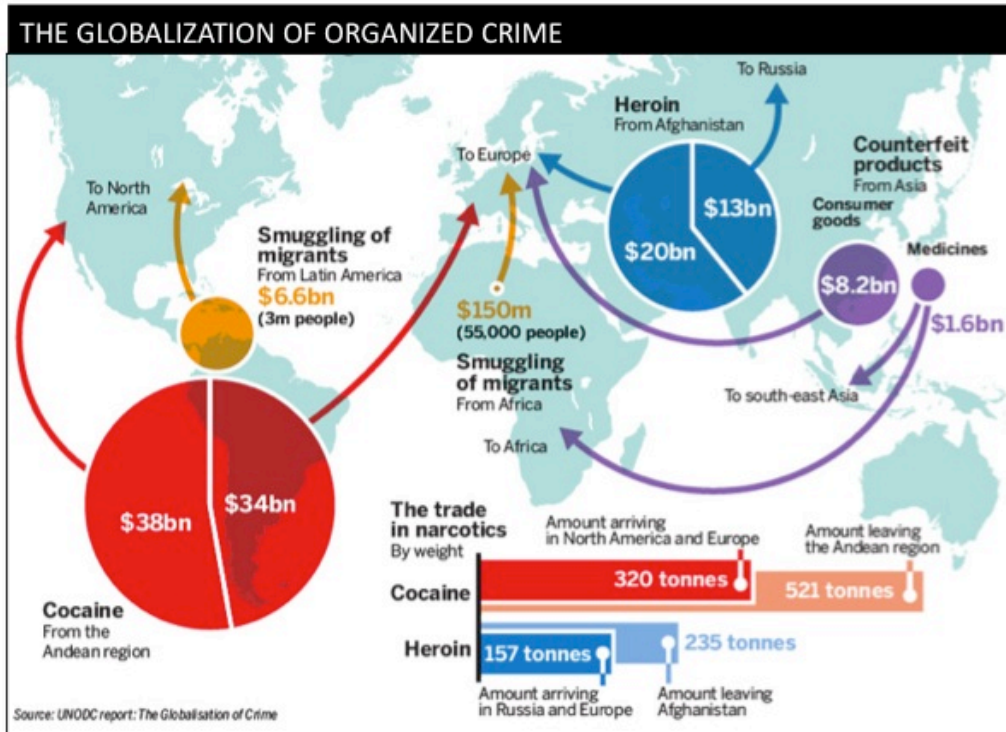
weakened government institutions, the resurgence of ethnic and regional conflicts within and around the Soviet Union, and broadened international travel<sup>6</sup>. These transnational criminal groups often use systematic violence, corruption, bribery, terror, and other methods to achieve their goals. These groups target weak governments, often in under-developed countries, with ineffective governments that are unable to do anything, and where corruption runs amok.

Due to its globalized nature, there are many different types of transnational crime, and the number and type will continue to grow. There are five main types of transnational crime: that are of greatest concern at this session money laundering, human trafficking, cyber-crime, smuggling-primarily involving drugs and weapons.



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## Money Laundering

Money laundering is a term used to describe the process by which criminals and criminal groups, including terrorist groups, attempt to transform their illegally obtained gains and funds into seemingly legitimate funds. It has become a worldwide problem and threat to the international financial system, with approximately \$300 billion flowing through the United States annually. Rapid

developments in financial information, communication, and financial technology allow money to move anywhere throughout the world with relative ease and speed, making the issue of money laundering more pressing than ever before. The estimated amount of money laundered globally in one year is estimated to be two to five percent of global GDP, approximately \$800 billion-\$2 trillion in US dollars, making it one of the largest types of transnational crime, and a

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serious crime that governments around the world must address.

Due to its profitable nature, there have been many notorious cases of money laundering, specifically within the past century. Some of these most famous cases include: Nigerian leader Sani Abacha was able to smuggle up to \$8 billion of Nigerian national funds into foreign bank accounts, and was responsible for looting up to 10% of Nigeria's national income; the Bank of Credit and Commerce International (BCCI) scandal of the 1980s, when it was revealed that the seventh largest private bank in the world became involved in massive amounts of money laundering, with billions of drug money going through their accounts-some allege that the CIA may have used accounts at BCCI to fund the Afghan Mujahedeen during their war with the Soviet Union in the 1980s; and in the late 1990s, Nauru, a small island off the coast of New Guinea, was involved in one of the largest money laundering schemes of its time. In the late 1990s, the Russian Mafia laundered approximately \$70 billion through "shell banks" on Nauru, banks that had no physical presence on the island and only existed on paper; and Nauru allowed their banks to operate without recording the identities of its customers, making it a very popular hotspot for money launderers. There are many other cases of money laundering schemes throughout history, but these are some of the most serious offenses. Some recommendations to halt money laundering include: eliminating these anonymous shell companies, better enforce existing criminal laws, making sure all countries are following Financial Action Task Force (FATF) standards, and make money laundering a felony in all countries.

### Human Trafficking

Human trafficking is defined as the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, often through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. There are three elements of human trafficking: the act/what is done; the means/how it is done; and the purpose/why it is done. The act of trafficking is recruitment, transportation, transfer, harboring, or receipt of persons. The means is the threat or use of force, coercion, abduction, fraud, deception, abuse of power, or giving payments or benefits to a person who is in control of the victim. Human trafficking is committed because of the high estimated profits. Human trafficking is also one of the fastest growing types of organized crime, and the third-largest criminal enterprise in the world. According to the United Nations Office on Drugs and Crime (UNODC), the most common type of human trafficking was sexual exploitation, making up 79% of all cases, followed by forced labor, making up 18%. Other forms of human trafficking include forced/bonded labor, domestic servitude and forced marriage, organ removal, and the exploitation of children. Victims of trafficking are widespread, and can be any age, gender, and ethnicity. Women, however, seem to be both the main victims and culprits of trafficking. Trafficking is most commonly carried out by people who share the same nationality as the victim. The International Labor Organization (ILO) estimated that there are 20.9 million victims of human trafficking around the world-68% of which are trapped in forced labor. Of that, 26% are children, and 55% are women and girls. The ILO also estimates that human trafficking brings in profits of \$150 billion globally. The National Human Trafficking Resource

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Center reportedly receives an average of 100 calls per day to report victims of human trafficking and smuggling. Human trafficking takes place in cities and states all across the world. One of the most famous cases of international human trafficking occurred in 2014, when Nigerian terrorist group Boko Haram kidnapped over 250 Nigerian schoolgirls, and sought to sell them into slavery. The current status of these Nigerian schoolgirls is unknown, but one has escaped and is back with her family. As international terrorist groups grow both in size and in profits, they start to function less as criminals and more as businesses, and human trafficking has emerged as one of the more profitable areas that these terrorist groups can use to make money and exploit the areas in which they are growing.

One of the most well known terrorist groups that have emerged in the 21st century is the Islamic State of Iraq and Syria, more commonly known as ISIS/ISIL. Tracing their roots to terrorist group Al Qaeda, ISIS has now emerged as one of the deadliest international terrorist groups in the 21<sup>st</sup> century. ISIS has been responsible for multiple executions of Westerners, claimed multiple terrorist attacks throughout the world, such as the Orlando shooting, the Paris attacks, and the downing of a Russian aircraft. ISIS has used many tools and methods to fund their activities, notably human trafficking. ISIS has revealed that they have kidnapped more than 7,000 women and children, all throughout the Middle East, and sold them into slavery, sometimes for as little as \$25 a day. While they may not make the most profits from kidnapping, ISIS uses their victims in that they are able to turn these children into child soldiers and suicide bombers, while the women are often raped by ISIS fighters.

### Cybercrime

Cybercrime refers to a wide range of crime, but it is defined as any crime involving computers and a network. What makes cybercrime so dangerous is the anonymity of the Internet, and the availability of it to almost everyone in the world. One can only imagine the implications of a cyber crime if a terrorist group is able to hack and control a country's power grid or banking system. Although it has not happened yet, the threat is very real. Cybercrime, as a whole, is estimated to take away roughly \$400 billion from the global economy, and is one of the most dangerous types of transnational crime due to the amount of possible victims. In 2013, one estimate placed the possible number of victims at 40 million in the United States, 54 million in Turkey, 20 million in Korea, and 16 million in Germany. Cybercrime has emerged as one of the most dangerous crimes in the past five years due to hackers often targeting billion dollar companies and taking away millions of dollars, often from the push of a button. In 2013, over 200,000 people around the world fell victim to "Operation CryptoLocker", a hacker operation in which Russian and Ukrainian hackers sent emails to consumers around the world saying their files were corrupt, resulting in consumers sending over \$100 million to these hackers hoping to get their computer fixed. Some other notorious cyber crime attacks that have occurred recently include: hacking of names and personal information of notorious cheating website *Ashley Madison*, data theft hack of the US Office of Personnel Management, hacking of several well-known US financial institutions (JP Morgan, Dow Jones, etc.), and many other crimes. One of the largest and most well-known cybercrime groups is *Anonymous*, a group of "hacktivists" that often shut down websites

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and other online information in retaliation for what they see as a corrupt government action. Anonymous is not a single, organized group-rather, they have a leaderless, free structure all around the world and many different people claiming they may be a member of Anonymous, which is impossible to verify. They tend to fight against government and corporations that they believe limit citizens' freedom of speech. As of now, however, Anonymous has yet to post a real credible threat because of their disorganized structure, no clear objective, and failure to hack a real business or government. The threat of cyber crime, however, still remains, and will only continue to grow.

### Illegal Drug Trade

Drug trafficking refers to the smuggling of illegal substances from producing regions (ex. Colombia) to the consumer market, mainly in the United States, Canada, Western Europe, and the former USSR. Many modern criminal organizations began their organized crime through drug trafficking. The three most popular drugs that are smuggled across borders are: heroin, cocaine, and marijuana.

Heroin is arguably the world's most problematic drug, and one that causes some of the most notable types of organized crime. Roughly 90% of the world's heroin supply originates from regions in Afghanistan, where 380 tons of opium poppy are annually produced and shipped all over the world. Europe is the most profitable area for Afghan heroin, where 250 kg are produced on an almost daily basis. The heroin travels primarily through routes in neighboring countries Pakistan, Iran, Tajikistan, Uzbekistan, and Turkmenistan.

After which they travel throughout Eastern Europe, Western Europe, and eventually the United States. Given that 2.5 kilograms of heroin would cost US \$50,000 in Russia, the heroin market produces millions of dollars in profit every year used by drug cartels and other criminal organizations. In order to combat this growing threat, more effort needs to be taken at an international level, involving stricter border security at important host countries such as Afghanistan and Russia.

Cocaine is the most popular drug smuggled out of South America, and is grown in countries such as Colombia, Peru, and Bolivia. In 2008, the number of worldwide cocaine users was estimated to be 16-17 million people worldwide, numbers similar to those who use opiates. Most cocaine users are in North America and Europe, and these two regions make up more than 80% of the value of the worldwide global cocaine market, which is estimated to be at \$88 billion<sup>7</sup>. There has been a recent, steady decline since 2006 of worldwide cocaine users, particularly in the United States. This can be attributed to a supply shortage, as a result of several of the largest cocaine seizures in history having occurred in 2007, including 24 tons in Mexico. Nearly 90% of the cocaine that enters the United States enters from Colombia. One of the most well-known cocaine smugglers was Colombian drug lord Pablo Escobar. Rising to power in the 1980s, Escobar was the leader of one of the most powerful criminal organizations and cartels, the Medellin cartel, and made a profit of billions of dollars. The story of Pablo Escobar and his Medellin cartel demonstrates how the cocaine market is one

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<sup>7</sup> "The Globalization of Crime-A Transnational Organized Crime Threat Assessment" United Nations Office on Drugs and Crime (UNODC)-Cocaine.



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of the best-documented stories of organized crime, but a crime that has been in steady decline for the past several years.

Marijuana is the most widely available and commonly used illicit drug in the world today. In 2013, more than 80% of drug users abused marijuana, and 19.8 million Americans 12 years old or older reported using marijuana. Marijuana is the most trafficked drug in the world, channeled from 129 source countries across the world. Marijuana accounts for 21.5% of drugs trafficked into the United States, either from Mexico or from other foreign countries. For a number of years, Mexico was the number one foreign supplier of marijuana to the United States, and it was one of the top revenue-generating products for Mexican drug cartels. As times have changed, however, and the stigma surrounding marijuana has largely changed, more and more people have decided to grow their own marijuana plants. Although this growing domestic legalization of marijuana may concern some, it has made the Mexican cartels less powerful. Smuggling less drugs across the border means less money for these cartels to buy weapons, bribe police, among other actions, leading to less violence in Mexico.

### Illegal weapons trafficking

Illegal arms' trafficking is one of the largest and most profitable areas of transnational crime, and only continues to grow in size and in profits. Criminal networks and illegal arms dealers play a significant role in black markets where terrorists, criminal drug networks, and other criminal businesses acquire their weapons. Although risky, illegal arms trafficking, specifically small arms trafficking, is a profitable business. According to the United Nations Office of

Drugs and Crime, the trading of firearms is estimated to bring in an annual profit of \$200-\$300 million. There are two markets for illicit weapons: those who purchase weapons for criminal purposes, and those who purchase weapons for political purposes. For criminals that use guns, the most popular weapon used are concealable handguns. In the United States, for example, 88% of murders committed in 2008 were committed with handguns. Although the exact volume of weapons moved across borders may not be as high or concentrated enough to be deemed as trafficking, a positive correlation appears to exist between a country's homicide rate and the percentages of homicides by firearms—therefore, as a country's homicide rate appears to increase, the number of these homicides committed using firearms increases as well. One area of arms dealing that may provide long term and high profits for organized criminal groups is the movement of arms from the USA to Mexico. The United States is the most heavily armed civilian population in the world, with roughly 25% of all adults having at least one firearm. Acquiring a firearm is also relatively simple in the United States; the only people that cannot own firearms are those who have committed and been convicted of serious felony crimes, have a restraining order against them, or have been committed to a mental institution. With those being the only exceptions, every other adult has the right to own as many firearms as they choose.

One of the main weaknesses that hurts the international community's ability to respond to the field of illegal arms dealing is that no international database of firearms seizures exists. Instead, analysts have to rely on other sources of information.

One area that drastically increases the probability of criminals acquiring firearms is at gun shows. Gun shows do not

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require the customer to be subjected to a background check, and the sale is not recorded or registered, making it very easy for almost anyone to acquire a weapon. This flow of firearms from the United States to Mexico is largely done through straw purchasers, who then pass the weapons on to cross border smugglers. Straw purchases occur when someone who cannot buy a gun—such as a convicted felon—then sends someone else to buy the gun for them. A majority of the illegal weapons seized by the Mexican government come from the border states of Texas, California, and Arizona. Most of these weapons entering Mexico do so at the official points of entry into the country, most often through private cars, usually two guns per car so as to not raise suspicion. A single smuggler can move more than 500 weapons per year in loads not too large to raise suspicion and not appear as organized trafficking. Once these guns enter Mexico, they often remain along border towns, where they are kept until members of a drug cartel then come to collect them.

Given the high profits of the illegal firearms field, and the devastating violence these Mexican cartels instill on their community and country, steps need to be taken immediately to curb this ever-growing field. Some of these steps that can be taken include: increase background checks and documentation at these gun shows, identify straw purchasing and make it a punishable offense, and increase security along the border between the United States and Mexico to stop the flow of guns leaving the United States and entering Mexico as possible in order to decrease the power of these cartels.

### TCOs and Geography

Certain areas of the world are more affected by types of transnational crime than others. This could be due to their geographic layout, the strength of the federal government and its institutions, the monetary wealth of the country, among a host of other factors.

The two most prominent flows for migrant smuggling are from Africa to Europe, and from Latin America and the United States. This is most likely due to their geographic location and the relative easiness to transport people across these borders. Roughly 2.5-3 million migrants are annually smuggled from Latin America to the United States, generating a profit of \$6.6 billion for the smugglers.

Asia and the Pacific area has several important international economic cities, therefore the risk of transnational criminal groups has serious implications worldwide. A large portion of cybercrime and intellectual property theft has originated in China and other Asian countries. Human trafficking is particularly active here as well. North Korea also has ties with criminal networks, especially those that counterfeit the US dollar.

Central America is an ever-growing area for transnational criminal groups to emerge and exploit, specifically in the area of trafficking—including drugs, people, and weapons. Transnational crime and its accompanying violence can cost up to eight percent of a country's GDP.

Europe is the highest value heroin market at \$20 billion. Russia is the single largest heroin consumer in the world, annually consuming 70 tons.

The number of piracy attacks off the Horn of Africa has doubled in the past few years, increasing to 217 in 2009, with that number

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still rising. Despite collecting more than \$100 million through ransom, only 25% goes to the pirates, with the rest going to organized criminal groups.

Russian and Eurasian criminal networks may attempt to form alliances to undermine competition in key markets such as oil, precious metals, and others. Russia is the single largest consumer of heroin. Nuclear material trafficking has become an ever-growing, ever-dangerous market in the Russian Federation.

Southwest Asia has fallen victim to a wide range of transnational crime and criminal groups, who threaten the peace and stability in this fragile region. The Taliban and other drug-funded terrorist groups are some of the key players involved in this drug-producing area. Afghanistan, in particular, produces some 95% of the world's supply heroin.

West Africa has fallen victim to becoming a major transit area for the transportation of methamphetamine destined for the Far East, and is a major transit area for illegal drug shipments to Europe and to the United States. Specifically, Guinea-Bissau has emerged as one of the most prominent drug trafficking states in the area, and is at risk for becoming a dangerous narco-state.

Weak governments and institutions in Albania, Kosovo, Bosnia, and others have enabled the Balkans to become an area where criminal networks flourish. The Balkans has become a new entry point for Colombian cocaine, a source of dangerous synthetic drugs, and a transportation region for heroin chemical equipment for use in the Caucasus and Afghanistan.

### United Nations Action

The UN and UN agencies do not have the power to fight crime. That is the sovereign responsibility of the 193 sovereign member states alone. The UN is most effective facilitating cooperation between the Member States, helping them share information and coordinate their strategies to suppress and combat the many problems of transnational organized crime.

In December 2000, in Palermo, Italy, the United Nations opened for signature the *Convention against Transnational Organized Crime*. This agreement entered into force in September 2003. It is the main international instrument used by UN Member States in fighting against transnational organized crime. The Convention is further strengthened by three Protocols (sub-treaties), which target specific areas of transnational crime. These include:

- 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
- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

This Convention represents a major step forward, and is the first notable international tool used to combat transnational organized crime. Some of the measures in the Convention include: the creation of domestic criminal offenses-including participation in an organized criminal group, money laundering, corruption, and obstruction of justice, the adoption of new frameworks for extradition, mutual legal assistance and law enforcement cooperation,

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and the promotion of training for building/upgrading the capacity of national authorities to combat transnational criminals.

**Protocol to Prevent, Suppress and Punish Trafficking in Persons.** The Protocol to Prevent, Suppress and Punish Trafficking in Persons entered into force in December 2003, and is the first global legally binding instrument with an agreed, global definition on trafficking in persons. The significance behind this global definition of trafficking is that it encourages international cooperation in investigating and prosecuting trafficking cases. Another objective of this Protocol is to protect and assist the victims of trafficking in persons, with full respect of their human rights. The UNODC (United Nations Office of Drugs and Crime), showing their commitment to combating human trafficking, has begun publishing the *Global Report on Trafficking in Persons*, a report published every two years that covers 128 countries and provides an overview of patterns and flows of trafficking of people at global, regional, and national levels.

**Protocol Against the Smuggling of Migrants by Land, Air and Sea.** The goal of the Protocol Against the Smuggling of Migrants by Land, Air and Sea was to prevent illegal migration and to punish the procurers. The main difference between trafficking and smuggling is that trafficking is used mainly for exploitative purposes-i.e. forcing the person into labor or sexual exploitation. Smuggling, on the other hand, is often for voluntary purposes, when the migrant seeks to leave their host country that can be for a number of reasons ranging from-political violence, new work opportunity or family purposes. The Protocol, and its signatories, recognizes that migration itself is not a crime, but seeks to criminalize the smuggling of migrants. The

Protocol requires countries to: make migrant smuggling a criminal offense under their national laws; adopt special measures to crack down on migrant smuggling by sea; increase international cooperation to prevent migrant smuggling and to seek out and prosecute both traffickers and smugglers.

**Protocol Against the Illicit Manufacturing and Trafficking in Firearms.** The goal of the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition, is to prevent and eradicate the illicit manufacturing and trafficking in firearms, including their components and ammunition. Some of the most notable provisions included in this Protocol include: the confiscation and destruction of all firearms illegally manufactured or trafficked; maintaining records for at least 10 years for the identification and tracing of firearms; issuing licenses for the import and export of firearms; and only making firearms after the manufacturer, country, and year of import are identified.<sup>8</sup>

Although the Convention has been moderately successful, one of its weaknesses is that when it was passed, the main concern for the international community regarding transnational crime was terrorism, and failed to take into account other growing areas of transnational crime, notably cybercrime and human trafficking. Given society's dependence on computers and networks, the possibility of online crimes and hacking has increased tenfold within the past five years. It is estimated that in the United Kingdom,

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<sup>8</sup> Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime-Special Treaty Event April 2009

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fraud and financial scams have cost the country an estimated USD 30 billion annually. Human trafficking has also dramatically increased. The UN estimated that, in 2000, roughly 1 million people were trafficked by criminal organizations; today, that number has increased to about 2.5 million, with estimated profits hovering around \$20 billion. Modern society is more digitally connected than ever before, giving people all around the world access to computers and networks more so than ever before. As a result, criminal activities are committed by a much wider group of criminal actors than ever before. Potential criminals now include professional criminal organizations, political groups, street gangs, warlords, and rebel groups.

The Convention Against Transnational Organized Crime has been a step in the right direction, but it is now time to re-examine the Convention, especially given how much the world has changed within the past 10 years, and if it is time to revise the Convention. If the United Nations decides it is time to re-examine the Protocol, the organization needs to focus its role on cybercrime, drug trafficking, and human trafficking. A worldwide, coordinated role is necessary to tackle this growing threat.

### Directions for Action

While the UN has achieved a vital Convention and three Protocols, it cannot implement major measures against organized crime by itself. Implementation is the responsibility of the Member States. They alone are sovereign. The UN can help them coordinate positions and actions, but it is powerless to make the Member States do anything. The key UN agency, for example, is the UN Organization on Crime and Drugs,

essentially a research institute that support UN work on these issues. It has no operational authority, not do member states seem interested in giving it such a role. States have jealously guarded their independent ability to act.

The kinds of action open to the General Assembly all share a key ingredient; they can only ask the Member States of act, they cannot force them. If a sovereign Member State votes against a General Assembly resolution, they cannot be forced to abide it. Only Security Council resolution can be enforced. Consequently, General Assembly resolutions tend to focus on actions not by states but the UN system, which the Members have the power to boss around. Actions they might consider recommending

**Authorize a new UN study** of the best responses to transnational organized crime. A study by a UN Panel of Government Experts, each delegated by their government, could help determine the best polices and the actual room for agreement between Member States. Alternatively, a small study could be written by the UN Secretary-General recommending action. A study is a common legislative tactic for delaying action or postponing it while consensus develops. It also serves the legitimate goals of exploring possibilities for action. A study also is relatively inexpensive. Funding still would have to be found, since the UN lacks extra resources, especially if the study is extensive, involving many meetings and background reports. Particular governments might be expected to find the money.

**Recommend expansion of UN agencies**, such as the UN Office on Drugs and Crime, to facilitate raid information sharing on criminal cases and help Member States coordinate their law enforcement and military responses

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**Create a new UN agency** to act in ungoverned spaces, such as oceans and air space beyond national control. This would be expensive, requiring new funding commitments, and it would require Member States to donate appropriate forces.

**Set long-term goals** to help states coordinate their national law enforcement, a

long-term spending program for Ministries of the Interior, Home or Justice to work together to fight transnational organized crime. This plan might be similar to the fifteen year Sustainable Development Goals (SDGs) agreed in 2015 to coordinate all global development assistance through the year 2030.

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