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**COOPERATION AND SHARED RESPONSIBILITY IN THE GLOBAL FIGHT AGAINST
ORGANIZED CRIME, IN PARTICULAR DRUG TRAFFICKING, ILLEGAL ARMS SALES,
HUMAN TRAFFICKING AND CROSS-BORDER TERRORISM**

***Draft report submitted by the co-Rapporteurs**
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1. The end of the Cold War saw the emergence of new military and transnational threats to international peace and security, namely drug trafficking, manufacturing and trafficking of weapons, trafficking of persons and cross-border terrorism.
2. Globalization has generated a series of changes worldwide. The world is no longer bipolar, conflicts have broken out in various regions and there have been major breakthroughs in communication and information technologies.
3. The phenomenon of globalization encompasses the growing internationalization of financial, industrial and commercial capital, but it also makes threats transnational and heightens the feeling of insecurity of the planet's inhabitants.
4. Current global trends such as the growing interdependence between States and the opening of borders, which exist alongside socio-economic, cultural, legal and political inequalities, facilitate the activities of transnational criminal groups.
5. The international economic crisis spawned by the financial crisis has had the following consequences: unemployment, a drop in remittances, a fall in both the volume and price of exports, less direct foreign investment and a downward trend in tourism. As a result, more people are working in the informal sector while others have joined organized crime networks.
6. With the end of the Cold War and globalization, criminals are freer to move, making it easier for them to cross borders and broadening the range and scope of their operations. Consequently, most countries have suffered a surge in criminal activities that poses a serious threat to political and economic stability.
7. Today, organized crime has diversified and extended beyond borders, undermining the credibility and effectiveness of institutions, jeopardizing criminal justice systems, violating human rights and corrupting political leaders.
8. Organized crime groups carry out their illicit activities using major technological tools such as information networks, the financial system and more sophisticated weapons. They also take advantage of differences in legislation, legal systems and traditions, which often seriously hamper State efforts to respond adequately to the threat of organized crime.

9. The past few years have been characterized by a significant increase in global criminal activities such as money laundering, trafficking in nuclear technology and material, the trade in human organs and migrant smuggling. At the same time, emerging crimes such as modern piracy, and trafficking in toxic waste, counterfeit medicines, precious metals or natural resources have been added to the list of traditional illegal activities such as prostitution, drug trafficking and arms trafficking.

10. In response to these global threats, the United Nations General Assembly adopted the Convention against Transnational Organized Crime and two supplementary Protocols, on Human Trafficking and Smuggling in Migrants, in 2000. A third protocol, on Firearms Trafficking, was adopted in 2001. The Organized Crime Convention is the only legally binding international instrument offering States the opportunity to harmonize laws and procedures across borders and between regions and thus prevent and combat all serious manifestations of transnational organized crime. With 148 State Parties, it is the broadest legal instrument in this field with global adherence.

Drug trafficking

11. Drug trafficking is one of the principal illicit activities worldwide, and governments, international bodies and non-governmental organizations (NGOs) consider it to be a national and international security problem.

12. Drug cartels undermine the foundations of government and corrupt government structures. Political campaigns have been financed and authorities elected using the resources obtained from drug trafficking.

13. Thanks to these gains, organized crime has established an operative structure that guarantees that the trade in and consumption of illegal drugs will continue.

14. The *Report of the International Narcotics Control Board for 2008* indicates the routes drug traffickers use around the world. The Central American and Caribbean region constitutes one of the main routes for illegal drug trafficking (mainly cocaine) from South America to North America and Europe. Another route runs through Central Asia, bringing drugs (heroin) to Eastern and Western European countries. One of the most important operation centres for cocaine smuggling from South America to Europe is Western Africa.

15. The European Union (EU) has recently become one of the main exporters of illegal synthetic drugs. It also imports the materials needed to produce them.

16. The United Nations Office against Drugs and Crime (UNODC) states that illegal drugs are a worldwide problem; they are used by more than 200 million people throughout the world.

17. According to the European Commission's *A report on Global Illicit Drugs Markets 1998-2007*, the number of cocaine and heroine users worldwide has increased as consumer numbers in Eastern Europe and Central Asia have risen.

18. In addition, drug trafficking is linked to health problems because in many parts of the world the use of intravenous drugs helps spread diseases such as HIV/AIDS and hepatitis.

19. According to UNODC's *World Drug Report 2008*, the number of drug users should be more efficiently controlled, especially in developing countries. More attention should be paid

to preventing, treating and reducing the consequences of drug use. The work carried out under the EU Drugs Action Plan (2005-2008), whose objective is to reduce drug consumption and the harm it does to health and society, is noteworthy in this respect. *[Mention could also be made of the Political Declaration and Action Plan adopted by the United Nations General Assembly Special Session on the World Drug Problem, in 1998, and its revised and updated Plan adopted in the follow-up session (UNGASS 2) in 2008].*

20. Some of the consequences of drug use are loss of income, significant increases in health costs, families breaking up and communities breaking down. Every year, national governments allocate resources for police forces, border patrols, judicial systems and treatment and rehabilitation programmes.

21. The International Narcotics Control Board (INCB) has repeatedly stated that in order to fight drug-related corruption successfully, governments have to show political determination and take strong action; the results obtained have to be clear and measurable.

22. According to the above INCB report, corrupt public officials allow drug traffickers to continue acting with impunity, while the officials and journalists that try to tackle the problem are frequently victims of harassment and violence, or even killed.

23. The social costs of drug use are huge. Drug users are part of a harsh street world in which violence and gang fights prevail; this increase in crime has a harmful effect on families and urban safety.

24. Counterfeit medicines pose a significant threat worldwide. Their distribution affects mainly, but by no means exclusively, the poor. Counterfeit medicines often contain life-threatening ingredients whose consumption can harm or even kill the consumers. The inability to receive essential medicines exacerbates regional social and economic instability. In many regions trafficking in counterfeit medicines has become one of the fastest growing criminal businesses. At the same time, prosecution of traffickers is hampered by the lack of an adequate legislative and law enforcement framework. Improved technological capabilities have enabled counterfeiters to produce drugs and packaging that can barely be distinguished from the original product.

25. The three main international legal instruments on drugs - 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 – have been widely ratified. Their objective is to foster cooperation on drug issues, the eradication and destruction of crops, the exchange of information and intelligence, the establishment of joint task forces and working groups among the security forces of the countries affected, the dismantling of drug trafficking organizations and the investigation of drug-related crimes such as money laundering and arms trafficking; they also address the need to reduce the demand for drugs and drug abuse. *(reference to para. 19).*

Illicit manufacturing of and trafficking in firearms (their parts and components) and ammunition

26. Another threat to international security related to organized crime is the illicit manufacturing, transfer and traffic of arms, their parts and components, and ammunition, the various consequences of which affect peace, stability and local, national, regional and international sustainable development.

27. It is important to highlight that arms and explosives are also used for legal purposes, such as national defence, public security, exploitation of minerals, hunting and the practice of sport shooting. But these same weapons and explosives may cause injuries, harm and public or national insecurity when they are misused, or when they fall into the hands of criminal and terrorist groups.

28. The illicit sale of arms is closely related to other organized crime activities, such as drug trafficking and terrorism. Criminal groups exchange arms for drugs and terrorist organizations obtain arms and explosives from arms traffickers. Arms and ammunition are also exchanged for diamonds and other commodities. In several regions of the world, handcrafted arms made out of old weapons or from different parts and components are a growing problem, as they are even more difficult to identify and trace.

29. In addition, organized crime has benefited from the varying standards and regulations that countries have adopted to control the illegal sale, acquisition and use of arms. Arms traffickers are now able to operate on the open market, which is exclusively ruled by the laws of supply and demand.

30. At the institutional level, arms are often sold without appropriate supervision and control because corrupt public officials, policemen or armed forces members allow weapons to be trafficked into different countries and because countries worldwide have adopted widely varying approaches to the regulation and control of the sale, possession and use of firearms and to the prevention of illicit manufacturing and traffic in arms and ammunition.

31. What is more worrisome, however, is the ease with which ordinary people can acquire and use all kinds of weapons, regardless of whether legislation has been put in place or not. In some countries, more people die every year in incidents involving firearms than in car accidents; this is especially true for the young population, as in Brazil. To tackle this problem, the Brazilian Government held a referendum in 2005 that forbade the sale of arms and munitions throughout the entire country, except to the representatives of public or private security companies and sports clubs.

32. The availability and proliferation of light arms makes civil conflicts last longer and takes a devastating toll on the civilian population, especially children, many of whom are recruited as soldiers. UNICEF is endeavouring to get children that participated in armed conflicts in their countries to go back to school or work. For example, in Sierra Leone it has helped more than 3,000 children affected by war, former child combatants and children separated from their families. The problem of child soldiers is particularly severe in countries with long-standing conflicts.

33. The framework of international and regional political and legal instruments on firearms control is fairly well developed. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Organized Crime Convention, is the main instrument tackling transnational firearms trafficking and connected crimes. It is the only global legally binding instrument on firearms. It was adopted by the United Nations General Assembly in 2001 and entered into force in 2005.

34. Throughout the world and regionally, some countries have established international legal frameworks and bodies in charge of regulating and combating the illegal sale of arms. For example, in 1997 the Member States of the Organization of American States (OAS) signed the Inter-American Convention against the Manufacture and Illegal Traffic of Firearms, Munitions,

Explosives and other related Materials. As the first legally binding regional instrument on firearms, the Convention paved the way for later developments at global level. It comprises several non-binding model regulations. At the subregional level, in 2003 the Andean Community adopted the legally binding Andean Decision 552, and two years later the Central American region adopted the Code of Conduct of the Central American States regarding transfers of arms, ammunition, explosives and other related materials.

35. In May 1998, the Southern African Development Community (SADC) and the European Union, with the technical support of certain research institutes and NGOs, approved the Regional Drugs Control Action Plan, whose aims are destruction and withdrawal, the reinforcement of regulations and closer coordination between judicial and customs authorities. In 2000, the African Union adopted the Bamako Declaration, whose provisions were taken up in subsequent subregional instruments. In 2001 the SADC adopted the SADC Declaration, and shortly thereafter the legally binding SADC Firearms Protocol, which entered into force in 2004. In East Africa, the Nairobi Declaration was adopted in 2000, followed by the legally binding Nairobi Protocol in 2004 and by the Best Practices Guidelines for countries of the Great Lakes region and the Horn of Africa in 2005. In West Africa, the Economic Community of West African States (ECOWAS) adopted a legally binding convention in 2006 that has not yet entered into force. Central African countries are currently in the process of developing their own subregional convention on firearms.

36. In Europe, efforts to control the illegal arms trade have prompted the EU to adopt several instruments and decisions, some of which are legally binding. Examples are Council Directive 91/477/EEC on control of the acquisition and possession of weapons (Amended 2008), the 1998 Code of Conduct on Arms Exports, the 2003 Council Common Decision on the Control of Arms Brokering, the Council Joint Action 2008/230/CFSP on support for EU activities in order to promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries, and the recent European Parliament/Council Directive 2008/51/EC amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

37. However, national legislation has failed to live up to the international framework as set out in the above international and regional efforts. There are still too many gaps and differences in domestic laws, allowing criminal organizations to move freely and traffic in arms, parts and components, ammunition and other materials such as explosives. Many countries lack the necessary enabling legislation to promote and enact effective cooperation between countries at all levels, among law enforcement officials and at judicial level, to investigate and prosecute such groups. Such legislation should also include more transparent mechanisms for identifying and tracing arms and ammunition.

Human trafficking

38. Another organized crime is human trafficking, better known as 21st-century slavery. This crime is comparable to drug and arms trafficking in terms of the profits it generates, which, according to the United Nations, amount to approximately 32 billion US dollars yearly.

39. Human trafficking is a worldwide phenomenon that crosses borders and causes severe damage to the victims and the States.

40. Article 3 of the Protocol to Prevent, Suppress and Sanction Human Trafficking, especially Women and Children, defines trafficking in persons as the "capture, transportation, transfer,

acceptance or reception of persons, resorting to threats or the use of force and other forms of coercion, kidnapping, fraud, deceit, abuse of power or a situation of vulnerability or the concession or receiving of payments or benefits to obtain the consent of a person that has authority over another person, with the intent to exploit her/him for labour or sexual purposes".

41. Human trafficking is considered a human rights violation by the International Organization for Migration. The victims of human trafficking are deceived, sold or subjected to conditions akin to slavery, in different forms and in various sectors such as construction, *maquila* factories, agriculture, domestic service, prostitution, pornography, sexual tourism and traffic of human organs; women and children are the most vulnerable.

42. The victims of human trafficking, especially children and adolescents, are mostly from poor families and lack economic opportunities, education and health services; they have few job possibilities and are exposed to ethnic or racial discrimination. UNICEF estimates that every year approximately 1,000 to 1,500 Guatemalan children are trafficked for adoption by couples in North America and Europe.

43. According to the UNODC 2009 *Global Report on Trafficking in Persons*, human trafficking involves long distances; the victims are taken from Africa to places in Europe and North America, from Latin America to North America and Europe, from Central and Eastern Europe and Central Asia to Europe and the Middle East, and from Southern Asia to the Middle East.

44. Human trafficking is a global phenomenon, and other stakeholders besides States have therefore worked to implement measures to fight it, among them multilateral international organizations, NGOs, the private sector and churches. For example, the International Labour Organization tackles human trafficking from the labour market perspective and tries to eliminate causes such as poverty, unemployment and inefficient labour migration systems.

45. The OAS Anti-Trafficking in Persons Section, for its part, aims to implement regional measures. It focuses on heightening awareness and disseminating knowledge about the problem, sharing information with governments and civil society, defining policies to fight trafficking and working with officials and officers to implement concrete measures such as the identification of new human and financial resources to fight the problem in the hemisphere.

46. Another measure is UNODC's 2007 Global Initiative to Fight Human Trafficking, whose objective is to reduce the vulnerability and exploitation of the victims, to support and protect them and to prosecute their traffickers. The initiative analyses the causes of trafficking, its impact, the rise in the number of victims, especially women and children, child soldiers, work under coercion, and the role played by religious organizations and the private sector in combating this scourge.

47. Human trafficking should be fought using a comprehensive approach that encompasses prevention, care for and protection of the victims and law enforcement, including sanctions for traffickers. Since the mid-1990s, the EU has actively participated in the development of a global and multidisciplinary approach that involves the country of origin, transit and destination in the struggle to prevent and fight human trafficking, provide protection and support to the victims and efficiently persecute traffickers.

48. In addition, the EU has established four fundamental lines of action, namely: the exchange of information and investigation cooperation, local, national, regional and international coordination and cooperation between judicial institutions; support and protection for the victims; the participation of civil society.

49. The NGOs that look into cases of human trafficking offer services of orientation, prevention and attention to victims and potential victims of human trafficking. For example, the Esperanza (Hope) Foundation, which was founded in the Netherlands in 1993, provides care for Latin American women, especially Colombians, who are victims of human trafficking and prostitution.

50. Regional efforts to fight human trafficking in Asia and Africa include the tenth Summit of the Association of Southeast Asian Nations (ASEAN) held in November 2004, at which the ASEAN heads of State signed a declaration to fight human trafficking and repeated that the Member States were determined to protect and help women victims of trafficking by establishing a regional coordination network, protecting travel and identity documents to avoid fraud, exchanging information, stepping up border surveillance, enacting laws, promoting cooperation between judicial authorities, and providing the victims with assistance and humane treatment.

51. In 2001, ECOWAS drew up a regional action plan to fight human trafficking from the criminal justice point of view. The Member States undertook to facilitate and accept the return of trafficking victims, to establish a national working group in each country through which recommendations could be forwarded to ministries and pertinent organizations, to strengthen the capacity of centres to attend to trafficking victims, and to protect those that provide information for investigations of traffickers.

52. There are clear indications that demand for trafficked organs is on the rise, fuelled by the growing gap between supply and demand as well as unscrupulous traffickers and brokers. The lack of adequate laws to regulate trafficking in persons for organ removal, transplant and trafficking and to address related commercial interests, corrupt practices and fraud creates many opportunities for illegal trade in organs and poses a significant threat to human security. Criminals are remarkably adept at exploiting new business opportunities, and organ trafficking has become a lucrative undertaking. It is estimated that 5-10 per cent of the kidney transplants performed annually throughout the world involved trafficked organs.

Transborder terrorism *

53. Cross-border terrorism represents a severe threat to international peace, security and stability. Examples are the terrorist attacks perpetrated in countries such as the United States, Great Britain, Spain, India, Kenya, Indonesia and Russia.

54. Terrorists attack strategic targets in order to undermine State political, economic and social systems. The targets may be embassies, financial centres, hotels, train stations, schools, universities or airports.

55. Terrorists have used scientific and technological breakthroughs such as the Internet to promote their ideology, recruit new members, plan their activities and obtain financing.

* For the purpose of this document and for legal reasons, the names of the terrorist groups and the States protecting them are not mentioned.

56. In response, international organizations such as the United Nations, the OAS and the IPU have adopted resolutions recommending that the States and parliamentarians strengthen regional and international cooperation to prevent, combat and eliminate terrorism. Likewise, Member States should prevent persons or entities from using their territory for cross-border terrorism and sanction those that allow it.

57. Since 1963 the international community has negotiated 16 international conventions and protocols that, together with United Nations Security Council resolutions related to terrorism and regional anti-terrorism legal instruments, form the core of the global legal regime against this threat.

58. Those instruments establish obligations for all Member States not only to criminalize a series of offences considered to be terrorist acts, including financing terrorist groups and/or acts, but also to strengthen international cooperation on criminal matters related to terrorism and thus ensure that no country in the world can be used as a safe haven by terrorists.

59. A global response to terrorism requires a broad range of initiatives. As recognized in the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006 by the United Nations General Assembly, a key element is to strengthen the capacity of national criminal justice systems to bring perpetrators to justice in full compliance with the universal legal regime against terrorism and with the rule of law. Under the Strategy, all Member States agreed on a coordinated and comprehensive response to terrorism based on four pillars: (a) measures to address the conditions conducive to the spread of terrorism; (b) measures to prevent and combat terrorism; (c) measures to build State capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and (d) measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

60. Parliamentarians have a fundamental role in the fight against terrorism. Legislative work is essential not only for ratification of international anti-terrorism instruments, but also to allow the effective incorporation of the international provisions contained in those instruments into national legislation.

61. The fundamental role of parliaments and legislative assemblies in preventing and fighting terrorism has been recognized in many different forums, i.e. by the 105th Inter-Parliamentary Conference in its resolution entitled Contribution of the world's parliaments to the struggle against terrorism, in conformity with resolution 55/158 of the United Nations General Assembly, by the 106th Inter-Parliamentary Conference in its resolution entitled Condemnation of the terrorist attacks of 11 September 2001 on the United States of America, by the 107th Inter-Parliamentary Conference in its resolution entitled Terrorism - a threat to democracy, human rights and civil society: the contribution of parliaments to combating international terrorism and addressing its causes in order to maintain international peace and security, and in the framework of the 2003 Parliamentary Hearing at the United Nations, which discussed inter alia progress and setbacks in the fight against terrorism.

62. In addition, the 116th IPU Assembly approved by consensus a resolution entitled International cooperation to combat terrorism, its root causes and its financing, including cross-border funding. This is a topic of current interest that the IPU continues to include in its documents, as it poses a major threat to human rights.

63. The 2002 Inter-American Convention against Terrorism is an example of regional commitment. It includes an integral normative and updated framework for preventing and fighting terrorism and its financing, focusing on the need to increase cooperation and the exchange of information between Member States and to fully respect human rights while countering terrorism.

64. Moreover, the North Atlantic Treaty Organization has set the basis for a global front against terrorism that includes dissuasion, defence, dismantling groups and protection from terrorist attacks from abroad.

65. In addition, the European Council recognizes that the legislative framework established by the EU to fight terrorism and improve judicial cooperation plays a decisive role in the fight against terrorist activities.

66. Similarly, the United States State Department's 2008 Country Reports on Terrorism highlight that terrorism has been curbed thanks to significant achievements in border security, the exchange of information, security of transportation, financial controls and the death or capture of numerous terrorist leaders.

67. As can be seen, organized crime encompasses activities that State defence forces find it very difficult to attack, because they imply large amounts of money with the potential to corrupt society's institutions.

68. It is important that parliamentary proposals and actions for dealing with these problems are very effectively carried out.

Money laundering

69. Money laundering fuels corruption and organized crime. Money is the prime reason for engaging in almost any type of criminal activity. Corrupt public officials need to be able to launder bribes, kick-backs, public funds and, on occasion, even development loans from international financial institutions. Organized criminal groups need to be able to launder the proceeds of drug trafficking and commodity smuggling and other serious crimes. Terrorist groups use money-laundering channels to support their terrorist acts.

70. The social consequences of allowing these groups to launder money can be disastrous. Money laundering can erode a nation's economy by changing the demand for cash, making interest and exchange rates more volatile, and causing high inflation in countries where criminals are doing business. Taking the proceeds of crimes from corrupt public officials, traffickers and organized crime groups is one of the best ways to stop or disrupt criminal activity.

71. The estimated amount of money laundered globally in one year is 2-5 per cent of global GDP, or 800 billion - 2 trillion in current US dollars. Though the margin between those figures is huge, even the lower estimate underlines the seriousness of the problem governments have pledged to address.

72. Rapid developments in financial information, technology and communication allow money to move anywhere in the world with speed and ease. This makes the task of combating money laundering more urgent than ever.

73. In recent years, the international community has become more aware of the dangers that money laundering poses in all areas and many governments and jurisdictions have committed themselves to taking action.

74. International legal instruments such as the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption call on States to afford one another the widest measure of assistance in investigations, prosecutions and judicial proceedings related to money laundering through international cooperation.

75. Those instruments also require Member States to criminalize the laundering of money derived from the widest range of predicate offences, including offences committed both within and outside the jurisdiction of the State party in question. In many cases, the money-laundering offence and the predicate crime are not committed in the same country, so cooperation among Member States is key to the successful prosecution of money-laundering offenders and the effective confiscation of the proceeds of crime.