

Wednesday, 14 October 2020

INTRODUCTORY STATEMENT

Organized Crime Branch, Division for Treaty Affairs

Agenda item 5: Technical Assistance

Excellencies, distinguished delegates, ladies and gentlemen,

The launch of the review mechanism represents an enormous opportunity for the implementation of the Organized Crime Convention, to unleash its full potential to prevent and combat transnational organized crime, including through the delivery of technical assistance. Resolution 9/1 in its paragraph 45, states that, as a follow-up to its review, a State party may request technical assistance based on the specific needs identified in the review process with a view to improving the capacity of the State party to effectively implement the Convention and the Protocols thereto. Resolution 9/1 further states that the Secretariat shall endeavor to seek voluntary contributions for these purposes, in accordance with the rules and procedures of the United Nations.

In response to this resolution, UNODC has revised a Global Programme to focus on the implementation of the observations emanating from the review mechanism on the Organized Crime Convention. This programme GLOT60 is entitled “Implementation of the Organized Crime Convention: from theory to practice” and aims at ensuring impact of the review mechanism through the provision of technical assistance in the implementation of the observations. The programme implements its outcomes through four key strategies: the development and dissemination of knowledge on

transnational organized crime issues through the SHERLOC knowledge management portal; developing capacities to implement the Convention amongst relevant Member State authorities and other stakeholders; developing tools to support responses to transnational organized crime, including for the purpose of fostering international cooperation in criminal matters; and advocacy, including through the development of networks of practitioners who address organized crime.

In the context of this programme, UNODC has continued to provide pre-ratification and legislative assistance and to develop and expand the SHERLOC knowledge management portal. The SHERLOC portal brings together databases of legal resources concerning organized crime and terrorism including legislation, case law, national strategies, treaties and publications. SHERLOC now contains over 10,000 annotated legislative excerpts and more than 3,000 case summaries covering 15 crime types. Each of SHERLOC's databases offers a number of filters which can be used, for example, to explore linkages between crime types.

SHERLOC's continually expanding knowledge base also lays the foundation for many technical assistance products and activities of UNODC. For example, SHERLOC's legislation database was used to develop legislative guides on preventing and combating wildlife crime and falsified medical product-related crime and is starting to produce a legislative guide on preventing and combating waste trafficking.

In the context of the programme, UNODC has also commenced work on a number of publications, drawing from information contained in SHERLOC, including

- First, a global digest of key judicial cases involving linkages between cybercrime and organized crime.

- Second, an update of the *Model Legislative Provisions against Organized Crime*, an important technical assistance tool for States introducing and updating legislation implementing their obligations under the Organized Crime Convention.
- Third, an issue paper on the role of online intermediaries in preventing and combating illicit trafficking.

To provide States with further information about how they can use the SHERLOC knowledge management portal and to assist States with reviewing their legislative and other records on SHERLOC, UNODC is offering a number of virtual SHERLOC consultations. In these consultations, representatives of States will be able to speak one-on-one with a member of the SHERLOC team. Information on how to register for consultations has been provided to delegates registered to attend the Conference of the Parties.

Law enforcement and prosecutorial cooperation

In terms of law enforcement and prosecutorial cooperation, UNODC continues to develop and implement a number of country, regional and global programmes aimed at countering all forms of organized crime. This traditionally includes promoting intelligence-led law enforcement, developing capacities for implementation of special investigative techniques, border control and border management initiatives at sea, land and air, countering maritime crime, wildlife, timber and arms trafficking, illicit drug trafficking, human trafficking and migrant smuggling and many other forms of organized crime.

The Covid-19 pandemic, which we have lived through over the past months, has brought with it new challenges for law enforcement worldwide. Criminal networks have as usual shown their resourcefulness and adaptability in this situation, and we soon witnessed increases in the trafficking in falsified medical products including medicines and sub-standard protective personal equipment. They also adapted their methods of transportation and supply to the evolving situation. The Office has responded to this challenge by supporting Member States with up-to-date impact assessments and research briefs, as well as general guidance on appropriate law enforcement responses to the COVID-19 environment.

The travel restrictions imposed by the pandemic have also brought changes to the ways in which our technical assistance has been delivered. Training courses and mentoring sessions were quickly adapted to harness technological advances, as in-person training events were re-designed to make them suitable for delivery by teleconferencing applications. This saw some excellent examples of flexibility and innovation as the Office strived to ensure its Programmes remained - as far as feasible - on track.

I would like to underline that tools which are being developed under transnational organized crime related activities are in most cases of a universal and standardized nature and, with easy adaptation, can be used for initiatives linked to countering any types of serious crime as well as terrorism. As an example, I can mention intelligence collection, collation and analysis techniques, special investigative techniques, regional and international cooperation at all levels, following illicit financial flows and so on.

It is clear, that the ultimate goal of organized crime is generating money and other benefits. That is why countering money laundering means countering organized crime and terrorist financing. Organized criminal groups seek to engage in illicit activities with high profit margins. To this end, criminals continuously adopt new tools and find new areas of crime which change the nature of the threat. Evolving technology has been one of the drivers behind these developments. Organized criminals seek to make profit through their (illegal) business schemes and in so doing they need to move finances and launder their profits. Therefore, following illicit financial flows and disrupting illegal business are becoming increasingly important.

During recent years cryptocurrencies, which are more difficult to trace, seize, investigate and confiscate, became one of the tools used by organised crime actors. In our capacity building programme to counter money laundering and cybercrime, including the use of cryptocurrencies, UNODC applies a mentorship-based approach. Our staff members around the world act as mentors for law enforcement, prosecutors and judges, working side by side with them.

UNODC also continues to promote interregional responses against organized crime, including through the Programme CRIMJUST “Strengthening criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa”. With implementing partners, INTERPOL and Transparency International, the key focus of CRIMJUST is to assist Member States to foster interregional cooperation and strengthen capacities to further investigate and prosecute complex cases across jurisdictions, going beyond seizures and focusing on the identification and dismantling of organised criminal networks through effective criminal justice responses, including pre- and post- seizure investigations, building strong cases for prosecution and ensuring convictions of key organized criminal

groups. Moreover, following an integrated strategy, the programme seeks to enhance institutional integrity and accountability of criminal justice institutions, as a way to reinforce mutual trust and confidence within and between both regions, with the active involvement of civil society organizations (CSOs).

Our programmes such as AIRCOP, Border Liaison Offices – BLOs, Container Control and many others help member states and their respective agencies to develop and strengthen their capacities in countering illicit goods and passengers movements based on risk assessment and management as well as other techniques, thus, focusing on the most suspicious ones, while facilitating legal trade and legitimate travel of persons.

The containerized trade supply chain presents opportunities not only for governments and legitimate businesses to transport licit goods but also for terrorists and transnational organized crime groups to transport anything from legal goods used for money laundering, to prohibited drugs and even materials for weapons of mass destruction. These actors benefit from the sheer volume of global trade because this makes effective monitoring extremely difficult; less than two percent of shipping containers are ever screened. The UNODC-WCO Container Control Programme continues to work on combatting this threat by building capacity in countries seeking to improve risk management, supply chain security, and trade facilitation in seaports, airports and land border crossings in order to prevent the cross-border movement of illicit goods. The Programme supports activities focused on improving frontline, targeted risk analysis and profiling of containers and cargo in over 55 Member States and 119 Port Control and Air Cargo Control Units, resulting in important and consistent seizures, including over 64 tonnes of cocaine seized thus far in 2020.

In order to create and foster cooperation between various law enforcement training and education institutions, UNODC has continued to implement the Law Enforcement Training Network – “LE TrainNet”. This initiative aims to “network” these institutions for the exchange of curricula, training materials, training methodologies, trainers and best practices. Moreover, the LE TrainNet may provide a solid platform for cooperation to produce joint model training materials on a number of topics (including new and emerging crimes), which can be tailored and used by all parties involved.

On the law enforcement side, the establishment of and support to the existing regional centers for sharing criminal intelligence and coordination of multilateral operations as well as coordination of such networks, is one of the important areas of UNODC’s technical assistance work. Through the “networking-the-networks” initiative, we continued to build and strengthen links between those entities to facilitate exchange of criminal intelligence and coordination of long-term multilateral operations targeting all forms of organized crime and related illicit financial flows.

On the prosecution side, UNODC support for the establishment and strengthening of judicial cooperation networks and networks of prosecutors specialized in different crime areas, as well as the coordination of such networks is an important function of UNODC’s technical assistance work. Through its Global Programme against Serious and Transnational Organized Crime, three regional judicial cooperation networks have been established in Central Asia and the Southern Caucasus, the Great Lakes Region and West Africa. These networks collaborate with UNODC Sections and other international organizations on cybercrime, migrant smuggling, maritime crime, money laundering, trafficking in persons and wildlife crime to bring practical capacity

building and tools to prosecutors so that they may seek solutions to more effective prosecutions.

Undoubtedly, partnerships are critical in carrying out these technical assistance efforts. UNODC works closely with partners such as INTERPOL, the World Customs Organization, OSCE, EUROPOL, AFRIPOL, ASEANAPOL, AMERIPOL, CARICC, GCC-CICCD, GCCPOL, SELEC, Egmont Group, European Judicial Network, EUROJUST, CEPOL, Asset Recovery Inter-Agency Networks and others in this regard. We must continue to work together and join forces to tackle the threat posed by transnational organized crime.

Ladies and gentlemen,

Upon consultation with the Chair of the Working Group of Government Experts on Technical Assistance, Tom Burrows (United States of America), allow me now to briefly refer to the support provided by UNODC to the work of the Working Group. As you know, the Conference of the Parties to the Organized Crime Convention endorsed, in its resolution 8/4, recommendations adopted by the Working Group in its meeting held from 17 to 19 October 2016.

The topics of updating the legislative records of States parties in preparation for the review mechanism as well as application of the Organized Crime Convention in domestic jurisprudence were the agenda items at the twelfth meeting of the Working Group of Government Experts on Technical Assistance, held on 9 and 10 July 2020.

The twelfth meeting of the Working Group was held in a so-called hybrid/Chair format in view of the COVID-19 pandemic. Due to this format with all delegates connected remotely via an interpretation platform and limited meeting times, it was not possible to follow established practice of adopting recommendations as part of the final report. Instead of recommendations, the Working Group formulated discussion points for future consideration which became a part of the (non-negotiated) Chair's summary of the deliberations in the Working Group. They were included in the final report of the meeting which was published in September 2020 and is available on the relevant webpage of the Working Group. As per established practice, the report (including the Chair's summary) has also been submitted to the COP as part of the official documentation.

In order to facilitate the further consideration of the discussion points before the tenth session of the COP, the extended Bureau approved by silence procedure on 31 July 2020, a process which had been negotiated by Member States in Informal Consultations under the guidance of the President of the ninth session of the Conference of the Parties.

This process foresaw a so called "reflection period" in which the Secretariat, on behalf of the Chair of the Working Group, circulated the draft recommendations in the form of a non-paper to the Permanent Missions of Member States which did register to participate in the Working Group, as well as to all the registered delegates before the reports are published; and set a deadline (16 September 2020) for the submission of comments on the text of the discussion points for future consideration.

Within the aforementioned deadline, Morocco and Peru provided comments.

These comments were made available through a Conference Room Paper issued for this session of the Conference.

Due to the circumstances and the fact that there were other resolutions tabled for negotiation in informals and further adoption by the Conference, it was not possible this year to follow the established practice in previous sessions of the Conference, namely to submit recommendations for endorsement by the Conference through a resolution, introduced by the Chair of the Working Group while opening this agenda item of the session of the COP.

Distinguished delegates, ladies and gentlemen, organized crime exploits, corrupts and undermines people, businesses and governments. It does so flexibly and indiscriminately to the detriment of societies, their sustainable development and security.

Organized crime actors target, exploit and compromise jurisdictions where there is a lack of political stability, a lack of infrastructure, few functioning public institutions, an absence of law and an undermined rule of law. These are also some of the poorest States. To tackle transnational organized crime, it is critical to improve the capacity across sectors in such jurisdictions. We are only as strong as the weakest link among us.

Madam President, distinguished delegates, I wish you fruitful deliberations.

Thank you.
