

General Assembly Sixth Committee **(Legal)**

Research Reports

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Forum: General Assembly Sixth Committee (Legal)

Issue: International Legal Frameworks for Combating Transnational Organized Crime

Student Officers: Malak Elsadek

Position: Chair

Introduction

Since 2000, the United Nations has adopted the Convention against Transnational Organized Crime (UNTOC). This acts as the primary international framework for fighting transnational organized crime. The Convention is reinforced by three protocols addressing particular types of organized crime: the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea, and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition. Key challenges in implementing the UNTOC framework include inconsistent definitions and approaches among countries, insufficient law enforcement capabilities, judicial systems, and anti-corruption measures in many regions, difficulty in gathering cross-border evidence and intelligence, and a lack of political will and resources to combat entrenched criminal networks. Primary figures combating transnational organized crime include national governments, regional bodies like the African Union, international organizations like UNODC and INTERPOL, and civil society groups.

Definition of Key Terms

Transnational Organized Crime (TOC)

Criminal activities are planned and executed by organized groups across national borders. These crimes include activities such as human trafficking, drug smuggling, money laundering, and arms trafficking, which have significant economic, social, and political impacts on multiple countries.

Extradition

The formal process by which one country transfers a suspected or convicted criminal to another country for trial or punishment. Treaties usually govern this process and require legal agreements between the countries involved to ensure the individual will be given a fair trial.

International Cooperation

Collaboration between countries to address common challenges and achieve shared objectives. This involves sharing information, resources, and best practices and coordinating actions and strategies to effectively tackle criminal activities that transcend borders.

Anti-Corruption Measures

Policies, laws, and practices are implemented to prevent, detect, and punish corruption in the public and private sectors. These measures include promoting transparency, accountability, and integrity in governance, enhancing legal and institutional frameworks, and fostering international cooperation to address corruption that facilitates organized crime.

Law Enforcement Collaboration

The joint efforts of police and other law enforcement agencies across different jurisdictions to combat crime. This includes sharing intelligence, conducting joint operations, and coordinating investigations to disrupt and dismantle criminal networks, especially those operating transnationally.

Legal harmonization

Combating transnational organized crime involves aligning laws and regulations across different jurisdictions to create a more consistent and coherent legal framework. This involves standardizing definitions, penalties, and procedures to facilitate cooperation and reduce legal discrepancies that criminals might exploit.

Criminal networks

Organized groups that engage in illegal activities. These networks are involved in various forms of crime, such as drug trafficking, human trafficking, arms smuggling, and money laundering. They operate locally and internationally, using sophisticated methods to evade law enforcement and maximize profits while maintaining control and influence over their illicit operations.

Major Countries and Organizations Involved

The United States of America

The U.S.A plays a leading role globally through agencies such as the FBI (Federal Bureau of Investigation), DEA (Drug Enforcement Administration), and DHS (Department of Homeland Security). These agencies are involved in domestic and international operations against drug trafficking, cybercrime, and human trafficking. The U.S. also supports numerous capacity-building initiatives in other countries to strengthen global law enforcement capabilities.

Russia

Russia engages in regional efforts to tackle transnational crime, especially concerning drug trafficking and cybercrime within the Eurasian region. It is a member of international bodies like Interpol and cooperates with regional organizations such as the Shanghai Cooperation Organization (SCO) to combat organized crime.

Mexico

Battling powerful drug cartels is a significant focus for Mexican law enforcement. Cooperation with the U.S., particularly on border control and narcotics, is an essential aspect

of its strategy. Mexico participates in regional initiatives to improve law enforcement capabilities across Central and Latin America.

United Nations Office on Drugs and Crime (UNODC):

It serves as a leader in fighting crimes like human trafficking and drug trafficking globally. It offers research, guidance, and support to member states and helps in implementing the UNTOC. The UNODC also organizes global programs, such as the Global Program against Money Laundering, to improve legal and institutional capacity across countries.

Financial Action Task Force (FATF):

It sets international standards for combating money laundering, terrorist financing, and other related threats to the integrity of the global financial system. It also conducts peer reviews of member countries to ensure compliance with its recommendations and enhance international legal and regulatory frameworks.

World Customs Organization (WCO):

Works to enhance the effectiveness and efficiency of customs administrations, which play a critical role in intercepting illegal goods and tracking the movement of illicit goods across borders. Develops global standards for customs procedures, which aids in fighting transnational organized crime, particularly in areas like drug smuggling and counterfeit goods trafficking.

Timeline of Events

Date	Description of Event
December 19, 1988	The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted, addressing drug trafficking as a form of organized crime.
December 17, 1996.	The UN General Assembly established an Ad Hoc Committee to develop a comprehensive convention on international terrorism, recognizing the links between organized crime and terrorism.
November 15, 2000	The United Nations Convention against Transnational Organized Crime (UNTOC) enters into force after being ratified by 40 countries.
November 15, 2000	Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, was adopted
November 15, 2000	Protocol against the Smuggling of Migrants by Land, Sea, and Air was adopted
May 31, 2001	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition was adopted.
2023	IGAD (Intergovernmental Authority on Development) held a regional workshop to promote the ratification and implementation of international legal instruments on transnational organized crime among its member state

Relevant UN Treaties and Events

United Nations Convention against Transnational Organized Crime (UNTOC)

Adopted on November 15, 2000, and entered into force on September 29, 2003. UNTOC is the primary international instrument for fighting transnational organized crime. It includes protocols on human trafficking, migrant smuggling, and the illicit manufacturing and trafficking of firearms.

United Nations Congress on Crime Prevention and Criminal Justice

Held every five years, this congress serves as a global forum for discussing crime prevention and criminal justice issues. Recent sessions include the 14th Congress in Kyoto, Japan, in March 2021 and the 13th Congress in Doha, Qatar, in April 2015.

United Nations Convention against Corruption (UNCAC)

Adopted on October 31, 2003, and entered into force on December 14, 2005, UNCAC is the sole legally binding universal anti-corruption instrument. It covers various forms of corruption, including bribery, trading in influence, and corruption in the private sector.

Commission on Crime Prevention and Criminal Justice (CCPCJ)

The CCPCJ, which meets annually in Vienna, Austria, is the main policymaking body of the United Nations in the field of crime prevention and criminal justice. It promotes international cooperation and formulates policies to combat crime and enhance criminal justice systems.

Previous Attempts to Solve the Issue

Palermo Protocols

Entered into force on December 25, 2003 (Trafficking Protocol); January 28, 2004 (Smuggling Protocol); July 3, 2005 (Firearms Protocol). Supplements the UNTOC by providing detailed measures to combat trafficking in persons, smuggling of migrants, and illegal trafficking of firearms.

Global Programme against Transnational Organized Crime

Launched in 1999. Supports member states in implementing the UNTOC through technical assistance, capacity-building, and promoting cooperation to combat organized crime effectively.

African Union's Plan of Action on Drug Control and Crime Prevention (2013-2017) and European Union's Action Plan on Drugs (2017-2020): These initiatives focus on regional cooperation to enforce laws and improve legal frameworks against organized crime.

High-level Meetings and Resolutions: In 2010, UN General Assembly Resolution 64/179 aimed at strengthening international cooperation and providing technical assistance to combat organized crime. In 2015, The inclusion of Goal 16 in the 2030 Agenda for Sustainable Development, promoting justice and peace, underscores the commitment to combat transnational organized crime.

Possible Solutions

1. Enhancing international legal cooperation is necessary for effectively combating transnational organized crime. This can include mutual legal assistance treaties (MLATs), extradition agreements, and shared investigative resources. Countries can overcome jurisdictional hurdles and tackle criminal activities that cross borders by streamlining procedures for evidence-sharing and joint operations. Regular international meetings and workshops can foster stronger ties and better coordination among law enforcement agencies worldwide.
2. Addressing the root causes of organized crime through economic and social programs can reduce communities' vulnerability to criminal influences. Initiatives such as improving education, creating job opportunities, and developing social welfare programs can decrease the allure of joining criminal organizations. By promoting inclusive economic growth and reducing poverty, governments can overpower the social and economic foundations that organized crime groups exploit for recruitment and influence.
3. Countries must adopt and enforce comprehensive national laws that align with international standards, such as those set by the UNTOC and its protocols. This approach should include criminalizing participation in organized crime, corruption, money laundering, and related offenses. Establishing specialized anti-organized crime units within national police forces can also enhance enforcement capabilities. Furthermore, legislation should protect witnesses and victims, which is crucial for securing convictions against high-level criminals.

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