



CCPCJ

BACKGROUND GUIDE

*Preventing Transnational
Organized Crime with emphasis
on human smuggling and drug
trafficking*



Letter from the Executive Board:

It is an honor to welcome you all to the UN CCPCJ at Meridian MUN 2021. For seasoned MUNers, we guarantee a great committee with a refined quality of debate and a MUN redefining experience. We welcome the first timers and assure you that UNSC will give you a brilliant and interesting start to your careers.

This Study Guide has been compiled to facilitate you and give you a better idea about the agenda and the council. This Study guide will help you produce a fruitful debate in the committee. However, it has to be noted that the background guide only contains certain basic information which may form the basis for the debate and your research.

It is our hope that you put in committed efforts to research and systematically grasp all significant aspects of this broad agenda. All the delegates should be striving endlessly to provide direction to the committee and clear roadblocks. Our role in the committee would be to moderate you through the conference and aid you bring the best in you. We would embolden you to expand your horizon beyond this study guide and go into specifications of the agenda and enhance not only yours but also the councils' knowledge on global issues. This may be a fairly technical committee for the newcomers, but this background guide should ease your work.

Happy Researching!

Vishal Chowdary,

Chairperson

Sri Kalash Yedlapati,

Vice Chairperson

INTRODUCTION

Transnational organized crime has proven to have a number of detrimental effects on individuals, communities, and nations as a whole and pose a serious threat to international security and growth. It has been proven that the criminal acts perpetrated by such groups undermine democracy, disrupt free markets, drain individual/national assets along with causing trauma to individuals who fall prey to their acts.

What is a *transnational organized crime*?

The UN does not contain a precise definition of ‘transnational organized crime’, nor does it list the kinds of crime that might constitute it.

This lack of definition was intended to allow for a broader applicability of the Organised Crime Convention to new types of crime that emerge constantly as global, regional and local conditions change over time.

The convention does contain a definition of ‘organised criminal group’. According to article 2(a) of the United Nations Convention against Transnational Organised Crime

- A group of three or more persons that was not randomly formed
- existing for a period time
- acting in concert with the aim of committing at least one crime punishable by at least four years incarceration
- in order to obtain, directly or indirectly, a financial or other material benefit.

The most commonly seen transnational organized crimes are usually extensions of regular Organized crimes, the common forms include but not limited to money laundering, human smuggling, trafficking of humans, drugs, endangered species, or even cyber crime and nuclear material.

Drug Trafficking

Drug trafficking is the “Global illicit trade, involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws. It is important to understand that drug trafficking is a widespread business in many countries which often relate to organized crime.

Human Smuggling

On the other hand, human smuggling, which is believed to be one of the criminal acts perpetrated by groups of individuals involved in transnational organised crime, can be defined as “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident”

CASE STUDIES

Case study: Drug Trafficking scenario in Afghanistan and Pakistan

There have been many reports on how Afghanistan’s illegal cultivation of opium is linked to extremist groups that operate in that region and have been known to perform terrorist activities in many parts of the world. Abdul Jahar Qahraman, the Afghan government's representative in charge of the fighting in Helmand (a province in Afghanistan known to cultivate opium) said the Taliban were campaigning 24/7 to recruit young unemployed youth for cultivation, year after year. Poppy cultivation in Afghanistan, the source of most of the opium and heroin in European and Russian streets, rose to 64% in 2013, according to United Nation’s report. The income from production and trafficking of Opium was estimated at 2.8 billion\$, roughly one-third of the nation’s total economy, the report said.

These drugs produced here are discreetly and illegally exported to countries like Pakistan, Iran, Russia, and even India. Pakistan is known to have amassed the majority of Afghanistan's produce, and over the years, even larger quantities of narcotics began flowing into Karachi, Lahore, Peshawar and other cities, as the drug ate its way through the fiber of Pakistan. Political life was corrupted, to the point to which one of the country's most notorious drug barons, Ayub Afridi, sat as an elected member of Parliament from 1988 to 1990, dropping out only when an ordinance was passed barring any known drug trafficker from running in an election.

Case Study: The Asian Golden Triangle

The Golden Triangle is the region in Northern Thailand, Laos, and Myanmar that is infamously known as the production region of drugs. Historically, the area was famous for its opium production and drug trade including drug trafficking, violence, and people smuggling. Some Reports suggests that Myanmar remains Southeast Asia's top Opium producer and world's second largest after Afghanistan. Together, Myanmar and Lao PDR produced an estimated 762 metric tons of Opium most of which was refined into an estimated 76 tons of heroin and then trafficked to markets in neighboring countries and outside the region. Transnational crime groups are receiving profitable incentives due to the region's large demand for heroin. There is a two-way trade involving chemicals going in and heroin coming out of the Golden Triangle challenging stability and rule of law in the region. Instances of smuggling laborers from Bangladesh to help cultivate and grow narcotics have also been reported. The report also warned that opium business and trade threatens regional integration. Development plans are underway to expand transport connections, reduce trade barriers and border controls, including around opium producing areas. This carries the risk of providing organized crime networks opportunities to take advantage of the regional integration process.

Case Study: Human Smuggling and Drug Trafficking in the Latin American Bloc

South America has long been known as the hub of human smuggling and trafficking with an estimated 300,000 men and women being smuggled every year into the continent. While Latin America may have strengthened its anti-human trafficking legislation, the region is dragging when it comes to convicting those actually guilty of the crime. According to UNODC, just 10% of all suspects investigated on human trafficking and smuggling charges were actually convicted. Drug Trafficking and production also have a widespread appearance in Latin America, which is touted to be the world's second largest consumer of narcotic substances.

PREVIOUS ACTIONS

Measures and acts to combat Transnational Organised Crime

Currently, there is no effective transnational legal instrument to address transnational organized crime and drug trafficking. Nevertheless, there have been attempts by the international community to mobilize action around these issues and discuss how to tackle them.

The Single Convention on Narcotic Drugs (1953) is an international treaty that attempts to limit the availability of drugs. It is enhanced by two subsequent conventions: The Convention on Psychotropic substances (1971) and The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic substances (1988). In addition to this, The United Nations Convention Against Transnational Organised crime and The Protocols Thereto (UNTOC) of 2000, also known as the Palermo Convention, defines and regulates the efforts against organized crime on a global scale. The Commission on Crime Prevention and Criminal Justice (CCPCJ) supports the work of The United Nations Office on Drugs

and Crime (UNODC) which seeks to implement the rule of law in fair criminal justice systems and overall crime prevention initiatives.

CCPCJ proposed that member states should cooperate with the private sector according to their national priorities and legislation, to counter all forms of transnational organized crime and drug trafficking. The resolution 20/4 on Promoting further cooperation in countering transnational organized crime has also stressed the importance for Member states to share responsibility regarding the fight against transnational organized crime and strengthen collaboration with international organizations.

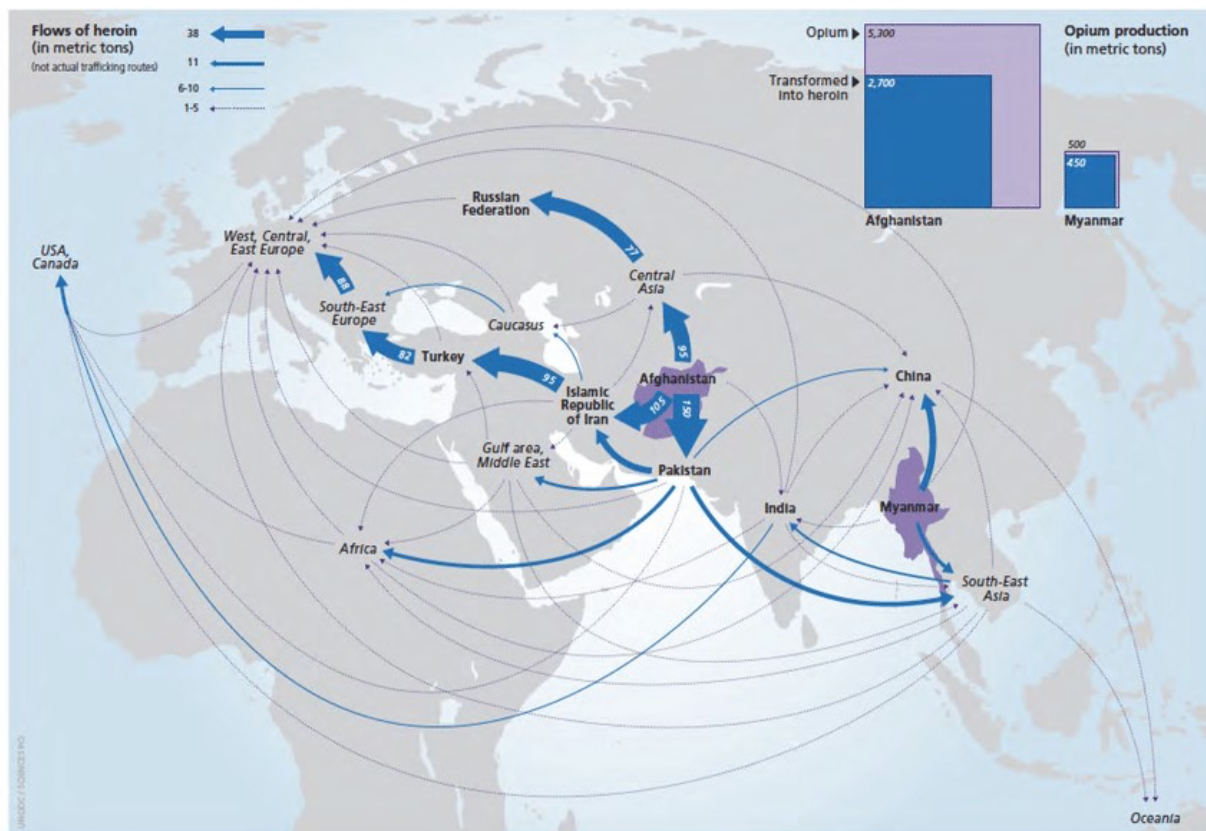
There have been a few successful attempts to address transnational organized crime and drug trafficking, namely the Triangular Initiative and the Rainbow Strategy.

The Triangular Initiative focused on improving cross-border cooperation between Afghanistan, Pakistan, and Iran. It was fostered by the aforementioned Member States and initiated trust-building measures and joint operations that eventually led to intelligence sharing.

The Rainbow Strategy is an umbrella framework assisting the implementation of actions, ideas, and measures identified by the members of the Paris Pact Initiative. It operationalizes the ideas that stem from Paris Pact Experts Round Tables and is considered “a regional solution to a national problem.” The Paris Pact Initiative was launched by UNODC in September 2004 after 55 countries and international organizations agreed on the principle of shared responsibility. The first phase of the initiative concentrated on strengthening border controls, developing regional cooperation, and fostering legal reform and institutional frameworks.

The largest and most comprehensive international agreement that the UNODC has organized to fight human trafficking and migrant smuggling is the United Nations Convention Against Transnational Organized Crime. The convention aims to combat

human trafficking, migrant smuggling, and the trafficking of firearms at every level. Countries that ratify the agreement must be committed to taking serious steps to end transnational crime, including the creation of new domestic laws, the training of law enforcement, the creation of a new extradition framework, and the supplementation of legal assistance and cooperation of law enforcement. The convention also includes three protocols, of which two are relevant to the direct combating of human trafficking and migrant smuggling. Any countries that wish to become parties to any of the protocols must first ratify the convention. The first protocol is most relevant to human trafficking and is called the Protocol to Prevent, Suppress, and Punish Trafficking and Smuggling in Persons, especially Women and Children. The purpose of this particular protocol is to prevent the “trafficking of persons” with particular emphasis on women and children, to protect the victims of human smuggling with full attention to their human rights, and to promote cooperation among states who have ratified the convention.



Treaties to combat Organised Crime and Drug Trafficking

United Nations Convention against Transnational Organized Crime and the Protocols Thereto

The United Nations Convention against Transnational Organized Crime is a legally-binding instrument through which States parties commit to taking a series of measures against transnational organized crime. These include the creation of domestic offences to combat the problem, the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law enforcement cooperation and technical assistance, and training.

United Nations Convention against Corruption

In its resolution 55/61, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime was desirable. The Convention introduces a comprehensive set of standards, measures and rules that all countries can apply in order to strengthen their legal and regulatory regimes to fight corruption. It calls for preventive measures and the criminalization of the most prevalent forms of corruption in both public and private sectors. And it makes a major breakthrough by requiring Member States to return assets obtained through corruption to the country from which they were stolen.

Other notable Conventions:

- Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol
- Convention on Psychotropic Substances of 1971
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

Questions a Resolution must Answer

Note: The resolution should not be limited to answering the questions posed below. It should also answer the questions which were born off the discussions in the committee.

1. What lessons are to be learnt from the previous actions of the United Nations?
2. What are the similarities of the methods of illicit activities in different regions around the world? Can a common solution be reached?
3. What can be done to strengthen the measures taken to combat drug trafficking and Human Smuggling?
4. Is a definition for Transnational Organised Crime necessary? If yes, what would it be?
5. What is the right form of punishment for those indulging in drug trafficking?
6. How to improve the security of people living in rural areas from getting extorted?
7. What measures should a government take to curb drug traffickers?
8. How should the government treat human smuggler?
9. Under which country's government should the human smuggler be tried-is it the government of the Smuggler's country or the government of the smuggled victim?