



# “The Role of the European Union in the global governance of Transnational Organized Crime”

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## Research project: “The EU in an Unsettled International System: Crisis, Polarity and Multilateralism EU-IANUS”



- Researchers from different European academic institutions.
- Analyze changes in the international system and how those changes are shaping the attitude of the EU regarding multilateral institutions in four main areas: Trade and Finance, Energy and Environment, Security and Defense Policy, and Human and Social Rights.
- Answer a set of related questions:
  - Is any adjustment taking place in the EU, and in what terms?
  - How does the EU act, under adverse international contexts, concerning multilateral institutions and global governance mechanisms?
- Analytical framework: change in the international structure (power, institutions and ideas), and in different issue areas.
- Webpage: <http://www.eu-ianus.eu/>



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- Two main strategies or dispositions for the EU in an **adverse international setting**:
- **Accommodation** or **Entrenchment**.
- “**Accommodation** is the disposition that tends to adjust one’s own behavior (objectives, instruments, norms) to the new context. Thus, an adverse international structure will compel an accommodating EU to **concede and compromise** with the actors or ideas for which the new structure is more favorable than the preceding one.
- “**Entrenchment**” as the tendency to **maintain and even harden the positions** held before the structural change, with the aim to resist in the face of adversity”.



## Structure of the presentation



- **The current state of transnational organized crime.**
- **Evolution of the global regime against TOC**
- **The review mechanism for the UNTOC (Palermo Convention)**
- **Why this is relevant for the European Union?**
- **EU' behavior in the negotiations of a review mechanism for the UNTOC**
- **Eight final considerations**



# The current state of transnational organized crime (TOC) (1)



- Global impact of transnational crime (TC) has rise to unprecedented levels.
- “Traditional” TC activities: people smuggling and trafficking, arms and drug trafficking, environmental crimes, maritime piracy, natural resources smuggling, money laundering, forgery, oil theft, kidnapping for ransom, etc.
- “Emerging” forms of crime: cybercrime, traffic of electronic and industrial waste, counterfeit and fraudulent medicines, traffic of human organs, etc.
- Increasing awareness of terror-crime nexus and crime-development nexus.
- For the foreseeable future, TC will remain an increasingly dynamic and complex phenomenon. Criminal organizations will adapt to the new international conditions and strength their capabilities for acting globally

## The current state of transnational organized crime (TOC) (2)



- **Drug trafficking** : 2009 estimated annual value of **320 billion US dollars**; estimated annual value of the global market for cocaine **68 billion** US dollars (UNODC, 2014).
- **Money laundering**: IMF estimates that globally the amount of money laundered each year accounts for between **2% and 5% of world's GDP**.
- **Migrants** are drowning at sea, suffocating in containers, and dying of thirst in deserts. According to the International Organization for Migration (IOM), more than **40,000 migrants since 2000 have died** making hazardous journeys to a new life.
- UNODC: two of the **main smuggling routes** from East, North and West Africa to Europe, and from South America to North America generate nearly **US\$7 billion a year**.
- UNODC - United Nations Office on Drugs and Crime: “Circulation” Awareness campaign (2012) <https://www.youtube.com/watch?v=nV2cYC9lfNc>

# Evolution of the global regime against TOC



- 1975: transnational crime/end of the Cold War/negotiations in the UN during 1990s
- 2000. United Nations Convention against Transnational Organized Crime (UNTOC) (Palermo Convention). Three additional protocols: against trafficking in persons (especially women and children); against the smuggling of migrants; and, against trafficking of firearms.
- 2003. Came into force. Is now the legal basis for international cooperation against TC.
- 185 countries are parties to the Convention, including the European Union.
- 2008. Parties to the Convention started negotiations toward the adoption of a review mechanism to evaluate the capabilities of states to implement the UNTOC, and determine the degree of international aid they need.

# The review mechanism for the UNTOC (1)



- **Since 2012.** Deadlock in the negotiations due to the **lack of agreement on two key points:**
  - the **funding of the review mechanism** (funding through a combination of regular UN budget and voluntary contributions from states, or financing it solely by voluntary contributions)
  - the level of participation of **non-governmental organizations** in the process.
- **Why** did the signatories of the UNTOC reach this **deadlock?**

# The review mechanism for the UNTOC (2)



- Financing of the review mechanism.
  - EU, US and other countries from the “global north”: no room for further budgetary commitments because of the economic crisis.
  - Arguments from developing states and “emerging or rising powers” from the “global South”:
    - since usually most developed states are the ones with the means to assign additional resources to the UN budget, the evaluation process will be dominated by the interests of those states.

# The review mechanism for the UNTOC (3)



- On the question of the participation of civil society in the review mechanism
  - EU, US, Australia, Japan, many Latin American countries: support requirements of transparency and inclusion, including a strong participation of civil society.
  - Russia, China, India, Pakistan, Iran: have blocked initiatives involving the participation of civil society and the transparency of the results of the assessments; defense of sovereignty and non-intervention in internal affairs; a pure intergovernmental process.

## Why this is relevant for the EU?



### At least six interrelated issues:

1. Norms and institutions created with the support of the EU (UNTOC).
2. Stay a major player in the global efforts against TOC.
3. EU' internal ("homeland") security: AFSJ.
4. The international role of the EU.
5. Gridlock on global governance and "effective multilateralism"
6. Impact in transatlantic relations.

## EU' behavior in the negotiations of a review mechanism for the UNTOC (1)



- 2000s an international process of power redistribution started; has not been favorable for the EU.
- While negotiating the creation of the UNTOC' review mechanism, the **EU has used a strategy of *defensive entrenchment***: transparency and participation of civil society.
- Strategy directly related to the negative experience for the EU while pursuing a strategy of accommodation in other international negotiations (UNCAC, 2009; civil society and transparency).
- Defensive entrenchment may be a good option for the EU in international power structure increasingly adverse to its interests.
- “Accommodation” would mean capitulate in the process of developing new standards; and its own values and identity could be compromised.

## EU' behavior in the negotiations of a review mechanism for the UNTOC (2)



- Some of the ideas perceived as legitimate by the EU **antagonize several countries of the “global South”**, specially rising powers (e.g., Russia, China, and India).
- **October 2014 negotiations failed again. Not a common position among the “global South” (G77):** transparency and participation of civil society in the review mechanism.
- **EU' strategy of defensive entrenchment** (regarding the participation of NGOs in the review mechanism) with the support of other parties from both the global North and South, may have complicated unity in the G77.
- The **EU will probably choose to continue with this strategy** during the negotiations before the **eighth COP UNTOC in 2016**. Objective: **attracting other members of the “global South”** to its position.

## Eight final considerations

1. Future of the UNTOC. 8<sup>th</sup> meeting of the COP (2016).
2. Options if negotiations fail in 2016.
3. Test for the EU' regulatory authority.
4. Beyond the "Global North vs. Global South" deadlock.
5. Role of rising powers in fighting TOC.
6. Transatlantic relations and TOC
7. The role of civil society in global governance (UNTOC, UNCAC, etc.)
8. The high risks of permanent deadlock



**Thank you!**

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