**IPI Blue Papers** 

# Transnational Organized Crime

Task Forces on Strengthening Multilateral Security Capacity

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### Foreword

We live in difficult times. Rapid socioeconomic changes, demographic bulges, and intertwined security crises are affecting us all, and most especially the poor. Criminal and violent organizations are gaining control over territory, markets, and populations around the world, complicating peacemaking and generating insecurity. States with ineffective and corrupt institutions prove too weak to deal with interlinked threats ranging from transnational organized crime to infectious disease. Meanwhile, the number of actual and aspirant nuclear-armed countries is growing, as is the likelihood that nonstate actors will acquire weapons of mass destruction through illicit global trade.

Global warming and environmental degradation particularly distress already impoverished regions. Rising food and energy prices put people and governments to the test, while the demand for resources—notably water and energy—increase due to unprecedented development and population growth.

To this already gloomy picture, the year 2008 added tectonic shifts in the economic landscape. A devastating financial crisis is producing dramatic consequences with likely long-term impacts on economic development, aid, and emerging markets alike.

Yet, at a time when common efforts are needed more than ever, division and discord can be spotted in many multilateral institutions, from the United Nations to NATO and the European Union. Peace operations are under serious stress, while political disunity undermines the authority and effectiveness of the Security Council. The optimistic embrace of a "flat" world of responsible sovereign states is challenged by those who push for a return to exclusive state sovereignty and jealously guarded territorial integrity.

However, crises provide unparalleled opportunities for change. These moments are transitory, but they need to be seized upon to put ideas into action, to strengthen the capacity to meet the challenges we face, which in today's globalizing world means more responsive, effective, and efficient multilateral mechanisms and policies.

In response to these challenges, IPI launched the **Task Forces on Strengthening Multilateral Security Capacity** in 2008. The purpose of these Task Forces was to suggest ideas for action to strengthen the capacity of the United Nations (UN) and its partners to deal effectively with emerging, multifaceted, and global challenges to peace and security. The Task Forces addressed not only the policy steps that are needed, but also the political and institutional strategies required to implement them. This strategic perspective has too often been the missing link in efforts to strengthen the UN system.

Given the links among security, development, and environmental challenges, the initiative opened with a symposium on Development, Resources, and Environment. The symposium provided a larger context for the work of the subsequent Task Forces, which focused on two core dimensions of the security concerns facing the UN and its partners: (1) Transnational Security Challenges and (2) Inter- and Intra-state Armed Conflict (see Annex 3 for details of the process).

The **IPI Blue Papers** are the product of this intense process of consultation, which engaged more than sixty UN member states, half of them at ambassadorial level, and seventy experts in a variety of thematic areas. It included the preparation of more than twenty-five background papers and fourteen multiday meetings. Each Blue Paper includes a section on why action to strengthen capacity in a particular area is needed and a section with ideas for action. The content is based on the Task Force discussions, but does not necessarily represent all the views articulated during the entire process. Although the institutional focus of the Task Forces was primarily the UN, this report aims to assist key stakeholders to prioritize and leverage the comparative advantages of the UN

and other multilateral institutions, including their ability to forge productive and sustainable partnerships with other groups and organizations.

While policy discussions on related topics are taking place in other fora, IPI brings to this initiative nearly forty years of constructive collaboration with the United Nations and its membership, as well as a more long-term strategic perspective than in-house and intergovernmental processes can offer. With these Blue Papers, IPI hopes to continue a process that will produce concrete steps toward stronger multilateral capacity in peace and security.

Despite the difficulties ahead, we believe that tomorrow's world needs more multilateral capacity, not less. It needs a stronger UN, capable of adapting and strengthening its capacity to address the realities of the twenty-first century. It needs a UN able to work with its partners and in particular with member states, which remain the first line of response to many of the threats discussed here.

This is the purpose of the IPI Blue Papers and I am very pleased to introduce them to you.

Finally, I would like to thank most warmly the co-chairs of the Task Forces, the member-state participants, the experts, and IPI staff, without whose hard work and intellectual contributions the IPI Blue Papers would not have seen the light of day.

**Terje Rød-Larsen** President, *International Peace Institute* January 2009

### Acronyms

AML	anti-money-laundering
CAC/UNCAC	United Nations Convention against Corruption
CCPCJ	Commission on Crime Prevention and Criminal Justice
CICIG	International Commission against Impunity in Guatemala
CND	Commission on Narcotic Drugs
CTED	Counter-Terrorism Committee Executive Directorate
СТОС	United Nations Convention against Transnational Organized Crime (Palermo Convention)
CWC	Coping with Crisis, Conflict, and Change (IPI program)
DFS/UNDFS	United Nations Department of Field Support
DPA/UNDPA	United Nations Department of Political Affairs
DPKO/UNDPKO	United Nations Department of Peacekeeping Operations
EU	European Union
Europol	European Union Law Enforcement Organisation
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> (Revolutionary Armed Forces of Colombia)
FATF	Financial Action Task Force

FIND	Fixed INTERPOL Network Database
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
INTERPOL	International Criminal Police Organization
IPI	International Peace Institute
IRA	Irish Republican Army
MIND	Mobile INTERPOL Network Database
MINUSTAH	United Nations Stabilization Mission in Haiti
ОСНА	United Nations Office for the Coordination of Humanitarian Affairs
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner on Human Rights
OIOS/UNOIOS	United Nations Office of Internal Oversight Services
OLA/UNOLA	United Nations Office of Legal Affairs
OROLSI	Office of the Rule of Law and Security Institutions
PBC	Peacebuilding Commission
PBSO	Peacebuilding Support Office
RO	regional organization
ТОС	transnational organized crime
UN	United Nations
UNDP	United Nations Development Programme

UNDSS	United Nations Department of Safety and Security
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
UNOWA	United Nations Office for West Africa
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
WCO	World Customs Organization
WFP	World Food Programme
WIPO	World Intellectual Property Organization

### **Executive Summary**

Transnational organized crime (TOC) is no longer the sole preserve of specialist criminal organizations. It is now an essential strategy for armed groups around the world, and a source of funding for terrorists, corrupt politicians, warlords, and rogue governments.

But states and international organizations have largely failed to anticipate the evolution of TOC into a strategic threat to governments, societies, and economies. At the international level, an outdated understanding of TOC does not adequately contemplate the strategic impact of TOC and fails to ensure that peace efforts and crime fighting are not working at cross-purposes.

A thorough overhaul of international cooperation in dealing with TOC is needed to (1) improve information sharing; (2) develop international investigative, policing, and prosecutorial tools; and (3) integrate strategic decision making in international peace efforts and international crime fighting.

#### **IDEAS FOR ACTION**

- I. **High-Level Review Conference:** States and research organizations should plan a special High-Level Conference in 2010 on TOC as a threat to security.
- II. **Map impacts:** Prior to the High-Level Review Conference, states and research organizations should map the impacts of TOC on security and stability around the world. This will provide a basis for mobilizing around specific TOC threats and developing an agenda for action to be discussed at the High-Level Review Conference.

Complementary ideas for action by the United Nations that might feed into this process include the following:

- III. Threat analysis: Provide improved crime threat analysis to UN peace efforts, through improved information sharing, secondments, and the creation of a Joint Crime Threat Analysis Cell.
- IV. Strategic partnerships: Develop investigative and operational partnerships between the UN, INTERPOL, national lawenforcement agencies, customs and border control agencies, anticorruption agencies, and regional policing organizations.
- V. **Incentives:** Create real incentives to fight TOC, through coordinated needs assessment and capacity-building efforts.
- VI. **"Blue suits":** Build a system for deploying civilian "blue suits" and not only military "blue helmets," to build the long-term security that protects societies against organized crime and conflict.

WHY ACTION IS NEEDED

# The Challenge of Transnational Organized Crime

- 1. Transnational organized crime (TOC) is no longer just a matter for specialist criminal organizations: it is now an essential strategic activity for many armed groups around the world, and a source of funding for terrorists, corrupt politicians, warlords, and rogue governments. Globalization facilitates partnerships between transnational criminal networks and actors in areas of armed conflict and weak governance, rewarding those who have a "comparative advantage in the production of illegality"<sup>1</sup> by connecting them to global markets.
- 2. Multilateral institutions currently lack the necessary analytical and operational tools to understand and effectively respond to these clandestine connections. Instead, they fall back on crime-fighting methods—such as the international drug-control regime and national policing tools—that were designed to deal with organized crime before these strategically dangerous connections among crime, conflict, and corruption fully emerged. Even where international organizations do identify criminal networks, they have few tools at their disposal to fight them, and little leverage over national law-enforcement tools.
- 3. States and international organizations have largely failed to anticipate the evolution of TOC into a strategic threat to governments, societies, and economies. And while existing international arrangements such as the UN Convention against Transnational Organized Crime (the "Palermo Convention") and the international drug-control regime provide frameworks for coordinated national law enforcement, they do little to create incentives for changing behavior or increasing national efforts to eradicate TOC.

- 4. At present, there are few incentives for states and private actors to combat TOC, especially where the costs of TOC, such as drug trafficking, are seen as falling on other communities or actors. Because some of the costs, such as the corrosion of state capacity and corruption, are "slow-burners," states often have few incentives to act in the short term to arrest TOC's growth and impact. And since the costs of TOC often fall on other countries or future governments, current governments can avoid taking strong, immediate action against TOC. In some cases, government officials may even come under direct and highly persuasive pressure from TOC to turn a blind eve-or even to assist. Once the impacts of TOC reach a certain tipping point, however, their effects can be devastating, as we have seen in Mexico, Colombia, Afghanistan, Haiti, Guinea-Bissau, and beyond. TOC corrodes all the states and societies through which it passes, ultimately passing costs on to them all.
- 5. Currently, positive incentives (such as development and military assistance) and negative incentives (such as the imposition of financial sanctions or naming and shaming through reports on human trafficking) are closely linked to the interests of those states that control such incentive structures, rather than to considerations of the long-term need for a recipient state to fight TOC. As a result, efforts to prevent and fight TOC are often underresourced until they pose an imminent danger to a particular state's security or public health. And by then, it is often too late.
- 6. Only rare exceptions, such as the Financial Action Task Force blacklisting process, create real incentives for improved efforts to combat TOC. And even there, monitoring arrangements risk looking at "paper" compliance (such as law on the books) rather than effective compliance (the enforcement of that law).

- 7. A thorough overhaul of international approaches to dealing with TOC is needed to (1) improve information sharing, (2) develop international investigative, policing, and prosecutorial tools, and (3) integrate strategic decision making in international peace efforts and international crime fighting.
- 8. States and international organizations have been slow to recognize TOC as a strategic threat, since it poses an insidious, clandestine, and corrosive threat, rather than a sudden, dramatic, and overt one. The costs of TOC are "slow-burners" that can be easily deferred or overlooked.
- 9. Nonetheless, the cumulative effects of TOC in corroding state capacity, economic stability, and public health are potentially enormous. In some parts of the world they may even threaten the effective functioning of states (as we see in West Africa<sup>2</sup> and parts of Afghanistan), with enormous potential spillover costs to other states. TOC amplifies and transmits other security challenges, such as armed conflict, terrorism, weapons proliferation, and even disease, while undermining the capacity of states, societies, and the international system to respond.
- 10. Around the world, from Kosovo to Afghanistan and from Colombia to Guinea-Bissau, there is growing evidence of the strategic threat posed by the nexus of TOC, corruption, and armed conflict. Weak governance and armed conflict tend to favor the rise of illegal activity: e.g., the production of illicit commodities, such as prohibited narcotics, and the illicit trade in commodities and services, such as diamonds, timber, cars, nuclear materiel and expertise, and sex. Transnational criminal networks thus have an interest in penetrating areas of weak governance and armed conflict, where they may find a comparative advantage over the better regulated zones of the global economy, or in sustaining ongoing corruption and

governmental weakness, like that found now in parts of West Africa, Somalia, and Afghanistan.

- 11. Weak governance allows TOC to forge a symbiosis with politics, hindering development and reducing the capacity of states to manage social tension and conflict. As a result, the convergence of TOC, state failure, and armed conflict poses an increasingly obvious threat to global security. Drug-trafficking networks spread violence, corruption, conflict, and disease from Latin America and Afghanistan, through West Africa, to North America and Europe. Pirates threaten global trade through the Straits of Molucca and the Gulf of Aden. Global arms traffickers, such as the recently apprehended Viktor Bout, fuel wars throughout Africa, Asia, and the Middle East, avoiding United Nations arms embargoes and trading arms for diamonds, timber, coltan, cars—and even humans. European and other criminal gangs plunder the maritime resources of the coasts of Africa, and dump toxic waste into waters unpoliced by coastguards. And criminal networks facilitate the proliferation of nuclear materiel and expertise, risking their passage into the hands of terrorists
- 12. Both state and nonstate armed groups increasingly turn to TOC as a source of finance and materiel, especially light weapons and ammunition. TOC appears to sustain and intensify armed conflict and acts as a significant spoiler of peace processes, undermining economic recovery and democratic governance. From Mexico to Afghanistan, there is also evidence that some TOC groups themselves are also becoming increasingly militarized, posing a greater threat to national and regional stability. And examples from Hizbullah to the Irish Republican Army (IRA) on to connections among Viktor Bout, the Revolutionary Armed Forces of Colombia (FARC), and Al-Qaida, all suggest that transnational criminal activity is a factor in sustaining global terrorism.

- 13. The United Nations Convention against Transnational Organized Crime, known as the Palermo Convention after the city where it was agreed upon in December 2000, was a significant achievement in defining a common understanding of TOC and creating a framework for coordinated responses by individual states. However, coherent multilateral responses to TOC are still underdeveloped. Law enforcement and the rendering of justice are central to the exercise of sovereignty, so states are understandably reluctant to "internationalize" these activities. As a result, TOC can operate in a borderless world, while crime control stays trapped within borders. The danger is that in seeking to protect their formal, "on paper" sovereignty, states will sacrifice their effective sovereignty.
- 14. The Palermo Convention framework, and the earlier international drug-control regime,<sup>3</sup> have to date done little to generate a common understanding among states, international organizations, and the private sector, of the *strategic* threat posed by TOC. Nor have they offered guidance on how to develop a common operational strategy to defeat or even significantly mitigate that threat. As a result, despite significant "wins" in controlling drug flows and other forms of trafficking, the international community appears increasingly powerless to prevent organized crime from becoming intertwined with conflict around the world.<sup>4</sup>
- 15. Moreover, national laws and international conventions—such as the Palermo Convention—are based on conceptions of TOC rooted in past experience, rather than on an analysis of likely future transnational criminal activity. They fail to deal with the strategic threat posed by the convergence between TOC, weak governance, and armed conflict. And they fail, equally, to deal with the emergence of organized internet-based or cyber-crime. Earlier political paradigms—for example, those dividing states into "consumers" and "producers" of illicit drugs—are increasingly outdated, since the diversification

of the production and consumption of drugs means that few states are solely "consuming" or "producing" states.

- 16. Existing legal regimes such as the international drug-control regime offer little flexibility in considering how to balance the interests of crime fighting against the interests of peace efforts in places such as Afghanistan. The lack of flexibility in the international crime-fighting framework risks criminalizing entire societies or even states, undermining the interests of peace and stability.
- 17. These shortcomings are indicative of an outdated conceptual approach to TOC at the international level, where there is a failure to adequately contemplate TOC's strategic impact. The consequence is an international system that is poorly equipped to deal with the strategic impacts of TOC, which are now becoming apparent in venues from Africa to Afghanistan. The major international agencies with expertise in fighting TOC—such as the United Nations Office on Drugs and Crime (UNODC) and INTERPOL—are poorly integrated into strategic analysis and international security decision making (for example, in the UN Security Council), weakly linked to operations in the field (such as UN peace operations), and vastly underresourced.
- 18. Multilateral institutions cannot eradicate TOC. However, they can provide frameworks for states to work together to provide collective security, if they adequately understand the nature of the problem and take appropriate steps to empower states and private actors to combat TOC. For example they can provide common norms and implementation frameworks, or develop shared strategy and catalyze political will. Yet at present, they are poorly equipped to provide such added value.
- 19. While UNODC has about 350-400 staff at any one time, in twenty-two offices around the world, with an annual

budget of c. \$150 million (2006-2007 biennium), only 12 percent of the budget is from assessed contributions; and more than 90 percent of all funding is earmarked for special purposes, primarily counternarcotics programming. UNODC effectively serves as a counternarcotics projectimplementation contractor for European donors. Very little funding is allocated to broad trend monitoring and analysis, even though some of the most well-received UNODC publications, such as the annual World Drug Report, Trafficking In Persons: Global Patterns, and the recent Drug Trafficking as a Security Threat in West Africa provide exactly that kind of bird's-eye strategic analysis. Moreover, UNODC resources are not located in places that suggest it expects to be a central player in strategic analysis and decision making for the UN system: for example, there is only a handful of staff in the UNODC New York liaison office, while only a very small number of staff are located permanently in all of West Africa, despite recent calls by the UN Secretary-General, the Security Council, and the Peacebuilding Commission for increased attention to the strategic threat posed by drug trafficking in the region.

20. The two major UN Commissions that deal with crimecontrol policy among member states similarly lack adequate focus on the potential strategic threat posed by TOC, and the capacity to meaningfully influence policy at the global level. The Commission on Narcotic Drugs (CND) has little influence over the counternarcotic strategies of the major players, and serves mainly as an information-sharing regime. The CND does have influence over what narcotic substances are controlled by the international counternarcotics regime. But there is little scope for the CND to adopt a more strategic approach to controlling narcotics. It cannot, for example, suspend the application of the major drug-control treaties to specific conflict-affected countries (e.g., Afghanistan) to allow for a transitional approach to law enforcement. The Commission on Crime Prevention and Criminal Justice (CCPCJ), which is the central policymaking body within the UN system providing policy guidance in the field of crime prevention and criminal justice to member states, offers more scope to influence member-state policy but has in recent years amounted to little more than a talking shop for crime control policy experts from capitals with little influence over broader multilateral strategy. States also seem rather disengaged: in recent years, fewer than 50 percent of those surveyed have responded to the UN Survey of Crime Trends and Operations of Criminal Justice Systems, the CCPCJ's main tool for gathering evidence to inform its policy deliberations.

- 21. The Palermo Convention provides a framework for coordinated national action, rather than mandating specific efforts to combat TOC. It creates a baseline for coordination, but does not create incentives for changed behavior or national efforts to eradicate TOC. Nor does it give a clear role to the UN in enforcing these international norms, either through regime enforcement, or as a complementary provider of law-enforcement services. Indeed, the major initiative to generate real behavioral change has occurred outside the UN in the area of anti-money-laundering (AML), through the OECD's Financial Action Task Force. And even this places more emphasis on procedural than substantive norms. Having certain safeguards and bodies such as Financial Intelligence Units in place is the de facto measure of effectiveness, while the impact on money laundering remains modest.
- 22. Existing multilateral regimes currently do little to actively ensure effective control of TOC by states. The few monitoring arrangements in place that are potentially relevant to TOC, such as the peer-review mechanism under the Financial Action Task Force, and the reporting arrangements relating to nuclear proliferation under Security Council Resolution

1540, risk producing mere "paper compliance." There is a need to develop a streamlined approach to reporting across a range of law-enforcement tasks relevant both to combating TOC and to tackling other transnational security challenges, based on credible assessments of states' efforts, rather than mere "paper reporting."

- 23. A deeper problem arises when international actors find themselves caught on the horns of a dilemma: are the powerful actors engaged in drug trafficking criminals to be targeted by law enforcement, or potential partners for peace to be engaged politically? Resolving this dilemma may require building political exception mechanisms into the application of international control regimes—for example, by allowing the suspension or modification of the application of the Vienna Convention against Illicit Trafficking in Narcotic and Psychotropic Substances in specified territories (such as Afghanistan) to allow greater room for political mediation.
- 24. Without such an overhaul, states risk sacrificing their effective sovereignty to criminal influences, even as they protect their formal sovereignty. The result will not only be the proliferation of transnational organized crime, but also the amplification by it of a wide range of other threats to international and human security—such as corruption, disease, and conflict. Only with a dedicated effort to improve information sharing, to overhaul the system's analytical capacity, and to connect it to strategic decision making will such a result be avoided.

## WHAT SHOULD BE DONE

### **Ideas for Action**

#### I. CONVENE A HIGH-LEVEL CONFERENCE ON TOC AS A THREAT TO SECURITY

- 25. **Review Conference in 2010:** A group of interested states should convene a High-Level Review Conference in 2010 (Palermo+10), on the tenth anniversary of the conclusion of the Palermo Convention, to undertake a broad review of international approaches to combating TOC.
- 26. Evaluate existing arrangements: This Palermo+10 Review Conference should, in particular, review the convergence of TOC, armed conflict, terrorism, corruption, and state failure, and consider the adequacy of existing international arrangements to deal with the strategic impact of TOC.
- 27. Improve, develop, integrate: The Palermo+10 Review Conference should also provide an appropriate forum for considering the Ideas for Action detailed below, in particular
  - a) to improve information sharing, coordination, and cooperation;
  - b) to develop tools in investigation, policing, and prosecution; and
  - c) to integrate strategic decision making in international peace efforts and international crime-fighting efforts.
- 28. Build public awareness: The Palermo+10 Review Conference should assist in helping to build broader public awareness of the impacts of TOC, and the trade-offs that may be involved in effective efforts to combat TOC (including temporal trade-offs between peace and justice). The Conference should foster a better understanding of the shared responsibility of all actors—public and private—in the international system to combat TOC.

29. **Propose concrete outcomes:** A group of interested states and relevant international and research organizations should drive the preparatory process to set an agenda and propose concrete outcomes. The preparatory process should also assist in mobilizing states and civil society around action on these issues.

#### II. MAP THE IMPACTS OF TOC ON SECURITY, DEVELOPMENT, AND STABILITY

- 30. Develop a better evidence base for policymaking to combat TOC. In preparation for a Palermo+10 Review Conference, states should provide information, financing, and political support to undertake a comprehensive mapping of the impacts of TOC on security, development, and stability, which a consortium of research institutes can lead.
- 31. Clarify, mobilize, monitor: Such a mapping project would
  - a) clarify the current impacts of TOC on security, development, and good governance in specific geographic locations;
  - b) provide a basis for mobilization around specific TOC threats and responses; and
  - c) provide a basis for ongoing monitoring of, and policymaking in response to, the threat(s) posed by TOC.
- 32. This mapping project could be conducted by a research consortium of independent think tanks, universities, and other research institutions. But it would need significant support from states to ensure access to appropriate data.

#### III. STRENGTHEN CRIME THREAT ANALYSIS FOR UN PEACE EFFORTS

33. TOC can provide a major obstacle to making, keeping, and building peace and to sustainable development. Yet the multilateral system currently struggles to marry efforts to enforce the law with efforts to bring peace and development, at both the strategic and operational levels.

- 34. At the strategic level, efforts to make, keep, and build peace are hampered by a poor awareness of the potential for TOC to serve as a peace spoiler. Improved crime threat analysis is essential if peace efforts are to be successful and sustainable over the medium to long term. The international system may need additional support and reorganization to ensure that this improved crime threat analysis is available to decision makers—but more could also be done with existing capacity.
- 35. Integrate TOC analysis into peace efforts: Operationally, TOC analysis should be integrated into all aspects of peace efforts. For example, the Peacebuilding Commission, the Peacebuilding Support Office, and DPA's Mediation Support Unit should have access to adequate crime threat analysis to understand the role of TOC in sustaining specific conflicts. Peacekeeping missions should likewise have access to appropriate criminal intelligence and policing assets.
- 36. National law-enforcement agencies, INTERPOL, UN sanctions bodies, and UN field missions already provide significant capacity to track, analyze, and respond to TOC. However, this capacity is used poorly. Information is locked up behind sovereign walls and in bureaucratic silos and not compiled and analyzed in a manner that efficiently allows decision makers to identify transnational criminal threats, particularly those that pose a threat to security. While UNODC, INTERPOL, and some regional bodies such as EUROPOL are having increasing success in providing such "bird's-eye" analysis, their information sharing and analytical capacities are poorly integrated into the broader UN system.

- 37. **Improve information sharing:** More could be achieved by finding ways to improve information sharing, coordination, and cooperation at the international level, thus allowing better analysis of and response to transnational trends in organized crime.
- 38. Convene Working Group to develop protocols: The UN's Executive Committee on Peace and Security and the UN's Rule of Law Group should convene a Working Group to develop protocols that facilitate information sharing on TOC within and beyond the UN system, while protecting (1) state-sovereignty concerns, (2) individuals' privacy and due process rights, and (3) staff security. This Working Group should include all relevant departments, funds, and agencies (such as DPA, DPKO, DFS, OLA, UNDP, OIOS, OHCHR, UNHCR, and UN-backed international criminal tribunals) and external partners (such as INTERPOL and the International Criminal Court). It should address concrete issues such as information sharing and operational collaboration between UN sanctions bodies, UN expert groups and peace operations, UN country teams and OHCHR field presences and DPKO, the UN and the ICC, and the UN and INTERPOL.
- 39. Establish a Joint Crime Threat Analysis Cell: Member states should support the establishment of a Joint Crime Threat Analysis Cell, incorporating expertise in organized crime in conflict and postconflict settings, within the Office of the Rule of Law and Security Institutions (OROLSI) in the Department of Peacekeeping Operations, to support the work of the UN Police Adviser and other relevant bodies and agencies at the strategic level. This Cell could be staffed, in whole or in part, by personnel with appropriate crime analysis expertise currently located in other UN bodies, such as UNODC and UNICRI, or by personnel seconded by member states or INTERPOL. It could double as an

operational liaison body with other UN agencies such as UNDP, OHCHR, UNHCR, and OLA, with each seconded officer serving also as a liaison officer with their home agency.

- 40. Strengthen support for sanctions groups: The UN Secretariat should provide strengthened support to UN Security Council sanctions groups and improve information archiving, information security, and information sharing to facilitate joint analysis by the expert groups and panels working on different conflicts.
- 41. Include police experts during negotiations: Peacemaking efforts, including the drafting of peace agreements, should consider the crime-conflict relationship, and the role of TOC as a potential peace spoiler. DPA and its Mediation Support Unit should work with the UN Police Adviser to incorporate policing expertise during peace negotiations, for example through the provision of assistance by the Standing Policy Capacity to DPA's Mediation Teams or the incorporation of standing police components into regional offices such as the UN Office for West Africa (UNOWA), to advise on the crime-conflict relationship.
- 42. Improve operational interaction: The Under-Secretaries-General for Peacekeeping Operations and Political Affairs should improve operational interaction between their departments on matters related to TOC. For example, planners and managers in the Department of Peacekeeping Operations and the Department of Political Affairs' Sanctions Branch should have routinized interaction, and peacekeepers' responsibilities to assist sanctions experts during their field missions should be clarified.
- 43. **Craft mandates to address TOC:** The Security Council should craft peace operations' mandates accordingly. DPKO, DPA, and other relevant bodies should work with the relevant member states to have the Council include language, in cases

where TOC is acting as a potential peace spoiler, tasking peace operations to address organized crime.

#### IV. DEVELOP STRATEGIC, INVESTIGATIVE, AND OPERATIONAL PARTNERSHIPS

- 44. Work with INTERPOL: There is a need to further integrate the work of INTERPOL with that of the UN. DPKO and INTERPOL have already established a memorandum of understanding, which should provide a strong basis for ongoing collaboration, including the exchange of personnel. Additionally, the UN Police Adviser should incorporate as far as possible UN police missions into INTERPOL's I/24-7 database, which provides access to secure databases of criminal fingerprints, photographs, and DNA, and to the MIND/FIND stolen and lost documents databases.
- 45. Develop regional partnerships: By direction of the Secretary-General, the UN Police Adviser should further develop the UN's relationship with regional partners such as the EU and the Pacific Islands Forum, which have developed significant expertise in long-term multinational policing expeditions and regional responses to organized crime.
- 46. Develop strategic and operational partnerships: The UN Executive Office of the Secretary-General should also develop strategic and operational partnerships with other relevant external organizations, such as customs and border control organizations, anticorruption organizations, and regional policing partners. (If a Joint Crime Threat Analysis Cell were established within DPKO OROLSI, as suggested above, this task could be delegated to that Cell.) Some missions, such as MINUSTAH in Haiti, are working with member states and international organizations such as the World Customs Organization, the World Bank, and Frontex, to develop host-state border control, customs, and migration management capacity. Analogous efforts are under way

in the area of anticorruption in a number of missions, as the control of corruption is increasingly becoming a key benchmark for mission drawdown. But these ad hoc forms of cooperation should be made more systematic.

- 47. Effective efforts to combat the nexus of TOC, conflict, and corruption—for example in the Balkans and Liberia—have depended on investigation and prosecution of ringleaders, married to economic incentives that woo lower-level cadres away from organized crime. Yet at present the international community approaches the involvement of these ringleaders in a haphazard fashion, unless they commit certain international crimes such as crimes against humanity, genocide, or war crimes, in which case, investigation and prosecution is increasingly becoming the norm. A similar approach should be considered for those suspected of involvement in TOC.
- 48. Integrate investigation and prosecution into planning: Investigation and prosecution of TOC should be more formally integrated into strategic and political planning processes throughout the UN system. UN bodies such as OLA, DPA, DPKO, and UNODC should work together to establish more formal guidelines for how and when these tools should be used. Although the international community has experimented in recent years with a range of hybrid and internationalized investigative and prosecutorial mechanisms—such as the Independent International Investigation Commission and the Special Tribunal for Lebanon, the Special Court for Sierra Leone, Commissions of Inquiry in the Balkans and Darfur, the Extraordinary Chamber of the Courts of Cambodia, the International Commission against Impunity in Guatemala (CICIG), and of course the International Criminal Court-little systematic thought has been given to developing international investigation and prosecution tools within the UN framework that address TOC.

- 49. **Convene a high-level lessons-learned meeting:** The Executive Office of the UN Secretary-General and relevant departments should work with external research partners to convene a high-level meeting of member states and UN officials to learn lessons from past experiences with internationally assisted investigation and prosecution and to consider how to better integrate peacemaking, peacekeeping, peacebuilding, and crime-fighting efforts.
- 50. UNODC should play a greater role in informing strategic decision making in New York, for example through having senior UNODC staff directly brief the Security Council on specific TOC thematic threats (e.g., human trafficking, arms trafficking) or regional threats (e.g., drug trafficking in West Africa), or having UNODC participate with greater regularity in meetings of the Secretary-General's Policy Committee.

#### V. CREATE NEW INCENTIVES TO FIGHT TOC

- 51. Create positive and negative incentives: Efforts are needed to create new incentives for states—and private actors—to fight TOC. Positive incentives should include access to technical assistance (such as legislative drafting, law-enforce-ment training, and security sector reform programming), better-than-market multilateral finance (such as World Bank financed debt buybacks), or access to whitelists of financial institutions. Negative incentives should include negative peer reviews, blacklisting, or, in extreme cases, targeted sanctions imposed by the United Nations Security Council.
- 52. Link capacity building to needs: In order to build capable institutions to fight TOC, it is necessary to link international capacity-building efforts to recipients' needs, rather than donor preferences. There is a profligate duplication of capacity-building efforts in the rule of law, justice, policing, customs, and counternarcotics sectors by bilateral and multilateral donors. States require similar enhancements

(such as strengthened civil-service structures, transparent governance, and fostering the rule of law) to deal with a range of national and transnational security challenges (such as TOC, the proliferation of small arms and nuclear weapons, and counterterrorism efforts), so capacity-building assistance should seek to make enhancements that are effective across the board, and not reproduce the silos that exist at the international level.

- 53. Formulate integrated assessments: In order to avoid reproducing institutional silos, there is a need to formulate integrated assessments of states' needs to fight TOC and these other transnational security challenges. These assessments could be provided by a mechanism under the Conferences of Parties of the TOC Convention or the Convention against Corruption, or through a mechanism connected to the 1540 Committee. It might also be useful to consider peer-review mechanisms like those used by the Financial Action Task Force. States should also consider ways to bring together the capacity-building efforts of a wide range of development donors (bilateral and multilateral), the Conventions of the Parties (to the TOC and CAC Conventions), regional organizations, and the World Bank, to develop common assessment frameworks and coordination frameworks. And states will also need to find ways to work with nonstate actors, such as the financial sector, professional associations, and associations of Chiefs of Police, to integrate them into these capacity-building efforts.
- 54. **Multilateralize monitoring arrangements:** Member states should look to multilateralize monitoring arrangements such as the FATF and use them as a basis for matching the need for assistance in fighting TOC to the supply of such assistance. Such an approach would facilitate a more proactive risk mitigation strategy and reduce the costs of TOC to all players within the system.

## VI. BUILD A SYSTEM FOR DEPLOYING "BLUE SUITS" AND NOT ONLY "BLUE HELMETS"

- 55. **Promote civilian expertise:** A group of interested member states should build on existing national and cooperative initiatives to promote an on-call roster of civilian expertise within the UN system ("blue suits"), appropriately trained and managed, to deploy into conflict, postconflict, and crisis-affected zones at short notice to undertake peacebuilding tasks—including preventing TOC from becoming a peace spoiler.
- 56. While the UN has built up a framework for rapidly mobilizing and deploying "blue helmets" within common doctrinal, accountability, and operational frameworks, it lacks a similar framework for mobilizing and deploying such "blue suits" outside the realm of peacekeeping. Effective efforts to combat TOC—and other related transnational security challenges require a more sophisticated framework for deploying a wide range of civilian expertise into conflict, postconflict, and weak governance situations. This would provide a system for mobilization and rapid deployment of judges, lawyers, civil servants, detention officers, financial system analysts, and governance experts, to build the long-term security that protects societies against organized crime and conflict.

# Conclusion

57. The threat posed by TOC to international peace and security is real and may be growing. States, international organizations, and civil society should move now to reexamine this threat, and to rethink their approach to dealing with it. Without a concerted effort to do so through, for example, the ideas for action offered above, the multilateral security system risks being overwhelmed in time by the slow-burning impacts of the activities of transnational criminal networks.

- 58. Already, the costs of the outdated approach to TOC are beginning to become apparent in venues as diverse as Africa and Afghanistan. A fresh approach is needed to ensure that TOC does not become an unstoppable source of funding and supply to pirates, terrorists, corrupt politicians, warlords, and rogue governments around the world.
- 59. State-based crime fighting must be complemented by improved information sharing, strategic analysis, interoperability, and integration with peacemaking, peacekeeping, peacebuilding, and crime fighting at the international level. Only with such a concerted effort will we ensure that peace efforts and crime fighting do not work at cross-purposes and that the insidious, clandestine, and corrosive threat posed by TOC does not suddenly become a dramatic and overt one—and that if or when it does, the multilateral system has adequate capacity to cope with the crisis that results.

# Endnotes

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- 2. United Nations Office on Drugs and Crime, *Drug Trafficking as a Security Threat in West Africa*, Vienna, October 28, 2008.
- 3. Contained in the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- 4. For example, in 2008 UNODC published two notable reports: In its annual *World Drug Report*, UNODC documents significant successes in efforts to contain drug flows, including a containment of global cocaine flows in the last decade. And yet, in *Drug Trafficking as a Security Threat in West Africa*, it describes how the reorientation of even these reduced flows, through weak states and conflict-affected regions presents a new security threat.

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# Annex 1: Background Non-paper

## NON-PAPER FOR OPENING PLENARY MEETING

#### APRIL 1, 2008

#### Introduction

The international community has come a long way in recognizing and responding to the security challenge posed by transnational organized crime. The World Ministerial Conference on Organized Transnational Crime in 1994 was particularly important in this respect and galvanized a process that culminated in the Palermo Convention in December 2000. In many respects, the convention was a remarkable achievement in terms of defining the problem and identifying important responses. Shortcomings remain, but the level of achievement was significant. The United Nations can do things that are beyond individual national governments and other international bodies. This "value added" contribution is particularly important in creating norms and standards for states in their efforts to combat transnational organized crime, agenda-setting for the international community, and holding states accountable to that community. With the present set of institutional arrangements, however, the UN is not maximizing its potential in these areas.

1. What are the current policy and institutional shortcomings in multilateral security capacity for combating transnational organized crime?

Shortcomings of the regime can be understood in terms of (1) the regime itself; (2) the nature of the challenge; (3) the sensitivity of the law-enforcement domain; (4) the way in which states respond to regime demands; and (5) the problem of a static framework to meet a dynamic threat.

• The regime to combat transnational organized crime is weak rather than strong in terms of the demands it makes on member

states. The result of a protracted negotiation process that did not occur in a crisis, the Palermo Convention suffers from the dilution and weakness of lowest-common-denominator solutions. Compared to UNSCR 1373 on counterterrorism and 1540 on counterproliferation, the transnational organized crime regime is more about building state capacity and creating a framework for coordinated (albeit nationally led) action rather than mandating specific efforts to combat transnational organized crime. It creates a baseline for coordination but does not establish global standards that states have to meet. A partial exception is anti-money-laundering (AML), where standards have emerged incrementally and been extended to multiple regions. This occurred outside the UN system (primarily through the OECD's Financial Action Task Force) which is still hamstrung by the consensus-based model that inhibited a stronger convention.

- The threat posed by transnational organized crime is insidious rather than dramatic, subtle rather than overt, long term rather than immediate. The result is a lack of urgency, a sense that transnational organized crime can be dealt with after more serious threats have been contained or eliminated. Without a compelling and immediate need for action, incentives to challenge existing presumptions about statehood and national sovereignty are minimal.
- Conversely, the maintenance of law and order is central to territorial sovereignty. Because law and the process of criminalization is so fundamental to existing notions of political community and sovereign exclusivity, states have real and justifiable concerns about surrendering the power to define and combat "crime" to the international community. As a result, states still operate in a bordered world, whereas transnational organized crime operates in what, in most respects, is a borderless world. Transnational organized crime erodes sovereignty in some very real ways but states are still reluctant to give up the formalities of sovereignty in order to combat it more effectively.
- States often fail to meet their international obligations. Conformity with the norms and standards required by the regime to combat transnational organized crime is often cosmetic rather than real. States accept the obligation but tacitly

defect. Cosmetic conformity is acceptable because incentive structures for real conformity and solid implementation are minimal, as are the disincentives for failure. With no associated penalties, failure to meet obligations is a low-cost, easy option. Capacity gaps, a lack of will, and acquiescent, corrupt, or collusive governments undermine multilateral capacity to combat transnational organized crime: weak links in effect sever the multilateral chain.

- National laws and international conventions are based on the transnational organized crime of the past, not the future. This is a problem. Transnational organized crime itself is best understood in terms of complex adaptive systems which display considerable agility, innovation, opportunism, and resilience. It is largely, and evidence suggests increasingly, network-based; operates in a variety of criminal markets which sometimes overlap and intersect; and is facilitated by links with licit institutions and legitimate actors. In addition, transnational organized crime is opportunistically pervasive. Fed by poor governance, and demographic (youth bulge), geographic (urbanization), and socioeconomic (inequalities) conditions, transnational organized crime has become ubiquitous. Conflict offers opportunities for criminal organizations to profit and for other belligerents (warlords, terrorists, militias, ethnic factions, gangs, insurgents, etc.) to use criminal activities to fund their political and personal agendas. Criminal organizations broadly defined also have an inherent capacity to act as spoilers-not just in peace negotiations but also in postwar reconstruction and efforts to restore the rule of law. Ironically, by responding to incentives for illicit supply that are inadvertently created by sanctions or embargoes, transnational organized crime undermines efforts to prevent, contain, or terminate conflict. In addition, transnational organized crime is constantly seeking new planes of operation such as cyberspace where it puts at risk the integrity of information systems, threatens the safety and security of data, and erodes trust in e-commerce. In sum, transnational organized crime is inherently dynamic and this needs to be reflected in the strategy developed to fight it.
- 2. Why have previous attempts to address these shortcomings failed?

Previous efforts to address these shortcomings have failed because of a lack of urgency, a preference for the status quo, a lack of consensus, a disconnect between diplomacy and law enforcement, and a tendency to compartmentalize rather than connect security challenges.

- The transnational organized crime regime and multilateral security capacity in this area are relatively new. In recent years the transnational organized crime threat has been overshadowed by terrorism and proliferation which are explosive in the short term, in contrast to transnational organized crime, which is corrosive in the long term. It is also still seen as a standalone threat rather than one which intersects with other security challenges in pernicious ways. As a result there have been few institutional or behavioral incentives created by the international community for states or private actors to address the shortcomings.
- Maintaining the status quo or making incremental adjustments is easier than reform and innovation. There has been no hard look at the UN system as a whole, particularly the UNODC, to see if there is a consistent strategy for fighting transnational organized crime or if resources are being allocated appropriately. Current arrangements might suggest that counternarcotics receives an inordinate share of resources and that a more inclusive and comprehensive counter-TOC approach receives too few resources.
- Perceived divisions (1) between states as consumers and states as producers of illicit goods (especially narcotics), and (2) between states that treat consumption of illicit goods as a law-enforcement problem and those that treat it as a social problem to be tackled through public policy regimes (e.g., public health regimes in the area of drug consumption) have inhibited development of comprehensive strategies. There are no global programs of action—even in the area of human trafficking, let alone drug trafficking—that combine demand- and supplyreduction approaches in a holistic strategy designed to shrink the market and reduce the profits. There is also uncertainty about differences in supply/demand dynamics depending on whether commodities being trafficked are prohibited, regulated, or stolen, as well as about the divergent impact of

the criminalization and penalization of different parts of the transaction process.

- Disconnects between the world of diplomacy and the world of law enforcement or what used to be termed "high" policy and "low" policy areas have resulted in a gap between formal declaratory policy and implementation. Sanctions, for example, are put in place but not effectively policed. Moreover, divergent imperatives and procedures create inherent tension that inhibits efforts to bridge the gap between the two worlds. Diplomatic negotiations paper over political differences by finding creatively ambiguous wording that can serve as common ground. This is anathema to law enforcement, where ambiguity results in breakdowns in implementation, abuse of power, and even corruption. Peace operations and other interventions established by the international community increasingly get caught in this disconnect, with confusion in their mandates and management over prioritization between their role as mechanisms for mediating between contending political forces and their role as enforcers of international norms against human rights violations, criminal trafficking, and sanctions busting.
- Security challenges tend to be categorized and compartmentalized rather than connected. The "space between" is ignored that is, the connections between trafficking in different commodities or between different kinds of actors. This results from silo-like organizational and analytic structures, which neglect transnational and interdisciplinary connections (e.g., the transnational organization of A. Q. Khan's network, or the connections among illicit wildlife, credit card information, and even music/DVD markets, and a variety of forms of transnational, criminal, conflict-producing, and even terrorist organizations).

# 3. What policies and institutional renovations, including legal frameworks and financial arrangements, are needed?

Multilateralism offers a basis for building shared normative frameworks, programs of action, and accountability and incentive structures that can encourage coordinated implementation. Unfortunately, multiple stakeholders have never coordinated their activities, let alone developed an overall strategic approach to combating transnational organized crime. Although existing piecemeal approaches facilitate some progress in specific issue areas (such as AML), they also lead to fragmentation and everincreasing implementation and coordination costs. Consequently, more ambitious approaches need to be adopted. The possibility space can be mapped out in terms of two broad options: enhanced connectivity and holistic strategy development.

- One option is to focus on leveraging existing arrangements better through improved connection. The UN could do a great deal more to coordinate strategy and share information between existing agencies and programs combating the same transnational criminal organizations and networks. This could include, for example, creating a Permanent International Commission to share information and coordinate strategy among the UNODC, UNDPKO, UNDPA (including UN sanctions mechanisms and perhaps the CTED), UNDSS, UNDP, OLA, OHCHR, and INTERPOL. As appropriate, arrangements could also be made for the participation of other bodies such as FATF, Europol, IAEA, WCO, WIPO, Egmont Group, and other relevant bodies.
- Another important step would be for the UN to consider "mainstreaming" transnational criminal networks as objects for analysis, monitoring, and even proactive action, by its line agencies and departments. Analysis of transnational organized crime as a potential spoiler may be relevant to those departments and agencies mentioned above (in paragraph 11). In addition, other agencies, such as UNICEF, OCHA, UNHCR, WFP, and others, may also need to consider organized criminal groups as potential interlocutors or targets for action. Some departments are already beginning to consider the impact of TOC on their work (for example through the projected focus in August 2008 of the International Policing Advisory Council, a strategic advisory body set up by UNDPKO, on peace operations and organized crime). But there is room for significant further creativity.
- A more comprehensive option would look beyond mere coordination of existing silo structures to more deliberate and holistic strategy development. This could do more to develop

an understanding of the reach and proliferation of criminal organization at the global level, and its potential long-term impacts on national, regional, and international security. This could commence with a high-level review of policy within the UN system as a whole, either through an ad hoc summit, or through the development of system-wide guidance by the Secretary-General's Policy Committee, consulting broadly throughout the organization, and as appropriate beyond. This review should consider (1) the key contributions each institution makes; (2) how these contributions could be enhanced and integrated; (3) an appropriate division of labor among institutions with complementary roles and missions; and (4) methods of coordinating activities and sharing information. (The Egmont Group might be an interesting model to emulate with its intranet and annual meetings.)

#### 4. What strategy is needed to achieve these renovations?

Although improved connectivity and a more holistic strategy are essential, strategy has to be politically as well as technically feasible. A transnational organized crime summit could be an important step in (1) mobilizing political support for a renewed campaign against transnational organized crime and (2) developing a strategic approach that can be effectively enunciated, carefully monitored, and constantly adapted.

- An even more comprehensive approach would involve a summit going beyond the organization, specifically to consider the security implications of TOC for international peace and security. This could draw in member states, relevant international and regional organizations, civil society, and the private sector. If modeled on the large UN conferences of the 1990s, it could perhaps similarly serve as an occasion for developing a shared discourse and normative framework that goes beyond the coordination framework provided by the Palermo Convention and creates the basis for both ensuring and monitoring state (and even private) compliance with norms and implementation of programs.
- The summit would also mobilize support for a strategy based on the following requirements, principles, and characteristics: (1) a clear and realistic statement of the desired end state; (2) future-

based, not past-based, strategies designed to anticipate the ways the challenges posed by TOC may morph; (3) impact-based, not process- or institutions-based—so it should develop benchmarks for measuring effectiveness; (4) coherent guidance for agencies and stakeholders; (5) focused on both the environment and the actors (conditions and adversaries) so that it does not just attack symptoms; and (6) integrated milestones and measures of effectiveness.

Phil Williams with IPI

# Annex 2: Reflections from the Opening Plenary Meeting

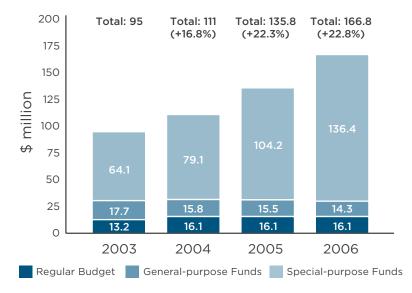
# THEMES AND QUESTIONS ARISING FROM THE OPENING PLENARY MEETING

#### APRIL 7, 2008

- 1. What are the current policy and institutional shortcomings in multilateral security capacity on transnational organized crime?
  - Increasingly strong and apparent connections between transnational organized crime (TOC) and armed conflict.
    - Armed groups (both state and nonstate) are turning to methods of global financing and resourcing used by TOC, and working directly with TOC groups (e.g., role of arms traffickers such as Viktor Bout in sanctions busting, role of criminal groups in helping rulers in Yugoslavia, Iraq, Haiti, Liberia, and elsewhere avoid UNSC-imposed sanctions).
    - We also see a reverse trend, with some TOC groups particularly narcotraffickers in Afghanistan and Central America—becoming increasingly militarized.
    - In some cases, TOC groups are posing threats to international peace and security even without direct militarization, through corruption of militaries and police in fragile states (Guinea-Bissau, Haiti).
    - This is even before we countenance how TOC may pose a threat in the future, particularly through activities in cyberspace.
  - As a result, there is increasing blurring between the peacemaking and law-enforcement activities of the UN.
    - This challenges the notion that organized crime issues are "Vienna" rather than "New York" issues and underlines the need for better NYC-Vienna policy coherence.
  - In fact, there is a need to conceive of TOC as a potential strategic threat to international peace and security, as the UN Security

Council (UNSC) recently did in referring Guinea-Bissau to the Peacebuilding Commission (PBC).

- But this will also require reinforcing the capacity of existing UN departments and agencies to analyze TOC as a strategic threat.
  - The United Nations Office on Drugs and Crime (UNODC) has c. 350-400 staff at any one time, in twenty-two offices (headquartered in Vienna). Its annual budget is c. \$150 million (2006-2007 biennium).
  - But the allocation of these resources is heavily weighted to bilateral donors' priorities, which tend to focus on counternarcotics capacity building:
    - Only 12 percent of the budget is from assessed contributions; and more than 90 percent of all funding is earmarked for special purposes, with almost all of that earmarked for drugs programs.
    - Special purpose finance is used for legal and legislative capacity and technical assistance, and some on research.



- The proportion of special-purpose finance is growing:

Source: UNODC, Annual Report 2007, available at www.unodc.org/documents/about-unodc/AR06\_fullreport.pdf, p. 88.

- Very little funding is allocated to broad trend monitoring and analysis, despite the fact some of the most well-received UNODC publications, such as the annual *World Drug Report*, *Trafficking In Persons: Global Patterns* (2006), and the recent *Organized Crime and Irregular Migrations from Africa to Europe* provide exactly that kind of overall strategic analysis.
- UNODC resources are not located in places that suggest forward-thinking strategic analysis of potential TOC threats: for example, there are only a handful of staff in the UNODC New York liaison office, and only a couple of staff in all of West Africa.
- UNODC staff are primarily serving as project-implementation contractors for European donors, undertaking counternarcotics capacity building—rather than strategic analysis and response to a wide range of criminal threats—but where they do take on analysis roles, they are extremely effective and the results respected by the membership.
- The two major commissions that deal with crime-control policy among member states lack adequate focus on the potential strategic threat posed by TOC, and the capacity to meaningfully influence policy at the global level.
  - The Commission on Narcotic Drugs (CND) is the central policymaking body within the UN system dealing with drug-related matters
- It has little influence over the counternarcotic strategies of the major players, and serves mainly as an information-sharing regime.
- It does, however, have influence over what narcotic substances are controlled by the international counternarcotics regime.
- But there is little scope for the CND to adopt a more strategic approach to controlling narcotics, for example by suspending the application of the major drug-control treaties to specific postconflict countries (e.g., Afghanistan) to allow for a transitional approach to law enforcement (as Barnett Rubin has recently called for).
  - The Commission on Crime Prevention and Criminal Justice (CCPCJ) is the central policymaking body within the UN

system providing policy guidance in the field of crime prevention and criminal justice to member states.

- The CCPCJ offers more scope to influence member-state policy, but has in recent years amounted to something of a talking shop for crime control policy experts from capitals.
- States also seem rather disengaged: fewer than 50 percent have in recent years responded to the UN Survey of Crime Trends and Operations of Criminal Justice Systems, the CCPCJ's main tool for gathering evidence to inform its policy deliberations.
- As a result, there is little prospect of the CCPCJ serving as the engine for a shift towards a more strategically oriented approach to counter TOC at the multilateral level.
- 2. Why have previous attempts to address these shortcomings failed?
  - States justifiably guard their criminal law-making and implementing powers carefully, because it is a central part of their monopoly on legitimate violence—so they have been reluctant to stimulate the growth of a strong multilateral capacity at the international level to either define or enforce crime control policy or criminal law.
  - Both member states and the multilateral system have failed to anticipate the evolution of TOC into a strategic threat to their polities, societies, and economies.
    - This may also have been a product of the disconnect between "high" and "low" policy, or between strategic thinkers and diplomats and law enforcers on the ground.
    - As a result, we have all been surprised to see TOC emerging with greater frequency in discussions in New York.
  - An excessive focus on supply-side responses may have contributed to a failure to appreciate the complexity and resilience of criminal markets.
  - It may also have contributed to a loss of political interest in this topic, as states saw the concept of shared responsibility eroded.
- 3. What policies and institutional renovations, including legal frameworks and financial arrangements, are needed?

- The fast-moving nature of TOC evolution means the UN has to become more dynamic and flexible in response.
  - We need to adopt a more forward-thinking frame of reference in conceiving TOC. This may mean examining its role in cyber society more closely.
- We also need to anticipate the impact that demographic changes—urbanization (failed cities), population shifts, youth distribution (structural unemployment of youth)—will have on the incidence and activities of organized crime, and how this will change impacts on the UN system.
- Increasingly, the threat from TOC will be greatest precisely where control capacity is weakest.
  - This will include places that are vulnerable to multiple other stressors, such as climate change, disease, and conflict.
  - But as a result, efforts generally to build rule of law and robust, responsible, and effective state institutions may also help make states and societies more resilient to TOC.

#### 4. What strategy is needed to achieve these renovations?

- This will require better leveraging of existing capacities, including through improved information sharing and joint analysis, with possible movement towards more integrated and holistic policy and strategy.
  - But the modalities of connection and information sharing need significant discussion.
  - And the crucial issue of how to integrate the strategic or risk management perspective of New York with the technical expertise and law-enforcement perspective of Vienna remains open.
- Should UNODC be given a stronger and more senior presence in New York to emphasize the strategic aspects of its work?
- Should UNODC have more of a presence on the Secretary-General's Policy Committee?
- Is there room for the SG to appoint a Special Adviser on Transnational Organized Crime?
- What is the role of the UN Police Adviser in this respect, if any?

- A combination of "high" policy initiatives to sustain interest in counter-TOC activities, and "low" policy initiatives to foster transgovernmental networks among law enforcers, risk analysts, and peacemakers.
  - There may be room for a "Naples+15" conference to move both agendas forward, by (1) assessing where we are fifteen years after Naples; and (2) to mobilize strategy/will for a new push.
  - Much more thought needs to be given to the role of the UN's operational presence in countering TOC—the peacekeepers, sanctions expert groups, and IAEA inspectors.
- In terms of policy and doctrine, reemphasis of the "shared responsibility" of states for the harms caused by TOC may also be needed, which may also help frame TOC as a common social problem (or public order issue?) that can undermine security, development, and human rights by corrupting the relationship between the state and society.
  - Is there scope for conceiving certain transnational criminals as such a threat to international society that they ought be "outlawed" by being placed on a UNSC-backed sanctions list, as terrorists now are? Could a framework sanctions resolution be created with a list that could be altered by some body that was more representative, and paid greater attention to due process, than current UN sanctions arrangements provide for?
  - If this is feasible for individuals, could it also be feasible for organizations (such as banks) that violate agreed global standards relating to TOC? Or, alternatively, as Jonathan Winer suggests, could there be room for a global "white list" of approved financial institutions?
  - Is there scope for referral of TOC groups by the UNSC to the ICC when their conduct amounts to a Rome Statute crime (e.g., constitutes a widespread or systematic attack on a civilian population constituting a crime against humanity)?
- At the operational level, improved coordination within the UN and among different bilateral and multilateral partners to streamline capacity-building efforts in areas related to rule of law is needed. Assistance efforts should deliver a comprehensive and synchronized package addressing a wide range of

transnational security challenges. Yet it remains unclear how this could be achieved.

- Could the PBC serve as a model? Could such an intergovernmental approach be adapted to include UN and other partners?
- Could the Egmont Group serve as a model for secure public-private information sharing and development of best practices?
- Or should regional organizations serve as assessors of their member states' capacity-building needs (in partnership with the states), and then work with the UN to deliver a package of capacity-building assistance over the medium to long term?
- Could the UN even help ROs build their own regional counter-TOC capacities?

IPI

# **Annex 3: Methodology and Timeline**

Four questions guided the Task Forces in helping IPI to generate policy and institutional ideas for action:

- 1. What are the current policy and institutional shortcomings in multilateral security capacity on these issues?
- 2. Why have previous attempts to address these shortcomings failed?
- 3. What policies and institutional renovations, including legal frameworks and financial arrangements, are needed?
- 4. What strategy is needed to achieve these renovations?

The Opening Symposium on Development, Resources, and Environment served as an essential backdrop to the Task Forces. By examining these critical related issues, the symposium provided a larger geopolitical and economic context for the work of the subsequent Task Forces on security challenges. The two Task Forces, convened sequentially, addressed two thematic clusters of issues, each of which were broken down into smaller roundtables, as follows:

Task Force One	Transnational Security Challenges
	1. Transnational Organized Crime
	2. Weapons of Mass Destruction
	3. Global Terrorism
	4. Small Arms and Light Weapons
	5. Biosecurity
Task Force Two	Inter- and Intra-state Armed Conflict
Task Force Two	Inter- and Intra-state Armed Conflict 6. Peace Operations
Task Force Two	
Task Force Two	6. Peace Operations
Task Force Two	6. Peace Operations 7. Mediation and Peace Processes

Each Task Force consisted of members drawn from UN member states, academia, and policy-research institutions. The composition of each group ensured a broad range of perspectives regarding multilateral security capacity on the issues in question. Through this intensive work process, the Task Forces constituted core groups of stakeholders with an interest in developing practical strategies for addressing the institutional and policy shortcomings in these areas.

Task Force members met in opening and closing plenary sessions, as indicated below. Experts, in collaboration with IPI, prepared a series of non-papers, serving as a basis for discussion. Smaller groups gathered between the plenary sessions in roundtables, along with invited guest experts, for more in-depth, topic-specific discussions. Following each roundtable IPI produced a summary reflecting the group's discussions that served as a guide for the closing plenary session. Likewise, IPI drew on the Task Force deliberations to produce the final reports, detailing practical and achievable steps for strengthening multilateral action in the area in question. As noted, the content of these reports is the responsibility of IPI, and does not necessarily represent the positions or opinions of individual Task Force participants.

## TIMELINE

Opening Symposium "Development, Resources, and Environment: Defining Challenges for the Security Agenda" February 7-8, 2008 [Greentree Estate, Long Island]

## Task Force One: Transnational Security Challenges

#### **Opening Plenary Meeting**

April 2-4, 2008 [Greentree Estate, Long Island]

- 1. Roundtable on **Transnational Organized Crime** April 10-11, 2008 [Millennium UN Plaza Hotel, New York]
- 2. Roundtable on Weapons of Mass Destruction April 24-25, 2008 [IPI, New York]

- 3. Roundtable on **Global Terrorism** May 1-2, 2008 [IPI, New York]
- 4. Roundtable on **Small Arms and Light Weapons** May 8-9, 2008 [Millennium UN Plaza Hotel, New York]
- 5. Roundtable on **Biosecurity** May 21-22, 2008 [IPI, New York]

Closing Plenary Meeting May 28-30, 2008 [Greentree Estate, Long Island]

#### Task Force Two: Inter- and Intra-state Armed Conflict

#### **Opening Plenary Meeting**

June 11-12, 2008 [Greentree Estate, Long Island]

- 6. Roundtable on Peace Operations June 16-17, 2008 [IPI, New York]
- 7. Roundtable on **Mediation and Peace Processes** June 30-July 1, 2008 [IPI, New York]
- 8. Roundtable on **Peacebuilding** July 2-3, 2008 [IPI, New York]
- 9. Roundtable on **Conflict Prevention and the Responsibility to Protect** July 8-9, 2008 [IPI, New York]

#### **Closing Plenary Meeting**

October 15-16, 2008 [Greentree Estate, Long Island]

# Annex 4: Task Force Participants

## **Co-Chairs**

H.E. Mr. Abdullah M. Alsaidi, *Permanent Representative of the Republic of Yemen to the United Nations* 

H.E. Mr. Dumisani Shadrack Kumalo, *Permanent Representative of the Republic of South Africa to the United Nations* 

H.E. Mr. Claude Heller, *Permanent Representative of Mexico to the United Nations* 

H.E. Mr. Peter Maurer, *Permanent Representative of Switzerland to the United Nations* 

H.E. Mr. John McNee, *Permanent Representative of Canada to the United Nations* 

H.E. Mr. Vanu Gopala Menon, *Permanent Representative of the Republic of Singapore to the United Nations* 

H.E. Mr. Heraldo Muñoz, *Permanent Representative of Chile to the United Nations* 

H.E. R.M. Marty M. Natalegawa, *Permanent Representative of the Republic of Indonesia to the United Nations* 

H.E. Mr. Christian Wenaweser, *Permanent Representative of the Principality of Liechtenstein to the United Nations* 

# Permanent Missions and Delegations to the United Nations

African Union	Ghana
Algeria	Greece
Argentina	India
Australia	Indonesia
Austria	Ireland
Bangladesh	Israel
Brazil	Japan
Canada	Liechtenstein
Chile	Lithuania
China	Luxembourg
Colombia	Malaysia
Costa Rica	Mexico
Cuba	Morocco
Czech Republic	Mozambique
Denmark	Netherlands
Egypt	New Zealand
Ethiopia	Niger
European Union	Nigeria
Finland	Norway
France	Pakistan
Germany	Palau

Portugal Qatar Republic of Korea Romania Russian Federation Singapore Slovak Republic South Africa Spain Sweden Switzerland Tanzania Turkey Uganda United Kingdom United States of America Uruguay Viet Nam Yemen

International Peace Institute

#### **Expert Moderators and Contributors**

#### Chronic Underdevelopment

Said Djinnit, Commissioner for Peace and Security, African Union

- Raymond Gilpin, Associate Vice President, Sustainable Economics, Center of Innovation, United States Institute of Peace (USIP)
- Anke Hoeffler, Research Officer, Centre for the Study of African Economies, Oxford University
- Arvind Panagariya, Jagdish Bhagwati Professor of Indian Political Economy, Professor of Economics, Columbia University
- John Sender, Emeritus Professor of Economics, University of London; Senior Research Fellow in Development Studies, University of Cambridge
- Ronald J. Waldman, Professor of Clinical Population and Family Health, Professor of Clinical Epidemiology, Columbia University
- Ngaire Woods, Director of the Global Economic Governance Programme, Oxford University

#### **Energy and Resource Scarcity**

- Albert Bressand, Executive Director, Center for Energy, Marine Transportation and Public Policy, Columbia University
- Nikhil Desai, Consultant, World Bank and German Agency for Technical Cooperation (GTZ)
- Antoine Halff, Adjunct Professor of International and Public Affairs, Columbia University
- Monty P. Jones, *First Executive Secretary, Forum for Agricultural Research in Africa*
- Roberto Lenton, *Chair of the Technical Committee*, *Global Water Partnership*
- Richard Matthew, Director, Center for Unconventional Security Affairs, University of California Irvine

#### **Environment and Climate Change**

- Scott Barrett, Professor of Environmental Economics and International Political Economy; Director, International Policy Program; Director, Global Health and Foreign Policy Initiative, Johns Hopkins University
- Reid Detchon, *Executive Director*, *Energy and Climate*, *UN Foundation*
- Mark Goldfus, Head of Public Policy, Merrill Lynch
- Peter Haas, Professor of Political Science, University of Massachusetts - Amherst
- Maria Ivanova, Assistant Professor of Government and Environmental Policy, College of William & Mary; Director, Global Environment Project, Yale Center for Environmental Law and Policy
- Adil Najam, The Frederick S. Pardee Chair for Global Public Policy, Boston University
- Cynthia Rosenzweig, Senior Research Scientist, NASA Goddard Institute for Space Studies

#### Task Force One on Transnational Security Challenges

#### Transnational Organized Crime

- Phil Williams, *Professor, Graduate School of Public and International Affairs, University of Pittsburgh* (Expert Moderator)
- Peter Gastrow, Cape Town Director, Institute for Security Studies (ISS)

Chizu Nakajima, Director, Centre for Financial Regulation and Crime (CFRC), Cass Business School

#### Weapons of Mass Destruction

Christine B. Wing, Senior Research Fellow, Center on International Cooperation, New York University (Expert Moderator)

Chaim Braun, Fellow and Affiliate, Centre for International Security and Cooperation (CISAC), Stanford University

- Sue E. Eckert, Senior Fellow, The Watson Institute for International Studies, Brown University
- Alaa Issa, Fellow, Weatherhead Center for International Affairs, Harvard University
- Geoffrey Wiseman, Acting Director, USC Center on Public Diplomacy, the Annenberg School for Communication, University of Southern California
- Jing-dong Yuan, Director of the East Asia Nonproliferation Program (EANP), James Martin Center for Nonproliferation Studies, Monterey Institute of International Studies

#### **Global Terrorism**

- Eric Rosand, Senior Fellow, Center on Global Counterterrorism Cooperation (Expert Moderator)
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- Peter Neumann, Director, International Centre for the Study of Radicalisation and Political Violence (ICSR), King's College London
- Matthias Sonn, Head, Task Force, International Co-operation on Counterterrorism, Foreign Office, Federal Republic of Germany
- Curtis A. Ward, President, Curtis Ward Associates LLC
- David Wright-Neville, Associate Professor, Global Terrorism Research Centre, Monash University

#### Small Arms and Light Weapons

- Herbert Wulf, Adjunct Senior Researcher, Institute for Development and Peace, University of Duisburg/Essen; Associate, Bonn International Center for Conversion (BICC) (Expert Moderator)
- Cate Buchanan, Head of Negotiating Disarmament, Centre for Humanitarian Dialogue
- Patrick McCarthy, Coordinator, Geneva Forum
- Mohammad Masoom Stanekzai, Senior Fellow, Jennings Randolph Fellowship Program, United States Institute of Peace

Rachel Stohl, Senior Analyst, Center for Defense Information (CDI)

Valerie Yankey-Wayne, Associate with the "Armed Groups Project," University of Calgary

#### Biosecurity

Jean Pascal Zanders, *Director*, *BioWeapons Prevention Project* (Expert Moderator)

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- Ronald J. Waldman, Professor of Clinical Population and Family Health, Professor of Clinical Epidemiology, Columbia University

#### Task Force Two on Inter- and Intra-state Armed Conflict

#### Conflict Prevention and the Responsibility to Protect

- Colin Keating, *Executive Director*, *Security Council Report* (Expert Moderator)
- Steve Crawshaw, UN Advocacy Director, Human Rights Watch
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- Kathleen Hunt, UN Representative, CARE International
- Juan Méndez, President, International Center for Transitional Justice (ICTJ)

William G. O'Neill, Program Director, Conflict Prevention and Peacebuilding Forum, Social Science Research Council

Thomas G. Weiss, Presidential Professor of Political Science; Director, Ralph Bunche Institute for International Studies, CUNY Graduate Center

#### Mediation and Peace Processes

- Fen Osler Hampson, Director, The Norman Paterson School of International Affairs, Carleton University (Expert Moderator)
- Betty Bigombe, Distinguished Scholar, Woodrow Wilson International Center for Scholars
- Priscilla Hayner, Director, Peace and Justice Program, International Center for Transitional Justice (ICTJ)
- Gilbert M. Khadiagala, Head of the Department of International Relations and Jan Smuts Professor of International Relations, University of the Witswatersrand
- Kalle Liesinen, Executive Director, Crisis Management Initiative
- William Zartman, Professor Emeritus, The Paul H. Nitze School of Advanced International Studies, Johns Hopkins University

#### **Peace Operations**

- Ian Johnstone, Associate Professor of International Law, Tufts University (Expert Moderator)
- Salman Ahmed, Visiting Research Scholar, Princeton University
- Major General Patrick Cammaert (Ret.), *Former UN Force Commander*
- Mark Malan, Peacebuilding Program Officer, Refugees International
- <sup>'</sup>Funmi Olonisakin, Director, Conflict, Security and Development Group, King's College London

### Peacebuilding

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- Elizabeth Cousens, Director of Strategy, Centre for Humanitarian Dialogue, New York Office
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Michael W. Doyle, Harold Brown Professor of International Affairs, Law and Political Science, Columbia University

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James Cockayne, Senior Associate

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- 1. Underdevelopment, Resource Scarcity, and Environmental Degradation
- 2. Transnational Organized Crime
- 3. Weapons of Mass Destruction
- 4. Global Terrorism
- 5. Small Arms and Light Weapons
- 6. Biosecurity
- 7. Conflict Prevention and the Responsibility to Protect
- 8. Mediation and Peace Processes
- 9. Peace Operations
- 10. Peacebuilding
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