



Twelfth United Nations Congress on Crime Prevention and Criminal Justice

Distr.: General
16 February 2010

Original: English



Salvador, Brazil, 12-19 April 2010

Item 7 of the provisional agenda*

**International cooperation to address money-laundering
based on relevant United Nations and other instruments**

Workshop on Links between Drug Trafficking and Other Forms of Organized Crime**

Background paper

Summary

The present background paper summarizes key issues involved in and practices used against drug trafficking that can be effective against organized crime. It outlines how Member States, local authorities and the international community can approach this issue in more effective ways. Further, it outlines the challenges for efforts to control drug trafficking and organized crime, describing recent developments and promising strategies that offer hope for greater success for both prevention and interdiction. The paper provides action-oriented recommendations to guide relevant future efforts.

* A/CONF.213/1.

** The Secretary-General wishes to express his appreciation to the United Nations Interregional Crime and Justice Research Institute and the National Institute of Justice of the United States Department of Justice for assisting in the organization of the Workshop.



Contents

	<i>Page</i>
I. Introduction	3
II. Nine challenges and responses	4
A. Addressing the links between drug trafficking and other forms of organized crime through implementation of United Nations legal instruments	4
B. Good practices in analysing the modus operandi of organized criminal groups	5
C. Assessment and evaluation of organized crime threats in the development of policy responses	6
D. Regional trends in the links between drug trafficking and other illicit trafficking	9
E. Adequacy of practices against drug trafficking for action against other organized criminal activities	12
F. Good practices adopted nationally and regionally in the investigation and prosecution of international drug traffickers	13
G. Good practices in the field of international cooperation in criminal matters	14
H. Experiences from and lessons learned in the use of special investigative techniques	15
I. Policies and experiences in coordinating and exchanging information among law enforcement and intelligence agencies	17
III. Conclusions and recommendations	17

I. Introduction

1. While drug trafficking remains one of the most lucrative criminal activities, other forms of crime such as trafficking in persons, goods and services are increasingly part of the repertoire of organized criminal groups. Some of this illicit trafficking occurs alongside drug trafficking. Drug trafficking and other forms of organized crime also involve racketeering (for crimes committed as part of an ongoing criminal enterprise) and corruption to hide illicit assets and to seek protection from prosecution.

2. In addition to profit-making, drug trafficking and related forms of organized criminal activity sometimes involve the trading of illicit goods, when cash is not available. The trading of drugs for guns or natural resources (e.g. precious stones) has been documented and tends to further promote criminal activity. Furthermore, it is often to the advantage of criminal groups that Governments remain unstable in order to avoid detection and to keep the demand for guns, human beings and counterfeit goods at high levels. Thus the funds and illicit products generated by drug trafficking and organized crime have been used to support corrupt government officials and terrorism.

3. More systematic understanding of the various risks posed by drug trafficking and related organized criminal activity is needed to assess more accurately the risks in different regions and how those risks should be acted upon by Governments and the international community. Preventive action and investigations must be based on a rational and empirical understanding of the threats posed by different types of activity and by different criminal groups.

4. It has been recognized by the international community that drug trafficking is best addressed as a form of transnational organized crime. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988¹ has been reinforced by the adoption and entry into force of other binding legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto.² The United Nations Convention against Corruption³ is another tool that can be used to address the effects of drug trafficking on corrupt activities. The effective implementation of these international treaties is a key way to coordinate international efforts against drug trafficking and organized crime.

5. The Workshop on Links between Drug Trafficking and Other Forms of Organized Crime has five objectives: (a) identification of the links between drug trafficking and organized crime; (b) strengthening the role of the United Nations; (c) promoting good practices; (d) promoting training and capacity-building; and (e) facilitating the work of Member States in prevention and control. These objectives will be met by examining nine specific challenges presented by drug trafficking and related organized criminal activities, and how current and proposed responses hold promise for the prevention and control of these serious criminal

¹ United Nations, *Treaty Series*, vol. 1582, No. 27627.

² Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

³ Ibid., vol. 2349, No. 42146.

enterprises across the world. This background paper also relies on the deliberations of the regional preparatory meetings of the Twelfth Congress.

II. Nine challenges and responses

A. Addressing the links between drug trafficking and other forms of organized crime through implementation of United Nations legal instruments

6. The United Nations has developed instruments that directly address many of the methods to combat drug trafficking and other forms of organized crime. The 1988 Convention, the Organized Crime Convention and the Convention against Corruption provide the framework for international cooperation and action.

7. Different regions have made efforts to develop and assess domestic policies, together with enforcement and prevention approaches, that apply the framework provided by the United Nations legal instruments. The United Kingdom of Great Britain and Northern Ireland, for example, found that it could formulate and implement domestic drug policy in a way that minimized harm in relation to drug supply and drug use, while remaining in compliance with the United Nations conventions on drugs.⁴ A review of illicit drug production and distribution in South-East Asia used both the history of drug production in the region, together with surveys by the United Nations Office on Drugs and Crime (UNODC) of opium poppy cultivation and amphetamine-type stimulants (ATS), illustrating the role of the State Peace and Development Council of Myanmar and the need for international and local authorities to assist in efforts to mitigate manufacture and use of opium, heroin and ATS.⁵

8. The Association of Southeast Asian Nations (ASEAN) has sought to deal with the problem of drug production, trafficking and consumption in the region. The ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD) is an attempt to create a framework for multilateral cooperation. The existing cooperative structure remains a loose forum for information-sharing, which can be strengthened with greater international commitment, resources and strategy implementation.⁶

9. A UNODC report on human trafficking in Europe⁷ drew important conclusions about the best methods for implementation of United Nations legal instruments, pointing to the need for shared information and systematic sharing of experience:

⁴ Nicholas Dorn, "UK policing of drug traffickers and drug users: policy implementation in the contexts of national law, European traditions, international drug conventions and security post-2001", *Journal of Drug Issues*, vol. 34, No. 3 (2004), pp. 533-550.

⁵ Paul Sarno, "The war on drugs", *Southeast Asian Affairs*, vol. 2009, pp. 223-241.

⁶ Ralf Emmers, "International regime-building in ASEAN: cooperation against the illicit trafficking and abuse of drugs", *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol. 29, No. 3 (2007), pp. 506-525.

⁷ *Trafficking in Persons: Analysis on Europe*, published by UNODC in 2009 (www.unodc.org/documents/human-trafficking/Trafficking_in_Persons_in_Europe_09.pdf).

“All United Nations Member States, European or not, would benefit if more countries approached the knowledge problem systematically. The insights gained by pooling experience and sharing information would be invaluable in designing targeted interventions to this international problem. Engaging in multilateral collaboration to ensure enhanced gathering and analysis of primary data is an important step towards achieving full implementation of the Protocol [to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention].”

10. An effective response to transnational organized crime, including drug trafficking, must be based on the establishment of an adequate legislative framework and capacity-building programmes, and the strengthening of regional and subregional cooperation based on shared responsibility. That responsibility takes the form of bilateral agreements, cooperation for purposes of confiscation, exchange of information, technology transfer and training. The regional preparatory meetings highlighted that the work of international organizations in that area needed increased coordination. The ratification and implementation of the Organized Crime Convention would provide countries with a strong and comprehensive legal framework for international cooperation to combat the operations of organized criminal groups, including drug trafficking.

B. Good practices in analysing the modus operandi of organized criminal groups

11. There is growing interest in understanding the nature and operation of organized criminal groups, recently heightened by apparent changes in the nature of traditional criminal groups towards more flexible and shifting “networks” of individuals who come together for various criminal operations and then move on to other schemes forming different networks.

12. Analyses of organized criminal groups have been undertaken in different regions to examine differences in their structure, methods and operations. An analysis of major drug traffickers in four countries produced a typology and models of organization of drug networks.⁸ This suggests that there are distinct types and characteristics of drug trafficking networks, information that can be used to understand and anticipate their methods of operation. A five-year study on Colombian drug traffickers in Colombia and the Netherlands found flexible and heterogeneous composition of cocaine trafficking enterprises, offering additional insight for classification of organized criminal group operations.⁹

13. A research study of the mafia in Italy found that the consolidation of local political power was a major factor in their activities, motivations and structure.¹⁰ In a related way, an analysis of the emergence of organized crime after the collapse of the Soviet Union found that the historical role of private protection and corruption

⁸ Frederick Desroches, “Research on upper level drug trafficking: a review”, *Journal of Drug Issues*, vol. 37, No. 4 (2007), pp. 827-844.

⁹ Damián Zaitch, *Trafficking Cocaine: Colombian Drug Entrepreneurs in the Netherlands* (New York, Springer, 2008).

¹⁰ Letzia Paoli, *Mafia Brotherhoods: Organized Crime, Italian Style* (New York, Oxford University Press, 2008).

influenced the structure and methods of organized criminal activity.¹¹ Similarly, an assessment of organized crime in Central Asia provided useful information about the interrelationship between corruption, ethnic divides and geographical location near major drug-producing centres, which produced high levels of risk.¹² A study of organized criminal groups in Spain found that environmental influences and the effectiveness of governmental institutions were important factors in their growth.¹³ These studies provide detailed information for understanding, classifying and responding to the operations of organized crime in different locations and help to bring to light the similarities across jurisdictions.

14. Greater understanding of the structure and operations of organized crime and drug trafficking is gained when information from resolved cases is analysed. For example, detailed data was obtained from law enforcement files, following a crackdown on the Hell's Angels motorcycle club in Quebec (Operation Springtime). The information involved transcripts from electronic and physical surveillance, recording a high volume of communications between group members and their associates over a five-year period. The analysis found that the motorcycle gang members were not the most central participants in the criminal network, involving drug trafficking, weapons offences, money-laundering and murder. The motorcycle gang operated as a network, rather than a hierarchical group, as higher-level gang members maintained comparatively few direct contacts with others. This finding suggests less of a "hands-on" role of group leaders or else that top-ranking members were able to order lower-level members to carry out illegal activities from a distant position less vulnerable to law enforcement.¹⁴

15. There have been multiple efforts to analyse the modus operandi of organized criminal groups in different locations, but these have been hampered by lack of access to data in many locations, limited locations often selected for analysis and many regions not yet examined in sufficient detail. Repeated analyses in the same locations over time are also lacking. These efforts are needed, together with comparative assessments, in order to allow for examination of trends in organized criminal activity, as it quickly shifts in response to prevention and control efforts.

C. Assessment and evaluation of organized crime threats in the development of policy responses

16. Policy responses depend to a large extent on accurate assessments of the threat posed by organized crime. Determining the risk of organized crime requires specific local assessments, rather than global judgements, because of the variations within countries and regions. Nevertheless, there have been several national-level efforts, which are mentioned here.

¹¹ Federico Varese, *The Russian Mafia: Private Protection in a New Market Economy* (New York, Oxford University Press, 2005).

¹² Slawomir Redo, *Organized Crime and Its Control in Central Asia* (Huntsville, Texas, Office of International Criminal Justice, 2004).

¹³ Jennifer Sands, "Organized crime and illicit activities in Spain: causes and facilitating factors", *Mediterranean Politics*, vol. 12, No. 2 (2007), pp. 211-232.

¹⁴ Carlo Morselli, "Hells Angels in springtime", *Trends in Organized Crime*, vol. 12, No. 2 (2009), pp. 145-158.

17. There have been a growing number of efforts at risk or threat assessment regarding organized crime and most have focused on criminal groups. These assessments are most often carried out by law enforcement agencies to determine which criminal groups are of highest risk or pose the greatest threat. The methods used to determine risk involve identifying the universe of known criminal groups in the country and then ranking them by attributes and potential seriousness.¹⁵

18. An alternative approach proposes assessment of high-risk products and markets, as such markets are likely to attract the offenders that law enforcement seeks. The difference between the two approaches is that the traditional approach focuses on high-risk offenders, whereas the alternative approach focuses on identification of high-risk products and markets. The assumption of the latter approach is that correct identification of the high-risk products and markets will lead to the offenders. This may be an important distinction because products and markets with no prior history of involvement in organized crime can be identified through this process.¹⁶

19. There have been a number of efforts to assess organized crime at the national level. A United Nations survey found 40 selected organized criminal groups in 16 countries and one region that could be distinguished by differences in structure. Another United Nations report developed comparative estimates of the extent of human trafficking in regions using a variety of sources.¹⁷ Single-nation studies have attempted to compile statistical and descriptive information in order to better understand the precise nature of the risks of certain types of organized criminal activity. Those efforts have focused thus far on Europe, although there are reports from a variety of countries that rely on inconsistent levels of documentation and reliability of information. Very few countries are gathering organized crime-related information on a consistent basis to allow for examination of trends over time or to assess the impact of crime control efforts.¹⁸ Nevertheless, a few notable efforts have been made to measure organized crime through a careful assessment of the environment, the current operation of legal and illegal markets, and an analysis of the adequacy of the law and law enforcement capabilities. This kind of analysis

¹⁵ Canada, Royal Canadian Mounted Police, *2006 Canada/US Organized Crime Threat Assessment* (2006), available from www.rcmp-grc.gc.ca/oc-co/octa-mlco-eng.htm; United Kingdom of Great Britain and Northern Ireland, Serious Organized Crime Agency, *The United Kingdom Threat Assessment of Serious Organized Crime* (2007).

¹⁶ Jay S. Albanese, "Risk assessment in organized crime: developing a market and product-based model to determine threat levels", *Journal of Contemporary Criminal Justice*, vol. 24, No. 3 (2008), pp. 263-273.

¹⁷ *Results of a Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries*, published by UNODC in 2002 (www.unodc.org/pdf/crime/publications/Pilot_survey.pdf); and *Trafficking in Persons: Global Patterns*, published by UNODC in 2006 (www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf%20).

¹⁸ Martin Cejp, "Organised crime in the Czech Republic in 2006 compared with developments between 1993 and 2005", *Trends in Organized Crime*, vol. 12, No. 1 (2009), pp. 30-58; Gorazd Meslo, Bojan Dobovsek and Zelimir Kesetovic, "Measuring organized crime in Slovenia", *Problems of Post-Communism*, vol. 56, No. 2 (2009), pp. 58-62; C. E. Dettmeijer-Vermeulen and others, *Trafficking in Human Beings: Supplementary Figures — Sixth Report of the Dutch National Rapporteur* (The Hague, Bureau of the Dutch National Rapporteur on Trafficking in Human Beings, 2008), available from <http://english.bnrm.nl/reports/index/>; and United States of America, Department of State, *Trafficking in Persons Report: June 2009*, publication No. 11407 (Washington, D.C., 2009), available from www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

holds the potential to anticipate the impact of pending legislation on organized criminal activity.¹⁹

20. Multinational studies of organized crime risk are rare, a situation likely due to a lack of availability of data or access to accumulated information. However, one comparative study found that the quality of state institutions (police, prosecution, the courts and so on) was the most significant factor in explaining levels of corruption regardless of the level of national development. Another analysis attempted to develop a causal model of the impact on national wealth of organized crime, rule of law and corruption. An index was developed to measure the level of organized crime, combining data on perceptions of organized crime, unsolved homicides, corruption, money-laundering and the extent of the underground economy. These studies suggest that measurement of the extent of organized criminal activity is possible, which would allow for assessment of changes over time and measurement of the impact of efforts to combat organized crime.²⁰

21. Still other risk assessment efforts examine systematic empirical data so as to determine correlates and predictors of organized criminal activity. Many of these analyses are conducted at the local level, because of the generally greater availability of local data and the wide differences in the nature of organized criminal activity among localities. For example, a victimization survey and interviews conducted in three cities examined patterns of victimization of local businesses by organized crime and the extent to which businesses were invited to participate in organized crime. Wide variations in the nature of organized criminal activity were found among the neighbourhoods and invitations for businesses to participate in organized crime were common.²¹ Studies like this suggest the possibility of better measurement of the nature and extent of organized criminal activity among legitimate businesses and gauging the law enforcement response to it.

22. Comparatively little effort has been devoted to explaining the choices of organized criminal groups and networks in choosing particular criminal activities. Why is drug trafficking chosen over cigarette trafficking, human trafficking or trafficking in counterfeit products in certain circumstances and locations? One approach to this question focuses on “routine activities” or “situational crime prevention”, a perspective that concentrates on the setting or environments conducive to organized criminal activity. This perspective focuses on places, rather

¹⁹ Tom Vander Beken, “Risky business: a risk-based methodology to measure organized crime”, *Crime, Law and Social Change*, vol. 41, No. 5 (2004), pp. 471-516; Ernesto U. Savona, “Initial methodology for the crime proofing of new or amended legislation at the EU level”, *European Journal on Criminal Policy and Research*, vol. 12, Nos. 3-4 (2006), pp. 221-228; and Tom Vander Beken and Annelies Balcaen, “Crime opportunities provided by legislation in market sectors: mobile phones, waste disposal, banking, pharmaceuticals”, *European Journal on Criminal Policy and Research*, vol. 12, Nos. 3-4 (2006), pp. 299-324.

²⁰ Edgardo Buscaglia and Jan van Dijk, “Controlling organized crime and corruption in the public sector”, *Forum on Crime and Society*, vol. 3, Nos. 1 and 2 (2003) (United Nations publication, Sales No. E.04.IV.5), pp. 3-34; and Jan van Dijk, *The World of Crime: Breaking the Silence on Problems of Security, Justice and Development Across the World* (Thousand Oaks, California, Sage Publications, 2008).

²¹ Nick Tilley and Matt Hopkins, “Organized crime and local businesses”, *Criminology and Criminal Justice*, vol. 8, No. 4 (2008), pp. 443-459.

than on the motivations of individuals or groups. A great deal of organized criminal activity depends on transactions in public places, so perhaps better surveillance and control of those settings would reduce the opportunity for lower-level organized crimes, which would in turn have an impact on larger organized criminal operations.²² The routine activities approach has not yet been widely applied to organized crime, however, so it is not clear whether a focus on criminal settings, and the exclusion of individual motivations, would reduce large-scale organized criminal activity.

D. Regional trends in the links between drug trafficking and other illicit trafficking

23. Numerous assessments exist of the links between drug trafficking and other forms of illicit trafficking, such as trafficking in human beings or firearms, and money-laundering. Because drug trafficking affects most countries and its ability to generate substantial profits is very high, it is seen as a funding source for the expansion of criminal enterprises to activities that go beyond narcotics. UNODC has produced regional studies that examine the links between organized crime and drugs. These studies include crime and development in Africa, the Balkans, the Caribbean and Central America.²³ These assessments have pointed to the crucial role of regional cooperation in addressing threats confronting the region, such as trafficking in persons, drugs and/or firearms, as well as other forms of organized crime, plus corruption and money-laundering.

24. A UNODC report on drug trafficking in West Africa concluded that every country in the region has cocaine flowing through it and that drug networks there were linked to networks in Europe. Unfortunately, baseline data are not available, which makes targeting and trend analysis difficult: the most basic data on drug production, trafficking and use are lacking for West Africa. The threat of drug trafficking in the region is further exacerbated by weak institutions, so the rule of law is not enforced with certainty or regularly, which poses a security threat to the region.²⁴

25. A United Nations report on drug trafficking in the Caribbean found that, despite significant differences among nations in the region, all Caribbean countries had been caught in the crossfire of international drug trafficking for many years: the Caribbean suffered greatly from the supply from the South and the demand in the North. Such drug trafficking caused ancillary problems involving aggravation of local drug use problems because couriers were often paid in drugs, trafficking in

²² Marcus Felson, *The Ecosystem for Organized Crime*, HEUINI Papers, No. 26 (Helsinki, European Institute for Crime Prevention and Control, affiliated with the United Nations, 2006).

²³ *Crime and Development in Central America: Caught in the Crossfire* (United Nations publication, Sales No. B.07.IV.5); *Crime, Violence and Development: Trends, Costs and Policy Options in the Caribbean* published by UNODC and the World Bank in March 2007 (www.unodc.org/documents/data-and-analysis/Caribbean-study-en.pdf%20%20); *Drug Trafficking as a Security Threat in West Africa*, published by UNODC in 2008 (www.unodc.org/documents/data-and-analysis/Studies/Drug-Trafficking-WestAfrica-English.pdf); and *Crime and Its Impact on the Balkans and Affected Countries*, published by UNODC in 2008 (www.unodc.org/documents/data-and-analysis/Balkan_study.pdf).

²⁴ *Drug Trafficking as a Security Threat ...*, op. cit.

firearms that were involved in drug sales and sometimes were traded for drugs, worsening of police corruption, and money-laundering of drug profits. Drug trafficking problems are magnified further by large tourism and financial service industries in the region producing many daily flights to these countries and Caribbean nationals living in North America and Europe who act as drug distributors and money-launderers.²⁵

26. An analysis of crime in Central America found analogous results. A UNODC report found that no issue had more impact on the stability and development of Central America than crime, given crime levels, public opinion polls and the interrelationship between corruption and the economy in these developing countries.²⁶

27. Organized crime, corruption and drug trafficking were the subject of a UNODC report on South-East Europe that found that the region continued to be the premiere transit zone for heroin destined for Western Europe. In addition, it was found that related problems such as human trafficking, corruption, rule of law and judicial reform remained significant, although some progress had been made with greater economic and political stability, after a transition period.²⁷

28. Other forms of crime have also been linked to drug trafficking. Piracy of digital media has been found to generate substantial profits for organized criminal groups and the risk of detection is low.²⁸ A study of voluntary purchasers of counterfeit goods in four countries found that the perceived favourable price-to-value relationship most contributed to their decision to buy counterfeit goods, rather than attitudes towards counterfeit goods.²⁹ Another analysis identified the locations around the world where counterfeiting was most prevalent and the factors associated with the strong market in fake CDs, DVDs, software, pharmaceuticals, clothing and jewellery.³⁰ A report by the United Nations Interregional Crime and Justice Research Institute examined the nature and extent of counterfeiting of medicine, drugs, toys, spare parts and other goods, and pointed to the need for better data collection, legal changes, enforcement methods and attention to the role of organized crime.³¹

29. Regional similarities and differences are important to document for purposes of training and the design of intervention strategies. Transnational crime in the Pacific region, for example, has come to be dominated by groups from outside the

²⁵ *Crime, Violence and Development*: ..., op. cit.

²⁶ *Crime and Development in Central America* ..., op. cit.

²⁷ *Crime and Its Impact on the Balkans* ..., op. cit.

²⁸ Jeffrey Scott McIlwain, "Intellectual property theft and organized crime: the case of film piracy", *Trends in Organized Crime*, vol. 8, No. 4 (2005), pp. 15-39.

²⁹ Elfriede Penz, Bodo B. Schlegelmilch and Barbara Stöttinger, "Voluntary purchase of counterfeit products: empirical evidence from four countries", *Journal of International Consumer Marketing*, vol. 21, No. 1 (2009), pp. 67-84; and Jason Rutter and Jo Bryce, "The consumption of counterfeit goods: 'Here be pirates?'"', *Sociology*, vol. 42, No. 6 (2008), pp. 1146-1164.

³⁰ Peggy Chaudry and Alan Zimmerman, *The Economics of Counterfeit Trade: Governments, Consumers, Pirates and Intellectual Property Rights* (Berlin, Springer, 2009).

³¹ United Nations Interregional Crime and Justice Research Institute, *Counterfeiting: A Global Spread, a Global Threat* (Turin, Italy, 2007). Available from www.unicri.it/www/emerging_crimes/counterfeiting.php.

region. Asian countries are interested in the inexpensive natural resources there, while Governments of Pacific island States look to Asia for exports, tourism and investment. An analysis found that organized crime existed at the margins of the legal fishing and logging industries, sometimes using timber camps to trade in weapons or drugs. An even larger threat was posed by corruption, when government officials sold natural resources in ways that exploited their own countries. More competent and honest governance and law enforcement were required to reduce the opportunities for corrupt activities and schemes involving organized criminal activity.³²

30. According to an analysis of narcotics trafficking in Asia, the illicit market has grown, corresponding to the growth of legitimate economies.³³ Effective solutions were hampered by lack of funding and more accurate and complete knowledge about prevalence of drug abuse and related data for scientifically studying the drug problem in the region.³⁴

31. The related problem of smuggling of migrants has been addressed in a number of studies, although the role of organized crime in such enterprises is not well understood. Many cases have been brought against human smugglers in a large number of countries, but many of the offenders are engaged in smaller enterprises of networks involved in recruitment or transport rather than in larger criminal organizations. Based on fieldwork and interviews with government officials and more than 100 smugglers, a study described the “snakeheads” who transport illegal immigrants into Western countries, concluding that smaller entrepreneurial groups, rather than godfathers, were the primary actors involved, although the connections between the criminal underworld and legitimate businesses required more attention.

32. Another study using anonymous Internet questionnaires and fieldwork gathered information from prostitutes and their customers, and focused on the demand side of the problem. The findings suggest that there are ways to manage prostitution, in places where it is legal, in a way that protects victims and addresses human trafficking.³⁵ This is a substantive area for discussion in evaluating the competing concerns of the supply of smuggling and trafficking victims, and controlling the demand for the services they can provide.

33. Given the significant work that has been done to analyse regional trends in the links between drug trafficking and other illicit trafficking activity, synthesis is required so that regions may learn from the experiences of others, through regular, periodic assessments among regions carried out in a standardized way in order to assess trends and the impact of criminal justice initiatives.

³² Sue Windybank, “The illegal pacific, part I: organised crime”, *Policy*, vol. 24, No. 1 (2008), pp. 32-38.

³³ Ryan Clarke, “Narcotics trafficking in China: size, scale, dynamic and future consequences”, *Pacific Affairs*, vol. 81, No. 1 (2008), pp. 73-93.

³⁴ Chen Zhonglin and Kaicheng Huang, “Drug problems in China: recent trends, countermeasures and challenges”, *International Journal of Offender Therapy and Comparative Criminology*, vol. 51, No. 1 (2007), pp. 98-109.

³⁵ Sheldon X. Zhang, *Chinese Human Smuggling Organizations: Families, Social Networks, and Cultural Imperatives* (Palo Alto, California, Stanford University Press, 2008); and Andrea Di Nicola and others, eds., *Prostitution and Human Trafficking: Focus on Clients* (New York, Springer, 2009).

E. Adequacy of practices against drug trafficking for action against other organized criminal activities

34. Many practices have been employed to counter drug trafficking and other organized criminal activities, but little effort has been made to assess their effectiveness. It therefore remains difficult to evaluate the cost and benefit of a practice and its impact on victims or on organized crime in the region.

35. The development of strategies to combat money-laundering began with concern over the international movement of the illicit proceeds of drug trafficking and continues with respect to the proceeds of organized criminal activity. A large number of laws have been adopted and monitoring agencies established worldwide to detect illicit funds both inside and outside the financial system. A detailed analysis found that insufficient effort had been devoted to developing systematic information on the impact of such efforts.³⁶ As a result, it remained difficult to evaluate the effectiveness of legislation or enforcement efforts directed against money-laundering.

36. It has been observed that regulatory and legal measures, such as strengthening of asset seizure laws to reduce money-laundering or measures to prevent and control corruption, need to be combined with social actions, such as measures to lower unemployment, in order to obtain better results in the fight against drug trafficking and organized crime.³⁷ Specific strategies and plans to achieve these objectives in a gradual and sustained manner are essential. United Nations toolkits, handbooks and other forms of technical assistance are helpful in bridging the gap between principle and practice.³⁸

37. Fraud is a central component of many organized criminal activities, especially where the victim is misled by the offender, such as counterfeiting, human trafficking, identity theft and related scams. The ability to carry out fraud successfully involves relationships among settings, opportunities and the capabilities of law enforcement. Some frauds are committed by transnational organized criminal networks, others by small groups. Individuals are known to commit large frauds without involvement in organized crime. Fraud risk assessment is becoming common for large corporations. The methods developed for such assessments may have value for broader assessments of the risk posed by illegal activities.³⁹

³⁶ Peter Reuter and Edwin M. Truman, *Chasing Dirty Money: Progress on Anti-Money Laundering* (Washington, D.C., Institute for International Economics, 2004).

³⁷ "Taking on the unholy family", *Economist*, vol. 392, 25 July 2009; and Nathan Jones, "Using counterinsurgency strategy to reassert the Westphalian State against criminal networks: the case of the Gulf Cartel in Mexico", paper presented at the annual meeting of the International Studies Association, New York, February 2009.

³⁸ *Toolkit to Combat Trafficking in Persons* (United Nations publication, Sales No. E.08.V.14); and *Technical Guide to the United Nations Convention against Corruption*, published by UNODC and United Nations Interregional Crime and Justice Research Institute in 2009 (www.unicri.it/www/publications/books/docs/Technical_Guide_UNCAC.pdf).

³⁹ Michael Levi, "Organized fraud and organizing frauds: unpacking research on networks and organization", *Criminology and Criminal Justice*, vol. 8, No. 4 (2008), pp. 389-419; and Nahariah Jaffar and others, "The effects of fraud risk assessment on the external auditor's ability to detect the likelihood of fraud: a conceptual discussion", *European Journal of*

38. The control of international arms trafficking is another problem of organized crime that could benefit from a careful assessment of current practices. A United Nations report examined the problem of small arms proliferation in the developing world and found relationships between governance, political instability and police training. Another study in the Balkans identified three different types of arms trafficking and the analysis pointed to cultural, social and political factors that contributed to the illicit market beyond mere profit-making.⁴⁰ These findings offer guidance for arms trafficking control efforts in other regions.

39. A recent United Nations assessment of multiple problems faced in the West African region addressed the adequacy of practices adopted to counter drug trafficking in targeting other organized criminal activities. West Africa suffers from multiple transnational illicit trafficking flows involving cocaine, oil, cigarettes, counterfeit medicines, small arms, persons for purposes of sexual exploitation, toxic waste and people smuggled for labour. It was found that these problems had both internal and external causes. The demand for stolen oil, the supply of substandard medication, the processing of illicit goods in free trade zones, the global second-hand electronics market and insufficient transparency in financial transactions all emanate largely from outside the country. Problems with internal sources that have an impact on the overall situation include deficiencies in licensing and taxation laws that affect intraregional cigarette smuggling, low police performance because of lack of training and education, difficulties in border security and an environment of lawlessness because of corruption.⁴¹ This analysis shows that good practices can be developed and shared, given a thorough diagnosis of the problems at hand and the understanding that solutions will involve changes beyond just the criminal justice system.

F. Good practices adopted nationally and regionally in the investigation and prosecution of international drug traffickers

40. There are a number of practices adopted nationally and regionally for investigation and prosecution of international drug traffickers. Sometimes practices are considered “good” when they result in convictions, but it is important to recognize that conviction is only one criterion to be used in identifying a good practice. Other important factors are financial cost, impact on organized criminal groups and on third parties (private citizens) not involved in the case.

41. Sharing of practices among law enforcement agencies and prosecution authorities is highly desirable. Discussion of past cases with counterparts from other countries is useful, as it provokes thought and discussion and may result in

Scientific Research, vol. 17, No. 3 (2007), pp. 425-432.

⁴⁰ Anatole Ayissi and Ibrahima Sall, eds., *Combating the Proliferation of Small Arms and Light Weapons in West Africa: Handbook for the Training of Armed and Security Forces* (United Nations publication, Sales No. GV.E.03.0.17); and Jana Arsovska and Panos A. Kostakos, “Illicit arms trafficking and the limits of rational choice theory: the case of the Balkans”, *Trends in Organized Crime*, vol. 11, No. 4 (2008), pp. 352-378.

⁴¹ *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment*, published by UNODC in 2009 (www.unodc.org/documents/data-and-analysis/Studies/West_Africa_Report_2009.pdf).

refinements of investigative approaches.⁴² Greater priority and funding is needed to create forums to share investigative experiences and promote cooperation among competent authorities.

42. The role of the police sometimes becomes very difficult because of the many demands placed upon them. Investigative leads are developed best when police know their communities and enjoy their trust. This requires convincing the public that it is worthwhile to report crime and that this is better than attempting to resolve conflicts privately. As the UNODC report on crime in Central America recognized, police cannot perform these vital tasks if they are caught up in a war, rushing from one battlefield to the next. Ultimately, though, it must be recognized that the police are only the most visible element in the State's efforts to address crime issues, and they cannot handle the task alone.⁴³

43. Witness protection provisions have been adopted by a growing number of countries and are used to provide security to seriously threatened witnesses. These provisions vary significantly around the world, as described in a UNODC report on current practices.⁴⁴ When witness protection was begun in the United States of America, it was estimated that 25 to 50 witnesses would be relocated each year at a cost of less than one million United States dollars. In its first 13 years, however, more than 4,400 witnesses and 8,000 family members entered the programme. This experience leads to the conclusion that witness protection programmes must be carefully planned. Objective assessment is important for inclusion because many protected witnesses are criminals themselves, so there is the distinct possibility that such programme participants may commit new crimes after being relocated. An evaluation of the performance of a witness protection programme should compare its costs (as measured, for example, by relocations and crimes committed by witnesses while in the programme) with its benefits (successful prosecutions of high-level organized criminals).⁴⁵

G. Good practices in the field of international cooperation in criminal matters

44. The negotiation of binding international conventions in recent years and many successful bilateral and multilateral agreements on extradition and other forms of international cooperation constitute definite progress in confronting transnational crime. Successes include the global trend towards formal versus informal cooperation agreements and more multilateral versus bilateral agreements (thereby shrinking the number of places for criminals and their assets to hide). Face-to-face

⁴² Leslie E. King and Judson M. Ray, "Developing transnational law enforcement cooperation: the FBI training initiatives", *Journal of Contemporary Criminal Justice*, vol. 16, No. 4 (2000), pp. 386-401.

⁴³ *Crime and Development in Central America: ...*, op. cit., see also David H. Bayley, *Changing the Guard: Developing Democratic Police Abroad*, Studies in Crime and Public Policy (New York, Oxford University Press, 2006).

⁴⁴ *Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime*, published by UNODC in 2008 (www.unodc.org/documents/organized-crime/Witness-protection-manual-Feb08.pdf).

⁴⁵ Jay S. Albanese, *Organized Crime in Our Times*, 5th ed. (Newark, New Jersey, LexisNexis, 2007).

meetings for training and technical assistance have been valuable to promote trust and post-training cooperation. The use of economic and development associations as platforms for crime-related agreements has been demonstrated to be effective in addressing shared crime-related issues in Asia, Europe and South America.

45. Improvements are needed in utilizing available information and databases and in developing procedures to make extradition more efficient. There is also need for more support to developing countries to help them improve their capacity for law enforcement cooperation. Tracking and reporting instances of international cooperation is essential to measure progress.⁴⁶ While many examples of international cooperation in law enforcement and prosecution exist, further improvements are necessary and feasible. Joint investigations and enforcement operations and close cooperation should be encouraged, based on successful experiences. In addition, international organizations and bilateral liaison offices can encourage more efficient cross-border approaches to transnational crime.

H. Experiences from and lessons learned in the use of special investigative techniques

46. A great deal of experience has been gained in the use of special investigative techniques against drug trafficking and organized crime, including electronic surveillance, undercover operations and controlled deliveries. Less effort has been devoted to determining the cost-effectiveness of these approaches, the type of cases to which they are best suited or the risk they pose to law enforcement officers and to the rights of private citizens.

47. Several investigative policies and techniques have been adopted and are used without any systematic assessment of their appropriateness, possibility of or effectiveness and impact on organized crime, as well as cost-benefit and potential harm. Research methods can be developed to assess policies to control organized crime, but access to government data and experience with these tools is required. It is possible to compare the use of special investigative tools in different kinds of cases to find rational empirical answers to important questions such as the types of cases in which certain investigative and prosecution techniques and tools work most effectively, or are ineffective, their cost-benefit and what consequences or potential harms should be anticipated.⁴⁷ Similar questions can be answered empirically and objectively for all methods to combat organized crime, but related efforts must be given the requisite priority and access to information.

48. This point is borne out by several assessments, which have recognized the need for analysis of experience obtained with various investigative techniques. A review of a major racketeering law concluded that it was incredible that more than 20 years of litigation against racketeer-ridden unions had been conducted without any evaluation whatsoever. Successes and failures had never been identified, much

⁴⁶ Kauko Aromaa and Terhi Viljanen, eds., *Enhancing International Law Enforcement*

Co-operation, including Extradition Measures, HEUNI Publication Series, No. 46 (Helsinki, European Institute for Crime Prevention and Control, affiliated with the United Nations, 2005).

⁴⁷ Jay S. Albanese, "Controlling organized crime: looking for evidence-based approaches", *Victims and Offenders*, vol. 4, No. 4 (2009), pp. 412-419.

less documented or analysed.⁴⁸ An evidence-based review of programmes to control organized crime found that, in short, despite all the legislative efforts aimed at organized crime and money-laundering during the 1990s, there had been no major research studies in any key areas that conformed to the normal canon of evaluation.⁴⁹ An assessment of an unpublished review of 18 separate organized crime control efforts concluded that evidence of effectiveness of existing organized crime control strategies was scarce to the point of near absence.⁵⁰

49. A potential source of information for law enforcement planning is captured criminals. Interviews with 34 incarcerated drug offenders revealed how drug smugglers operated and how they worked to evade capture, offering insights for law enforcement investigative strategies.⁵¹ Similarly, interviews with 70 drug traffickers imprisoned in Canada found them to be of two types: “criminal” traffickers who operated as career criminals and “businessmen” traffickers who live generally law-abiding lives outside their involvement in drug trafficking.⁵² Both the structure of their operations and how they react to the threat of law enforcement detection provide clues for the effective use of investigative techniques.

50. Electronic surveillance is used in many countries to investigate organized crime and UNODC has summarized current practices in a new report.⁵³ The report is designed to help in drafting legislation and to assist law enforcement and prosecutors when considering electronic evidence-gathering. There are wide variations among nations regarding the privacy afforded to conversations in person or on telephones, and these differences reflect social, political and cultural circumstances or traditions. Objective assessments of the utility of electronic surveillance in organized criminal cases are necessary. Such assessments could answer important questions about the cost-benefit of electronic surveillance compared with other types of investigative technique, its impact on the likelihood of conviction of figures involved in serious organized crime and the impact of those convictions on organized criminal groups, as compared with traditional investigative techniques.

51. There have been a number of extremely significant undercover operations resulting in numerous convictions. The danger to undercover agents is significant, however, as they are the last to know when their identity is revealed, exposing them to the risk of serious injury or death. The adjustment problems of undercover officers after completing their assignments have also not received enough attention. The benefits of undercover work have not yet been objectively evaluated against

⁴⁸ James B. Jacobs, *Mobsters, Unions, and Feds: The Mafia and the American Labor Movement* (New York, New York University Press, 2006), p. 238.

⁴⁹ Michael Levi and Mike Maguire, “Reducing and preventing organised crime: an evidence-based approach”, *Crime, Law and Social Change*, vol. 41, No. 5 (2004), pp. 397-469.

⁵⁰ Allan Castle, “Measuring the impact of law enforcement on organized crime”, *Trends in Organized Crime*, vol. 11, No. 2 (2008), pp. 135-156.

⁵¹ Scott H. Decker and Margaret Townsend Chapman, *Drug Smugglers on Drug Smuggling: Lessons from the Inside* (Philadelphia, Temple University Press, 2008).

⁵² Frederick J. Desroches, *The Crime That Pays: Drug Trafficking and Organized Crime in Canada* (Toronto, Canadian Scholars’ Press, 2005).

⁵³ *Current Practices in Electronic Surveillance in the Investigation of Serious and Organized Crime* (United Nations publication, Sales No. E.09.XI.19).

their costs in terms of time invested, risk and manpower, and their impact on the individual officer, the police agency and affected third parties.

I. Policies and experiences in coordinating and exchanging information among law enforcement and intelligence agencies

52. There is universal acceptance of the idea that information exchange and cooperation among law enforcement and intelligence agencies is key to improved effectiveness of efforts against trafficking in all its forms. Training and capacity-building for legislators, policymakers, the judiciary and law enforcement authorities need to be comprehensive and continuous, as new laws, international agreements, investigative techniques and changes in organized criminal activity require constant familiarity.

53. Some of this coordination and information exchange occurs informally, when officers, agents or officials have personal relationships based on trust. This is facilitated by face-to-face training programmes. International agreements come to life when individuals working in different countries are able to share their experiences in a neutral forum. International training does this, and it should be a priority everywhere.

54. In some cases multinational cooperation exists that has resulted in databases and analysis capacity (e.g. the International Criminal Police Organization (INTERPOL) and the European Police Office (Europol)). For example, INTERPOL offers a global police communications system, several comprehensive databases and operational support to all of its members. The information available there can be utilized more fully to make maximum use of existing resources. Appointing State liaison officers and contact persons in each country with 24-hour availability is one way to maximize use of existing resources by increasing the number of timely information exchanges.

55. Differences in legal systems, law enforcement agencies and judicial practice can be a barrier to law enforcement cooperation, but good results have been achieved using economic and development associations as a platform for crime-related agreements (e.g. European Union, ASEAN, the Southern African Development Community and the Common Market of the South (MERCOSUR)). In these forums existing relationships can be used to address crime issues that affect economic development.

III. Conclusions and recommendations

56. Effective response to transnational organized crime, including drug trafficking, must be based on the establishment of an adequate legislative framework, capacity-building programmes and the strengthening of regional and subregional cooperation based on shared responsibility. The work of international organizations in this area requires increased coordination and redoubled joint efforts to promote implementation of multilateral treaties, principal among them the Organized Crime Convention and the Protocols thereto, and to develop and implement comprehensive, sustained and consistent technical assistance programmes to developing countries upon request.

57. Despite multiple efforts to analyse the modus operandi of organized criminal groups, lack of access to data in many jurisdictions persists and analysis is still virtually non-existent in several regions. Significant efforts are needed to allow for examination of trends in organized criminal activity, as this type of criminal activity changes in response to law enforcement efforts.

58. Policy responses are dependent upon accurate assessments of the threat posed by organized crime. Determining the risk of organized crime requires specific assessments, because of the significant variations within countries and regions. The limited existing efforts need to be consolidated and serve as a launch pad for more systematic and regular risk assessment efforts across the world.

59. Numerous assessments have been made of the links between drug trafficking and other forms of illicit trafficking. UNODC has produced regional studies that examine the links between organized crime and drugs. These studies include crime and development in Africa, the Balkans, the Caribbean and Central America. These assessments have pointed to the crucial role of regional cooperation. The outcomes of these studies need to be translated into specific programmes for assistance to these regions. Delivery of such assistance needs to become a priority, especially for the donor community.

60. Significant work has been done to analyse regional trends in the links between drug trafficking and other illicit trafficking activity. A synthesis of this work is required, so that regions may learn from the experiences of others. Further, regular, periodic assessments made in a standardized manner are required in order to assess trends in illicit activities and evaluate the impact of criminal justice initiatives.

61. Too little effort has been made to objectively assess the effectiveness of methods employed to counter drug trafficking and other organized criminal activities. As a result, it remains difficult to evaluate the cost-benefit and impact of such methods. Consequently, it is likely that lessons are not systematically collected or used to improve methods and to ensure that such methods are in place to confront the constantly shifting nature of organized crime. The international community and UNODC can and should work together to develop programmes for amendment of methods and a systematic analysis of lessons learned.

62. Face-to-face meetings for training and technical assistance have been shown to be a most valuable way to promote trust and post-training cooperation among practitioners. The use of economic and development associations as a platform for crime-related agreements has been demonstrated to be an effective way to address shared crime-related issues in Asia, Europe and South America. Information exchange and cooperation among law enforcement and intelligence agencies is key to improved effectiveness against trafficking in all its forms. Training and capacity-building for legislators, policymakers, the judiciary and law enforcement authorities need to be comprehensive and continuous, as new laws, international agreements, investigative techniques and changes in organized criminal activity require constant familiarity.