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**Preparation Paper**

**Commission on Crime Prevention and Criminal Justice  
(CCPCJ)**

**"Ensuring Good Governance in the Balkans by Fighting Corruption  
and Organized Crime"**

## **Introduction**

What we provide below is a general background for the topic under discussion of CCPCJ during VIMUN 2007. Of course this preparation paper is rather short and will provide you only with some basic information about what the CCPCJ is and of course the issues we are going to discuss. You should not limit your research on reading this paper. What we would like to do is encouraging you to find also other relevant information on the topic. Therefore we provide a list of useful links you should use to find further information in the World Wide Web. Especially the position of the country you have chosen is important. You will have to participate and act like the official representative of this specific country concerning the topic under discussion.

So it's a fundamental thing to be familiar with the official position of the country and government you are going to represent. In case your country's position is not entirely clear in all areas of the issue, you will be required to improvise by deducing a logical position for your country from the country's past decisions in international affairs.

Of course we should try to find our own solutions in form of one or more resolutions to certain problems. But please always keep in mind that we have to stick to reality. It is useless to find solutions to important and urgent problems of our time when in the real world they would never work. All the committee-sessions are going to have the character of a realistic as possible UN-conference. Concerning this matter we want to remind you to be always familiar with the Rules of Procedure of VIMUN 2007 which are not debateable and absolutely essential for the ongoing of discussion and also our target of creating realistic and fruitful sessions for all participants of VIMUN 2007 and in particular for you, the honourable delegates and observers of the CCPCJ.

We are looking forward to this year's simulation of the CCPCJ, to interesting debates, a fruitful conference and last but not least hopefully a resolution on the topic if possible. Honourable delegates, honourable observers, you are very welcomed to the CCPCJ. Let's use our different qualifications, our different points of view, let's do our best to make it altogether an enriching experience for all of us!

## **The CCPCJ – short Background Information**

The UN Commission on Crime Prevention and Criminal Justice (CCPCJ) is a subsidiary body of the Economic and Social Council (ECOSOC) established in 1992 after a ministerial meeting in Versailles, France in 1991. It offers nations a forum for exchanging information and to settle on ways to fight crime on a global level. It also provides substantive direction for the periodic UN Congresses on the Prevention of Crime and the Treatment of Offenders. In clear words: The 40-member Commission formulates international policies and recommends activities in the field of crime control.

The main priorities are:

- international action to combat national and transnational crime, including organized crime, economic crime and money laundering;
- promoting the role of criminal law in protecting the environment;
- crime prevention in urban areas, including juvenile crime and violence; and
- improving the efficiency and fairness of criminal justice administration systems.

The CCPCJ formulates draft resolutions on these topics for action by the ECOSOC which eventually direct the work of the Centre for International Crime Prevention. The Centre supports the work of intergovernmental bodies which set out global strategies to prevent crime and promote stable criminal justice systems. There is of course a very close relation to UNODC, the United Nations Office on Drugs and Crime because resolutions of the CCPCJ also eventually direct the work of UNODC's Crime Programme. So finally we can classify the CCPCJ as a classic policy making organ within the UN family whose member-states try to find binding norms and advocacies for the Balkans.

Thinking about that region means thinking about a part of the world which is still in a post war era. Although the war is over now for more than 10 years, this part of Europe is marked by a lack of stability. Of course this does not apply for all aspects of states in that Region. Slovenia for example is nowadays a member of the European Union, others like Croatia are on the way. The topic under discussion of CCPCJ during VIMUN 2007 is how to make sure that all the countries in the region stay on their way to stability (which does not automatically mean the way into the European Union). We are going to discuss the present situation according to crime and corruption and try to find possible solutions. The main question will be what the United Nations and especially CCPCJ can do to prevent corruption and organized crime. One fundamental way to reach this target is ensuring Good Governance on the Balkans.

What does that mean? Good Governance is a concept which describes the process of decision-making and implementing decisions. Hereby, public institutions conduct public affairs, manage public resources, and guarantee the realization of human rights and all this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. Especially the last point is interesting for us because it means an independent judiciary and an impartial and incorruptible police force. Of course there are other characteristics of Good Governance, particularly in the governmental area which is nevertheless important and should not be neglected. Dealing with the present situation according to the principles of Good Governance does not only mean to fight against the effects. It means to find ways to fight the causes of actual problems. Sustainable development and solutions which should not be temporary only can just be found if you keep that in mind. And that's exactly what we try to do during VIMUN 2007. Debating possible lacks of Good Governance in a certain world region and discussing possible solutions how CCPCJ can make its contribution to ensure political, economic and judicial stability.

It is a matter of common knowledge that UN-Resolutions do not have too heavy political weight to the member states. Many UN-organs are effectively simply policy-makers like the CCPCJ. The whole work of the United Nations consists of two main fields: Advocacy and Capacity Building. The first one means the domain of making policy. Finding ways to deal with global issues (the former UN-Secretary General Kofi Annan called them "problems without passport") and persuading all member states of the urgency of certain problems. A UN-Resolution therefore tries to set global standards and to have normative effects on all member states. Capacity Building simply means UN-ambitions which help member states implementing the standards given by any resolution. That means for example technical support or something like that. CCPCJ works, as already said, in the first area.

Our topics are organized crime and corruption as the main obstacles for Good Governance. Both are of course also main topics for the real CCPCJ. The UN's efforts to fight against the mentioned threats are quite extensive. We just would like to point out two major examples which appear to us as important milestones and also as some kind of general basis for ensuring Good Governance.

The first one of these milestones is the United Nations Convention against Transnational Organized Crime. Transnational crime is definitely one of the major threats to human security which effects social, economic, political and cultural development of societies. In 2000 the UN Convention against Transnational Organized Crime has been signed which was a historic step forward in countering this threat. It entered into force in 2003 as a main international instrument. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice), the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation and furthermore the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

The second important milestone, especially concerning the UN's fight against corruption is of course the United Nations Convention against Corruption. By its resolution 58/4 of October 31<sup>st</sup> 2003, the UN General Assembly adopted the United Nations Convention against Corruption. It entered into force on December 14<sup>th</sup> 2005. Corruption undermines democratic institutions, retards economic development and contributes to government instability. The Convention creates the opportunity to develop a global language and global efforts about and against corruption which also includes a coherent implementation strategy. Many international anti-corruption agreements already exist, however their implementation has been uneven and only moderately successful so far. And that's exactly where the Convention against Corruption tries to put things right and begins establishing an effective set of common norms for effective anti-corruption strategies. All that means that the Convention is also a typical instrument of policy making. The Global Programme against Corruption is therefore used as a catalyst and a resource to help countries effectively implement the provision of the UN Convention against Corruption.

This was short background information about the CCPCJ. Please have a look at the links we provide at the last page of this document for more research about the Commission on Crime Prevention and Criminal Justice. Do not forget INTERPOL and of course EUROPOL. Both are essential for fighting against organized crime in Europe. Have a closer look on the operational agreements between Europol and the Balkan states because they're the basis for its capacity to act in these countries. A look at the homepage of the OSCE, the Organization for Security and Co-Operation in Europe, can be also informative because one of the main issues of this organization, which is by the way one of our observers, is of course the strengthening of democracy and Good Governance.

### **Ensuring Good Governance in the Balkans**

The abolishment of organised crime is the ultimate aim of the Commission of Crime Prevention and Criminal Justice. Targeting the region around South East Europe and catching the fact that these regions within prospering Europe are still facing serious problems in economical development, corruption and organized

crime are challenges for all countries there, and at the same time, they are the strongest backstrokes to the development in the Balkan Region. Organized crime, particularly the type which relates to trafficking has turned into one of the most important mechanism for unlawful redistribution of national wealth. This slows down economic growth and causes social deprivation. Further, criminal networks endanger the stability of democratic institutions by capturing government through systemic corruption. The impact of dirty money in politics is especially negative and has had a negative impact on the publics trust in the emerging democratic and market economy institutions and has bred disillusionment with reforms in general. One of the most dangerous forms of corruption, which destabilizes both internal and regional security in the Balkans, is the symbiosis between organized crime and representatives from the security sector in the countries.

## **The origins**

Regional instability in many countries of south east Europe in the last 2 decades and the civil wars in and between Bosnia, Croatia ,Serbia and other republics of former Yugoslavia in the early 1990`s have undermined effective law enforcement throughout the region. Corruption has received much attention, particularly in the countries of transition as it has become an accompanying phenomenon on the road from state-socialism to market capitalism and democracy. Especially the sanctions and economical embargos against the former republic of Yugoslavia (FRJ), which directly affected the whole region, led to a proliferation of organized crime, smuggling, trafficking and illegal trade in South East Europe.

In the name of higher goals like protection of national independence and sovereignty, the leaderships were actively involved in development and organisation of smuggling channels, and they protected and assisted those who were directly involved in their exploitation. This business was controlled in close collaboration between politicians, their security forces lobbies and organized crime structures. While the regimes remained in power, virtually no attempts were made to stem trans-border crime and the corruption that facilitated it. In Croatia, Bosnia- Herzegovina, Montenegro and Serbia, where due to the specific circumstances the same regimes remained in power for almost the whole decade, all the attempts to check the flow of smuggled goods were only cosmetic. In countries, where governments did change, e.g. Albania, Bulgaria, Macedonia, Romania, some measures to stem proliferation of smuggling were taken. Unfortunately, in most cases these measures were ineffective, and led only to the change of people involved in the smuggling.

## **The system**

After the war, the collapse of these regimes left behind an over-extended public sector. This has distorted the restructuring of economies, the modernisation of education and public systems and has also affected many international social programs. All these methods of organized crime had enormous negative impact to the civil society and their trust in the emerging democratic and market economy institutions.

In his speech to the London Conference on Organized Crime in South East Europe in the year 2002, EU-External Relations Commissioner Chris Patten pointed out that crime and corruption are a social, political and economical problem. In particular, the absence of adequate measures against the economy of crime has a number of negative impacts:

- Deepening of the socio-economic problems of transition by the draining of public resources
- Undermining the transition to a market economy by destroying fair competition, the potential for free private initiative and consequently pushing honest business players out of the market
- Redistribution of national wealth through corrupt privatization, financial and tax fraud, trafficking and resulting import monopolies, etc.
- Participation in international corruption and criminal networks through which the region is integrated in international criminal infrastructure
- Creation of a negative image of the region among foreign business and political partners, which creates obstacles for its integration in the European Union and NATO
- State capture with the resulting risk for the stability of democratic institutions
- The impact of dirty money in politics is especially negative through the financing of political parties and of election campaigns.

Unfortunately, 5 years after this analysis of the criminal aspects and negative impacts of criminal activities in the Balkan region, outstanding changes in these mechanisms are still missing. Although many countries like Croatia are sympathising with the European Union and their strong beliefs in economical development and strong disagreement of corruption or any other form of organised crime, those methods of organised crime in many Balkan countries are still going on.

## The consequences

Corruption has become usual in a line of business in the Balkans. From the second half of the last decade, organised crime has undertaken the following steps towards its integration into Balkan business and politics:

- through privatization, control of imports and exports, racketeering, establishing monopolies in a number of the most profitable economic sectors.
- control over the "black economy" (car theft, drug trafficking a drug distribution, prostitution, human trafficking, counterfeiting of money and securities.
- venturing into new methods for financial crime (cyber crime, credit card fraud)
- Creation of durable corruption networks through redistribution of dirty money among the lobbies of organized crime in government structures.

Those methods sketch the outline of the economy of crime as a quasi- economic system, which combines legal with illegal and criminal methods and forms of business, and which is to a great extent protected from law enforcement. The biggest problem we have to face nowadays is that the threat posed by this infiltration is increased because of the fact that often regional societies and governments in one way or another tolerate the economy of crime as it is deemed different from traditional criminal activity. Although almost all countries of South East Europe have signed the UN convention against corruption and the UN convention against transnational organised crime, state institutions and law enforcement continue to show certain tolerance to the big players in the shadow and the criminal business. A number of laws are not enforced making it necessary to introduce new regulations although their effectiveness remains questionable as well. The inefficiency of the judicial system has an especially destructive effect on the efforts for counteracting the economy of crime, which is only partly due to imperfect legislation. In practice, not only does organized crime remain unpunished, but it also uses the judiciary to eliminate competitors through corruption.

## Developments

In the last years, Western Balkan nations have tightened up their fight against corruption, but are still far from meeting European Union (EU) standards. The UN strongly believes that the rule of law is the only foundation for the development of democracy, prosperity and long term-stability in the Balkans. Therefore, organized crime and corruption should be refused by all member-states of the UN, supporting the countries of South East Europe to defeat those problems.

The gravity of the problem calls for bold and radical measures which should upset entrenched interests. For this to happen, broad public coalitions need to be formed both within countries, and region-wide. Traditional bureaucracies- are they national or international- cannot muster the type of public support needed if these reforms are to be successful. Public support is a must in confronting a phenomenon with such broad social and economic consequences. Therefore, a new type of public private partnership would be necessary to secure public support for the measures against organized crime and corruption. This partnership should seek to include civil society and private sector institutions as stakeholders in the process of prevention and enforcement.

## Useful Links

[http://www.unodc.org/unodc/en/crime\\_cicp\\_commission.html](http://www.unodc.org/unodc/en/crime_cicp_commission.html)

<http://www.interpol.int>

<http://www.unodc.org/unodc/index.html>

[http://www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf)

[http://www.unodc.org/unodc/crime\\_convention\\_corruption\\_background.html](http://www.unodc.org/unodc/crime_convention_corruption_background.html)

<http://www.unodc.org/unodc/en/about.html>

<http://www.europol.europa.eu/>

<http://www.europol.europa.eu/index.asp?page=agreements>

<http://www.osce.org/>

<http://www.stabilitypact.org/>

<http://www.savekosovo.org/>

<http://www.mae.ro/seecp/main7.html>

[http://www.humsec.eu/cms/fileadmin/user\\_upload/humsec/Workin\\_Paper\\_Series/Working\\_Paper\\_Anastasije\\_vic.pdf](http://www.humsec.eu/cms/fileadmin/user_upload/humsec/Workin_Paper_Series/Working_Paper_Anastasije_vic.pdf)

<http://www.transcrime.unitn.it/index.dhtml>

<http://ec.europa.eu/>

<http://www.eurojust.eu.int/>

<http://www.secicenter.org/>

<http://www.spsc-secretariat.org/index.php>

<http://www.uncjin.org/CICP/cicp.html>

<http://www.unodc.org/unodc/en/cnd.html>

<http://www.unodc.org/unodc/index.html>

[http://www.unodc.org/unodc/en/crime\\_cicp\\_commission.html](http://www.unodc.org/unodc/en/crime_cicp_commission.html)

<http://www.anticorruptionnet.org/>

<http://www.undp.org/>

<http://www.oecd.org/fatf/>

<http://www.iccwbo.org/>

<http://www.transparency.org/>

<http://www.usinfo.state.gov/topical/econ/integrity/>

<http://www.worldbank.org/publicsector/anticorrupt/>

<http://www.u4.no/>

<http://www1.oecd.org/daf/nocorruptionweb>

<http://www1.oecd.org/daf/SPAIcom>

<http://www.eupm.org>

<http://www.legislationline.org/>

<http://www.ncjrs.org/intlwww.htm>

<http://www.leolinks.com/>

<http://www.talkjustice.com/files/page58.htm>

<http://www.intelligenceonline.com/>

<http://www.american.edu/transcrime/>

<http://www.iom.int/>

<http://www.childtrafficking.com/>

<http://www.mfa.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/Global+Issues/Organised+Crime/>

[http://www.isn.ethz.ch/osce/networking/secondary\\_literature/coc/am02/am02\\_chapter%203\\_kemp.PDF](http://www.isn.ethz.ch/osce/networking/secondary_literature/coc/am02/am02_chapter%203_kemp.PDF)