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Effective measures to combat transnational organized crime

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Working paper prepared by the Secretariat**

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I. Introduction: emerging trends

1. Understanding the evolving nature of organized crime is essential to any discussion of effective measures to combat it. The key trend in the global development of organized crime over the last decade has been diversification. As the process of globalization has continued, there has been a diversification in the circumstances prevailing in many countries, in the activities and impact of criminal groups and in the structure and approach within and among criminal groups.

2. In the last decade, organized crime has evolved rapidly, propelled by the opening of new markets, facilitated by new communication technologies and pressured by law enforcement strikes. Organized criminal activity has not really expanded its tentacles to reach developing countries and countries with economies in transition, but in a number of countries a nexus has emerged between organized crime, corruption and terrorism. Since the end of the cold war, countries with economies in transition have also become particularly vulnerable to the growth of organized crime, struggling against it with varying degrees of success. Now, however, a new generation of organized criminal groups is emerging from States embroiled in or emerging from protracted periods of conflict. Conflicts and instability in many regions have been intimately associated with the growth of powerful criminal organizations. War not only generates instability, in which organized crime thrives, but provides opportunity for illicit enrichment, through the creation of profitable markets for smuggled goods.

3. A second and significant trend in the last decade is the way in which criminal organizations have expanded into a wide variety of illicit activities. Many organized criminal groups have diversified their activities and new groups have emerged in several new and specialized sectors. Current evidence suggests the increased involvement of organized criminal groups in the area of fraud, most specifically fraud using the Internet and related high-technology crimes. Trafficking in persons has developed into a multi-billion-dollar enterprise. Criminal groups now also engage in trafficking in firearms, cultural objects and natural resources. Organized criminal groups have been responsible for an upsurge in cases of kidnapping.

4. There have also been important shifts in organizational structures and approaches of organized criminal groups. Such groups are now less likely to be large, hierarchical organizations. Instead they are likely to be small groups or networks of individuals with specific skills. In parallel with globalization, there has been an explosion of complex networks of criminal organizations, whose activities span many countries, where Governments may have different capacities to combat the problem. Criminal groups are also more likely to “outsource” some components of their activities to other criminal groups or to form strategic alliances with both competitors and collaborators. The new networked nature of criminal groups is in part a reflection of their greater use of technology to facilitate communication. In short, available evidence shows that organized criminal groups are more pervasive and dynamic in organization and have broadened the scope of their operations, both geographically and by sector.

5. The current nature of organized crime requires a global response, through increased international cooperation. The primary international instrument to counter the phenomenon is the United Nations Convention against Transnational Organized

Crime (General Assembly resolution 55/25, annex I), which came into force on 29 September 2003 and has now been ratified by almost 100 Member States. Significant also are its three supplementary protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (resolution 55/25, annex II), the Protocol against the Smuggling of Migrants by Land, Sea and Air (resolution 55/25, annex III) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (resolution 55/255, annex).

6. On 31 October 2003, another major building block towards increased international cooperation was put in place, when the United Nations Convention against Corruption was adopted by the General Assembly in its resolution 58/4. The Convention has since been signed by 118 States and ratified by 15; it will come into effect after ratification by 30 countries.

7. The key challenge now to the international community is to ensure the effective implementation of the Organized Crime Convention and its Protocols. The Convention provides a legal framework not only to formulate and implement more effective measures domestically and to improve international cooperation, but also to ensure the maintenance of the rule of law worldwide. The Conference of the Parties to the Convention, whose broad mandate ranges from facilitating technical assistance activities and information exchange and cooperation with other relevant organizations to reviewing the implementation of the Convention and its Protocols, has now been established and its first session was held from 28 June to 8 July 2004. At that session, the Conference endorsed a work plan for its second session in the following three thematic fields: (a) the basic adaptation of national legislation in accordance with the Convention and its Protocols; (b) criminalization legislation and difficulties encountered in implementation of the instruments; and (c) international cooperation and technical assistance to overcome difficulties in implementing the Convention and its Protocols.

II. Illicit trafficking and the role of organized crime: key sectors and countermeasures

A. Trafficking in persons

8. Trafficking in persons, especially women and children, has received considerable attention in recent years as a result of the tremendous increase in the volume of such trafficking and the involvement of organized criminal groups. According to data of the United Nations Office on Drugs and Crime (UNODC) on related trends, Africa, Asia, Central and Eastern Europe and Eastern Europe are the main regions of recruitment of victims of trafficking. Central and Eastern Europe is also a major transit region. Developed countries in Western Europe and North America continue to be the main destinations for victims of trafficking. Asia figures equally as a region of origin and of destination.

9. UNODC's analysis of the relationship between organized crime and human trafficking indicates that organized criminal groups with a regional or global presence are now routinely involved in trafficking and associated sexual exploitation. A recent study in the Czech Republic concluded:¹

“Although small-scale activities performed by small groups of individuals occur, a more important role by far is played by large corporate bodies and transnationally inter-related networks of offenders, which make up the elaborate and very well-organized ‘sex industry’.”

10. The impact of trafficking in persons is severe, not only violating the human rights of victims but often affecting the most vulnerable groups in society—the poor, women and children.² The exploitation of victims of trafficking mainly for forced labour or sexual purposes, including paedophilia, has detrimental and traumatic effects for the victims, undercutting their chances of living normal and productive lives. Given its causes and impact, trafficking in women should be seen as a grave form of gender-based violence.³

11. The Trafficking in Persons Protocol constitutes the first legally binding global instrument with an agreed definition of the term “trafficking in persons”.⁴ This forms the basis for the establishment of domestic criminal offences that are compatible, supporting efficient international cooperation in investigating and prosecuting trafficking cases. It is critically important that national legislation of States implementing the Protocol be consistent with its provisions, most particularly in clearly defining what constitutes human trafficking.⁵ Criminal legislation should also address related crimes not as a substitute for, but in addition to, the separate crime of trafficking.

12. Importantly, the Trafficking in Persons Protocol provides for protective measures for the victims of trafficking, operating in conjunction with the articles of the Convention on witness and victim protection. Victim protection and support are essential not only for humanitarian reasons, but also as a prerequisite for successful investigation and prosecution. This is of particular importance given that victims of trafficking are often reluctant to cooperate with law enforcement officials; they may be illegal immigrants or be involved in prostitution or may fear retaliation by the traffickers against themselves or their families. The Protocol provides the basis for domestic legislation and measures for the protection of victims’ privacy and identity and their participation in criminal proceedings. In that context, specific measures may be required to shield the identities or otherwise protect the privacy of victims, including keeping the proceedings confidential by excluding representatives of the media or imposing limits on the disclosure of information.

13. In view of the psychological, mental and physical effects on children and their suffering as a result of trafficking, specific measures are needed to ensure that any counter-trafficking initiative is in the best interests of victimized children. The Protocol provides that each State party must take into account the special needs of child victims. Appropriate measures include ensuring that children are effectively protected from their traffickers and that their testimony is taken in a considerate way. The appointment of a guardian to accompany the child victim of trafficking throughout the entire legal process, as well as the provision of appropriate shelter for child victims aimed at avoiding the risk of re-victimization, should be encouraged. The establishment of specific repatriation procedures, taking into account the prospects of the victim’s reintegration into their families and their safety in their home countries, should be considered (see E/CN.15/2003/3, para. 13).

B. Smuggling of migrants

14. Migrant smuggling has become a global business, generating huge profits for organized criminal groups. While the role of organized criminal groups in the smuggling of migrants is well established, there exists surprisingly little detailed information or global research on the extent and nature of that role. Estimates of the annual profits of organized criminal groups vary considerably—from \$3.5 billion to \$10 billion annually.⁶ Nevertheless, the problem of migrant smuggling has reached critical proportions and is likely to remain one of the most visible manifestations of organized crime.

15. The growing pressure for many people to escape poverty or conflict in their home country, combined with a desire to improve their living conditions, has greatly increased the market for smuggling of migrants. While not all such smuggling is carried out by sophisticated criminal organizations, it is clear that in many cases criminal networks and organizations ruthlessly exploit the desire of people to seek a better life elsewhere. Many migrants travel under appalling conditions, often putting their health and lives at risk. Others are held captive in the country of destination until they have paid off the “debts” associated with their illegal transportation. The available evidence suggests that the criminal groups involved in these activities are highly dynamic, adaptable and in some cases have moved from drug trafficking to smuggling of migrants, benefiting from the huge profits involved and the relatively low risk of detection and prosecution.

16. The entry into force of the Migrants Protocol is a critical step in building an effective response to the problem. National legislators are required (art. 3 (a)) to criminalize the smuggling of migrants, as defined by the Protocol. The Protocol further establishes a series of supplementary offences related to the production, provision and possession of fraudulent travel or identity documents that can be used to facilitate smuggling (art. 6, para. 1 (b)). Reaching a definition of the problem is an important achievement in itself, providing the foundation for compatible national legislation.

17. The definitional elements of the Protocol are essential for drawing the line between smuggling of migrants and trafficking in persons. These two offences are distinguishable by several factors: traffickers recruit or gain control of victims by coercive, deceptive or abusive means and obtain profits as a result of some form of exploitation of the victims after they have been moved. In the case of smuggling, migrants are recruited voluntarily. While intended exploitation is a necessary constituent element of the offence of trafficking, it is not for smuggling, although it may be considered one of the aggravating circumstances of the offence.⁷ Also, while trafficking in persons may occur domestically, the smuggling of migrants is always of a transnational nature.

18. As in the case of trafficking, prevention must be a cornerstone of any policy. Two areas are of importance: firstly, sustained and collective efforts to reduce the economic disparity between countries and, secondly, comprehensive campaigns to provide information to potential migrants on the dangers of smuggling as well as on the available legal mechanisms for migration. The Protocol recognizes such needs by encouraging States parties to promote or strengthen development programmes and cooperation at the national, regional and international levels, taking into

account the socio-economic realities of migration and paying special attention to economically and socially depressed areas. It should be noted that, given that some of the causes of trafficking in persons and smuggling of migrants are similar, appropriate policies and measures should address both phenomena at once.

19. The issue of smuggling of migrants is likely to remain firmly on the public agenda in the near future. The reporting of prominent cases in the international media will continue to put pressure on policy makers to formulate satisfactory responses, although prevailing political climates often result in measures whose harshness may not be directly proportionate to their effectiveness. It is likely too that organized criminal groups engaged in migrant smuggling will use increasingly more sophisticated approaches, underscoring the importance of understanding more clearly the nature and role of organized criminal groups in this area. These factors highlight the urgency with which the Protocol should be effectively implemented and adequate lessons drawn from that process.

C. Trafficking in firearms

20. There are clear links between the trade in illicit firearms and organized crime: not only do criminal groups make use of firearms, but they are also involved in their illicit transfer. Trafficking in firearms ensures their availability and misuse in various parts of the world with a wide range of humanitarian and socio-economic consequences. These include sustaining conflicts, increasing their level of violence and impact, displacing civilians, undermining respect for international law, impeding the provision of humanitarian assistance to victims of armed conflict and fuelling crime. Often weapons are diverted from poorly secured government stockpiles by corrupt officials or thieves, but frequently transactions are facilitated by illicit brokers taking advantage of poor or non-existent import and export controls. Such weapons may end up in the hands of groups involved in armed conflicts as well as organized criminal groups and terrorist groups. Further, illicit manufacturing is a significant source of supply to armed groups and organized crime.

21. While accurate estimates of the number of small arms in circulation are difficult to make—by some accounts there are some 500 million, or one weapon for every 12 people⁸—the easy availability of firearms in some regions and countries, in particular those in conflict, suggest that the problem has reached significant proportions. The continued production of new weapons—there are some 1,249 companies in more than 90 countries involved in some aspect of the production of small arms and light weapons⁹—ensure that stockpiles of older (and now cheaper) weaponry become available, often on the illicit market. Such factors underscore the importance of ensuring that concerted attempts are made to effectively counter trafficking in firearms. Within the framework of the United Nations, three interconnected and mutually reinforcing processes are under way: the first is the Firearms Protocol; the second is an ongoing process to develop an additional international instrument to identify and trace illicit small arms and light weapons; and the third is aimed at controlling brokering in small arms and light weapons.

22. The Firearms Protocol is the first legally binding instrument¹⁰ adopted at the global level and is designed largely to stem the flow of firearms from the licit to the illicit sector. Given that its negotiation took longer than the Trafficking in Persons Protocol and the Migrants Protocol, it has not yet obtained sufficient ratifications to enter into force. (At the time of writing, it had received 35 ratifications. It is thus expected to enter into force in the not too distant future.) The Protocol provides for a system of government authorizations or licensing intended to ensure legitimate manufacturing of and transfers of firearms and for the marking and tracing of firearms. It also provides for the confiscation, seizure and disposal of illicitly manufactured or trafficked firearms. Given their complex and technical nature, the adequate implementation of the provisions of the Protocol presents a challenge to many countries, in particular in the area of marking and record-keeping.¹¹ The Protocol highlights the critical importance of providing adequate levels of technical assistance in that regard.

23. An expert group convened under the auspices of the Department for Disarmament Affairs of the Secretariat has examined the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. Acting on the recommendation of the expert group, the General Assembly, in its resolution 58/241 of 23 December 2003, established an open-ended working group to negotiate such an instrument and, pursuant to the resolution, a process of broad-based consultations on further steps to enhance international cooperation in preventing and eradicating illicit brokering in small arms and light weapons is under way. As brokering is an essentially intangible activity that encompasses various forms and types of operation, it is very difficult to define comprehensively. The issue of definition continues to be debated, however, and issues raised during the United Nations consultative process focused on accurately defining the term “brokering” and whether related activities, such as financing, transport and export controls, should also be included in any core definition.

24. The challenge remains to ensure that enough States ratify the Firearms Protocol and that adequate support is provided to developing countries to ensure its effective implementation. It is critical that experience in effectively implementing the Protocol be gained, in particular in countries where resources for marking and record-keeping may be limited.

D. Use of and trafficking in explosives

25. Trafficking in and use of explosives by criminal groups continues to be of considerable concern, in particular because of their possible supply to terrorist groups. In its resolution 54/127 of 17 December 1999, the General Assembly requested the Secretary-General to convene an expert group on the issue of the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes. The expert group concluded that, while criminal misuse of explosives was broadly considered to be a major threat, actual misuse was more likely to occur within a single State rather than across national borders, with the exception of crimes committed by terrorist groups. The group recommended that, in the event that the international community decided to develop an international instrument, it should not be limited in its application to any form of crime, including

terrorism, and should not be a subordinate instrument to the Organized Crime Convention (E/CN.15/2002/9, para. 30 (d)).

E. Trafficking in human organs

26. Over the past 40 years, organ transplantation has been transformed from an experimental procedure carried out in advanced medical centres to a therapeutic intervention performed in hospitals and clinics throughout the world. The transplantation of solid organs, such as kidneys, livers, hearts or lungs, has gradually become a regular component of health care systems in many countries and not only in developed ones. The World Health Organization (WHO) estimates that some 50,000 of the approximately 70,000 solid organs transplanted annually are kidney replacements and more than one third of the latter replacements take place in low- or medium-income countries.¹² In addition, the number of transplants of human tissue is also increasing in both developed and developing countries, but the data on this type of transplantation are less comprehensive. However, rapid developments in technology in this field have raised medical, ethical and legal concerns, given that the supply of organs has not kept pace with demand. In Europe alone it is estimated that approximately 120,000 patients are receiving dialysis treatment and around 40,000 people are waiting for a kidney; the waiting list for a transplant, currently about 3 years, is projected to increase to 10 years by 2010. The gap between demand and supply has become even more acute because of resistance to post-mortem donation because of local legal, religious and cultural barriers and, thus, the limited supply of cadaveric organs. As a result, there has been a progressive rise in the number of donations from live donors.¹³

27. Despite the strong tradition that organs and tissues should be regarded as gifts, some members of the transplant community and policy makers in several countries have expressed interest in allowing financial incentives for the provision of human body parts, thus hoping to increase access to transplantation. In that context, although payment is illegal in almost all countries, there are numerous reported incidents of living donors being remunerated directly or indirectly for transplanted kidneys. There is also evidence of a rapidly developing “transplant tourism” sector and “organ tourists” who travel to specific countries, often with their surgeons, to purchase organs, while paid donors, usually belonging to the poorest and most vulnerable groups, are known to have been exploited in several countries. Further complications arise in cases where tissues donated without compensation are later sold for profit.

28. These factors have led to an increase in trafficking in human organs and tissue in the recent past. Trafficking in human organs thus provides lucrative openings for organized criminal groups. Criminal groups involved in trafficking in organs often involve members of the medical profession and have also been known to kidnap their victims, who in some cases have been children. For these and other reasons, opposition to the sale of the human body and its parts, in particular the purchase of organs from living persons or the provision of economic incentives to the relatives of deceased donors, has been addressed repeatedly by international medical and human rights organizations.¹⁴ WHO, in particular, has since 1991 endorsed a set of Guiding Principles on Human Organ Transplantation, which put emphasis on voluntary donation, non-commercialization and generic relation of recipients to

donors and recommended that organs preferably be obtained from cadavers rather than from living donors.¹⁵ Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (General Assembly resolution 54/263, annex II), requires the criminalization of offering, delivering or accepting, by whatever means, a child for the purpose of transfer of organs of the child for profit. In its resolution 57.18 of 22 May 2004, the World Health Assembly urged Member States to take measures to protect the poorest and most vulnerable groups from “transplant tourism” and the sale of tissues and organs.

29. Nevertheless, such responses are likely to be increasingly challenged by the involvement of organ donation programmes in commercialized operations and the evolving threat of trafficking in human organs. An important step in combating trafficking in human organs (and tissue) was the inclusion of the removal of human organs in the definition of exploitation in article 3 (a) of the Trafficking in Persons Protocol. In its resolution 59/156 of 20 December 2004, entitled “Preventing, combating and punishing trafficking in human organs”, the General Assembly requested the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to pay attention to the issue of the illicit removal of and trafficking in human organs, urging Member States to adopt the necessary measures to prevent, combat and punish the illicit removal of and trafficking in human organs and to encourage the exchange of experience in and information on preventing, combating and punishing the illicit removal of and trafficking in human organs.

F. Kidnapping

30. The phenomenon of kidnapping has grown considerably in the last decade, most notably in Latin America, but also in parts of Africa and Asia. A growing tendency is for organized criminal groups to resort to kidnapping as a method of accumulating capital or collecting debts. Kidnapping has traumatic implications for victims and their families. The impact of kidnapping may also be broader, discouraging investment (in particular when business leaders or their families are targeted) and, when widespread, leaving lasting psychological scars on many sectors of society.

31. In its resolution 2002/16 of 24 July 2002, the Economic and Social Council invited Member States to provide to the Secretary-General information on the practice of kidnapping and on relevant domestic measures that had been taken to deal with it; and requested the Secretary-General to submit a progress report on the basis of the replies to the Commission on Crime Prevention and Criminal Justice at its twelfth session and to report on the factual and legal situation of kidnapping throughout the world, including the situation of victims, to the Commission at its thirteenth session. The findings and concluding remarks of both reports (E/CN.15/2003/7 and Add.1 and E/CN.15/2004/7 and Add.1, respectively) highlight the need for specific initiatives that should be taken by Member States in order to effectively combat the problem of kidnapping, including the building of effective law enforcement capacity to respond to the specific challenges posed by kidnapping; the establishment of a system to monitor ongoing cases of kidnapping; the establishment of mechanisms aimed at preventing cases of kidnapping, such as the provision of information to raise awareness on the phenomenon; reforming the

legislative framework of Member States, ensuring, among other objectives, that effective protection and support is provided to victims of kidnapping and their families; and exchanging information on counter-kidnapping techniques and lessons learned in preventing and responding to cases of kidnapping.

32. Lack or inaccuracy of reporting is a key impediment to assessing the extent and nature of the problem. There are several reasons for this, including that many victims do not report their kidnapping because they are afraid of potential retaliation by criminal groups; a considerable proportion of kidnappings in some jurisdictions are conducted between or within criminal groups and are thus not brought to the attention of the authorities; and in many circumstances kidnappings are resolved quietly by the payment of a ransom and on condition of not reporting the incident to the authorities. For these reasons, measures for effective witness protection, including the protection of victims, families of the victims and collaborating witnesses, as well as concerted action and initiatives to raise public awareness of the practice of kidnapping and the fight against it, should be in the forefront of preventive strategies.

33. In societies severely affected by the problem, urgent measures aimed at creating practical mechanisms for countering kidnapping need to be taken.¹⁶ Particular attention should be given to the creation of comprehensive operational frameworks that establish clear lines of authority in the course of negotiations for resolving a kidnapping case, thus narrowing the chances of conflicting orders or actions that could endanger the lives or integrity of the victims. Emphasis must also be given to the promotion of more effective forms of international cooperation and exchange of information. The existence and implementation of instruments focused on law enforcement cooperation and operational coordination, in particular with neighbouring countries, are important in countering cases of cross-border kidnapping. A starting point for the development of technical assistance activities in the area of kidnapping must be an attempt to identify promising global practices in countering the problem. UNODC is working to consolidate available knowledge and expertise into a manual of good practices to counter kidnapping as a foundation for a wider programme of technical assistance activities in this area, in accordance with General Assembly resolution 59/154.

G. Trafficking in endangered species

34. Increasing evidence suggests a growing role of organized crime in the trafficking of protected species of flora and fauna. The extent of this illicit trade is now estimated by the International Criminal Police Organization (Interpol) to be second only to trafficking in illicit drugs in financial turnover. The United Nations Environment Programme (UNEP) estimates that the total global trade in animals, plants and their by-products is around \$160 billion per year, based on declared import values, and involves hundreds of millions of plant and animal species. While the proportion of this trade that is illegal is difficult to determine, it is estimated that the financial cost of the illicit global wildlife trade runs into several billion dollars and that its environmental costs are immeasurable. Despite these concerns, global data collection on both the extent of trafficking as well as the role of organized crime remains poorly developed. This is in part the result of haphazard reporting by States to the secretariat of the Convention on International Trade in Endangered

Species of Wild Fauna and Flora.¹⁷ Even in some developed countries there is no central collection of information, often because trafficking in endangered species is regarded as a low priority.¹⁸

35. Notwithstanding the generally poor quality of information available on trafficking and the role of organized crime, the secretariat of the Convention reports that numerous indicators suggest that the problem is now significant and growing. Among others, these include the high profits, and comparatively low risks, associated with trafficking in endangered species, which, per unit of measure and depending on the product, may exceed those of narcotics, diamonds and gold; the organized nature of the illegal harvesting of some endangered species, including the recruitment, payment and supply of poachers for prolonged periods in the field; the fact that the processing and subsequent marketing of illegally harvested specimens is often a complex undertaking, requiring specialized skills and a degree of financial capital; the length of some smuggling routes, which may cross several international borders, and the sophisticated means of trafficking and concealment, implying the involvement of a large number of individuals and a high level of organization; the sophisticated forgery of genuine permits and certificates authorizing trade in wildlife, as well as of the security stamps used on Convention documents by States parties; and the fact that law enforcement sources indicate that persons involved in serious wildlife crime often have previous convictions for other criminal activity or are known to be members of organized criminal groups.

36. One prominent example of the involvement of organized criminal groups is the trade in illegal caviar. With its high value, relatively low bulk and ease of transport, easily disguised identity and origin and the potential to exploit the market demand unmet by restricted supplies, the caviar trade offers organized criminal groups a low-risk, high-profit activity. Powerful criminal groups have thus become involved in the trade, making use of violence, corruption and close links to state agencies. By the late 1990s it was estimated that over 50 per cent of the world trade in caviar was illegal and that in some areas less than one fifth of the actual sturgeon catch was thought to be officially registered.¹⁹

37. Although parties to the Convention are obliged to adjust their national legislation in order to criminalize the illegal trade in endangered species of wild fauna and flora, not all of them have established the appropriate legal framework to comply with that obligation. In some States parties, illegal trade in wildlife is not considered a criminal offence and is treated under administrative regulations. Given the seriousness of the phenomenon, it is necessary for Member States to formulate and implement comprehensive national policies, including by reviewing their criminal legislation with a view to ensuring that offences are punishable by appropriate penalties that take into account the serious nature of those offences.²⁰

38. Greater international cooperation is also required to effectively combat the illegal trade in wildlife.²¹ The establishment of mechanisms and task forces at the regional level can be conducive to effectively dealing with poaching and trafficking. In addition, more effective collaboration between different United Nations entities concerned with related problems would be an important step in providing a clearer global focus on the problem. A critical first step would be to determine with greater precision the role of organized criminal groups in the illicit trade in endangered species and to build a response that seeks to tackle those areas of the trade where organized crime has the clearest presence.

H. Illegal logging

39. The potential scale of the illegal logging industry, its connections to other illegal activities as well as its cost to many developing countries (estimated at between \$10 and \$15 billion),²² highlight the importance of building an effective global response to the phenomenon. In some countries, illegal logging is said to constitute around three quarters of total timber production. Evidence suggests that legitimate logging companies are often heavily implicated in extensive illegal logging activities. Poor regulation and difficulties in identifying sawn timber and other processed products ensure that there is little hard evidence to demonstrate the extent of the trade. Complex methods of handling and transport are used, since the illegal timber trade deals in bulk materials that are difficult to smuggle covertly. UNEP emphasizes that logging has an enormous environmental impact, destroying the habitats of many endangered species. Corrupt practices are used to gain access to forests, to cut without permission or to harvest protected species and whole wood is processed and exported illegally, often with false declarations being made at customs controls.

40. An important measure to curb illegal logging is to ensure that consumer countries make greater efforts to limit the market share for illegal timber. To do this, however, individual countries must be able to accurately define what constitutes illegal timber products and then establish mechanisms by which any such imports can be adequately policed. This poses considerable challenges, given the difficulty of identifying the sources of processed timber products. The impact of such domestic measures would be greatly enhanced if an appropriate international legal framework were in place. While the Convention on International Trade in Endangered Species of Wild Fauna and Flora is a critical component of controlling some species of endangered timber, it is not feasible to extend its ambit to cover the whole illegal logging industry.²³ Whatever mechanisms would be most appropriate, it must be emphasized that much more work is required in determining the link between illegal logging and organized criminal groups.

I. Trafficking in ozone-depleting substances

41. By the mid-1990s, it is estimated that around 20,000 tons of ozone-depleting substances were being traded illegally each year, the equivalent of 20 per cent of legitimate trade. Sophisticated smuggling networks are now said to control much of the trade; while evidence indicates the presence of organized criminal groups, no comprehensive global survey of their involvement has been completed. In some countries illegal trade in ozone-depleting substances has increased dramatically and a variety of smuggling methods have emerged. Where licensing systems have been effectively implemented, criminal groups have resorted to other methods, such as false labelling. Illegal trade in ozone-depleting substances is controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer,²⁴ which aims to gradually reduce and finally phase out all ozone-depleting substances. The incentive for illegal use of ozone-depleting substances arises from the high cost for industry of adaptation or replacement of the machinery used. While the Montreal Protocol as originally conceived did not address the problem of illegal trade, the parties subsequently agreed to establish licensing systems to monitor the flow of

ozone-depleting substances and to prevent legitimately produced ozone-depleting substances from ending up on the black market. UNEP has emphasized the importance of accurately determining the involvement of organized criminal groups in the trade in ozone-depleting substances, including studying the impact of such involvement.

J. Illicit trade in hazardous waste

42. Illegal trade in hazardous waste continues to occur in violation of the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.²⁵ While there are strong indications that organized criminal groups are involved in the illicit trade, the extent and nature of that involvement remains unclear. It is reported that many cases of illegal trafficking take the form of the deliberate mixing of hazardous and non-hazardous waste. There are also cases involving large-scale trafficking in hazardous waste, often involving money-laundering activities as well as links to the illegal trade in arms. Strengthening legislation and improving monitoring systems and facilities, as well as building the capacity of the relevant law enforcement agencies are important contributing factors in addressing the problem in the short term. In the medium to long term, more effective cooperation between law enforcement agencies will be critical. This includes not only understanding more clearly the role of organized crime in trafficking in hazardous waste, but also continuing efforts by the international community to formulate appropriate policies in connection with the role of criminal law in environmental protection.²⁶

K. Trafficking in cultural property

43. Transnational organized crime is deeply involved in trafficking in cultural property and transnational trafficking networks have grown vertically, involving links between the local population in areas where antiquities have been discovered and dealers who violate national legislation prohibiting their illegal export to the smugglers and dealers who sell them at great profit to private collectors. The well-organized nature of the illicit market for art and antiquities is perhaps most strikingly demonstrated by the fact that only around 5 per cent of all stolen art objects are ever recovered (see E/CN.15/2004/10, para. 51). The vulnerability of cultural property to trafficking is the result of a number of factors, including that cultural objects may guarantee high profits and speculative values; cultural objects are often relatively easy to obtain; the risks of trafficking are generally low, given that legislation, while being clear on the issue of theft, is less so on matters related to illicit export or import; cultural objects can be concealed and moved with relative ease; prompt international circulation is often instrumental in concealing the provenance of the object, with such circulation being best orchestrated by an organized criminal network; documentation of cultural objects is relatively easy to forge; fakes and forgeries of cultural objects can be easily introduced into the market; and there is a high demand for rare cultural objects.

44. The 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict²⁷ first introduced the definition of “cultural property” and provides safeguard measures in wartime that have been strengthened by its two protocols.

With a view to addressing peacetime trafficking in cultural property, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1970. With the aim of complementing the UNESCO Convention from the point of view of private law and establishing a body of uniform legal rules for the restitution and return of stolen or illicitly exported cultural goods, the Convention on Stolen or Illegally Exported Cultural Objects was adopted in Rome on 24 June 1995 by the International Institute for the Unification of Private Law. Interpol is working as a clearing house for information using a network of reciprocal links among its 176 member States. It circulates information about cultural objects that have been reported to member police forces as stolen or as property found in suspicious circumstances.

45. Notwithstanding those initiatives, much still needs to be done to prevent and combat thefts of and trafficking in cultural property. The Eleventh Congress may wish to examine measures and initiatives geared towards preventing and controlling the problem. In that connection, the promotion of mechanisms for recovery and return of stolen movable cultural property could be discussed, as well as the need for a comprehensive approach that goes beyond law enforcement to include educational campaigns and awareness-raising and stresses the importance of partnerships with the private sector. While the vulnerability of the sector to organized criminal involvement is clear, there is a lack of reliable and up-to-date information both on the extent and nature of organized criminal groups involved in the trafficking of cultural property, including works of art, antiquities, rare manuscripts and ethnological material. It is essential that data should be recorded, regularly updated and shared to track movements and trends so that anticipatory measures can be effectively implemented.

III. The impact on organized crime of changes in technology

46. In the space of only a decade, significant advances in the field of technology have transformed global information flows and the way in which business is conducted. To take only the example of the Internet, in 1991 there were only a few Internet hosts or websites, but there are now reported to be at least 180 million. Over half of that growth has taken place over the last three years, with an estimated 100 million hosts having been added.²⁸ The global reach of the Internet, the growing sophistication of the banking sector and other advances in technology have dramatically reduced the importance to organized criminal groups of physical boundaries.

47. The impact is twofold: on the one hand, advances in technology have made criminal organization more flexible and dynamic, with electronic mail (e-mail) in particular allowing ease of communication among groups of people without regard to distance, cost or organizational hierarchy. A UNODC survey of transnational organized crime in West Africa, for example, indicates that e-mail is now an essential tool for criminal groups to communicate with little regard to time or distance, significantly increasing the potential for illicit trafficking.²⁹ On the other hand, advances in technology have resulted in new opportunities for organized criminal activity. For example, the fraudulent use of credit and debit cards by sophisticated organized criminal groups making use of advanced counterfeiting

technologies has now become a truly globalized business. By making use of off-the-shelf technologies, data from genuine credit cards can be compromised in one country in the morning, counterfeit cards produced in the afternoon in another, then used elsewhere again. The countries may not even be on the same continent.

48. Further, the impact of the growing problem of the criminal misuse and falsification of identity (identity theft) upon business in many countries is now substantial. Identity theft involves the collection of data on individuals and the counterfeiting of their identities, among others, for credit purposes and, given the complexities involved, requires a relatively high degree of organization.³⁰ It is worth emphasizing that economic crime could rival drug trafficking as a source of profit for criminal groups.³¹ The reliance of the global financial system on high-technology communication systems makes it vulnerable to attack by those who wish to disrupt it. And, because globalization places such a high premium on the provision of information, that process itself is subject to extortion. Criminal groups attack the websites of web retailers and Internet payment systems, extorting payment to make the attacks cease. Law enforcement officials suggest that these attacks are not the work of mischievous hackers but of sophisticated criminal operations.

49. The World Summit on the Information Society, held in Geneva from 10 to 12 December 2003, adopted a Plan of Action,³² which requires Governments, in cooperation with the private sector, to prevent, detect and respond to cybercrime and misuse of information and communication technologies by developing guidelines that take into account ongoing efforts in those areas; considering legislation that allows for effective investigation and prosecution of misuse; promoting effective mutual assistance efforts; strengthening institutional support at the international level for preventing, detecting and recovering from such incidents; and encouraging education and raising awareness. The Group of Eight Justice and Home Affairs Ministers, in its communiqué issued on 11 May 2004, emphasized the importance of enhancing States' abilities to respond to cybercrime, as well as demonstrated its commitment to improving laws criminalizing misuse of computer networks and allowing for faster cooperation on Internet-related investigations. On 1 July 2004, the Council of Europe Convention on Cybercrime,³³ the first international treaty in this field, came into force, and now has 30 signatories and eight parties.

50. Article 29, paragraph 1 (h) of the Organized Crime Convention requires States parties to initiate, develop or improve specific training programmes dealing with methods used in combating organized crime committed through the use of computers, telecommunications networks or other forms of modern technology. The Internet Governance Project has pointed out, however, that while the Organized Crime Convention provides a starting point, it does not foresee specific requirements about how to address cybercrime nor sufficient protection of human rights and privacy. The Eleventh Congress may wish to explore means and measures that the international community may develop to efficiently strengthen international cooperation in this endeavour (see A/CONF.203/14).

IV. Organized crime and conflicts

51. Conflicts, as well as civil and political strife, are closely linked to the formation and growth of criminal networks. In many conflict situations local warlords plunder entire regions and use their power to trade in weapons, drugs and local primary resources. Illicit trafficking in natural resources, including petroleum, timber, diamonds and other minerals, is not only a result of destabilization in conflict areas around the world, but also a factor conducive to further triggering and financing of deadly conflicts. The evidence suggests that trafficking in persons, especially women and children, often increases in conflict and post-conflict situations, where organized criminal groups take advantage of institutional deficiencies and the weaknesses of state control mechanisms and engage in large-scale trafficking operations. In most post-conflict situations, the growth of organized crime constitutes a challenge to the development of reformed institutions—such as the police or the judiciary—thus often posing a serious obstacle to achieving stable, more prosperous societies.

52. It is essential that high priority be accorded to measures aiming at developing mechanisms to counter operations of organized criminal groups as part of overall efforts to re-establish the rule of law and strengthen local criminal justice systems (see A/CONF.203/RPM.3, para. 10). In that context, action should be taken in order to respond effectively to the links between organized crime with corruption and conflict, as well as to address efficiently the resulting challenges for peacekeeping operations and post-conflict reconstruction. Such action would include using available expertise to ascertain the nature and extent of operations of organized criminal groups in conflict situations. Further, it would be important to incorporate the component of combating organized crime into the work of the United Nations in post-conflict and peace-building operations and to collaborate in preventing and combating trafficking in persons, especially women and children, to and from conflict and post-conflict zones, including through the development and enforcement of strict codes of conduct for United Nations personnel. Finally, developing training curricula and modalities for providing precise guidance to peacekeepers on action against trafficking in persons should be made a priority.

53. More focus is also required on the development of local specialized investigative skills to counter organized crime in post-conflict societies, including sensitivity to the needs of particularly vulnerable groups, such as women and children. Policing interventions in such environments must be viewed as an integral part of the rule-of-law continuum, coupled with parallel measures in other components of the criminal justice system such as the judiciary and prison authorities. It is paramount that these issues be considered in the early stages of emergency reconstruction, so that an appropriate basis is laid for the development of innovative initiatives, the involvement of the community and the strengthening of local government structures to be able to counter organized crime (as well as the related problem of corruption) through prevention and local action.

V. Building a global response to organized crime

A. Implementation of the United Nations Convention against Transnational Organized Crime

54. The importance of the entry into force of the Organized Crime Convention and the establishment and operation of its Conference of the Parties cannot be overemphasized. Since the adoption of the Convention and its Protocols by the General Assembly, promoting ratification and providing assistance to States seeking to ratify and implement them has been a priority of UNODC. Upon the entry into force of the Convention and two of its Protocols, UNODC activities have begun to focus on the universal ratification of and full compliance with the instruments.

55. UNODC has promoted the Convention and its Protocols by a series of regional and subregional seminars that have offered participants an opportunity to identify and discuss specific requirements and steps for ratification and/or implementation. At the political level, the seminars have provided an opportunity for high-level officials with political responsibility to review progress in the ratification process and to be informed about the efforts of other States. In addition, the seminars have provided a forum to reflect on regional perspectives related to ratification and implementation and to identify specific needs, as well as to explore options for responding to those needs. Sixteen interregional, regional and subregional seminars have been held so far, with a total of 137 States participating.

56. Some general needs as regards formulation of legislation have become apparent during the seminars and other related activities. UNODC has thus assisted States by an in-depth analysis of existing legislation and relevant institutions, provision of assistance to legislators and national parliaments in updating and/or adoption of legislation and assistance to Governments in the establishment of and/or reinforcement of international cooperation mechanisms. In addition, the Office has produced legislative guides for the implementation of the Convention and each of the Protocols.

57. The first meeting of the Conference of Parties of the Convention was a critical step in allowing States parties to both debate and determine priority areas for reviewing compliance with the Convention and consequently identify areas for technical assistance. With a view to collecting information from States parties and signatories to the Convention and the two Protocols already in force, the secretariat of the Conference prepared questionnaires on the implementation of the instruments. Analytical reports based on the responses to the questionnaires will be submitted to the Conference of the Parties at its second session. The Conference requested the secretariat to prepare a working paper for submission to it at its second session that would provide information on technical assistance provided by the secretariat, as well as on readily available information on technical assistance provided by other relevant international and regional organizations. The paper will also describe the methodology applied by the secretariat in providing technical assistance and will include information on relevant action taken by bodies similar to the Conference of the Parties, as well as on methods used and experience gained by such bodies regarding the financing of their technical cooperation activities.

58. Of critical importance to the efficient and effective functioning of the Conference will be the willingness and commitment of States parties to respond in a comprehensive manner to the questionnaires approved by the Conference. In addition, the debate on technical assistance in the second session will have significant importance in guiding future work by the secretariat in that regard. As similar international conventions have often experienced both the failure of States parties to report on time and the submission of incomplete or inaccurate reports,³⁴ the Eleventh Congress may wish to discuss possible ways and means to collect and analyse reliable data and information for submission to the Conference. Every effort should be made by all States parties to contribute actively to building the knowledge base that will be conducive to the ability of the Conference to perform its most challenging functions.

59. Prior to the second session of the Conference of the Parties, the immediate task of UNODC is to bring a maximum number of States parties from all regions into the Conference. In that connection, attention should be paid to balance in regional representation among the members of the Conference. The Congress may wish to consider providing specific recommendations concerning promotion of the ratification of the Convention and its Protocols, with a view to ultimately achieving their universal ratification.

B. Enhancing the provision of technical assistance

60. The provision of technical assistance, upon request, to developing countries and countries with economies in transition in order to implement the Organized Crime Convention and its three Protocols is fundamental. The key challenge in the provision of such technical assistance is twofold: firstly, to increase the number of technical assistance projects. This requires not only the development of new projects but also incorporating issues related to organized crime into existing projects where the focus has been primarily on drug trafficking, an area where UNODC has longer experience in technical support to Member States. Secondly, the challenge is to ensure longer-term impact of technical assistance activities in countries and regions where problems of organized crime are particularly acute. The placement of advisors or mentors for extended periods of time is increasingly seen as useful in that regard. Such individuals, by living in the countries or regions they seek to assist, are not only well placed to study the problems and determine possible actions but can provide direct assistance to criminal justice officials. Advisors have been placed in two States in Latin America—Guatemala and Peru—with plans for additional appointments in States of West Africa and South-East Asia.

61. Further challenges include ensuring the sustainability of technical assistance activities currently under way; building mechanisms to cooperate more fully with other organizations engaged in similar types of technical assistance to ensure that there is no duplication of effort; and ensuring that the debate on technical assistance is not confined to law enforcement assistance but also includes a strong preventive component. For its part, UNODC has recognized that, given its limited resources, it is essential to harness the resources of the whole United Nations system to confront issues of organized crime, especially as many United Nations entities have mandates in areas where organized criminal groups are active. Through a series of interventions under the leadership of the Secretary-General, the importance of

entities of the United Nations system taking into account organized crime and its impact on their areas of operation has been highlighted. Organized crime, and the related problem of corruption, have as a result been built into United Nations development assistance frameworks at the country level and several steps have been taken by specific bodies to counter the impact of organized crime, most notably in the area of trafficking in persons.

VI. Conclusion: a time for global action

62. The urgency of responding effectively to the challenge of transnational organized crime by the United Nations has been underscored in the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1). The High-level Panel emphasized that in the current global context threats to security are interconnected and should no longer be seen in isolation from one another. The High-level Panel identified transnational organized crime as one of the six clusters of threats that States must be concerned with now and in the decades ahead. The primary challenge for the United Nations is to ensure that, of the various clusters of threats, those which are distant do not become imminent and those which are imminent do not actually become destructive.

63. In the case of transnational organized crime, the High-level Panel emphasized that Member States that had not ratified the Organized Crime Convention and its Protocols should do so. In addition, it called for Member States to effectively resource the implementation of the Convention within their own jurisdiction, as well as to support the work of UNODC in that area. It recommended that a comprehensive international convention on money-laundering be negotiated and adopted by the General Assembly. Finally, and in order to address the issue of building effective national law enforcement and judicial institutions to counter transnational organized crime, it recommended that the United Nations establish a robust capacity-building mechanism for rule-of-law assistance. The Panel recognized the work done by UNODC in that regard, as described above, but indicated that its activities were insufficiently resourced.

64. The conclusions reached by the High-level Panel are of tremendous importance to ongoing debates about combating transnational organized crime and the role of the United Nations in that endeavour. Its conclusions have shifted the debate clearly onto the dangers posed by the threat and have underscored the importance of the United Nations in general, and UNODC in particular, in tackling the phenomenon. The conclusions of the Panel will, during the course of 2005, serve to focus the debate on the appropriate next steps forward. The Eleventh Congress stands at a critical juncture between the establishment of a global legal framework and the requirement for its effective implementation and operation. This is therefore a significant opportunity to assist in determining the nature and direction of future policies.

65. In view of these conclusions and taking into account the recommendations of the regional preparatory meetings, the Eleventh United Nations Congress on Crime Prevention and Criminal Justice may wish to consider the following recommendations:

(a) Member States should ratify or accede to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as to the United Nations Convention against Corruption, and should review their legislation with a view to implementing those instruments;

(b) Member States should invest in strengthening the skills and capacity of criminal justice agencies responsible for combating transnational organized crime, including by improving inter-agency coordination, and should ensure that such activities take place with due respect for the rule of law;

(c) The United Nations should continue to provide technical assistance to Member States, upon request, including those emerging from conflict or in political transition. Such technical assistance should, in specific cases, be able to respond to emerging crises or challenges at short notice, in particular in the case of societies in conflict and post-conflict situations;

(d) Technical assistance to prevent and control transnational organized crime provided by the United Nations should not only focus on specific legislative and specialist law enforcement measures, but also aim to bolster the rule of law, including through the enhancement of the capacity of the criminal justice system as a whole;

(e) Member States should ensure that the technical assistance capacity of the United Nations to combat transnational organized crime, including activities in the broad areas of criminal justice reform and the rule of law, have adequate resources to meet the emerging challenges faced by the international community;

(f) The Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the future Conference of the States Parties to the United Nations Convention against Corruption should be provided with the support that is necessary to allow them to realize their full potential and to perform the challenging functions foreseen by their respective mandates. In that connection, UNODC should be provided with adequate resources to fully discharge its assigned functions as secretariat of the two Conferences.

Notes

¹ Institute of Criminology and Social Prevention, *Trafficking in Women: the Czech Republic Perspective* (Prague, April 2004), p. 11.

² It is noted that the Rome Statute of the International Criminal Court (United Nations, *Treaty Series*, vol. 2187, No. 38544) defines trafficking in human beings as a form of enslavement falling within the category of crimes against humanity (art. 7, para. 2 (c) in conjunction with art. 7, para. 1 (c)).

³ See *Official Records of the Economic and Social Council, 2003, Supplement No. 10* (E/2003/30), chap. II, para. 23.

⁴ According to article 3 of the Protocol, “trafficking in persons” is broken down into three elements: criminal acts (“recruitment, transportation, transfer, harbouring or receipt of persons”), the means used to commit these acts (“the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”) and the goals (forms of exploitation), including, at a minimum, “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of

organs”. Where any of the means prescribed in this definition has been used, the consent of the victim to the intended exploitation is irrelevant. The definitional element of the means used in the trafficking process is not required for trafficking of a child under 18 years old.

- ⁵ See the report of the Latin American and Caribbean Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.203/RPM.2/1), para. 14; see also the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (United Nations publication, Sales No. E.05.V.2).
- ⁶ See International Organization for Migration, “Organized crime moves into migrant trafficking”, *Trafficking in Migrants: Quarterly Bulletin*, June 1996. The \$10 billion estimate is that of the Department of State of the United States of America for 2001.
- ⁷ See *Legislative Guides* ...
- ⁸ This figure is used in several publications; see Oxford Committee for Famine Relief, *Up in Arms: Controlling the International Trade in Small Arms* (July 2001), p. 2.
- ⁹ *Small Arms Survey 2004: Rights at Risk* (Oxford, Oxford University Press, 2004), chapter summary: “Continuity and change: products and producers”, p. 1.
- ¹⁰ The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, agreed upon in the context of the United Nations conference held in New York from 9 to 20 July 2001, although not legally binding, has also served to raise the level of commitment of States to addressing the issue of the illicit trade in small arms (see document A/CONF.192/15 and the *Small Arms Survey 2002: Counting the Human Cost* (Oxford, Oxford University Press, 2002), pp. 203-231).
- ¹¹ See *Legislative Guides* ...
- ¹² EB112/5.
- ¹³ See World Health Organization, *Ethics, Access and Safety in Tissue and Organ Transplantation: Issues of Global Concern* (WHO/HTP/EHT/T-2003.1), p. 6.
- ¹⁴ In 1985, 1986 and 1994, the World Medical Association condemned the purchase and sale of human organs for transplantation. In addition, the International Council of the Transplantation Society has also declared that “no transplant surgeon/team shall be invoked directly or indirectly in the buying or selling of organs/tissues or in any transplant activity aimed at commercial gain” (see World Health Organization, *Legislative Responses to Organ Transplantation* (Dordrecht, Amsterdam and Norwell, Massachusetts, 1994), p. 464).
- ¹⁵ WHA44/1991/REC/1, annex 6.
- ¹⁶ See the report of the Latin American and Caribbean Regional Preparatory Meeting for the Eleventh Congress (A/CONF.203/RPM.2/1, para. 21).
- ¹⁷ United Nations, *Treaty Series*, vol. 993, No. 14537.
- ¹⁸ See the report of the Secretary-General on illicit trafficking in protected species of wild fauna and flora and illicit access to genetic resources (E/CN.15/2003/8), see also the statement of the CITES Enforcement Expert Group Meeting of 2-5 February 2004, which emphasized that the illegal trafficking of wild flora and fauna continued to be a matter of great concern, which increasingly involved organized crime and organized criminal networks using sophisticated poaching and smuggling techniques.
- ¹⁹ The figures are drawn from *Roe to Ruin: the Decline of the Sturgeon in the Caspian Sea and the Road to Recovery* (Natural Resources Defense Council, Wildlife Conservation Society and SeaWeb, December 2000), pp. 2 and 3.

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- ²⁰ See Economic and Social Council resolution 2003/27. It is also noted that the classification of offences relating to trafficking in protected species of wild flora and fauna among “serious crimes” in the domestic legal order would further facilitate the application of the provisions of the Organized Crime Convention in this field.
- ²¹ See the report of the Western Asian Regional Preparatory Meeting for the Eleventh Congress (A/CONF.203/RPM.4/1), para. 13; the same Regional Preparatory Meeting recommended that measures to strengthen international cooperation address in particular the need to ensure adequate protection of marine life.
- ²² See *A Revised Forest Strategy for the World Bank Group*, October 2002.
- ²³ For a discussion of these and other options, see Royal Institute of International Affairs, *Controlling the International Trade in Illegally Logged Timber and Wood Products*, prepared for the Department of International Development of the United Kingdom in February 2002.
- ²⁴ United Nations, *Treaty Series*, vol. 1522, No. 26369.
- ²⁵ United Nations, *Treaty Series*, vol. 1673, No. 28911.
- ²⁶ See Economic and Social Council resolution 1996/10 and the results of the workshop on environmental protection at the national and international levels: potentials and limits of criminal justice, held within the framework of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
- ²⁷ United Nations, *Treaty Series*, vol. 249, No. 3511.
- ²⁸ Data from the Internet Software Consortium (www.isc.org).
- ²⁹ United Nations Office on Drugs and Crime, *Transnational Organized Crime in West Africa* (United Nations publication, Sales No. 05.XI.1).
- ³⁰ See Michael Levi and Mike Maguire, “Reducing and preventing organized crime: an evidence-based critique”, *Crime, Law and Social Change*, vol. 41, 2004, p. 434.
- ³¹ See International Monetary Fund, *Financial System Abuse, Financial Crime and Money Laundering: Background Paper*, 12 February 2001.
- ³² See A/C.2/59/3, annex.
- ³³ *European Treaty Series*, No. 185.
- ³⁴ See, for example, Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, Harvard University Press, 1995).
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