

**Responses to Questions for the Record from Senator Sheldon Whitehouse**

**U.S. Senate Caucus on International Narcotics Control**

**“The Nexus between the Illicit Drug Trade and Corruption”**

**December 12, 2021**

1. **Can UNODC expand CRIMJUST to cover other types of drugs and their precursor chemicals, such as synthetic opioids, methamphetamine, or other narcotics that are destined for the United States?**

* Yes. Building on its successful outcomes achieved along cocaine trafficking routes and recent work on synthetic drug trafficking, CRIMJUST has demonstrated its intervention model is replicable, regardless of the type of narcotic or precursor.
* CRIMJUST has assessed it has the ability and expertise to successfully apply its intervention model in one or more of at least 17 of the 22 countries identified in the 2020 United States “Majors List” of major illicit drug producing and drug transit countries,[[1]](#footnote-2)namely, Bahamas, Bolivia, Belize, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, India, Jamaica, Mexico, Nicaragua, Pakistan, Panama and Peru.
* Such a CRIMJUST intervention would aim to enhance criminal justice cooperation between the US and several of these countries, with a view of disrupting organized crime groups responsible for the illicit trafficking of narcotics and precursor chemicals to the US. This intervention is built upon the premise that effective criminal justice responses would need to both a) go beyond interdiction activities to prosecute individuals benefiting from such activities and b) target the interdependency between precursor and drug markets. It would look to achieve this through two complementary and reinforcing components:
* **Component 1** would see CRIMJUST replicate its interventions successfully applied along the cocaine trafficking route by working with the target countries to strengthen their ability to support and cooperate with source, destination and transit countries, including the US, in transnational narcotic trafficking cases. This component would have 3 pillars:
  1. Transnational cooperation – focusing on exchange of intelligence and evidence and developing post-seizure investigative actions and joint investigation teams.
  2. Capacity Building to provide the skills for investigating and prosecuting cross-border narcotic cases – this includes the use of special investigative techniques and financial investigation and proceeds of crime.
  3. Ethics and Integrity – building trusted working relationships.
* **Component 2** would see the operationalization of Component 1 interventions through a series of end-to-end targeted operations, with the identified partner countries working with other strategically and regionally significant countries. Each phase of this activity would involve a cluster of countries trained on various aspects of transnational narcotic trafficking, equipped with narcotic detection equipment, undertake operational activity applying the training and equipment[[2]](#footnote-3).

**What additional resources will UNODC need to expand the program to the United States?**

* The CRIMJUST intervention model has been designed in a scalable manner that can be replicated in different contexts and countries. Leveraging from UNODC’s solid footprint covering a number of the countries noted above, UNODC is well positioned to scale up its CRIMJUST interventions in one or more groupings of these 17 countries through building on its core expertise with additional human resources and assets.
* More detail on the work proposed and the estimated resources to expand our work can be found in Annex 1 attached.

**Annex 1.**

**CRIMJUST intervention - Rationale**

* As the specialized organ of the UN Secretariat in charge of combating drug trafficking and transnational organized crime, UNODC can expand CRIMJUST to address transnational narcotics trafficking destined to the United States (US).
* CRIMJUST is uniquely positioned to implement a program focused on transnational narcotic trafficking destined for the US, given its expertise in strengthening criminal justice investigation and cooperation as well as its existing presence in countries of strategic importance, including Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Mexico, India, Peru and Panama.
* Since 2016, the program has supported countries pursue post-seizure cross-border investigations in order to optimize judicial outcomes and effectively disrupt organized crime, by complementing technical assistance with enhanced institutional integrity and transregional channels of communication.
* During this time, the program has garnered extensive experience a) in leveraging on South-South cooperation to build up institutional capacities, b) in utilizing criminal justice cooperation to increase understanding of national and regional criminal environments and to encourage post-seizure investigations, and, c) in providing the necessary tools and platforms for countries to overcome common barriers to transnational cooperation.
* Moreover, in 2021, CRIMJUST adapted its model and launched “Operation Azure” , under the framework of the UNODC Opioids Strategy,  a global initiative to equip thirteen countries in Latin America, the Caribbean and Africa with the knowledge, training, and resources to address synthetic opioids trafficking via postal and courier services. The operation consisted of a combination of training, technical guidance and operational activity enabling officials to apply theory into practice and thus effectively respond to the opioid crisis in an operational context. This unique end-to-end approach to strengthening the capability of countries to undertake transnational narcotic trafficking actions received positive feedback from participants and their institutions, particularly in relation to receiving specific training and equipment to be used during the operational activity. Many also noted how the operational activity bolstered interagency collaboration to a level not previously experienced.
* While Operation Azure was designed to target synthetic opioids trafficking via the postal service, interdiction outcomes during its roll-out demonstrated real possibilities to replicate the CRIMJUST holistic intervention model to address illicit trafficking of any narcotics or precursors. It is envisaged that initiatives targeting all types of drug trafficking, rather than concentrating on a single commodity would allow for greater impact across a wider spectrum of organized criminality.

**CRIMJUST intervention - Scope**

* UNODC recognizes common interests with the US to counter illicit trafficking in an effort to a) limit availability of illicit drugs in the US,[[3]](#footnote-4) b) reduce violence and political instability in source and transit countries and, c) to resolve diminished economic development along drug supply chains. To do so, UNODC would suggest an intervention leveraging on the interdependency of drug and precursor supply chains as per detailed below:
* Should CRIMJUST expand to the US, UNODC would propose to capitalize on its program’s proven capability to address multi-commodity trafficking and to provide its support to law enforcement and criminal justice agencies in several or all of (17) seventeen countries listed on the Majors List for FY2021, (12) twelve of which have also been identified as “*major sources of precursor chemicals used in the production used in the production of illicit narcotics*”. These 17 countries are:  Bolivia, Belize, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, India, Mexico, Pakistan, Peru, Bahamas, Jamaica, Nicaragua, and Panama. Given CRIMJUST’s and UNODC’s current engagement with a number of these countries, UNODC is confident CRIMJUST interventions could be replicated with a focus on narcotics and precursors destined for the US.
* UNODC would suggest developing **a CRIMJUST intervention targeting the inherent dynamics between drugs and precursor chemicals supply chains as well as the convergence of trafficking routes.**
* UNODC recognizes that the combined effect of increasing fragmentation and globalization of drug supply chains, as well as growing connectivity between countries, has enabled organized crime groups to diversify areas of production and methodology.
* Despite such diversification, UNODC sees opportunity and relevance in developing inter-regional criminal justice responses targeting poly-drug trafficking. Organized crime groups have capitalized on the advent of globalization, and the subsequent rise of structural inequality, to expand their reach, exploiting socio-economic and geo-political vulnerabilities and infiltrating available transportation infrastructure and connectivity. As a result, while each drug and precursor chemical market responds to distinct sources of supply and demand, organized crime groups do utilize established routes and points of transit to traffic different commodities. The twelve countries on the “Majors” and “Precursor chemicals” illustrates this phenomenon and reflects a convergence of trafficking routes
* This convergence of trafficking routes poses heightened security, financial and health risks, resulting in the development of interconnected networks of diverse illicit activities. Such networks increase criminal opportunities for the same organized crime groups as well as exploit and foster enabling environments.

**CRIMJUST – Nature of Intervention**

* Against this background, CRIMJUST proposes to strengthen the capability of countries to develop their own and interlinked strategies with U.S. authorities to disrupt organized crime groups responsible for the illicit trafficking of narcotics and precursor chemicals, via a two-tier intervention.

Component 1: Strengthen the capability of the countries of concern to support and cooperate with source, destination and transit countries and moreover the United States, in transnational drug trafficking cases

Component 2: Operationalize capacities and criminal justice cooperation in real-life environment

* **Component 1:** Strengthen the capability of the countries of concern to support and cooperate with source, destination and transit countries and moreover the United States, in transnational drug trafficking cases.
  1. **Transnational criminal justice cooperation** to ensure drug-related crimes are investigated beyond seizures.
     + Post-seizure investigative forums – focusing on exchange of intelligence and evidence and developing post-seizure investigative actions following significant or clusters of seizures. Providing a trusted platform for officials to establish operational contacts and to build trust, exchange best practices and knowledge of changes and trends in transnational narcotic trafficking and to break down traditional obstacles to criminal justice cooperation (language, differences in legal frameworks, trust, etc.). Advocating for a shift in mindsets and in turn strategy for criminal justice agencies to pursue investigations beyond interdiction activities and to target financiers / organizers of illicit trafficking.
     + Supporting joint investigation teams targeting drug trafficking networks.
     + Developing and supporting anti-drug prosecution networks.
  2. **Capacity Building** to provide the skills for investigating and prosecuting cross-border narcotic cases – this includes the use of special investigative techniques.
     + Special investigative techniques, including **controlled deliveries**, to support mapping, identifying and prosecuting criminal networks in the wake of a narcotics and precursor chemical seizures;
     + Managing transnational drug investigations and prosecutions;
     + Technical trainings on **cyber elements of drug trafficking** to carry out online investigations (introduction to the dark net and cryptocurrencies, collecting admissible digital evidence, etc.) and to prevent cyber-enabled drug trafficking crimes (knowledge and tools to detect and investigate illicit drug transactions and drug-related forums).
     + Training on **formal channels of criminal justice cooperation**, including procedures for extradition and legal mutual assistance, to prosecute cases involving illicit precursor chemicals and / or narcotics.
     + Training on **drug production processes** to discern chemical and technical processes involved in drug production (cocaine, heroin, synthetic drugs, etc.), including a focus on use of precursor chemicals and the associated legal and health challenges.
     + **Financial investigation** training to optimize the use of financial intelligence as a targeting strategy.
     + **Proceeds of crime** and asset confiscation training.
  3. Strengthening institutional **ethics and integrity** to recognize vulnerabilities of law enforcement to organized crime and to discuss available accountability and transparency mechanisms.
* **Component 2:** Operationalized capacity and criminal justice cooperation to effectively investigate and fairly prosecute illicit trafficking of precursor chemicals and drugs.
* CRIMJUST would propose providing an *end-to-end support* to the partner countries, along with selected strategically and regionally important countries located along key trafficking routes, over 6 phases as per below. The number of phases and groupings of countries could obviously be modified:
  + Phase 1: (Spanish-speaking) Central America and Caribbean countries, including Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama.
  + Phase 2: (English-speaking) Central America and Caribbean countries including Belize, Bahamas, Jamaica, Trinidad and Tobago and Barbados.
  + Phase 3: (Spanish-speaking) South American Countries, including Bolivia, Colombia, Ecuador, Peru, Argentina and Chile
  + Phase 4: (English speaking) African/Asian countries including India, Pakistan, Nigeria, Ghana, Kenya and Tanzania.
  + Phase 5: (Francophone countries) African countries including Benin, Togo, Cote d’Ivoire, Senegal)
  + Phase 6: (Lusophone countries) African/Latin American countries, including Brazil, Cabe Verde, Mozambique, Guinea Bissau and Angola

Each phase would involve CRIMJUST providing the following end-to-end intervention to each cluster of countries.

**1. Series of trainings** to target all stages of drug and precursor chemical supply chains:

* + Trainings on best practices for profiling, investigating, prosecuting and adjudicating drug trafficking cases
  + Activities to include all actors along criminal justice chain to ensure standard levels of knowledge of current trafficking trends and appropriate responses, as well as to foster inter-agency cooperation
  + Best practices for safe handling narcotics and precursors

1. **Provision of equipment** 
   * Delivery of electronical field drug-testing equipment to law enforcement agencies including training on its use.

**3. Operational activities requiring inter-agency cooperation and investigative and prosecutorial capacities acquired during trainings:**

* + Includes developing concept of operations for each country to coordinate their arrangements.
    - Creating an opportunity for beneficiaries to enact key learnings, best practices and techniques acquired during learning phases to real-life professional environment.
    - Pre- and post-operational meetings to be included for agencies to gain experience in planning targeting and investigative operations and to reflect on lessons learned.

The support outlined above would look to do so by achieving the three following outcomes in the selected partner countries:

* Outcome 1: Greater understanding of the inherent dynamics between these two markets and the need to prioritize efforts to prevent both drug and precursor chemical trafficking.
* Outcome 2: Enhanced capacity of law enforcement and criminal justice agencies to investigate and prosecute both illicit drugs and their precursor chemicals.
* Outcome 3: Sustained communication and cooperation between countries to match the rapid and constant development and diversification of trends and supply chains.

Estimates of resources needed to expand work:

* It is roughly estimated that Component 1, implemented over 4 years, would require anywhere from $10 to $14 million of funding, depending on the number of groups of partner countries, and Component 2 would require funding of anywhere from $4 to $6 million over 4 years, depending upon the number of groups of partner countries.
* These rough cost estimates are based on the cost of implementation of the current CRIMJUST Program including the facilitation of Operation Azure. Additional human resources along with a strengthening of its footprint in Central American and Caribbean countries would be required to effectively implement both components.

**(2) UNODC provides technical assistance to member countries to come into compliance with international anti-corruption agreements such as the UN Convention Against Corruption. What are the most common challenges precluding countries from complying with the UN Convention Against Corruption, and how is UNODC assisting these nations?**

**I. Most Common Challenges**

UNODC is the guardian of the United Nations Convention against Corruption (UNCAC or, the Convention) and the Secretariat of the Mechanism for the Review of Implementation of the Convention (the Mechanism), which was launched in 2010.[[4]](#footnote-5) Through a peer review process, the Mechanism assists States parties in their review of compliance with the Convention, in the identification of implementation gaps and of technical assistance needs. Through a desk review and a joint dialogue, usually in the form of a three-day country visit, the peer reviewers and the State party under review identify challenges in the implementation of the Convention and issue recommendations with regard to the legal, institutional and operational frameworks to address corruption.

The challenges and gaps identified through the peer reviews can be broadly categorized as issues related to the legal and institutional frameworks in place and to the operational capacity to implement the Convention. The challenges most frequently encountered to date can be summarized along the four substantive chapters of the Convention as follows:

Chapter II – Preventive measures[[5]](#footnote-6)

* public sector transparency and integrity
* the prevention of corruption in the private sector
* codes of conduct for public officials
* public procurement and budgeting
* the prevention of money-laundering

Chapter III – Criminalization and law enforcement[[6]](#footnote-7)

* freezing, seizure and confiscation of assets
  + a lack of measures to enable confiscation, including value-based confiscation
  + too narrow a definition of proceeds of crime thereby hampering confiscation for corruption offences
  + problems regarding the capacity of competent authorities and the administration of frozen or seized assets
* prosecution, adjudication and sanctions
* challenges related to jurisdiction

Chapter IV - International cooperation

* various aspects of the ability to render mutual legal assistance
* effective law enforcement cooperation
  + the establishment of joint investigative teams, the use of modern technology
* extradition
  + narrow lists of extraditable offences
  + minimum penalty thresholds for extradition
  + hurdles posed by dual criminality requirements

Chapter V - Asset recovery[[7]](#footnote-8)

* prevention and detection of transfers of proceeds of crime
* the lack of non-conviction-based confiscation
* inability to enforce foreign non-conviction-based confiscation orders
* the proactive issuance of freezing orders
* the establishment of specialized asset recovery units

While legal frameworks are often in place to allow for international cooperation and the recovery of stolen assets, the reviews have identified that many States parties lack experience and routine in mutual legal assistance processes. This often results in lengthy or unsuccessful attempts of seeking legal assistance from other States parties for the purposes of, for example, recovering stolen assets transferred to another jurisdiction.

**II. Identifying Technical Assistance Needs**

Through the Mechanism, the State party under review can identify areas where support would be needed to ensure compliance with the Convention in reply to the question “*[d]o you require technical assistance for the (full) implementation of the article under review?”.* The outcome of the review process is a country report that includes technical assistance needs, recommendations to bridge implementation gaps identified by the peer reviewers, and identified successes and good practices. These three elements are included in an executive summary that is made public as an official document[[8]](#footnote-9) of the UN. This technical, non-adversarial and non-politicized Mechanism has allowed for the identification of some 8,000 implementation gaps and over 4,000 technical assistance needs across 173 States parties that have completed their country reviews.

While two thirds of States parties have expressed the need for technical assistance, no review has been concluded without the identification of challenges and gaps in implementation. Taken together, the identification of challenges and technical assistance needs therefore serves as a starting point to better prevent and fight corruption through tailored interventions. Only a fraction of the over 4,000 needs can be addressed by UNODC through targeted assistance delivery, which is entirely based on the availability of extrabudgetary resources.

The technical assistance needs identified[[9]](#footnote-10) range from capacity-building, legislative assistance, institution-building, research/data-gathering and analysis, and policy advice to facilitation of international cooperation and asset recovery.

**III. How UNODC is Assisting States**

UNODC has developed the infrastructure necessary to provide rapidly deployable expertise in the form of on-site advisory services and direct technical assistance to States parties requesting support to prevent and combat corruption in line with the Convention. UNODC possesses extensive experience and a network of experts, both in Vienna and on the ground, that enables it to deliver tailor-made technical assistance upon request. This approach has been reinforced by the UNODC institutional strategy for 2021-2025, which identifies five thematic areas of priority, among them corruption and economic crime. The strategy aims at bringing the global expertise of UNODC closer to the people being served and enhancing efficiency in programme delivery.

Driven by the needs identified through the Mechanism or specific requests by States parties, UNODC delivers assistance in different and mutually reinforcing ways:

*Vienna-based Anti-corruption Experts:* through a group of experts based at headquarters, UNODC ensures consistency between global standards and field operations. This is done by generating global knowledge products, providing policy guidance and support to field-based anti-corruption experts and delivering direct technical assistance to countries where UNODC does not have resident experts.

*Field-based Anti-Corruption Advisers:* the placement of anti-corruption experts “close to the point of delivery” has proven to be an effective way of providing sustainable assistance. UNODC can count on an extensive network of field offices in which, subject to the availably of resources, anti-corruption experts are embedded. To date, such experts exist in Mexico, Senegal (covering West and Central Africa), South Africa (covering Southern Africa), Somalia, Uzbekistan (covering Central Asia), Thailand (covering South East Asia) and Fiji (covering the Pacific region). In 2022, anti-corruption advisers will be posted in Central America, Eastern Africa, South Eastern Europe and the Gulf region.

*Regional Platforms*: UNODC has developed a methodology to fast-track the implementation of the Convention by helping States parties from the same region identify and meet regional anti-corruption priorities. Through this “regional platform approach”, UNODC is currently providing assistance to Mexico and States parties in South America, Eastern Africa, Southern Africa, South Eastern Europe and South East Asia. The regional platform approach seeks to identify gaps in existing initiatives to implement the Convention, in order to coordinate with and complement ongoing work. An important element of the approach is to build relationships and efficiencies with other programmes and partners.

*Anti-Corruption Hubs:* UNODC is establishing field-based anti-corruption hubs that, once fully staffed and operational, will enable it to consolidate and coordinate the technical assistance provided under the regional platforms; extend and expand support to countries where UNODC does not have resident anti-corruption experts and advisers; and establish synergies with other relevant stakeholders. The hub for Mexico and Central/South America was established in August 2021 and will support the implementation of the recommendations generated by the Mechanism while establishing synergies with the Inter-American Convention against Corruption and its Follow-up Mechanism. A similar hub will be established in Eastern Africa in early 2022 to build synergies with the African Union Convention on Preventing and Combating Corruption. Subject to the availability of resources, a third hub will be established in South/South East Asia.

In the delivery of its assistance, UNODC works with all actors of criminal justice systems – law enforcement, prosecutorial and judicial authorities. It also works with policymakers and lawmakers, anti-corruption authorities and supreme audit institutions, financial intelligence units, public procurement and healthcare authorities, authorities responsible for the conservation and management of wildlife and natural resources, sports organizations, the private sector and civil society.

1. Liana W. Rosen, “*The U.S. “Majors List” of Illicit Drug-Producing and Drug-Transit Countries*- R46695”, Congressional Research Service, 25 February 2021, Available at:

   <https://www.everycrsreport.com/files/2021-02-25_R46695_3f0e06048b2d8b5716e0a220f41b881241ecb74a.pdf> [↑](#footnote-ref-2)
2. See Annex 1 for more detailed rational, nature and scope of these two components proposedby CRIMJUST in these countries trafficking narcotics and precursors destined for the United States [↑](#footnote-ref-3)
3. According to the International Narcotics Control Strategy Report of the U.S. Department of State, in May 2020, the United States reported the highest number of fatal drug overdoses in a 12-month period at 81,000 deaths, more than half of which attributed to synthetic opioids and with increases corresponding to the rise of COVID-19 cases in March, April and May 2021. [↑](#footnote-ref-4)
4. See UNODC publication “[Celebrating 10 years of the UNCAC Implementation Review Mechanism](https://www.unodc.org/documents/corruption/Publications/2020/Celebrating_10_Years_of_the_UNCAC_IRM.pdf)” [↑](#footnote-ref-5)
5. A detailed analysis of the challenges faced by States parties in implementing the Convention is provided annually in the Thematic Report on the “[Implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption](https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-5/V2107560_E.pdf)” [↑](#footnote-ref-6)
6. A comprehensive overview of good practices and challenges in the implementation of the Convention with regard to criminalization, law enforcement and international cooperation (chapters III and IV) is provided in the UNODC publication “[State of Implementation of the United Nations Convention against Corruption](https://www.unodc.org/documents/treaties/UNCAC/COSP/session7/V.17-04679_E-book.pdf)” [↑](#footnote-ref-7)
7. See Thematic Report prepared by the Secretariat entitled “[Implementation of chapter V (Asset recovery) of the United Nations Convention against Corruption](https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-6/V2107584_E.pdf)” [↑](#footnote-ref-8)
8. Available in the six official languages of the UN at: <https://www.unodc.org/unodc/en/corruption/country-profile/index.html> [↑](#footnote-ref-9)
9. See Note by Secretariat entitled “[Analysis of technical assistance needs emerging from the country reviews and assistance delivered by the United Nations Office on Drugs and Crime in support of the implementation of the United Nations Convention against Corruption](https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-10/V2107329_E.pdf)” [↑](#footnote-ref-10)