



Study Guide UN Commission on Crime Prevention and Criminal Justice

***“Cross-border Crime and Transnational Criminal Organizations: Examining the Challenges Posed by Transnational Criminal Organizations and Discussing Ways to Enhance International Cooperation in Combating Them.”***

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## Introduction

Transnational criminal organizations (TCOs) pose a significant challenge to global security, as their operations span national borders and criminal activities cut across various sectors. TCOs engage in a wide range of illicit activities, including drug trafficking, human smuggling, arms smuggling, money laundering, cybercrime, and more. These organizations exploit weak governance systems, corrupt officials, and porous borders to further their criminal pursuits.

The seriousness of the problem lies in the complexity of these organizations and their activities, their global penetration and the threat they pose to democracy and legitimate economic development - these organizations clearly undermine the concept of the nation-state.

## History

Transnational criminal organizations (TCOs) have a long history that dates back several centuries. While the specific forms and structures of these organizations have evolved over time, the underlying motivations remain largely the same – profit and power through illegal activities.

The roots of organized crime can be traced back to the emergence of smuggling and piracy in ancient times. These activities were often driven by economic factors, such as the desire to bypass trade restrictions or secure valuable goods. For example, the Mediterranean-based Barbary pirates in the 16th-19th centuries sought to capture ships and demand ransom or loot valuable cargo.

In the 19th and early 20th centuries, criminal organizations began to emerge in response to the changing economic and social landscape. The rise of industrialization, urbanization, and the expansion of global trade created new opportunities for criminal enterprises. Groups like the Italian Mafia, Chinese Triads, and Russian Vory v Zakone gained prominence during this period.

The prohibition era in the United States (1920-1933) further accelerated the growth of organized crime. The banning of alcohol created a lucrative market for bootleggers, who smuggled and distributed illegal alcohol. This gave rise to powerful criminal organizations such as the Italian-American Mafia, which became deeply entrenched in American society.

The aftermath of World War II saw an increase in transnational organized crime as well. The black market for goods and services thrived in war-torn regions, and criminal organizations capitalized on the chaos to establish their networks. This period also witnessed the growth of drug trafficking, particularly with the rise of narcotics such as cocaine and heroin.

The collapse of the Soviet Union in the 1990s and the subsequent transition to a market economy created fertile ground for the expansion of TCOs. State institutions weakened, borders became porous, and crime syndicates took advantage of the economic and political instability. Russian mafia groups, such as the Solntsevskaya Bratva, emerged as major players in various illicit activities.

In recent years, advancements in technology and communication have facilitated the international operations of TCOs. Globalization has interconnected markets and created opportunities for illicit trade on a massive scale. Criminal organizations now engage in a wide range of illegal activities, including drug trafficking, human trafficking, arms smuggling, cybercrime, money laundering, and terrorism financing.

Governments and international bodies have recognized the threat posed by TCOs and have undertaken various initiatives to combat them. These efforts include coordinated law enforcement operations, intelligence sharing, financial crackdowns, legislative measures, and institutional reforms. However, the evolution and adaptability of TCOs continue to pose significant challenges in their eradication.

In short, organized crime is no longer only a domestic concern — it is an international problem. Today, crime groups manifest themselves in multiple countries simultaneously in order to leverage global criminal and licit markets. The 'Ndrangheta is an excellent example of this evolution. The original 'Ndrangheta clans arose in Calabria (the region that makes up the toe of Italy's boot) in the late 1800s. Until the 1970s, the 'Ndrangheta rarely operated outside Calabria. Yet by the 1990s, the 'Ndrangheta was looking to global criminal markets for new opportunities. For example, the 'Ndrangheta began to enter into contracts with Colombian drug trafficking organizations in the 1990s, importing cocaine for a growing European market. Currently, the 'Ndrangheta has a significant presence in more than a dozen countries, ranging as far as Australia and Canada.

Overall, the history of transnational criminal organizations is one of continuous adaptation and innovation in response to changing economic, social, and political conditions. While their specific activities may differ, their pursuit of profit and power through illicit means remains a persistent threat to global security.

## Causes

Some of the main causes that contribute to transnational organized crime include:

1. **Globalization:** The process of economic globalization and increased international trade and travel has created new opportunities for transnational criminal organizations to exploit. Global networks and communication channels make it easier for criminal groups to coordinate their operations across borders.
2. **Poverty and economic marginalization:** Disadvantaged and impoverished communities are often more vulnerable to the influence and recruitment efforts of organized crime groups. Lack of economic opportunities and limited access to basic resources can drive individuals into criminal activities.

3. Weak governance and corruption: Countries with weak law enforcement and judicial systems, as well as high levels of corruption, provide fertile ground for organized crime to thrive. In such environments, criminal groups can easily bribe officials, penetrate institutions, and operate with impunity.

4. Demand for illicit goods and services: The demand for drugs, firearms, counterfeit products, human trafficking, and other illicit goods and services drives the growth of transnational organized crime. As long as there is a market for these illegal goods and services, criminal organizations will continue to exploit the demand.

5. Technological advancements: The rapid advancement of technology has provided criminal organizations with new tools and methods to conduct their activities. The internet, cryptocurrencies, and encrypted communication platforms have facilitated money laundering, and smuggling.

6. Conflict and instability: Regions experiencing political conflicts, civil wars, or weak governance are particularly susceptible to transnational organized crime. These environments create opportunities for criminal groups to exploit the chaos and instability for their own gain.

7. Human migration and displacement: The movement of people across borders, whether forced or voluntary, can create vulnerabilities that criminal organizations exploit. Migrants and refugees often face exploitation, trafficking, and smuggling as they seek safety and better opportunities.

It should be emphasized that transnational organized crime is a complex issue with multiple interconnected causes. Addressing these causes requires a comprehensive approach that involves strengthening governance, promoting economic development, addressing inequality, and enhancing international cooperation.

## The Problem

One of the key issues with transnational organized crime is its ability to exploit weaknesses in national legal systems and governance structures. Criminal networks take advantage of corrupt officials, weak law enforcement institutions, and porous borders to carry out their illegal activities. This undermines the rule of law and weakens the ability of governments to provide security and justice to their citizens.

Transnational organized crime also has negative political, social, and economic consequences. It undermines democratic governance by co-opting or corrupting political leaders and institutions. It fuels violence and instability by engaging in territorial disputes and competition with rival groups. It also poses a threat to economic development by diverting resources away from legitimate economic activities and creating a climate of fear and insecurity that discourages investment.

Countering transnational organized crime is a complex and multifaceted task that requires comprehensive and coordinated efforts at the national, regional, and international levels. This includes strengthening legal frameworks, enhancing international cooperation and information sharing, and targeting the financial networks that support criminal activities.

Effective countermeasures also require addressing the underlying socio-economic factors that contribute to the growth of organized crime, such as poverty, unemployment, and inequality. This calls for investments in education, job creation, and social programs to provide alternative opportunities for marginalized communities.

Furthermore, addressing transnational organized crime requires a comprehensive and integrated approach that combines law enforcement, intelligence, diplomacy, and development strategies. It requires cooperation and collaboration among states, international organizations, and civil society to share expertise, resources, and best practices.

## Solutions

*“Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency. While these are major challenges, the United States will be able to devise and execute a collective strategy with other nations facing the same threats.”*

— *National Security Strategy, May 2010*

There are several ways to tackle the issue of Transnational crime:

1. **Strengthen international cooperation:** Countries must work together to share information, intelligence, and resources in order to effectively combat transnational organized crime. This can be done through bilateral and multilateral agreements, joint task forces, and information sharing platforms.
2. **Improve legal frameworks and legislation:** Countries should update their legal frameworks to address new and emerging forms of transnational organized crime. This includes enhancing laws related to money laundering, cybercrime, human trafficking, drug trafficking, and corruption. Harmonizing legislation across borders can facilitate faster and more effective prosecution of criminals.
3. **Enhance law enforcement capabilities:** Governments should invest in training and equipping law enforcement agencies to effectively combat transnational organized crime. This includes providing resources for specialized units such as cybercrime divisions, financial crime units, and anti-corruption units.



4. Strengthen border control measures: Governments should enhance border control measures to prevent the entry and exit of criminals and illicit goods. This can be done through improved screening procedures, the use of advanced technology such as biometrics and cargo scanners, and increased cooperation between customs and immigration authorities.

5. Strengthen financial regulations: Financial institutions must be vigilant in detecting and reporting suspicious transactions that may be linked to transnational organized crime. Governments should enforce regulations that impose strict financial controls to prevent money laundering and the financing of criminal activities.

6. Address underlying socioeconomic factors: Governments should address the root causes of transnational organized crime by improving socio-economic conditions, reducing inequality, and providing education and employment opportunities, particularly in high-risk areas. This can help reduce the vulnerabilities that make communities more susceptible to criminal activities.

7. Raise public awareness and community involvement: Governments should launch public awareness campaigns to educate citizens about transnational organized crime and its impacts. Communities should be encouraged to report suspicious activities and cooperate with law enforcement agencies.

8. Strengthen international legal assistance and extradition: Governments should streamline and expedite international legal assistance and extradition processes to ensure that criminals cannot evade justice by taking advantage of jurisdictional issues.

9. Disrupt and dismantle criminal networks: Law enforcement agencies should focus on disrupting and dismantling criminal networks by targeting the leadership, infrastructure, and financial assets of

these organizations. This includes conducting targeted operations and using intelligence-driven strategies.

10. Promote alternative livelihoods and rehabilitation: Governments should provide support for individuals involved in transnational organized crime to transition to legal and productive livelihoods. This can include providing vocational training, employment opportunities, and rehabilitation programs for those seeking to leave a life of crime.

## Conclusion

In conclusion, transnational organized crime is a complex and evolving phenomenon that poses significant challenges to global security, governance, and economic development. It represents a major threat to the rule of law and the stability of nations worldwide. The rise of transnational criminal networks and their ability to exploit technological advancements, porous borders, and global economic systems require a comprehensive and collaborative approach from governments, law enforcement agencies, and international organizations. Efforts should prioritize intelligence-sharing, cooperation, and capacity-building to effectively combat and disrupt the activities of transnational criminal organizations. Additionally, addressing the root causes of transnational organized crime, such as poverty, corruption, inequality, and weak governance, is crucial in preventing its further proliferation. Overall, addressing the issue of transnational organized crime requires a multi-faceted and proactive approach that involves both domestic and international efforts.

## Links to research

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