

OVERVIEW OF ACTIONS TAKEN TO ADDRESS TRANSNATIONAL ORGANIZED CRIME

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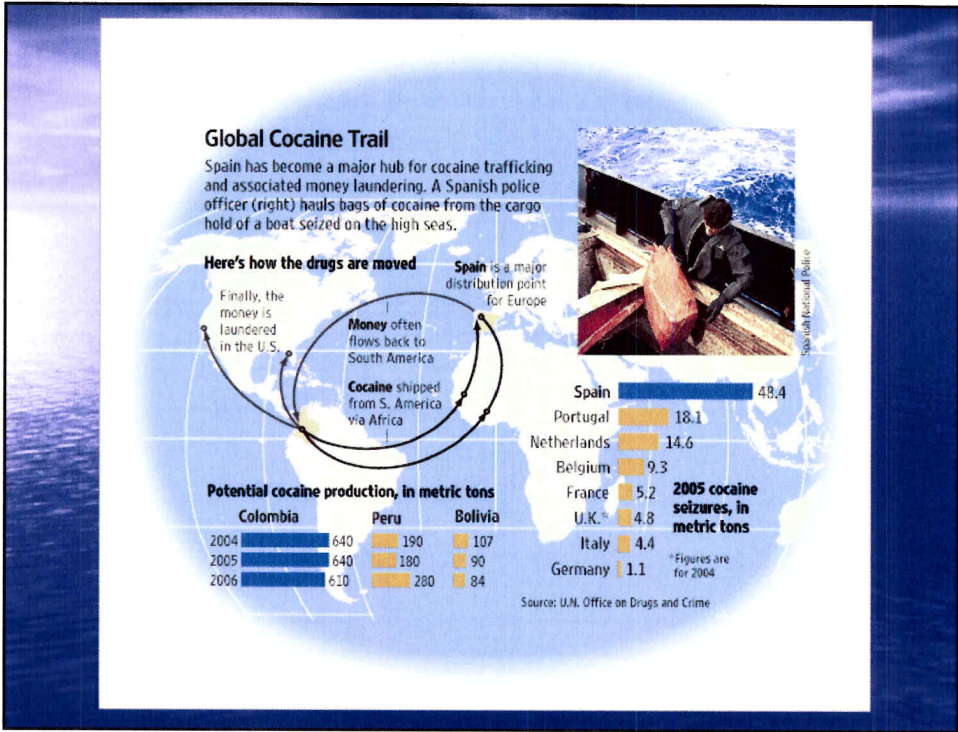
SELECTED THREATS

Africa: The Gathering Storm

Cocaine's New Path: West Africa to Europe

- UNODC calls the shipment of cocaine via West Africa "the main new trend over the last two to three years."
- 550 MT estimated in transit from South/Central America to Europe via maritime & air into West Africa
- Euro laundering: With the euro exceeding \$1.50 and soaring demand for cocaine in countries like Spain and Italy, Europe has become a far more lucrative place to do business for Latin American drug cartels than in previous years.





Piracy & Armed Robbery Against Ships

- Africa is emerging as a hotspot for piracy. Southeast Asia has seen a steady decrease in attacks since 2003.
- According to the IMB, the number of reported piracy attacks worldwide increased by almost 10 percent in CY-2007, with 263 actual and attempted attacks in 2007, compared to 239 in 2006.
- The piracy attacks over the past year also grew more violent with a 35 percent increase in reported attacks involving guns.
- The rise in both the global number of attacks and the level of violence is due to the tripling of piracy incidents in Nigerian and Somali waters over the past year.

IMB live piracy map 2008

High Risk Areas 2008

Country	Relative Risk Index (0-10)
NIGERIA	10
INDIA	8
INDONESIA	7
TANZANIA	6
PERU	5

Notes

Key: ● actual attack ● attempted attack

1 All positions are as received by the IMB Piracy Reporting Centre. If exact coordinates are not provided, estimated positions are shown based on information provided. This is particularly relevant to attacks within port limits.

2 Please zoom in to high risk areas to see individual attacks. In the open-out view, the positions may appear superimposed on each other because of the close proximity of the attacks.

3 Click on each marker to see enter details about the corresponding attack.

OTHER THREATS

- **Migrant Smuggling by Sea**

- June 16, 2008: “40 dead, 100 missing after migrant boat sinks off Libya”



- **IUU Fishing**

- CANBERRA, May 26 (Reuters) - Organized crime groups around the world and even motorcycle gangs are becoming involved in illegal fishing, lured mainly by demand ... for prized fish species, a study by Australian crime experts said.

MULTILATERAL INSTRUMENTS

www.unodc.org

www.imo.org



MULTILATERAL INSTRUMENTS

www.unodc.org

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UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

- Adopted by UNGA as A/RES/55/25, 15 Nov 2000
- Entered into force 29 Sept 2003
- 144 States Parties
- <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>

Transnational organized crime is considered as one of the major threats to human security, impeding the social, economic, political and cultural development of societies worldwide. It is a multi-faceted phenomenon and has manifested itself in different activities, among others, drug trafficking, trafficking in human beings; trafficking in firearms; smuggling of migrants; money laundering; etc. In particular drug trafficking is one of the main activities of organized crime groups, generating enormous profits. UNODC works closely with Governments, international organizations and civil society to strengthen cooperation to counter the pervasive influence of organized crime and drug trafficking.

The United Nations Convention against Transnational Organized Crime is the main international instrument to counter organized crime . [More information](#) about this Convention which underpins UNODC's operational work.

UNODC helps countries use the provisions of the Convention to create domestic criminal offences to counter the problem; to adopt new frameworks for mutual legal assistance; to facilitate extradition; law enforcement cooperation; technical assistance and training.

As globalization has expanded international trade, so the range of organized crime activities has broadened and diversified. The traditional hierarchical forms of organized crime groups have diminished; replaced with loose networks who work together in order to exploit new market opportunities. For example organized crime groups involved in drug trafficking are commonly engaged in smuggling of other illegal goods. The links between drug trafficking and other forms of transnational organized crime calls for a more integrated approach to address this nexus. The signing of the United Nations Convention against

Transnational Organized Crime in 2000 was a historic step forward in countering this threat. The United Nations Convention against Transnational Organized Crime, which entered into force in September 2003, is the main international instrument to counter organized crime. The Convention commits states to introduce a range of measures, including the creation of domestic criminal offences to counter the problem; the adoption of new frameworks for mutual legal assistance; extradition; law enforcement cooperation; technical assistance and training. UNODC works closely with national governments, organizations and civil society to enhance international cooperation to counter the pervading influence of organized crime and drug trafficking. The Unit has initiated and oversees numerous counter-narcotics and anti-organized crime projects.

Assisting Member States in the ratification and implementation of the TOC Convention;

Monitoring the implementation of the Convention;

Developing and promoting best practice in countering organized crime across the globe;

Improving the exchange of information; judicial cooperation and mutual legal assistance between law enforcement officials and;

Determining the most effective method for collecting information on organized crime from a regional and global perspective and ensuring that such information is available to policymaking and technical assistance projects.

Technical assistance

The Anti-Organized Crime and Law Enforcement Unit assists States in taking effective, practical steps, in line with the provisions of the Convention, to fight organized crime.

An example of practical assistance to Member States is the project "Assistance to the Signatories of the United Nations Convention against Transnational Organized Crime and its related Protocols". It provides technical assistance to support the implementation of the Convention, with key outputs to facilitate the assessment and revision of national legislation to ensure compliance with the Convention and its Protocols; strengthen the institutional and operational capacity of law enforcement and judicial bodies to investigate, prosecute and adjudicate serious crimes, including organized crime; enhance international cooperation between criminal justice practitioners; and collect, assess and disseminate best practices in combating organized crime.

UNODC has been active in the promotion of the Convention, raising awareness of Member States to their obligation under its ratification. Regional meetings have been held in Algeria for African countries, in Ecuador for Latin American and Caribbean countries, in Guatemala for Central America, in Latvia for Eastern European countries and in Japan for Asian countries. Expert group meetings to prepare legislative guides to the TOC Convention and its three protocols have also been held. National level meetings on legislative and other issues related to the ratification were held in cooperation with the Governments of Cape Verde, East Timor, Former Yugoslav Republic of Macedonia, Guinea Bissau, Haiti, Mali, Nigeria, Romania and Indonesia.

Moreover, the Unit develops and runs specific technical assistance projects to support specialized organized crime units in a number of countries where the problems of organized crime are particularly severe or have the potential to become more serious.

Training of criminal justice practitioners

The Anti-Organized Crime and Law Enforcement Unit has developed various project initiatives aimed at training law enforcement personnel, including police investigators, prosecutors and judges, intelligence analysts and customs officials. In line with the provisions of the Convention, these projects examine best practice to counter organized crime addressing investigations, international cooperation, protection of witnesses, prevention of organized crime and anti-organized crime legislation.

Information sharing among criminal justice practitioners

UNODC is a focal point for data being gathered on transnational organized crime.

Regional crime assessments are prepared by the Anti-Organized Crime and Law Enforcement Unit and presented on UNODC's website.

The nature of active criminal groups across a variety of countries, with an overview of their salient features and special characteristics. This report can be downloaded by clicking on the adjacent icon.

Ongoing information collection efforts of strategies, legislation and structures in place across the globe to counter organized crime. Detailed assessments of 20 countries have been critical in shaping training and other assistance material.

Assessing organized crime trends

Accurate information providing a detailed overview of organized crime, and state attempts to counter it, is an essential prerequisite for designing appropriate responses, including UNODC technical assistance interventions with respect to cross-border cooperation.

[Two regional assessment surveys](#) on organized crime have been carried out by the Unit. The first covers the Central Asia region, with a particular focus on the states of Kazakhstan, Tajikistan, Uzbekistan and the Kyrgyz Republic.

The second covers the West Africa region, specifically Cote d'Ivoire, Senegal, Ghana, Nigeria and Sierra Leone. Assessments for East Africa and South Asia are planned.

Kidnapping and organized crime

The increasing involvement of organized crime groups in kidnapping for ransom has raised serious concern to the international community. In the most severely affected countries, several hundred kidnappings are conducted each year by organized crime groups. The Anti-Organized Crime and Law Enforcement Unit has developed a United Nations Counter - Kidnap Manual to include best practices for law enforcement authorities to combat kidnapping.

The manual presents a constructive tool for policy makers, law enforcement officers and criminal justice practitioners and is aimed at providing national authorities with guidelines on how to deal with a kidnapping case in a practical and effective manner. Although legislative and national policies to target kidnapping are covered, the manual is substantively devoted to the key responses needed for success in prevention and investigation.

It was developed from a series of working groups, contributed to by a number of regional experts. The manual will be made available to Member States in all the official languages of the United Nations in early 2006.

In addition, information regulating kidnapping received from Member States can be found in a report submitted in six languages at the 12th session of the Commission on Crime Prevention and Criminal Justice.

TOC PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR

- Adopted by UNGA as A/RES/55/25,
15 Nov 2000
- Entered into force 28 Jan 2004
- 112 States Parties
- [http://www.unodc.org/unodc/en/treaties/
CTOC/countrylist-
migrantsmugglingprotocol.html](http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-migrantsmugglingprotocol.html)

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

MIGRANT SMUGGLING BY SEA

- Cooperation
- Measures against migrant smuggling
- Safeguards

UN CONVENTION ON THE LAW OF THE SEA

- Article 108, Illicit traffic in narcotic drugs or psychotropic substances
- 155 States Parties as of 23 June 2008
- http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm

CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, VIENNA 1988

- Entered into force 11 Nov 1990
- 183 States Parties as at 14 March 2008
- Article 17, Illicit Traffic by Sea
- <http://www.unodc.org/unodc/en/treaties/illicit-trafficking.html>
- http://www.unodc.org/documents/treaties/treaty_adherence_convention_1988.pdf

US implementation of article 17 in the Maritime Drug Law Enforcement Act, 46 U.S. Code Appendix section 1903 et seq.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, 1988

- Entered into force 1 March 1992
- 149 States Parties as of 31 May 2008
- Represents 92.75% of world tonnage
- 138 States Parties to the Fixed Platforms Protocol representing 88% of world tonnage

Concern about unlawful acts which threaten the safety of ships and the security of their passengers and crews grew during the 1980s, with reports of crews being kidnapped, ships being hi-jacked, deliberately run aground or blown up by explosives. Passengers were threatened and sometimes killed.

The main purpose of the convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it. The convention obliges Contracting Governments either to extradite or prosecute alleged offenders.

US implementation in 18 U.S. Code sections 2280-2281

2005 PROTOCOLS TO 1988 SUA CONVENTION AND PROTOCOL

- 6 States have consented to be bound to the 2005 Protocol and 4 States have consented to be bound by the 2005 Protocol to the 1988 Platforms Protocol
- Entry into force requires 12 consents to be bound by the 2005 Protocol
- http://www.imo.org/home.asp?topic_id=910

SUA 2005 PROTOCOL

- New offenses
- Extradite or prosecute
- Shipboarding

2005 Protocol to the SUA Convention

Among the unlawful acts covered by the SUA Convention in Article 3 are the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it.

The 2005 Protocol to the SUA Convention adds a new Article 3bis which states that a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally:

-when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from any act: -uses against or on a ship or discharging from a ship any explosive, radioactive material or BCN (biological, chemical, nuclear) weapon in a manner that causes or is likely to cause death or serious injury or damage; -discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration that causes or is likely to cause death or serious injury or damage; -uses a ship in a manner that causes death or serious injury or damage; transports on board a ship any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act; transports on board a ship any BCN weapon, knowing it to be a BCN weapon; -any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; and transports on board a ship any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose. The transportation of nuclear material is not considered an offence if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non Proliferation of Nuclear Weapons (Subject to conditions).

Under the new instrument, a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally transports another person on board a ship knowing that the person has committed an act that constitutes an offence under the SUA Convention or an offence set forth in any treaty listed in the Annex. The Annex lists nine such treaties.

The new instrument also makes it an offence to unlawfully and intentionally injure or kill any person in connection with the commission of any of the offences in the Convention; to attempt to commit an offence; to participate as an accomplice; to organize or direct others to commit an offence; or to contribute to the commissioning of an offence.

Boarding provisions

Article 8 of the SUA Convention covers the responsibilities and roles of the master of the ship, flag State and receiving State in delivering to the authorities of any State Party any person believed to have committed an offence under the Convention, including the furnishing of evidence pertaining to the alleged offence.

A new Article 8bis in the 2005 Protocol covers co-operation and procedures to be followed if a State Party desires to board a ship flying the flag of a State Party when the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be involved in, the commission of an offence under the Convention.

The authorization and co-operation of the flag State is required before such a boarding. A State Party may notify the IMO Secretary-General that it would allow authorization to board and search a ship flying its flag, its cargo and persons on board if there is no response from the flag State within four hours. A State Party can also notify that it authorizes a requesting Party to board and search the ship, its cargo and persons on board, and to question the persons on board to determine if an offence has been, or is about to be, committed.

The use of force is to be avoided except when necessary to ensure the safety of officials and persons on board, or where the officials are obstructed to the execution of authorized actions.

Article 8bis includes important safeguards when a State Party takes measures against a ship, including boarding. The safeguards include: not endangering the safety of life at sea; ensuring that all persons on board are treated in a manner which preserves human dignity and in keeping with human rights law; taking due account of safety and security of the ship and its cargo; ensuring that measures taken are environmentally sound; and taking reasonable efforts to avoid a ship being unduly detained or delayed.

Extradition

Article 11 covers extradition procedures. A new Article 11bis states that none of the offences should be considered for the purposes of extradition as a political offence. New article 11ter states that the obligation to extradite or afford mutual legal assistance need not apply if the request for extradition is believed to have been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 12 of the Convention requires States Parties to afford one another assistance in connection with criminal proceedings brought in respect of the offences. A new Article 12bis cover the conditions under which a person who is being detained or is serving a sentence in the territory of one State Party may be transferred to another State Party for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences.

Amendment procedure

Amendments to the Articles in the Convention require acceptance by a requisite number of States. However, the Annex, which lists the treaties under which offences can be considered for the purpose of the SUA Convention, has a special amendment procedure.

The treaties listed are:

- 1 Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970
- 2 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971
- 3 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973
- 4 International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979
- 5 Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979

6 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988

7 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988

8 International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997

9 International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999

2005 Protocol to the 1988 SUA Protocol

The amendments to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf reflect those in the 2005 Protocol to the SUA Convention.

New article 2bis broadens the range of offences included in the Protocol. A person commits an offence if that person unlawfully and intentionally, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act, uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or discharges from a fixed platform, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration, that it causes or is likely to cause death or serious injury or damage; or threatens, with or without a condition, as is provided for under national law, to commit an offence.

New article 2ter includes the offences of unlawfully and intentionally injuring or killing any person in connection with the commission of any of the offences; attempting to commit an offence; participating as an accomplice; organizing or directing others to commit an offence.

BILATERAL U.S. AGREEMENTS

U.S. AGREEMENTS

- Bilateral counter-narcotics
 - agreements with 25 States
 - MOUs and operational procedures with 7 States
- Bilateral maritime migration agreements/procedures with 3 States
- Cooperative shiprider agreements with 3 States
- PSI shipboarding agreements with 8 States (<http://www.state.gov/t/isn/c12386.htm>)

COMMON ELEMENTS

- Co-operation in meeting common threat
- Capacity building
- Respect for sovereignty, territorial integrity and political independence
- Complete compliance with international law, including the law of the sea
- "whole greater than the sum of its parts"

OPERATIONAL PROVISIONS

- Flag State consent
- Coastal State consent
- Shipriders
- Shipboarding
- Safeguards
- Operational forms