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**Emphasizing the Importance of International Law  
Enforcement Cooperation to Limit the  
Avoidance of Legal Punishment**

**SPC1**

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**Issue:** Emphasizing the Importance of International Law Enforcement Cooperation to Limit the Avoidance of Legal Punishment

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## Introduction

International Law refers to legal documents and regulations that are mutually agreed upon by multiple nations. To enforce international law, law enforcement agencies must be willing to cooperate with each other. When agencies omit details or completely keep all of the information to themselves, following and/or connecting patterns can become difficult. When certain details aren't publicized within nations, deducing whether a criminal is wanted for other crimes in another nation/region, if someone is affiliated with a crime ring, etc, international crimes have been going on for a very long time. After long discussions of how to move forward with addressing these issues, the International Criminal Police Organization (INTERPOL) was established in 1923. "[INTERPOL helps] police in all of them to work together to make the world a safer place. To do this, [INTERPOL enables] them to share and access data on crimes and criminals, and [INTERPOL offers] a range of technical and operational support." (INTERPOL, "What Is INTERPOL?"), (INTERPOL, "1923 – How Our History Started") Similar to INTERPOL, later on, the United Nations founded the United Nations Office on Drugs and Crime (UNODC) in 1997. "UNODC also works to improve crime prevention and assist with criminal justice reform in order to strengthen the rule of law, promote stable and viable criminal justice systems, and combat the growing threats of transnational organized crime and corruption." (United Nations Office at Vienna). Alongside these organizations, many treaties and conventions "such as the United Nations Convention against Transnational Organized Crime (UNTOC)" (Khan et al.) were set into motion to regulate these crimes. However, as organizations and governments evolved, so did criminals.

## Definition of Key Terms

### National sovereignty

“National sovereignty is a core principle of international law governing international relations, which affirms States’ independence and authority to govern their domestic jurisdiction, subject to their international law obligations [under] customary international law and the treaties they have ratified. While the Global Compact for Migration is not a legally binding instrument, it provides a policy framework for international cooperation while respecting States’ sovereignty and the human rights of all” (United Nations).

### International law

“International law is the law governing relations between States.” (United Nations). Examples of international laws could be “[The] Convention on the Prevention and Punishment of the Crime of Genocide (1948), [The] Convention on the Rights of Persons with Disabilities (2006), United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (2008)” (United Nations) and so much more.

### Consent

“permission or agreement” (Cambridge Dictionary, “CONSENT | Meaning in the Cambridge English Dictionary”). For example: “She gave consent for her face being published on Social Media platforms.” “She did not give you consent, so you cannot distribute her essay as an example.”

### Dark Web:

“parts of the internet that are encrypted (= use a secret code), that cannot be found using ordinary search engines, and that are sometimes used for criminal activity” (Cambridge Dictionary, “Dark Web”). Examples could be: “I heard people were buying stolen organs off of the dark web.” “Dark web sites can vary to suffice any criminal /to be criminals needs.”

### Jurisdiction:

“Jurisdiction, which is linked to sovereignty (UNODC, 2013, note 9, p. 184), provides states with the power and authority to define and preserve the duties and rights of people within its territory, enforce laws, and punish violations of laws...” (UNODC)

**Organized Crime:**

“criminal organizations that plan and commit crime, or the crimes that are committed by such organizations:

The murders may have been linked to organized crime.”(Cambridge Dictionary, “ORGANIZED CRIME | Meaning in the Cambridge English Dictionary”)

**Extradition:**

“Extradition is the surrender by a State (the requested State) of a person present in its territory to another State (the requesting State) that seeks the person either in order to prosecute him or her or to enforce a sentence already handed down by its courts.”(UNODC, International Cooperation in Criminal Matters: Counter-Terrorism 3 COUNTER TERRORISM LEGAL TRAINING CURRICULUM)

## General Overview

**Jurisdiction and Sovereignty**

Keeping track of international crimes can become difficult when various jurisdictions come into play. When there are multiple jurisdictions, there are multiple governments with different types of laws. Thus, all of the nations have the right to incriminate the plaintiff to their own national standards according to “ Article 4 of the [Arab Convention on Combating Information Technology Offences] holds that: "Every State Party shall commit itself, subject to its own statutes or constitutional principles, to the discharge of its obligations stemming from the application of this convention in a manner consistent with the two principles of equality of the regional sovereignty of States and the non-interference in the internal affairs of other States." (UNODC). Even though sovereignty is a fundamental right of all nations, some pieces of crucial information might be left out for the sake of protecting a nation's sovereignty. This could cause delays and backlogs in systems when it comes to trying an accused person, connecting international crimes, etc. When a crime occurs, “States primarily claim jurisdiction over crimes committed within their territory” (UNODC) This could result in a huge amount of time loss. If ten countries are involved with a crime, all of them getting the light of day with the plaintiff would take too long. In addition, if the plaintiff is released to their own recognizance during the incrimination processes of all of these nations, they could get away.

## Cybercrimes

In the case of cybercrimes (i.e., the dark web, etc.), the accused's nation, the affected nations, and the victim's nations play a big role. Some nations have passed acts stating that no matter the accused's nationality, they will be held accountable to the full extent of the nation's law. As an example, "...Malaysia, the Computer Crimes Act of 1997 established the state's jurisdiction over cybercrime. In particular, Article 9 of this Act holds that the "provisions of this Act shall, in relation to any person, whatever his nationality or citizenship, have effect outside as well as within Malaysia, and where an offense under this Act is committed by any person in any place outside Malaysia, he may be dealt with in respect of such offense as if it was committed at any place within Malaysia." (UNODC).

## Classification of the Idea of Crime

One of the easy ways to make sure international crimes are notified to the world is to identify a crime and then upload it to an international database. This will help law enforcement agencies and governments connect various crimes and inevitably arrest the criminals. However, the idea of what is classified as a crime can change based on the sovereign nation's laws and classifications. When a common idea of the meaning of crime isn't present, many offenses can be overlooked, leading criminals to pursue their wrongdoing under the radar. In addition, if the description of a crime is also believed to be different in many nations, it could also lead the lawbreakers to operate without being linked to various crimes, "Crime statistics from different sources are typically generated using different definitions. As a result, a simple comparison of the number of crimes in different countries under similar headings may be misleading." (UNODC, PRINCIPLES and FRAMEWORK for an INTERNATIONAL CLASSIFICATION of CRIMES for STATISTICAL PURPOSES REPORT of the UNODC/UNECE TASK FORCE on CRIME CLASSIFICATION to the CONFERENCE of EUROPEAN STATISTICIANS UNITED NATIONS ECONOMIC COMMISSION for EUROPE PRINCIPLES and FRAMEWORK for an INTERNATIONAL CLASSIFICATION of CRIMES for STATISTICAL PURPOSES REPORT of the UNODC/UNECE TASK FORCE on CRIME CLASSIFICATION to the CONFERENCE of EUROPEAN STATISTICIANS).

## Economical strains

Some nations have a higher allocation for their police force compared to other countries. Costa Rica, followed by Russia, has the largest police force budget in the world. The nations that have more money to invest in their police force can get more technological gear. These gadgets can help

police departments report crimes that happened in their jurisdiction, research crimes that seem similar, and/or upload the cases they have into an international system so the world can be aware of issues that have the potential to affect them as well. When a nation lacks these tools, it cannot ensure the safety of its nation or help other countries all over the globe.

### Extradition issues

As mentioned above, “States primarily claim jurisdiction over crimes committed within their territory” (UNODC). When they do so, they could extradite the criminal(s). However, this may not be the optimum as some governments may deny extraditing the offenders as they may believe that the extradition may not be in the best interest of the criminal. When extradition does not take place, other governments may not be able to follow through with their own laws on the crime that was committed.

### International Treaties on Law Enforcement

International treaties and tribunals play a key role in international law enforcement as well for example,

- The United Nations Convention against Transnational Organized Crime (UNTOC) was signed in 2000. The treaty tackles certain issues like the trafficking of persons, the smuggling of migrants, and the illicit manufacturing of and trafficking of firearms. The UNTOC emphasizes the importance of this issue and the need for global cooperation with Member States in order to tackle transnational organized crime.
- The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances aimed to promote cooperation between member states to more effectively fight against illicit traffic in narcotic drugs. The treaty touched on certain things, such as offenses, sanctions, jurisdiction, extradition, legal assistance, cooperation, and training. With all of it, the convention aimed to ensure that parties would take measures necessary to prevent the diversion of substances used for the purpose of illicit manufacture of narcotic drugs or psychotropic substances and would promote global cooperation to fight against it.
- The Convention on Cybercrime was created by the Council of Europe with the support of non-member states, such as the United States, Canada, and Japan. This treaty is the first of its kind since it's the first international treaty that tackles cyber crimes committed.

Convention on Cybercrime allows signatory states to share experiences and create relationships to encounter cybercrimes.

## Timeline of Key Events

Date	Event
<b>7<sup>th</sup> of September 1923</b>	The root of INTERPOL was established as the International Criminal Police Commission (ICPC).
<b>24<sup>th</sup> of October 1945</b>	The United Nations was formed in the aftermath of WW2.
<b>26<sup>th</sup> of June 1945</b>	The International Court of Justice was formed in the San Francisco Conference which is the body of the UN that provides legal assistance and advisory opinion to Member States.
<b>1956</b>	INTERPOL adopted its modernized constitution, getting its current position.
<b>19<sup>th</sup> of December 1988</b>	The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted.
<b>7<sup>th</sup> of February 1992</b>	The Treaty on the European Union was signed in Maastricht to form the EUROPOL for law enforcement cooperation for the EU region.
<b>1997</b>	UNODC was formed by the merging of two former UN offices.
<b>17<sup>th</sup> of July 1998</b>	With the signing of the Rome Statute, the International Criminal Court was established.

**15<sup>th</sup> of November of 2000**

The United Nations Convention Against Transnational Organized Crime (UNTOC) also known as Palermo Treaty was adopted by the UN and opened for signature.

**23<sup>rd</sup> November 2001**

The Convention on Cybercrime came into force By the Council of Europe and party states.

## Major Parties Involved

### The International Criminal Police Organization (INTERPOL)

International Criminal Police Organization is an intergovernmental organization that was founded in 1923, It includes 196 member countries and helps police forces in all of them to work together by enabling them to share and access data on crimes and criminals. INTERPOL also works collectively with the UN, other multinational organizations (such as the EU and AU), and international law enforcement agencies.

### European Police Office (EUROPOL)

The European Police Office was founded in 1992 by the European Union. Europol promotes police cooperation for the prevention and combating of terrorism and illegal drug trafficking within the Union-wide information exchange system. Europol plays a key role in international cooperation on law enforcement in the EU region. Europol works collectively with the police forces of all European Union nations and organizes joint operations against crimes in the region to provide both stability and security.

### African Union Mechanism for Police Cooperation (AFRIPOL)

AFRIPOL is a technical institution formed by the African Union to create cooperation between the police agencies of AU member states in January 2017. Its main purpose was to encounter and prevent organized transnational crime, terrorism, and cybercrime in Africa. AFRIPOL provides online training and in-person training for law enforcement personnel, experiences, and best practices sharing workshops, internships, and scholarships. In addition to its member states, law



enforcement forces AFRIPOL also works collectively with other international law enforcement agencies like INTERPOL and EUROPOL.

### **The Police Community of the Americas or Ameripol (AMERIPOL)**

On 14 November 2007, with the agreement of representatives from 18 nations. AMERIPOL provides a mechanism of cooperation to promote and enhance police cooperation in terms of technical-scientific facts, training, and exchange of information. During this progress, it also provides legal assistance.

### **United Nations Office on Drugs and Crime (UNODC)**

UNODC was established in 1997 with the merger of two UN organs which were the United Nations Centre for International Crime Prevention and the United Nations International Drug Control Programme. UNODC was established by the Secretary-General to address the issues of drug trafficking, crime, and international terrorism in all its forms. UNODC actively works with member states and agencies like INTERPOL to end international crimes like drug-human trafficking, terrorism, etc. In addition to the mentioned services, UNODC also provides legislative and judicial support and victim empowerment to needed member states.

### **Central Asian Regional Information and Coordination Centre for Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursor (CARICC)**

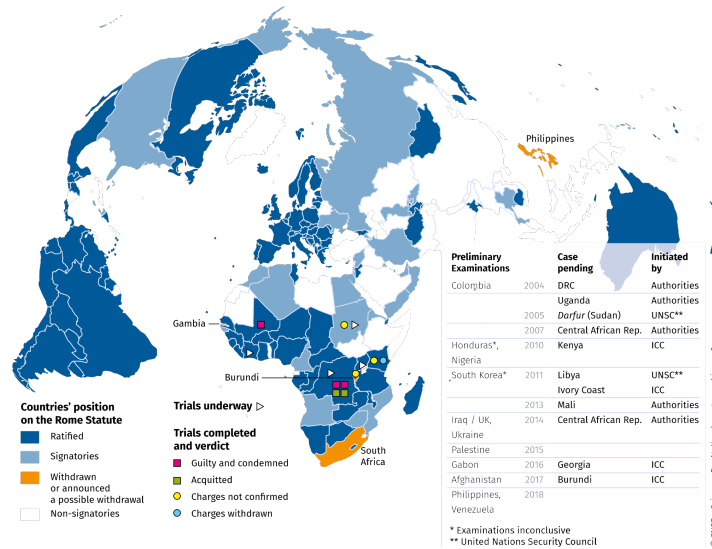
CARICC is a UNODC project between Central Asia States such as Kyrgyzstan, Kazakhstan, Turkmenistan, Tajikistan, Uzbekistan), the Russian Federation, and Azerbaijan since the signing of the “Memorandum of Understanding” in March 2005. CARICC provides a platform for information exchange assistance in the collaboration of operational activities of the various law enforcement agencies in the region to combat drug trafficking.

### **European Border and Coast Guard Agency (FRONTEX)**

In 1957, the Treaty of Rome raised the first idea of the free movement of goods, persons, services, and capital inside the borders of EU member states, but it wasn't until 1990 that the Schengen Treaty allowed all this to come into force. European Union regulation taken on 26 October 2004 led to the establishment of FRONTEX. FRONTEX works on protecting the borders of the EU, fighting cross-border crime, and monitoring and conducting research on border safety with the collaboration of EU states.

### International Criminal Court (ICC)

The International Criminal Court was established in 2002 with the signing of the Rome Statute. The International Criminal Court is distinct from ICJ and prosecutes individuals who were involved in genocide, war crimes, crimes against humanity, and the crime of aggression. Even though ICC is a UN organ, it is not recognized by some member states since they are not part of Rome Statute.



Map according to signatories of Rome Statute

### United Nations (UN)

Since its formation after World War 2, the United Nations had one main mission that its predecessors couldn't do: promote global peace and a safe environment through international cooperation. The UN, with its agencies, organs, and offices, especially UNODC, aims to promote peace and global cooperation against internationally recognized crimes. The UN creates regional and global corporations and also drafts both resolutions and treaties to promote collaboration to eliminate any threats to international safety.

### The United States of America (USA)

The United States plays a significant role in international law enforcement. First of all, the U.S. The government has signed extradition agreements with over 100 countries in addition to Mutual Legal Assistance Treaties (MLATs), which opens the door for cooperation in obtaining evidence, witness testimony, and other legal support across borders. Partnerships: The U.S. fights against issues such as human trafficking, drug smuggling, and terrorism financing through mostly sanctions with its agencies like the Office of Foreign Assets Control (OFAC) and the Financial Crimes

Enforcement Network (FinCEN). Also, the International Criminal Investigative Training Assistance Program (ICITAP) is a US agency that helps the training of law enforcement agencies in partner states. In addition to this, the US also promotes intel sharing between partner states to combat criminal activities.

### **The United Kingdom**

The United Kingdom is one of the nations that lead international law enforcement. The UK actively counters terrorism through its national agencies like MI5 and New Scotland Yard. The UK's National Crime Agency (NCA) and MI6 target crimes such as human trafficking and drug smuggling. In Addition to those crimes, the UK actively fights against financial and cybercrime as well. The Financial Conduct Authority (FCA) and Serious Fraud Office (SFO) work collectively between and with other agencies to fight money laundering and fraud. The UK leads Europe in cybersecurity through collaborating with Europol's European Cybercrime Centre (EC3) and INTERPOL to target any cybercriminal networks.

### **The People's Republic of China**

China, as a growing actor in the international arena, is also increasing its presence in international law enforcement, using its economic power and geographic advantage to both contribute to international stability and succeed in its strategic interests. The Chinese Government effectively counters any human or drug trafficking in its domestic area through increased police patrols and the presence of security cameras implemented at most public places. For border security, it's reasonable to say that China is the country with the strictest border policy. Also, China leads the usage of AI and surveillance technologies in its domestic and border protection, which cooperation from the Chinese Government can create for law enforcement purposes. Additionally, China is one of the biggest contributors to UN Peacekeeping operations.

## **Possible Solutions**

While tackling this issue, delegates should be aware that various nations have different jurisdictions and penalties for different crimes. Delegates should suggest solutions **that** will unite nations through agencies, organizations, and specifically the United Nations itself. For this part, delegates can recommend the establishment of new frameworks and agencies that will gather

member states on issues like intel share, organizing training, experience sharing, workshops, etc. Also, to promote functional international law enforcement, cooperation of all member states is needed. Also, it should be taken into consideration that only the United Nations Security Council holds the power to impose sanctions and give penalties, and for the resolution of this issue, the delegates should find a way that benefits all member states but also promotes international law enforcement in an efficiently and functionally. Some member states could have concerns regarding their national sovereignty on intel share, so it's key to find a way that will allow nations to share information on criminal activities but also protect their sovereignty. Because of this, delegates shall be careful with their word choice and also give specific details if they are suggesting the creation of frameworks. Also, it should not be forgotten that not every crime is recognized by every state, for example, in narcostates (states where the drug cartels are as powerful as the state itself) and sponsor states for terrorism. These states violate the domestic laws of most of the member states by providing weapons and financial aid to terror organizations or serving as a center for drug production and trafficking, so the delegates should bear this in mind while proposing solutions. Finally, the support of more developed states who have more experience in law enforcement could be beneficial.

## Further Reading

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- [https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_4-7.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_4-7.pdf)
- <https://www.jomswsge.com/pdf-79753-15801?filename=15801.pdf>
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