

OAKRIDGE MUN 2023



CCPCJ

BACKGROUND GUIDE

Agenda: Discussion on strengthening international co-operation and capacity building to combat the problem of transnational organized crime

LETTER FROM THE EXECUTIVE BOARD

Greetings, Delegates!

We feel privileged and honored to welcome you to this simulation of The Commission on Crime Prevention and Criminal Justice (CCPCJ) at Oakridge Model United Nations 2023.

We hope that this simulation proves fruitful to you and you take something valuable back from it. We aim to give you a better and more thorough insight into the working and legal functioning of The United Nations and its sub-committees.

We also hope that by the end of the conference, you will have a better understanding of the procedures, rules, and objectives and that you will be willing to participate in more such conferences.

We have designed a Background Guide for you to start off your research process. The Background Guide will help you get familiar with the agenda and its background but for the committee to progress as a delegate you must carry forward external research, and as the name suggests, will provide you with very basic and guiding insights. The Background Guide is a major resource for you but should not provide a hindrance in your external research.

For your external research and background research on your country, you are advised to research like there's no tomorrow! This Background Guide will only scratch the surface of the agenda that we are currently dealing with. We urge all members of the committee to take the time to read the background guide and use it as a starting point for their preparation. You are to come to the conference with an open mind, ready to meet and work with new people, actively participate in the debate in the committee, debate and argue solutions and problems, and help form a thorough and effective resolution. The Executive Board looks forward to your presence at OakMUN 2023.

Best Regards,

Faraaz Uddin : Co-Chairperson (mohdfaraaz999@gmail.com)

Sai Eshwar : Co-Chairperson (saieshwar077@gmail.com)

GUIDELINES

Read the entirety of the background guide in the order it was written. Make sure to highlight the names of specific treaties, documents, resolutions, conventions, international bodies, events and any other specific incidents so that you can get back to them later and do a lot more thorough research. Understand some of the basic details regarding the country that you've been allotted whether this be the capital, current affairs regarding geopolitical situation, political hierarchy etc. While not strictly necessary, you never know when this can turn out being handy. [Geography Now's A - Z Country List](#) has been a particularly helpful resource for this.

Use a search engine of your choice to create as many tabs as possible for the highlighted terms from your background guide. Wikipedia or a YouTube video act as a great way to get a brief summary of the incidents at hand but such sources (especially Wikipedia articles) cannot be used in committee as sources.

Delve into deeper research regarding the particular position of your allocation with the agenda at hand. Try searching for the voting stances of your allocation in related conventions and understanding the reasons for voting as so. UN Press Releases are also a helpful source for this matter.

Find the website for the foreign ministry of the country you have been assigned alongside the "Permanent Mission of COUNTRY to the United Nations" website and search for a key term relating to the agenda, this should often give you statements from recent press conferences or UN committee sessions that can act as valuable sources of information in forming a position. Keep a handy copy of the Charter of the United Nations, whether as a .pdf file extension or a physical copy works. This contains the founding principles of the United Nations and contains articles that lay out the mandate of the six bodies that the United Nations is primarily divided into. Spend some additional time researching the specific mandate and functions of the committee that you have been assigned.

- If you are new to Model UN, consider going through a few YouTube videos to understand the ROP (rules of procedure), we follow the [UNA-USA ROP](#) unless otherwise explicitly stated by the Executive Board. Debate and discussion always are of higher importance and take precedence over procedure, so whenever necessary we try to be lenient with the intricacies of procedure. Never hesitate doing something in committee because you're not sure about procedure, we're always here to help! Here's a particular video that we found helpful when we were starting our Model UN journey (not all of this is accurate but regardless it is a helpful resource that can be highly recommended to anyone doing Model UN for the first time): [Click Here](#).
- Spend some time trying to predict possible sub-topics that could be discussed in committee and follow a similar procedure to research them. Also make use of the QARMA section at the end of this document to come up with possible solutions that could fall in line with your foreign policy.
- If time permits, try to pick a country with an opposing foreign policy stance with the agenda at hand and research from its perspective to understand possible disagreements that can come up within committee.
- Understand that foreign policy and foreign relations are two different things. Foreign Policy refers to the position of a state regarding a particular issue, foreign policy varies from issue to issue. Two countries might have very different stances regarding how to proceed with *non-proliferation* but might have the exact same position regarding *child rights* for example. Violating the foreign policy of your country, unless in the case of extraordinary circumstances that require it, is the single biggest mistake that a delegate can make.
- Foreign Relations on the other hand refers to the diplomatic ties that one country has with another and considers elements such as the mutual presence of embassies, consulates, ambassadors & diplomatic dialogue. More often than not, foreign policy is what will be of your primary concern during your MUN but it is important to also consider any extremities in your allotted country's foreign relations.

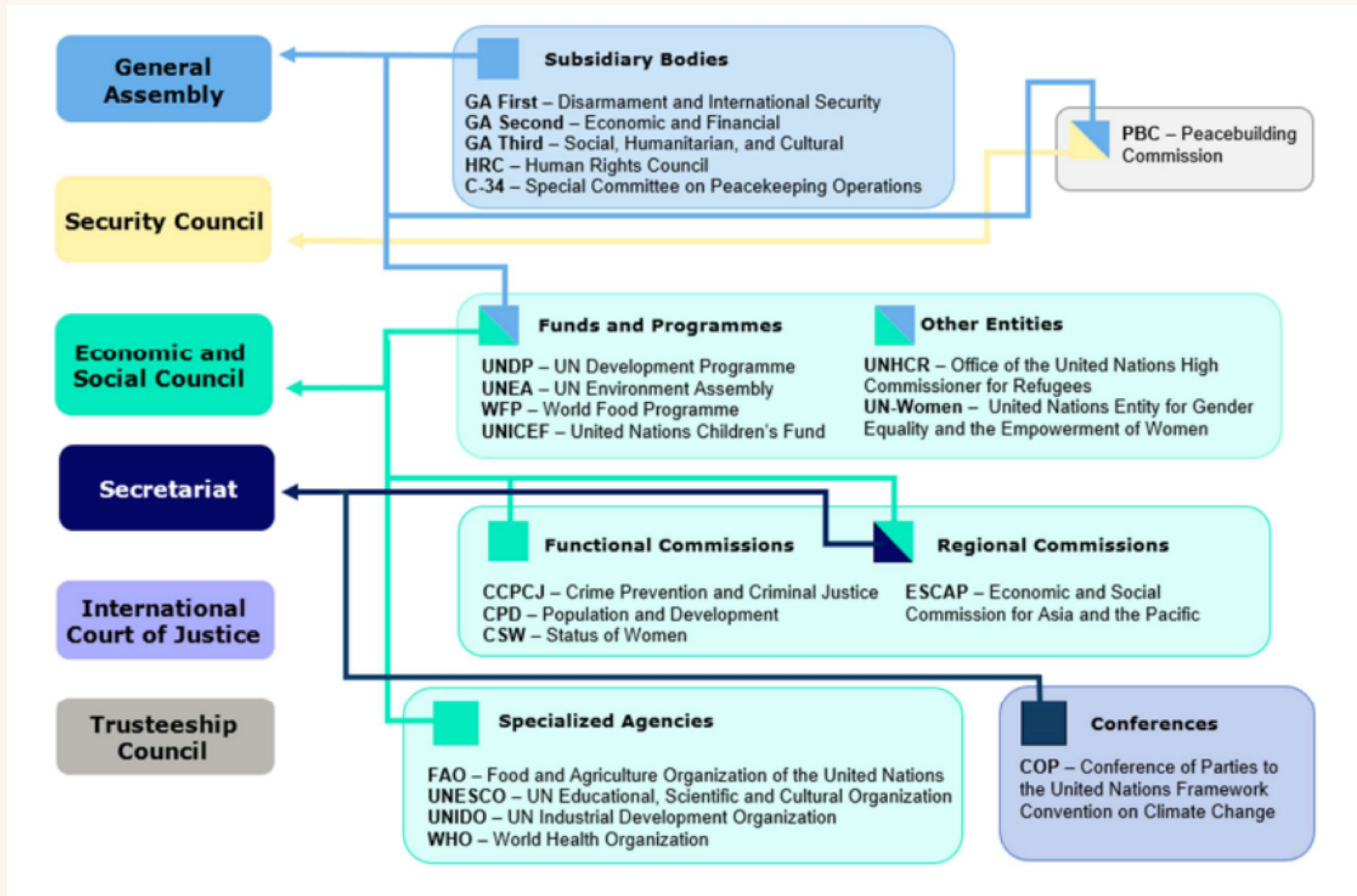
- The Executive Board may ask for the source of a statement that a delegate makes in committee either during a Point of Order circumstance or if said statement stands to be of interest to the Executive Board. Therefore it is recommended that delegates keep track of their sources when making / disputing a claim and also ensure their validity. Please do remember that while you as a delegate are allowed to cite any source you wish during committee, sources listed below are the only sources that the Executive Board would deem verifiable:
- Documents originating from a multilateral organization such as the United Nations (or any of its subsidiary bodies), EU, BRICS, World Bank, ASEAN etc. Any sort of documents such as press releases, resolutions and more from such an organization will be accepted.
- Reports, press releases and any other documents originating from the delegate's government and / or any other national agency from the delegate's state. These reports can be used but may be denied by another delegate in the committee. Under such circumstances, the ruling of the Point of Order is left to the discretion of the Executive Board.

News reports & articles originating from:

- Reuters. Any article, fact or statistic originating from a Reuters article can be made to repudiate or be used to conform a claim made by a delegate.
- A news report originating from the a media that is affiliated to, owned by or operated by the state itself. Reports from such news organizations can be used to make claims, provided that they are substantial and can be determined to be credible.
- Please do remember that our job as the Executive Board is to facilitate debate. We do not direct the path that the committee moves in, we simply moderate it. It is the collective job of the committee to consider what direction is most sensible. Any of the questions or clarifications we ask are meant for the purpose of furthering debate.

COMMITTEE OVERVIEW

Agenda: Discussion on strengthening international cooperation and capacity building to combat the problem of transnational organised crime.



Introduction to UNCCPCJ and its Mandate

The Commission was created in 1992 by the Economic and Social Council as one of its functional commissions (resolution 1992/1), upon request of the General Assembly. A functional commission is a deliberative body whose role is to consider and make recommendations on issues in their areas of responsibility and expertise.

The mandate and priorities of the commission have been laid down in the resolution 1992/22 of the general assembly. The said resolution is divided into the following six parts:

1) Strengthening the operational capacity of the United Nations Crime Prevention and Criminal Justice Programme, especially Operational Activities and Advisory Services;

- 2) Establishment of a sub-program on operational activities, planning, and overall coordination;
- 3) Involvement of Member States;
- 4) Coordination of Activities;
- 5) Funding of Operational Activities;
- 6) Priorities.

In 2006 the GA adopted resolution 61/252 which further expanded the mandates of the CCPCJ to enable it to function as a governing body of the United Nations Office on Drugs and Crime (UNODC) and to approve the budget of the United Nations Crime Prevention and Criminal Justice Fund.

For the purpose of discussion in our committee, three of the six parts of resolution 1992/22 are highly relevant and must be read for the delegates to understand the mandate of the committee. The following are the three parts:

- 1) Strengthening the operational capacity of the United Nations Crime Prevention and Criminal Justice Programme, especially Operational Activities and Advisory Services [Part 1];
- 2) Coordination of Activities [Part 4];
- 3) Priorities [Part 6]

Understanding Crime-A Perspective from a Realist Lens

The phenomenon of crime has captured the attention of scholars, policymakers, and legal experts due to its complex nature. Realism, a criminological theory, emphasizes the impact of power dynamics, state interests, and global realities on criminal behavior, law enforcement, and legal systems across different countries. For the purpose of this simulation, we will intricately try to understand the approach taken via this lens.

Realist criminology suggests that crime isn't solely the result of individual choices, but rather stems from larger structural factors, including economic disparities and limited access to opportunities. This approach calls for a shift away from the usual focus on personal motivations and instead advocates for examining the broader systemic conditions that shape criminal conduct. This

viewpoint is especially relevant when considering crime internationally, where varying levels of economic development, political stability, and governance contribute to diverse crime rates and patterns. We have seen a reflection/amalgamation of the same in various scenarios where reasons were found out and linked to the said factors.

We understand that there is a crucial role played by nation-states in both the perpetration and control of crime. As countries compete for power on the global stage, their policies can inadvertently create conditions that foster criminal activity. This is evident in phenomena like transnational organised crime and cybercrimes, which highlight the influence of geopolitical tensions and alliances on criminal activities that transcend borders.

Internationally, this viewpoint prompts a reevaluation of the role of criminal justice systems in addressing crime. Realists argue that justice systems aren't neutral entities solely dedicated to upholding the rule of law. Instead, they reflect the prevailing power dynamics and interests within a society or on a global scale. This perspective encourages an exploration of how states use their legal systems to advance political goals, leading to questions about the fairness and credibility of international legal processes and extraditions.

Additionally, the realist approach encourages a deeper analysis of global efforts to combat crime, such as international treaties and conventions. Realism emphasizes that these agreements aren't isolated legal mechanisms, but rather negotiated pacts influenced by the self-interest of participating nations. This lens highlights the challenges of achieving universal adherence to norms and standards, as well as the potential for power imbalances to undermine the effectiveness of global cooperation in addressing criminal matters. It is essential to understand that understanding goes far beyond understanding basic criminal behavior, as perpetrators find their ways which churn out through several mechanisms. geopolitical Interests, Selective Enforcement, State-Sponsored Crime, Transnational crime, and Power Dynamics, Legal Systems, Accountability-amongst others are ways in which crime is perpetrated and the same is aggrandized, making prevention and combating crime an intricately challenging task in any legal or political landscape.

By looking beyond individual motivations and focusing on the global landscape, realism offers a new way to consider the complex interactions between power dynamics, state interests, and criminal behavior worldwide. This perspective encourages a reexamination of our assumptions about crime, Justice, and international collaboration in law enforcement, urging a more comprehensive and contextual understanding of the various aspects of criminal behavior.

Transnational organised crime

The United Nations Convention on transnational organised Crime (UNTOC) lacks a specific delineation of 'transnational organised crime' and does not enumerate the specific criminal activities that fall under this category. This deliberate absence of a rigid description was intended to ensure that the UNTOC could be applied more extensively to novel forms of criminality that continually arise due to changing global, regional, and local circumstances.

Article 3 of the convention deals with the scope of its application and forms the basis of understanding what exactly a transnational organised crime is:

Article 3. Scope of application

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

(a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and

(b) Serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organised criminal group.

2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

The UNTOC exclusively addresses crimes of a 'transnational' nature, a term with broad scope. As can be seen in article 3 paragraph 2 this term encompasses not just offenses occurring in multiple states, but also those initiated or overseen in one state but planned or managed in another. Furthermore, it covers crimes committed in one state by groups that operate across multiple states, and offenses carried out in one state that yield significant consequences in another state.

Paragraph 1 of the article has to be viewed as follows:

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

(a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and

(b) Serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.

The highlighted parts have to be understood in isolation first to understand the paragraph as a whole. Firstly the Convention as per para 1 of article 3 deals with three things

- i) Prevention;
- ii) Investigation; &
- iii) Prosecution.

But the applicability of of the convention over these three areas is not absolute which is made very clear by the use of the phrase except as otherwise stated herein which means that subject to the exceptions provided by the convention, it shall apply to the prevention, investigation and prosecution of transnational organised crime.

Further reading of the article takes makes it clear that the convention only applies to:

(a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention which are as follows :

- Article 5. Criminalization of participation in an organized criminal group
- Article 6. Criminalization of the laundering of proceeds of crime
- Article 8. Criminalization of corruption
- Article 23. Criminalization of obstruction of justice

For the purpose of article 5 and 6, the term:

❖ 'organised criminal group' has been defined under article 2(a) as " a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit".

❖ 'Proceeds of crime' has been defined as any property derived from or obtained, directly or indirectly, through the commission of an offence;

(b) Serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.

The sub para (b) of para 1 makes the convention applicable in cases of serious crimes being committed provided the offence is transnational and not restricted to the boundaries of one state and the offence not having any effects in another state, and involves an organised criminal group.

As per article 2(b) of the convention, "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty. This means that a serious crime is an offence which is punishable by imprisonment minimum four years or a more serious penalty such as capital punishment or life imprisonment as per the penal codes or special legislations of the respective countries.

The second requirement is the offence must be transnational in nature. An offence is transnational in nature if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

The third requirement is that the crime must involve an organized criminal group.

The implicit concept of 'transnational organised crime' thus encompasses virtually all serious criminal endeavors driven by profit and bearing international ramifications. This comprehensive interpretation acknowledges the intricate global nature of the issue and facilitates collaboration on an extensive array of shared concerns.

UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME AND THE PROTOCOLS THERE TO:

The United Nations Convention against transnational organised Crime is the main international instrument in the fight against transnational organised crime. On the occasion of the adoption of the Convention in 2000, Secretary-General Kofi Annan stated that this instrument represented

“a new tool to address the scourge of crime as a global problem” and that “[i]f crime crosses borders so must law enforcement. If the Rule of Law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means”

In addition to the Convention, the General Assembly also adopted two supplementary protocols through resolution 55/25:

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the Trafficking in Persons Protocol), which entered into force on 25 December 2003 and

The Protocol against the Smuggling of Migrants by Land, Sea and Air (also known as the Smuggling of Migrants Protocol), which entered into force on 28 January 2004.

In 2001, the General Assembly adopted the Protocol against the Illicit Manufacturing and Smuggling of Firearms (also known as the Firearms Protocol) through its resolution 55/255, which entered into force on 3 July 2005.

These three instruments are supplementary to the Protocol, and to become a party to any of the Protocols, a State must first become a party to the Convention (article 37 of the Convention and article 1 of each Protocol)

The UNTOC is composed of 41 articles, of which:

- Four articles describe conduct that States Parties must criminalize under their national law, accompanied by appropriate sanctions.
- In addition, numerous articles refer to a series of supportive measures for criminal justice and law enforcement response, either of substantive or procedural nature, such as articles 10, 12, 15 or 24.
- Others focus on international cooperation in criminal matters, such as extradition, mutual legal assistance or other specific forms of international cooperation in criminal matters.

ASPECTS OF AGENDA

A) International Co-operation

As stated in article 1 of the Convention, its main purpose is to promote cooperation to prevent and combat transnational organised crime more effectively. The Organized Crime Convention contains a range of measures to enable and facilitate international cooperation between States Parties, including:

- extradition (article 16)
- mutual legal assistance (article 18)
- joint investigations (article 19)
- law enforcement cooperation (article 27)
- transfer of sentenced persons (article 17)
- transfer of criminal proceedings (article 21)

A key mode of international cooperation in relation to transnational organised crime is extradition. Extradition is the formal process whereby one jurisdiction asks another for the enforced return of a person who is in the requested jurisdiction and who is accused or convicted of one or more criminal offences against the law of the requesting jurisdiction. Building on a practice dating back to antiquity, states forge extradition treaties so they can pursue fugitives and other wanted individuals in faraway jurisdictions. Extradition has become ever more important given the spread of transnational criminal organizations, including those involved in terrorism, drug trafficking, counterfeiting, and cybercrime.

Very importantly, since no country has an extradition treaty with every country of the world, the UNTOC provides a legal basis, under article 16 (4), for extradition in case a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty. A condition for extradition under the UNTOC is that the criminal offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party (article 16 (1)), namely, that the dual criminality (or double criminality) principle is met.

In recognition of the principle *aut dedere aut judicare* (extradite or prosecute), article 16 also states that a State Party that denies an extradition request on the ground that the alleged offender is its national shall submit the case for domestic prosecution. In doing so, it shall ensure that the decision to prosecute and any subsequent proceedings are conducted with the same diligence as a serious domestic offence and shall cooperate with the requesting State Party to ensure the efficiency of the prosecution.

Mutual legal assistance, dealt with under article 18 of the Convention, also plays a key role in international cooperation. Mutual assistance in criminal matters is a process by which States, most importantly, seek and provide assistance in gathering evidence for use in criminal cases; execute searches, seizures and freezes; effect service of judicial documents; provide information, evidentiary items and expert evaluations and examine objects and sites. Authorities may need the help of other States concerning the investigation, prosecution or punishment of criminals who have allegedly committed crimes of transnational character. Article 18 states that States Parties must afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention.

Article 18 paragraphs 6 and 7 provide information on how to proceed when mutual legal assistance treaties are already in place. Generally, the mutual legal assistance provisions of the Convention shall not affect any obligations arising from pre-existing or future mutual legal assistance treaties.

Furthermore, article 18 paragraph 7 states that, if States Parties are not bound by a treaty, then

paragraphs 9–29 (which cover all facets of a mutual legal assistance request) apply. If the States Parties are bound by a treaty, then the provisions of the treaty apply, unless the States Parties agree to apply paragraphs 9–29. States Parties are urged to apply those paragraphs if they contribute to more effective mutual legal assistance. The Convention allows States to refuse mutual legal assistance under certain conditions (article 18(21)). However, the article makes clear that assistance cannot be refused on the grounds of bank secrecy (article 18 (8)) or for offences considered to involve fiscal matters (article 18 (22)). Article 18 (3) states the purposes for which mutual legal assistance may be requested. Most importantly those are: taking evidence or statements from persons; effecting service of judicial documents; executing searches, seizures and freezing; examining objects and sites, among others.

The Convention includes provisions on a number of other mechanisms to facilitate international cooperation. As stated in article 27 for example, States Parties are required to work closely with one another in terms of law enforcement (police-to-police cooperation) or consider the establishment of joint investigative bodies (article 19), when necessary. Also, States Parties may consider the transfer of criminal proceedings when in the interest of the proper administration of justice (article 21) or the transfer of a sentenced person to their territory, in order that they may complete their sentence there (article 17).

Pursuant to General Assembly resolution 76/181, the Commission on Crime Prevention and Criminal Justice held the first thematic discussion on the implementation of the Kyoto Declaration in November 2021. The Kyoto Declaration came out of the Fourteenth United Nations (UN) Congress on Crime Prevention and Criminal Justice and was adopted by consensus in Kyoto on 7 March 2021. Member States recommitted to a multilateral approach in preventing and combating crimes and promoting the rule of law and reaffirmed that the United Nations Office on Drugs and Crime (UNODC) is the leading UN entity supporting them in this approach.

The Declaration amongst others emphasizes the importance of making the best possible use of relevant international instruments and of strengthening legislation, international cooperation, criminal justice responses and law enforcement efforts aimed at dealing with transnational organised crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime. It further highlights the need to strengthen capacity among relevant agencies and personnel in order to combat wildlife crime.

Clause 75 of Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development brings in a new angle and states that the parties to the declaration shall:

“Identify, analyse and counter any existing, growing or potential links, in some cases, between the financing of terrorism and transnational organised crime, illicit drug-related activities, money-laundering, kidnapping and hostage-taking with the aim of raising funds including by demands for ransom, and extortion, to prevent and tackle financial and logistical support to terrorism in all its forms and manifestations and prevent terrorists from acquiring weapons, in compliance with obligations under applicable international law”.

Therefore it is expected from the delegates to research and debate on the relationship between financing of terrorism and transnational organised crime.

B) Capacity Building.

Capacity-building is defined as the process of developing and strengthening the skills, instincts, abilities, processes and resources that organizations and communities need to survive, adapt, and thrive in a fast-changing world.

Today, organized crimes threaten all countries. When one considers that the billions of dollars which are circulated by these crime groups exceed the annual budget of developing countries it is clear that they not only threaten security, but they can also damage a country's economic and social development. It is also clear that most countries cannot deal with cross-border organized crimes without cooperation. Combatting organized crime groups can be accomplished only by employing a multi-dimensional strategy and international cooperation. However, the type of combat strategy required differs from country to country due to accompanying problems such as: a country's insufficient legislative framework, limited capacity and insufficiency of the police force in terms of personnel, budget, and substructure, lack of coordination among the responsible institutions, insufficient numbers of contact persons for international combat purposes, and lack of qualified or educated personnel.

To improve the ability to combat the problem of organized crimes; international institutions and organizations are carrying out considerable research in order to guide, support and assist in capacity building of the enforcement system of various countries.

The Anti-Organized Crime and Law Enforcement Unit within the AntiTrafficking Section of UNODC provides technical assistance to the law enforcement agencies of the member states in order to help them enhance their capacity in the area struggle against drug trafficking and organized crime. To this end, the Unit has organized and oversaw many anti-organized crime and counter-narcotics projects. The Anti-Organised Crime and Law Enforcement Unit analyzes the Annual Report Questionnaires that are submitted by Member States and prepares regular reports. UNODC benefits from these reports to pinpoint trends global drug trafficking and to make future forecasts for effective strategies.

In accordance with UNODC strategy 2025, the member states had pledged to Strengthen cooperation between criminal justice systems and other sectors of government and civil society to effectively prevent and respond to violence and crime and reduce vulnerabilities. It can be drawn from the said pledge that the civil society too has to play a major role when it comes to prevention of crime. It is also to be noted that civil society organizations in general have played a very important role in acting as a helping hand to both the society and governments across the globe. Hence the delegates are also advised to explore in detail this very aspect of civil society participation during the committee sessions and come up with suggestions and debate upon the ways in which the role of civil society organizations can be enhanced through capacity building to combat the problem

of transnational organised crime. It is important in this regard to acknowledge UNODC Civil Society Team which facilitates, active and meaningful participation of civil society in intergovernmental sessions of the CCPCJ, the UN Congress on Crime Prevention and Criminal Justice, and the Conference of the Parties to UNTOC.

Through projects “Stakeholder Engagement for the United Nations Convention against transnational organised Crime (UNTOC), its Review Mechanism and Related Activities” and “Public-private partnerships: Fostering engagement with the private sector on the implementation of the UN Convention against transnational organised Crime (UNTOC) and its Trafficking in Persons Protocol”, UNODC Civil Society Team works to prepare and improve effective partnerships between NGOs, academia and private sector with a view to supporting Member States in a successful implementation of the UNTOC and constructive engagement in the Review Mechanism in line with UNTOC COP Resolution 9/1.

In 2019 the UNODC Civil Society Unit launched a project Stakeholder Engagement for the Implementation of the UN Convention against transnational organised Crime (UNTOC), “SE4U” in short. The project fosters collaboration between governments and non-governmental stakeholders through training, information sharing, dialogue at the international level, and national engagement opportunities.

While it is necessary to focus on capacity building of civil society organizations, the need for capacity building with respect to developing and least developed states and their law enforcements systems must remain a priority. This is where the United Nations crime prevention and criminal justice programme comes into picture and specifically the aspect of technical cooperation capacity.

Therefore the delegates are advised to read and analyze the following resolutions and committee reports for the purpose for furthering debate in the committee and addressing the shortcomings if any:

- 1) Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity : A/RES/75/196
- 2) Crime prevention and criminal justice : (un.org) A/75/479 (Report)
- 3) Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity : A/RES/76/187
- 4) Crime prevention and criminal justice : (un.org) A/76/463 (report)

The Situation in Afghanistan Today: A short case study

Enhancing the quality of life for all citizens is achieved through effective and responsible crime prevention. The fundamental principles outlined in the UN Guidelines include Government Leadership, Socio-Economic Development and Inclusion, Cooperation and Partnerships, Sustainability and Accountability, Knowledge Base, Human Rights, Rule of Law, and a Culture of Lawfulness, as well as Interdependency and Differentiation.

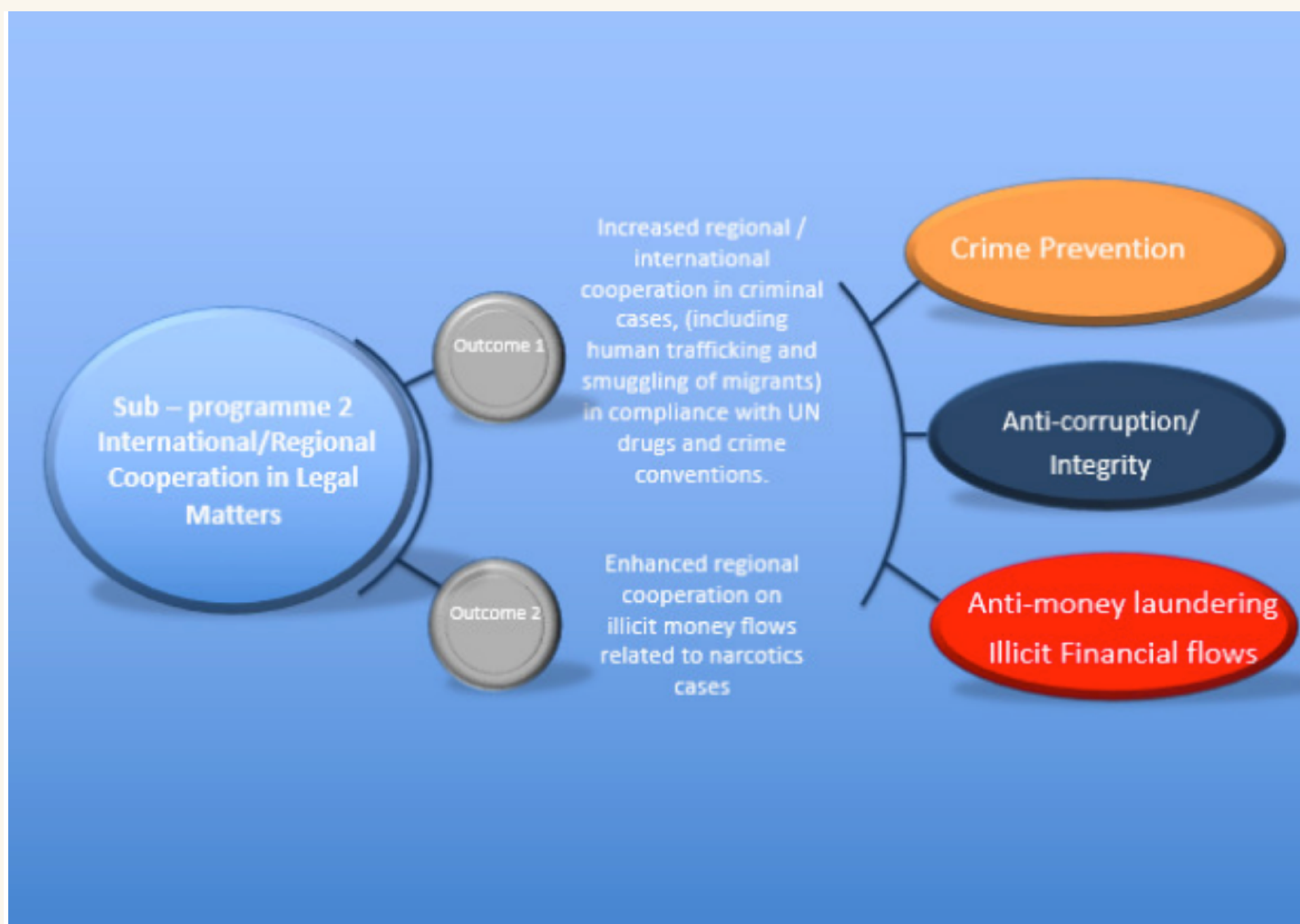
The connection between crime prevention and the reinforcement of criminal justice is particularly strong in the context of broader economic and social development. This relationship becomes even more crucial in regions facing fragility and poverty, as exemplified by Afghanistan and its neighboring countries. In these areas, the negative impact of crime on both state institutions and societal frameworks undermines their potential for growth and progress. Therefore, the UNODC's role in this regard is of utmost importance, playing a critical part in the overall development of this region.

Sub-programme 1 provides assistance to national partners within Afghanistan, focusing on specialized areas such as enhancing border management, strengthening the capabilities of the Counter Narcotics Police of Afghanistan, regulating precursor substances, and enhancing the investigative proficiencies of government institutions to combat human trafficking, illicit migration, and corruption. Additionally, it aims to facilitate the adoption of the Financial Action Task Force (FATF) recommendations related to Anti-money Laundering (AML) and Combating the Financing of Terrorism (CFT)

In the pursuit of border security, this sub-program encompasses provisions for necessary equipment and training to facilitate drug interception operations. It also involves the creation of initiatives aimed at identifying individuals engaged in the smuggling of migrants and trafficking in persons. Furthermore, a crucial aspect involves ensuring Afghanistan's active involvement in regional endeavours related to border management.

Sub-Programme 2 plays a significant role in preventing crime and strengthening the criminal justice systems of Afghanistan and adjacent nations. This is accomplished through the implementation of training programs and capacity-building initiatives for officials within relevant government agencies and ministries. The activities within this thematic area aim to foster cooperation at both regional and international levels, while also enhancing institutional

capabilities in various technical domains. These include areas such as the investigation and prosecution of cyber-crimes, combatting human trafficking and migrant smuggling, managing the transfer of sentenced individuals, executing controlled deliveries, and addressing other related subjects.



Source: UNODC

Through successes and identified lacunae, the UNCCPCJ's work in Afghanistan underscores the significance of tailored strategies, legal harmonization, and sustained support in countering the pervasive threat of transnational organised Crime.

Counter-Narcotics Efforts

Afghanistan's illicit opium trade poses a monumental challenge. The UNCCPCJ's collaboration with Afghan authorities in tackling narcotics production and trafficking exemplifies success. By enhancing law enforcement capacities and legal frameworks, the UNCCPCJ supported targeted interdiction operations. In a significant operation, Afghan police, guided by UNCCPCJ's expertise, seized a large opium shipment destined for international markets. This accomplishment underscores the impact of capacity building and cross-border collaboration in dismantling drug networks.

Human Trafficking Vulnerabilities

Despite strides, the country still remains vulnerable to human trafficking. The UNCCPCJ's endeavors to combat this menace face challenges due to pervasive conflict, poverty, and gender inequality. An illustrative case involves the trafficking of Afghan women to neighboring countries for exploitative labor, something still prevalent today in limited resources and a dearth of victim support hinder effective intervention. This case highlights the urgency for targeted capacity building, cross-border cooperation, and sustainable solutions to address human trafficking in Afghanistan.

Anti-Corruption Measures

The UNCCPCJ's work against corruption in Afghanistan has yielded successes. Through capacity-building initiatives, the UNCCPCJ empowered Afghan institutions to combat corruption. Notably, a high-ranking official (name not disclosed here) was prosecuted and convicted for embezzlement, showcasing the impact of legal reforms and technical support. The case demonstrates the potential of targeted efforts to foster accountability and transparency within complex governance landscapes.

Cross-Border Money Laundering Control & Counter-Terrorism Financing

The UNCCPCJ's collaboration with Afghanistan in countering cross-border money laundering stands as a success story. Recognizing the link between organized crime and financial flows, the UNCCPCJ facilitated the enhancement of Afghanistan's anti-money laundering (AML) framework.

In a notable instance, Afghan authorities, guided by UNCCPCJ expertise, intercepted and froze assets of an international drug trafficking network. This accomplishment exemplifies the effectiveness of targeted legal reforms and cooperation in disrupting criminal financial networks.

Further, through capacity-building initiatives, the UNCCPCJ assisted Afghan institutions in identifying and disrupting channels of funding for terrorist organizations. In the same significant operation, Afghan intelligence, with UNCCPCJ guidance, dismantled another financial network supporting extremist activities. This accomplishment emphasizes the value of targeted interventions and cross-border intelligence sharing in countering transnational terrorism threats.

THE MENA MENACE

Collaborative efforts have led to the harmonization of legal definitions and procedures, enabling smoother cooperation among states. Capacity building initiatives have empowered law enforcement agencies to better detect and investigate criminal activities, resulting in increased arrests and convictions. Moreover, the emphasis on victim-centered approaches has fostered a more humane response to transnational organised crime, giving voice to those who have long suffered in silence.

However, challenges persist. Political tensions, resource constraints, and differing priorities among MENA states can hinder seamless cooperation. The evolving nature of TOC, including the rise of cybercrime and the exploitation of emerging technologies, necessitates continuous adaptation and innovation in strategies.

The UNCCPCJ's engagement in the MENA region embodies a commitment to fostering regional cooperation and building capacity to counter the multifaceted challenges posed by transnational organised crime.

By providing a platform for dialogue, sharing best practices, and promoting victim-centered approaches, the UNCCPCJ contributes to a more secure and just MENA region. While challenges remain, the UNCCPCJ's role in the MENA region holds the promise of a united, coordinated effort against transnational organised crime, facilitating progress and stability for the benefit of all.

Joint Maritime Operations in the Gulf

The UNCCPCJ's collaborative efforts with Gulf Cooperation Council (GCC) countries have yielded success in countering maritime piracy. With the rise of pirate activities in the Arabian Sea, the UNCCPCJ facilitated joint maritime operations among GCC nations. In a notable instance, naval forces from Oman, the United Arab Emirates, and Saudi Arabia cooperated to intercept and apprehend pirates attempting to hijack a cargo vessel. This operation showcased the efficacy of coordinated maritime law enforcement actions, reinforced by UNCCPCJ's guidance and expertise.

Syria's Challenge in Combating Trafficking

The ongoing conflict in Syria has exposed a significant challenge in addressing human trafficking. Despite the UNCCPCJ's support, the country's political instability has hindered effective collaboration and implementation of anti-trafficking measures. A distressing case emerged where refugees, including minors, were subjected to human trafficking across the borders. The lacuna highlights the devastating impact of conflict on the ability to combat transnational organised crime and underscores the imperative for international support and cooperation in such fragile contexts.

Jordan's Response to Drug Trafficking

Jordan's collaboration with the UNCCPCJ in tackling drug trafficking stands as a success. The UNCCPCJ's technical assistance aided Jordan's law enforcement agencies in enhancing their capabilities. A case involving a cross-border drug smuggling network demonstrated the effectiveness of Jordan's reformed legal framework and capacity building. The swift identification, apprehension, and prosecution of the culprits showcased how the UNCCPCJ's support can lead to tangible results in dismantling transnational criminal operations.

Yemen's Struggle with Terrorism Financing

Yemen's counter-terrorism financing efforts reveal a distinct lacuna. Despite UNCCPCJ support, the conflict-ridden nation grapples with monitoring and halting financial flows to terrorist organizations. An incident involving the diversion of humanitarian aid for extremist activities highlighted the complexities of tracking illicit funding. This case underscores the challenges of combating transnational terrorism threats in conflict zones and underscores the necessity for innovative approaches and international collaboration.

Way Forward

Mutual legal assistance (MLA) is a critical tool in combating transnational organised crime. However, differing legal systems and procedures often hinder its effective implementation, and as we see, transnational organised crime often exploits jurisdictional gaps, making it difficult to apprehend and prosecute offenders.

Delegates are expected to understand how the UNCCPCJ would facilitate the negotiation of bilateral and multilateral extradition agreements to ensure that criminals cannot evade justice by exploiting geographical boundaries. Furthermore, the question remains as to and about the establishment of an international mechanism to expedite extradition proceedings which could streamline the process and ensure a timely response to extradition requests.

Beyond mere jurisdictional challenges, we understand that the establishment of specialized units within law enforcement agencies dedicated to financial investigations remains present within the UNODC itself; the strength of the same remains a challenge to implement. The fight against transnational organised crime is not always conducted within the framework of human rights and the rule of law. Ideally, The UNCCPCJ should emphasize the importance of striking a balance between security measures and safeguarding individual rights. The gray area to explore remains on the monitoring mechanisms established to ensure that member states' efforts remain within the boundaries of international human rights norms and principles. This includes tracking illicit financial flows, freezing and confiscating criminal assets, and cooperating with international financial institutions to prevent money laundering and corruption. Delegates are expected to have a thorough understanding of the same.

An often overlooked dimension of transnational organised crime is its impact on victims. A comprehensive strategy should prioritize victim-centric approaches, ensuring access to justice, protection, and support for victims. The UNCCPCJ can champion the creation of victim assistance funds, along with specialized tribunals or courts to address their grievances. Simultaneously, addressing the socioeconomic root causes of TOC is crucial.

Initiatives for, including but not limited to poverty alleviation, education, and community development are known to undercut the appeal of criminal enterprises. So far as the enforceability of soft law is concerned, we would turn to look at reinforcing Institutional mechanisms within the UNCCPCJ. This entails enhancing the role of the Conference of the Parties to the UNTOC (COP) and the Conference of the Parties to the Protocols (COP-MOPs).

The question to explore remains as to how the COP could be empowered to review and assess the implementation of the convention and its protocols, conduct periodic evaluations of progress, and offer guidance to states.

Additionally, delegates are also expected to delve into understanding how the COP-MOPs serve as specialized platforms to address distinct aspects of TOC, such as human trafficking or migrant smuggling.

By breathing life into legal instruments, enhancing institutional mechanisms, fostering intelligence exchange, prioritizing capacity building, and embracing the potential of technology, the UNCCPCJ can shape an efficacious trajectory ahead. This paradigm equips the global community to collectively confront transnational organised crime, thereby upholding international security, justice, and sustainable growth.

QARMA(Questions a Resolution Must Answer) & Guiding Questions

- 1) How can Member States reduce/control crime occurrence by promoting capacity building over violent condemnation or conflict?
- 2) How is your country affected by the repercussions of transnational organised crimes?
- 3) Is the UNTOC and its supplementary protocols efficient enough to address the problem of transnational organized crime?
- 4) What can the UNCCPCJ do to prevent situations that encourage out of operational inefficiencies-delinquencies from increasing?
- 5) To what extent does UNCCPCJ have jurisdiction over its Member States?
- 6) What can or cannot be executed by UNCCPCJ to effectively enforce these policies?
- 7) What policies will ensure the preservation of country autonomy while resolving international cooperation inside of and amongst specific countries?
- 8) What is the role played by NGOs, State & Non-State actors?
- 9) How can regional bodies strengthen capacity building measures in terms of highlighting the urgent actions needed to increase international cooperation on addressing inefficiency in International criminal justice systems?
- 10) What strategies can be adopted to enhance the process of capacity building?
- 11) Is there a need for countries to enact or amend their national laws as per the requirements specified in UNTOC?
- 12) How can terror financing through transnational organised crime be curbed?

FURTHER READING

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