



## (Transnational) Organized crime and corruption in conflict settings: Interview with Ms Ghada Waly

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***Can you briefly describe the mandates of the United Nations Office on Drugs and Crime [UNODC], as well as the legal instruments and initiatives it oversees that are related to armed conflict, organized crime and corruption?***

UNODC is mandated with making the world safer from drugs, crime, corruption and terrorism. We work for and with UN member States, in cooperation with other international and regional organizations, civil society, academia and the private sector, to promote justice, integrity and the rule of law and to build more resilient societies.

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Our support to member States is threefold: we provide tailored technical assistance and capacity-building, including through our field network; we produce research to inform evidence-based policies, including our flagship annual *World Drug Report*; and we provide Secretariat services to a number of key intergovernmental bodies in order to foster international cooperation.

In terms of legal instruments, the Office is the primary entity responsible for supporting States Parties in the implementation of the three International Drug Control Conventions,<sup>1</sup> the UN Convention against Transnational Organized Crime [UNTOC],<sup>2</sup> UNTOC's Protocols<sup>3</sup> and the UN Convention against Corruption [UNCAC].<sup>4</sup> We also support countries in the effective implementation of the UN standards and norms on crime prevention and criminal justice, as well as the international conventions and protocols related to counterterrorism.

Through its cross-cutting mandates, UNODC contributes to global peace and security, to the realization and protection of human rights and development, and to the achievement of the 2030 Agenda for Sustainable Development and its seventeen Sustainable Development Goals [SDGs].<sup>5</sup>

***Organized criminal groups may destabilize States, threaten the rule of law and take advantage of systemic weaknesses created by other factors such as endemic corruption or armed conflicts. What is the nexus between armed conflicts and organized crime? What mechanisms do organized crime groups use to operate in such contexts? Which lucrative activities do they typically engage in when a country or a region is affected by conflict?***

States and regions affected by conflict are considered environments conducive to crime – and particularly organized crime, which takes advantage of weak institutions and the absence of law enforcement and good governance. In turn, organized criminal activity erodes stability and the rule of law, and may contribute to prolonging, inflaming or expanding conflicts by providing revenue streams for non-State armed groups. High-profit criminal activities can be taken over by armed groups, who often rely on professional financial facilitators such as lawyers, accountants and banking staff to manage their sources of income.

For instance, situations of armed conflict can foster the conditions for more drug production and trafficking. We recently saw the epicentres of production for methamphetamine and “captagon” move to conflict areas, as evidenced by drug

- 1 Single Convention on Narcotic Drugs (as amended by the 1972 Protocol), 976 UNTS 105, 30 March 1961 (amended 8 August 1975); Convention on Psychotropic Substances, 1019 UNTS 179, 21 February 1971 (entered into force 16 August 1976); UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1582 UNTS 95, 20 December 1988 (entered into force 11 November 1990).
- 2 UN Convention against Transnational Organized Crime, 2225 UNTS 209, 15 November 2000 (entered into force 29 September 2003).
- 3 2237 UNTS 319, 2241 UNTS 507, 2326 UNTS 208.
- 4 UN Convention against Corruption, 2349 UNTS 41, 31 October 2003 (entered into force 14 December 2005).
- 5 See the SDGs website, available at: <https://sdgs.un.org/goals> (all internet references were accessed in January 2023).

seizure data relating to Syria and Myanmar respectively.<sup>6</sup> Non-State armed groups often take advantage of existing drug markets by taxing illicit drug production in areas under their control or becoming directly involved in the illicit production and trade.

***Corruption can be both a cause and a consequence of armed conflict. Can you tell us more about how corruption can fuel conflict, and what can be done to prevent and fight corruption in conflict situations?***

Curbing corruption is vital in post-conflict environments and in contexts with high risks of conflict, in order to establish trust in public institutions and build resilience. Corruption undermines the rule of law, the ability to govern and State legitimacy. It also facilitates organized crime and illicit financial flows, which can fuel and prolong conflict.

A concrete example of this is how corrupt officials can help divert weapons from unsecured national arms stockpiles to the illicit market, including to terrorist and armed groups. This can happen at any phase of a conflict, as well as in non-conflict settings, particularly in regions where there is a large supply of legacy weapons – that is, arms recycled from prior armed conflicts.

Vulnerabilities in financial infrastructure are also exploited by groups vying to become a quasi-State or to dominate the economy of a country or region. Identifying existing or potential vulnerabilities and adopting risk mitigation measures are key when planning investigations and conducting operations to counter money laundering and the financing of terrorism.

The Security Council and the General Assembly have both stressed the importance of anti-corruption in peacekeeping and peacebuilding efforts. In this regard, the UNCAC, which is the sole legally binding international instrument against corruption and has 189 States Parties, can be a critical tool in post-conflict settings. The treaty's Implementation Review Mechanism, a unique peer review process which can help identify technical assistance needs, is particularly useful.

It is important for UN Country Teams and the international assistance community to incorporate anti-corruption elements in all programming and strategic planning in peacebuilding and post-conflict settings, in order to rebuild public sector institutions and strengthen public confidence.

***The so-called “curse of natural resources” is often brought up in relation to armed conflict in resource-rich regions and mainly refers to resources such as gold, diamonds and minerals and the role of resource exploitation in prolonging conflict. Does this still hold true? What can be done to prevent the illegal***

6 UNODC, *World Drug Report 2022*, June 2022, p. 66, available at: [www.unodc.org/res/wdr2022/MS/WDR22\\_Booklet\\_2.pdf](http://www.unodc.org/res/wdr2022/MS/WDR22_Booklet_2.pdf).

***exploitation of natural resources by organized criminal groups in armed conflicts?***

Illegal mining is increasingly being conducted by organized criminal groups, spearheaded by illegal mining syndicates, usually in areas not under the full control of the State. It causes serious damage to the environment while diverting resources from sustainable development to illicit revenue, further fuelling conflict and instability. Beyond minerals and metals, organized criminal groups in conflict areas also illicitly exploit forests and wildlife for material gain.

Organized crime that affects the environment poses much greater challenges in conflict settings, where governments often lack the capacity to adequately regulate and manage their natural resources, and where State control is typically weak and may be contested by non-State armed groups.

States require capacity-building across the entire criminal justice chain to address these challenges. UNODC supports countries in building effective court systems and community-oriented policing, and going beyond seizures to identify the organized criminal groups involved, as well as on corruption prevention, financial investigations and asset recovery.

Essentially, we are striving to make it difficult for criminal groups to find a market for their products through a combination of prevention and enforcement, while confiscating illicitly obtained assets to possibly make them available for communities and their development.

***Gender norms and the differential roles and expectations they create persist in societies all around the world, both during and outside of armed conflict. Do corruption and organized crime affect people differently on the basis of their gender?***

Corruption impacts everybody in society differently – men and women, youths and people living with disabilities – because of our different needs for public services. The experiences of victims of organized crime and corruption are also shaped by gender. It shapes how people are victimized by organized crime, as well as their experiences within the criminal justice system.

For example, sexual corruption, or “sextortion”, as it is often called, occurs when the currency of corruption is sexual favours or acts of a sexual nature. This type of corruption is highly underreported due to social norms and societal stigma.<sup>7</sup> Another part of the problem is that, in many cases, these victims do not realize that what they are experiencing is a form of corruption. While this form of corruption impacts women more frequently than men, it does impact men too.<sup>8</sup>

Another example of how gender shapes the organized crime cycle is human trafficking, where 60% of detected victims, and 91% of all detected victims of

7 UNODC, *The Time Is Now: Addressing the Gender Dimensions of Corruption*, 2020, available at: [www.unodc.org/documents/corruption/Publications/2020/THE\\_TIME\\_IS\\_NOW\\_2020\\_12\\_08.pdf](http://www.unodc.org/documents/corruption/Publications/2020/THE_TIME_IS_NOW_2020_12_08.pdf).

8 *Ibid.*, p. 99.

trafficking for sexual exploitation, are female (women and girls).<sup>9</sup> At the same time, conversely, the issue of masculinity can be a barrier to identifying male victims and accurately referring them to protection and assistance services.

Women and girls are also overwhelmingly victims of online sexual violence and exploitation, as seen through the non-consensual distribution of intimate images by organized criminal groups. This is a common tactic used by online traffickers to recruit, control and exploit victims.<sup>10</sup>

During and outside of armed conflict, gender norms also contribute to normalizing all forms of violence against children, both for girls and for boys. This normalization of violence leads to situations where violence is not recorded and is rarely prosecuted or punished.

Gender is critical in creating and exacerbating vulnerabilities, in the forms of exploitation to which victims are subjected, and in devising responses. Recognizing the differential impact of gender allows us to develop more comprehensive approaches to combating organized crime and corruption.

***In times of conflict, organized criminal groups frequently seek to exploit civilian populations. Women and children as well as disadvantaged communities are among those particularly vulnerable to various forms of exploitation and are therefore in greatest need of protection. Which forms of abuse are they particularly exposed to at the hands of organized criminal groups in armed conflict contexts, and how does the international community respond to uphold the rights of victims and of the most vulnerable?***

The insecurity that characterizes conflict settings allows organized criminal and armed groups to commit crimes and violence against women and children such as their recruitment and exploitation.

Research on exploitative practices in conflict settings has shown that women and girls are exposed to sexual exploitation by members of armed and criminal groups, including those designated as terrorist groups, as well as to being forcibly married to combatants.<sup>11</sup> Other forms of exploitation that may affect members of society who are put in positions of vulnerability in the context of armed conflicts include the removal of organs to treat wounded fighters or to make profits, and enslavement as a tactic of terrorism.

Children are also particularly vulnerable to recruitment and exploitation by armed and organized criminal groups, including terrorist groups, due to their age

9 UNODC, *Global Report on Trafficking in Persons 2022*, January 2023, pp. 25, 33, available at: [www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf).

10 UNODC, *Successful Strategies for Addressing the use of Technology to Facilitate Trafficking in Persons and to Prevent and Investigate Trafficking in Persons*, background paper prepared by the Secretariat, 23 July 2021, available at: [www.unodc.org/documents/treaties/WG\\_TiP\\_2021/CTOC\\_COP\\_WG.4\\_2021\\_2/ctoc\\_cop\\_wg.4\\_2021\\_2\\_E.pdf](http://www.unodc.org/documents/treaties/WG_TiP_2021/CTOC_COP_WG.4_2021_2/ctoc_cop_wg.4_2021_2_E.pdf).

11 UNODC, *Countering Trafficking in Persons in Conflict Situations*, thematic paper, 2018, available at: [www.unodc.org/res/e4j/data/\\_university\\_uni\\_/countering\\_trafficking\\_in\\_persons\\_in\\_conflict\\_situations\\_html/17-08776\\_ebook-Countering\\_Trafficking\\_in\\_Persons\\_in\\_Conflict\\_Situations.pdf](http://www.unodc.org/res/e4j/data/_university_uni_/countering_trafficking_in_persons_in_conflict_situations_html/17-08776_ebook-Countering_Trafficking_in_Persons_in_Conflict_Situations.pdf).

and ongoing cognitive and physical development. The UN Secretary-General<sup>12</sup> reported 8,521 cases of child recruitment and exploitation in 2020 alone, and it should be borne in mind that these numbers are highly likely to reflect under-reporting. Importantly, the way a child is recruited does not necessarily determine the type of role he or she will play, which may include being used as an informant or as a human shield, or assisting with the transport or sale of illicit materials and goods. Children are also sometimes sold, trafficked or sexually exploited.

States should address conflict-related trafficking in persons and sexual violence by identifying, protecting and assisting victims and ensuring that they are not punished for involvement in unlawful activities resulting directly from their trafficking, while at the same time holding perpetrators accountable. They should also treat children associated with armed, terrorist and organized criminal groups as victims, with a focus on rehabilitation and reintegration.

UNODC works with partners to advocate for such approaches and to help States develop the necessary capacities to implement them.

***How do terrorist groups benefit from organized crime and corruption? How does UNODC address this linkage?***

Both terrorist organizations and organized criminal groups exploit and benefit from conflicts, instability, porous borders, high levels of corruption and weak law enforcement. Evidence indicates that most criminal and terrorist groups operational from the 1990s onwards have developed the capacity to engage in both criminal and terrorist activities, shifting their operational focus as needed.<sup>13</sup>

Terrorists can benefit from organized crime, whether domestic or transnational, as a source of financing or logistical support, through trafficking in arms, persons, drugs and cultural property, the illicit trade in natural resources and wildlife, and the laundering of proceeds of criminal activities such as kidnapping for ransom, extortion, bank robbery and crimes at sea.

There can also be collusion between terrorist and organized criminal groups, for example in cases where terrorist groups collect taxes from criminal

12 *Children and Armed Conflict: Report of the Secretary-General*, UN Doc. A/75/873–S/2021/437, 6 May 2021, available at: <https://tinyurl.com/mt5j5zzd>.

13 *International Cooperation against Terrorism and Links between Terrorism and Other Criminal Activities in the Context of the Work of the United Nations Office on Drugs and Crime*, UN Doc. A/CONF.203/5, working paper prepared by the Secretariat, 11th UN Congress on Crime Prevention and Criminal Justice, Bangkok, 2005; Tamara Makarenko, “The Crime–Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism”, *Global Crime*, Vol. 6, No. 1, 2004; *Action Taken by Member States and United Nations Entities to Address the Issue of Linkages between Terrorism and Organized Crime: Report of the Secretary-General*, UN Doc. S/2020/754, 29 July 2020, paras 4–5, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/58/PDF/N2019058.pdf?OpenElement>. In its Resolution 2482, the UN Security Council emphasized that “the combined presence of terrorism, violent extremism conducive to terrorism, and organized crime ... may exacerbate conflicts in affected regions and may contribute to undermining affected States”, noting also that “organized criminal groups and terrorists benefiting from organized crime” can “complicate conflict prevention and resolution efforts”. UNSC Res. 2482, 19 July 2019, Preamble.

groups for moving contraband through territory they control. In other cases, a terrorist group may reduce its terrorist activity and increase criminal practices over time, or conversely, a criminal organization may become highly politicized and alter the focus of its activities.

In building the capacity of their criminal justice systems to combat terrorism, States must keep in mind that terrorist groups are frequently involved in various forms of crime, and that their conspiracies can sometimes be effectively disrupted by focusing on related criminal activities.

UNODC is actively engaged in helping States to address the linkages between organized crime and terrorism and related threats. The report of the Secretary-General on the issue, which was prepared by UNODC together with the UN Office of Counter-Terrorism, identifies a number of good practices which can serve as useful guidance for further action, such as greater inter-agency cooperation, the establishment of strong counterterrorism financing and illicit financial flows measures, the building of border security capacity, and the safe management of violent extremist prisoners, all of which are supported by UNODC through technical assistance.<sup>14</sup>

***The engagement of organized criminal groups in illicit trafficking, especially in persons and firearms, can play an instrumental role in armed conflicts. How does international law address these forms of trafficking? What effects can these activities have on armed conflicts, and how can organized criminal groups be held accountable for their actions?***

In conflict settings, armed groups may traffic people to enhance their military capacity, including, for example, through the forcible recruitment of child soldiers. They may also traffic people to impose fear in the territories they control, and for so-called “personal” purposes, such as the sexual exploitation of women, buying brides or forcing men and children into domestic labour. In 2020, about 12% of detected victims of trafficking originated from a country affected by conflict.<sup>15</sup>

Certain acts associated with trafficking in the context of armed conflict may constitute war crimes. When trafficking in persons is committed as part of a widespread or systematic attack directed against a civilian population, it may also amount to a crime against humanity.

Under the Trafficking in Persons Protocol to the UNTOC and other applicable international law, victims of trafficking have the same rights to protection and assistance in conflict and post-conflict situations as they have otherwise.<sup>16</sup> Victims or potential victims of trafficking may also be eligible for

<sup>14</sup> *Action Taken by Member States*, above note 13.

<sup>15</sup> UNODC, above note 9, p. 52.

<sup>16</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2237 UNTS 319, 12 December 2000 (entered into force 25 December 2003) (Trafficking in Persons Protocol), Art. 14.



international protection as refugees under the 1951 Refugee Convention and its 1967 Protocol relating to the Status of Refugees.<sup>17</sup>

The Trafficking in Persons Protocol also provides a strong basis for robust criminal justice responses and legal frameworks aimed at dismantling human trafficking networks and holding perpetrators accountable.

Another prominent form of trafficking in conflict settings, firearms trafficking, is also covered by a dedicated protocol under the UNTOC.

To effectively counter illicit arms flows, in line with the Firearms Protocol, it is essential to look beyond individual seizures and to promote broader criminal justice responses that combine preventive and control measures, aimed at enhancing legal controls and strengthening the criminal chain from detection and seizure to systematic identification, recording and tracing, to dismantling the illicit trafficking flows and bringing perpetrators to justice.

***On the subject of illicit arms flows, what are the interdependencies in this triangle of arms, crime and conflict?***

The trafficking and misuse of firearms is intrinsically linked to criminal organizations and terrorist groups. Illicit firearms are facilitators of violent crimes, as tools for perpetrating power and as lucrative trafficking commodities that fuel armed conflicts, crime and insecurity.

Organized crime groups can supply weapons and ammunition to non-State armed groups and governments facing sanctions, and smaller groups may also illicitly acquire arms as a result of such flows. Both organized crime groups and non-State armed groups may directly engage in firearms trafficking in order to secure their own arms and as a source of revenue.

***Effective law enforcement action in areas affected by armed conflict can be particularly difficult. What are the specific challenges to successful investigations and prosecutions of organized crime and corruption in situations of armed conflict? How can the international community better support law enforcement authorities in their efforts?***

In conflict settings, weak rule of law and institutions, as well as competition for territory and legitimacy, create significant obstacles to law enforcement. In addition, two of the main challenges in conflict and post-conflict environments are capacity and resources, as those contexts often lack experienced investigators and prosecutors with adequate investigative tools.

In providing assistance to countries emerging from conflict, the international community should ensure that sufficient resources are allocated to provide the necessary investigative tools, and that evidence collected using such

17 *Ibid.*; Convention relating to the Status of Refugees, 189 UNTS 137, 28 July 1951 (entered into force 22 April 1954); Protocol relating to the Status of Refugees, 606 UNTS 267, 31 January 1967 (entered into force 4 October 1967).



tools is later admissible in judicial proceedings. Training and capacity-building programmes are essential, while short-term deployment of skilled experts can prove useful for addressing more complex cases.

Addressing the needs of vulnerable people that fall victim to organized crime in areas affected by conflict, such as children and women, is another major challenge, one that requires effective coordination of efforts across institutions and also, where appropriate, with the private sector and civil society, in order to better detect and assist victims.

***You have recently launched UNODC's Strategic Visions for Africa and Latin America and the Caribbean, which aim to provide more safety to people, governments and institutions from drugs, crime, corruption, terrorism and illicit financial and arms flows, with a view to accompanying the realization of the SDGs. Could you tell us more about the contribution that these Strategic Visions will make to peace and security in those regions?***

The two Strategic Visions<sup>18</sup> build on UNODC's decades of partnership with the people and countries in the two regions, and represent a renewed pledge to work together towards achieving the SDGs.

In line with our global strategy for 2021–25,<sup>19</sup> the two regional Strategic Visions frame how UNODC and its member States will strengthen responses to drug control, transnational organized crime, terrorism, corruption and illicit financial flows in order to accelerate progress as we enter the Decade of Action towards the SDGs.

Our Strategic Visions represent a transformative approach to our work, aiming to adopt an integrated, people-centred and human-rights-based approach to addressing the security–development nexus, through actions which recognize security as a multidimensional goal that is linked to development and requires investments in diverse fields; these include crime prevention, criminal justice and appropriate sentencing laws.

The Strategic Visions are also living documents that will evolve through implementation and dialogue, first and foremost with the authorities and the people in the two regions and their countries, as well as with UN and other partners.

***Many challenges lie ahead of governments and the international community in the years to come, not least those related to protecting the environment and to the sustainable use of natural resources, as well as those concerning cyber security, which can all have direct implications in conflict. UNODC is engaged in addressing these issues and preparing, together with States, frameworks for***

18 UNODC, *UNODC Strategic Vision for Africa 2030*, available at: [www.unodc.org/unodc/en/strategy/africa-vision.html](http://www.unodc.org/unodc/en/strategy/africa-vision.html); UNODC, *UNODC Strategic Vision for Latin America and the Caribbean 2022–2025*, available at: [www.unodc.org/res/strategy/STRATEGIC\\_VISION\\_LATIN\\_AMERICA\\_AND\\_THE\\_CARIBBEAN\\_2022\\_2025\\_ENE17\\_EDsigned.pdf](http://www.unodc.org/res/strategy/STRATEGIC_VISION_LATIN_AMERICA_AND_THE_CARIBBEAN_2022_2025_ENE17_EDsigned.pdf).

19 UNODC, *UNODC Strategy 2021–2025*, available at: [www.unodc.org/unodc/strategy/index.html](http://www.unodc.org/unodc/strategy/index.html).

***preventing and tackling those emerging forms of criminality and cooperating across borders to that end. What are the milestones in this regard?***

The adoption of the UNTOC in 2000 was a critical milestone in the global fight against organized crime. This instrument remains the sole international legally binding instrument against organized crime and the main tool for promoting international cooperation in this field. Similarly, the adoption of the UN Convention against Corruption in 2003 constituted a breakthrough in the prevention and tackling of corruption at the global level.

The States Parties to those conventions have recently emphasized<sup>20</sup> that they remain relevant and flexible in scope, permitting their use against new and emerging forms of illicit activities, including those that affect the environment.

As the guardian of the UNTOC and UNCAC, UNODC has a vital role to play in assisting States as they translate their commitments into actions.

On crimes that affect the environment, UNODC is exploring the climate–crime nexus and raising awareness of the need to integrate criminal justice responses as part of a holistic approach to the triple planetary crisis of biodiversity loss, pollution and climate change. Our environment team is expanding its work to support countries in preventing and combating crimes such as trafficking in flora and fauna, trafficking in plastic waste, illegal mining, and fisheries crimes.

Among the crimes that have emerged since the adoption of the UNTOC, cyber crime is without a doubt among the most urgent. In this context, the UN General Assembly appointed UNODC as the Secretariat of an intergovernmental process to negotiate a new convention on cyber crime, to be presented to the General Assembly for adoption before it closes its 78th Session in September 2024. If the negotiations are successful, the convention will represent a major milestone as the first ever UN instrument on the topic.

20 UNTOC CoP Res. 10/6, 2020, available at: [www.unodc.org/documents/treaties/UNTOC/COP/SESSION\\_10/Resolutions/Resolution\\_10\\_6\\_-\\_English.pdf](https://www.unodc.org/documents/treaties/UNTOC/COP/SESSION_10/Resolutions/Resolution_10_6_-_English.pdf).