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Political Will and Combatting Serious Organised Crime

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About SOC ACE

The Serious Organised Crime & Anti-Corruption Evidence (SOC ACE) research programme aims to help 'unlock the black box of political will' for tackling serious organised crime, illicit finance and transnational corruption through research that informs politically feasible, technically sound interventions and strategies. Funded by the UK's Foreign, Commonwealth & Development Office (FCDO), SOC ACE is a new component in the Anti-Corruption Evidence (ACE) research programme, alongside Global Integrity ACE and SOAS ACE. SOC ACE is managed by the University of Birmingham, working in collaboration with a number of leading research organisations and through consultation and engagement with key stakeholders.

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Contents

Acronyms and abbreviations	5
Executive summary	7
1. Introduction	9
2. Political will	10
2.1. Definitions	10
2.2. Enabling factors	12
2.3. Measurement	14
3. Political will and serious organised crime (SOC)	17
3.1. Relevance of political will in combatting SOC	17
3.2. International commitments to combat SOC	19
3.3. Challenges	21
3.4. Measurement of political will to combat SOC	23
4. Political will, SOC, kleptocracy and illicit finance	25
4.1. Kleptocracy	25
4.2. Illicit financial flows	27
4.3. United Kingdom	29
4.4. United States: evidence of political will?	31
5. Political will, SOC and sanctions	33
5.1. Sanctions as a tool to combat SOC	33
5.2. United States	34
5.3. United Kingdom	36
6. Political will, SOC and trafficking	39
6.1. Relevance of political will	40
6.2. Case study 1: drug trafficking in the United States	41
6.3. Case study 2: trafficking in persons for forced labour	43
7. Political will, SOC and COVID-19	47
8. Conclusion	51
9. References	52

Acronyms and abbreviations

ACSR	Global Anti-Corruption Sanctions Regulations (UK)
AML	Anti-Money Laundering
BJP	Bharatiya Janata Party (India)
CCPCJ	Commission on Crime Prevention and Criminal Justice
CND	Commission on Narcotic Drugs
EU	European Union
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
GDP	Gross Domestic Product
GI-TOC	Global Initiative Against Transnational Organised Crime
IFF	Illicit Financial Flow
IMF	International Monetary Fund
ISIS	Islamic State in Iraq and Syria
NCA	National Crime Agency (UK)
NGO	Non-Governmental Organisation
OCG	Organised Criminal Group
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OFAC	Office of Foreign Assets Control (US)
PPE	Personal Protective Equipment
SAMLA	Sanctions and Anti-Money Laundering Act (UK)
SDG	Sustainable Development Goal
SDN	Specially Designated National

SOC	Serious Organised Crime
SOC-ACE	Serious Organised Crime Anti-Corruption Evidence (Research Programme)
UNCAC	United Nations Convention Against Corruption
UNECA	United Nations Economic Commission for Africa
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention on Transnational Organised Crime
WHO	World Health Organization

Executive summary

This report gives the findings of a ‘quick scan’ review of available literature on political will and serious organised crime (SOC). It covers the five broad themes of the SOC Anti-Corruption Evidence (ACE) research programme: i) political will and SOC; ii) political will, SOC, kleptocracy and illicit finance; iii) political will, SOC and sanctions; iv) political will and trafficking; v) political will, SOC and COVID-19.

Noting that political will is often used as a ‘catch all’ explanation for the failure of reforms or policies, the report begins by discussing definitions of political will. The literature generally describes it as the willingness and commitment of decision-makers to carry out reforms or implement policies to address particular problems. Malena (2009: 19) defines it as the sum of political *want*, political *can* and political *must*. Reflecting the complexity of the phenomenon, political will has numerous enabling factors, notably implementation capacity, quality of governance, organisational set-up and functioning, and societal factors. With regard to measurement of political will, there is consensus that mere statements, policies, or legislation are not enough – political will has to be manifested in concrete action.

Political will and SOC: The review finds that political will is highly relevant to SOC, both because SOC and corruption often involve political leaders or government officials, and because political will is a necessary condition for effective efforts to combat SOC and corruption. Increasing recognition of the scale of SOC, and the need to combat it, is reflected in national and international commitments, frameworks, and so on. However, key implementation challenges include lack of coordination between different agencies or across different frameworks, and the fact that those tasked with implementation are often involved in SOC themselves. Measurement challenges include the clandestine nature of much SOC. Capacity indicators, ‘objective’ situation indicators, and public perception indicators are three sets that can facilitate measurement of political will to combat SOC.

Political will, SOC, kleptocracy and illicit finance: The review finds that SOC is strongly connected to both kleptocracy (in which political leaders use their power to increase their wealth) and illicit financial flows (IFFs) (whereby funds are illegally transferred out of a country). The literature stresses the importance of political will to combat kleptocracy and IFFs. While there has been a rise in laws and regulatory frameworks to curb money laundering, implementation of these has been weak. The UK exemplifies this: it is one of the biggest global financial hubs and a major destination for IFFs, but despite laws and policies targeting IFFs and kleptocracy, progress has been limited. The report finds that political will in Washington to curb illicit finance appears strong, but it is too early to assess the impact of this.

Political will, SOC and sanctions: Sanctions can be used to combat SOC, in particular transnational SOC, and by targeting individuals or groups rather than the general population, harm to ordinary citizens can be averted. However, while relatively easy to impose, the review finds that they are not the ultimate solution and a number of caveats apply to their use; for example, they are not a replacement for other law enforcement

measures, and they do nothing to address root causes of SOC. The paper looks at the experience of the US, which has long used sanctions as a tool to combat SOC and human rights abuses, and of the UK, which is also making increasing use of these to target corruption, kleptocracy and human right abuses.

Political will, SOC and trafficking: Trafficking (for example, drugs, human trafficking for labour or for sex) is one of the main forms of SOC and traditional approaches to combat it fall into prevention, protection and prosecution. The review finds that political will is especially relevant in combatting trafficking in two regards: a) determining the focus of efforts (supply-side versus demand-side) and b) determining which interventions are carried out. To date, the focus has been on supply-side interventions despite these showing limited effectiveness. The decision is largely a political one. The paper illustrates this by looking at approaches by the US to tackling drug trafficking, and approaches by both origin and destination countries to tackling trafficking in persons for forced labour.

Political will, SOC and COVID-19: The review finds that, as with conflicts and humanitarian emergencies, the COVID-19 pandemic has created new opportunities for SOC; for example because of increased online activities, scarcity of certain goods (such as health care products) and the economic downturn. Human trafficking and health sector-related crime are especially up. The paper highlights a number of factors likely to affect (diminish) political will to combat SOC related to the pandemic, including lack of public resources, and prioritisation of dealing with the health impact of COVID-19.

The review demonstrates the importance of political will for effectively tackling SOC, illicit finance and transnational corruption, but also shows why it is challenging to find political will, measure it and create demand for it.

1. Introduction

This evidence synthesis has been carried out to inform research for the SOC Anti-Corruption Evidence (ACE) programme. SOC ACE aims to help ‘unlock the black box of political will’ for tackling SOC, transnational corruption and illicit finance, and to provide research that informs politically feasible, technically sound interventions to tackle these issues. This report gives the findings of a ‘quick scan’ review of available literature on political will and SOC.

This pilot phase of the SOC ACE programme covers five broad themes, and this review is structured in the same way. It begins with a discussion of political will: how this is defined, what the enabling factors for political will are, and how it can be measured. The following five sections cover the five SOC ACE pilot themes: i) political will and SOC; ii) political will, SOC, kleptocracy and illicit finance; iii) political will, SOC and sanctions; iv) political will and trafficking; and v) political will, SOC and COVID-19. Each section gives ‘generic’ findings from the literature and illustrates these using the United Kingdom (and in some cases the United States) as a case study. This is an ‘overview’ report and will be followed by numerous others under SOC ACE which will explore the various themes in more detail as well as in specific geographic contexts. Nonetheless, it is useful to give some ‘real life’ examples of the issues covered, and the UK and US were chosen for their relevance and importance.

This evidence synthesis is based on secondary sources only. While the literature reviewed was a mixture of academic and grey literature, as well as media articles, blogs and posts, preference has been given to open access sources for accessibility to a wide range of potential readers.

2. Political will

2.1. Definitions

Political will is a term used frequently in the context of government action and policy outcomes – most often a *lack* of political will is cited to explain policy or reform failure. Marquette (2020) writes: ‘Political will has become a global shorthand for explaining why reforms succeed or fail. The phrase “we can’t do anything here because there’s no political will” has become like a resigned shrug to end a difficult conversation’. Malena (2009: 17) notes: ‘If there were a competition for the most frequently cited reason for unsuccessful development endeavours, lack of political will would probably win the prize’.

Despite being so frequently invoked, the concept of political will has ‘received relatively little study and remains poorly defined and understood’ (Kukutschka, 2014: 4). ‘Political will has been an idea riddled with ambiguity and imprecision’ (Post et al, 2010: 670). Hammergren (1998: 10) characterised political will as ‘the slipperiest concept in the policy lexicon’ calling it ‘the *sina qua non* of policy success which is never defined except by its absence’. Hudson et al (2018: 7) write, ‘In effect, it simultaneously explains everything and nothing about how change does or does not happen’. Marquette (2020) argues that this leaves political will as an almost useless black box:

A black box is “a system or object that changes outcomes: things come out differently to how they go in. At the same time, its inner workings – what’s really going on inside – are opaque” [Hudson et al, 2018: 2; see also Glanville 1982]. The label “political will” doesn’t tell you anything about what actually needs to **happen**. Hidden inside the black box are the actual motivations of individuals who are believed to lack political will.....how do we know what their reasons for lack of action are? And if we don’t understand what’s going on in the black box, we can’t design effective interventions.

Given the centrality of political will in relation to policy outcomes, it is important to understand precisely what the concept entails. Over the past two decades, various attempts have been made to define political will. This review focuses primarily on two – Brinkerhoff (2000 and 2010) and Post, Raile and Raile (2010) – because the latter is comprehensive in its coverage of key definitions and debates while the former focuses specifically on political will and anti-corruption with clear parallels for SOC.

Brinkerhoff (2010: 1) acknowledges that political will is a highly complex phenomenon because it has diverse aspects, but gives a ‘shorthand definition’ of political will as: ‘the commitment of (a defined set of) actors to undertake actions to achieve a set of (distinct) objectives...and to sustain the costs of those actions over time’. Brinkerhoff (2010: 1) elaborates that political will involves intent and motivation (‘inherently intangible phenomena’), it can exist at both individual and collective levels, and while it ‘may be expressed in spoken or written words.... it is only manifested through action’ (see section 2.3 below).

Post, Raile and Raile (2010) stress the concept of political will as a political process which involves complexly aggregated preferences of a large number of political actors and which is largely context-dependent. Hudson et al (2018: 7) endorse the understanding of political will as a collective rather than individual endeavour: 'No individual leader is an island, and no one can usher change by themselves. Reform is rarely the product of the action of politicians on their own, but instead relies on strategic alliances, policy networks, and advocacy'.

Based on this 'collective effort' view, Post et al (2010: 659) define it as 'the extent of committed support among key decision-makers for a particular policy solution to a particular problem'. They identify the following components of this definition of political will (Post et al, 2010: 660-665):

- 1 **a sufficient set of decision-makers** – 'individuals or groups capable of approving, implementing and enforcing public policies in a geographic area'. In stable governance conditions, these will be officials within the governmental regime; under less stable governance conditions, actors with the requisite power will need to be identified;
- 2 **with a common understanding of a particular problem on the common agenda** – 'in other words, decision-makers agree that a particular problem or condition has reached problem status, agree on the nature of the problem, and agree that the problem requires government action';
- 3 **are committed to supporting** – that is, the intentions of decision-makers to act. This 'lies at the core of political will, but is the most problematic to ascertain';
- 4 **a commonly perceived, potentially effective policy solution** – thus 'the sufficient set of decision-makers supports the same general policy to address the commonly understood problem..... Without including a common perception of the solution in the definition, we would not necessarily be talking about a singular, aggregate political will; instead we could be talking about multiple different, non-cohesive preference sets'.

Post et al (2010: 671) argue that this operational definition of political will 'explicitly recognises the complexity of political will.....and incorporates its essential components', and allows those components to be assessed (mapping directly from the definition).

A third paper by Persson and Sjostedt (2012) is also worth mentioning in this regard. The authors agree that political will – 'in this context broadly understood as the will of leaders to initiate and sustain reform' – is an important causal factor in the development process. But they point to two serious flaws in this understanding of leadership behaviour: one, the assumption that leaders 'who promise reform but fail to implement such did in fact not have any "genuine" political will to begin with, implicitly assuming that all failed reformers are "liars"'; and two, the tendency 'to adopt an excessively voluntaristic view of leaders, effectively downplaying the contextual influences on their behaviour' (Persson & Sjostedt, 2012: 618). They argue that these theoretical shortcomings severely constrain the ability to generate effective policy solutions (Persson & Sjostedt, 2012: 618).

Persson and Sjostedt call for a more analytically thorough understanding of political will and leadership behaviour which looks beyond personal traits to causality and context, warning that, without this, development reforms won't make any real difference. They point, in particular, to principal-agent theory and state theories as offering useful insights: 'principal-agent theory provides the tools necessary for analysing leadership behaviour at the micro-level, while state theory offers the broader social and political context, within which principal-agent relationships and, subsequently, leadership behaviour can be understood' (Persson & Sjostedt, 2012: 621). Taken in tandem they can overcome the constraints in the current ('circular and voluntaristic') discourse on political will.

2.2. Enabling factors

Brinkerhoff (2000) describes political will as a complex phenomenon that incorporates:

- individual actors along with their aspirations, motivations and capacities;
- organisations within which individuals function and on whose behalf individuals often act;
- socioeconomic and governance systems which frame both constraints and incentives for individuals and organisations;
- the policies, programmes and activities that actors and organisations are involved with at various stages (identification, design, implementation and evaluation).

It is clear from this characterisation that many different factors can influence political will. While there is little empirical evidence regarding the drivers of political will (Kukutschka, 2014), efforts have been made to unpack the concept in order to better understand these.

The literature stresses the strong links between political will and implementation capacity (Brinkerhoff, 2010; Post et al, 2010; Kukutschka, 2014). Hudson et al (2018: 7) point out that the capacity to enact political will depends not just on individual actors or agents but also on institutions and structures:

In the real world, change hinges on the complex relationships between individuals and their institutional context. Moreover, agents are embedded in institutions; they can individually or collectively work within the existing institutional framework, to disrupt, evade or re-write them, but they are also constrained and empowered by them.

Malena (2009: 19) defined political will as the sum of political *want*, political *can* and political *must*. For power holders to commit and act in favour of a certain cause they need 'to want to undertake a given action, feel confident that they can undertake that action and feel that they must undertake that action'. In this conception of political will, the 'can' refers to capacity, while the 'must' refers to factors such as public pressure and citizen engagement, organisational rules and regulations, and a personal sense of civic duty (Malena, 2009: 20-22). Decision-makers' analysis of their ability (or lack of it) to execute policies can influence their readiness to commit resources upfront (Brinkerhoff,

2010: 1). 'Thus, what may look to outsiders like a lack of political will can be linked instead to insufficient capacity' (Brinkerhoff, 2010: 1). Based on this, Kukutshka (2014: 6) suggests that, 'in many circumstances, creating political will becomes a task of developing government capacity'.

There is a broad consensus that political will is closely associated with the quality of governance (Brinkerhoff, 2010; Kukutschka, 2014). Referring to political will to combat corruption, Brinkerhoff (2010: 2) argues that: 'Without at least some governance structures and procedures that establish checks and balances among the various branches of government and enable citizens to voice their concerns and hold officials accountable to some degree, political will to tackle corruption is likely to be weak, as is the ability to pursue reforms'. Poor governance goes hand in hand with a culture of impunity, the power of vested interests remains strong, the emergence of a strong civil society is constrained, and citizens who could become advocates for reform are disempowered (Brinkerhoff, 2010: 3).

Brinkerhoff (2010: 2) notes that while good governance is most often identified with democracy, 'not all democracies are equally democratic'. 'Countries labelled as democracies vary significantly in the extent to which their governance practices approach the ideal democratic principles of checks and balances or of accountability'. In such 'illiberal democracies', governance is unlikely to support political will to fight corruption (or other reform agendas).

As well as implementation capacity, quality of governance and of democracy, there are other factors that play a role in building the political will of policymakers to undertake reforms (Kukutschka, 2014: 6):

- **'Individual factors:** At the most basic level, the willingness of political actors to support (anti-corruption) reforms is linked to their personal beliefs, aspirations, motivations and values. Some actors might be intrinsically motivated to fight against corruption (*support reform*), while others will have to be convinced.
- **'Organisational factors:** Organisational mandates, culture, established practices and procedures also influence political will and political actions of individuals who act on their behalf. Organisational-level factors can have an impact on the political will of the individuals therein.
- **'Relational factors:** Although political will is often related to the will of state power holders, many governance reforms, such as anti-corruption reforms, also require the participation of citizens (including the private sector) and civil society. Therefore, pressure exercised by these groups on power holders will also have an effect on the political will of state actors. Creating political will for (anti-corruption) reforms in a context where citizens are disengaged or where the relationship between the government and the civil society is characterised by mutual distrust or hostility is particularly difficult.
- **'Societal factors:** Where there is a legacy, remnants of authoritarianism or dictatorship, and where the notions of democracy and active citizenship are still being consolidated, building political will is particularly challenging. In such contexts, real decision-making power sometimes lies outside formal government institutions and in the hands of an elite that seeks to serve its own interests rather

than the wellbeing of society as a whole. Generating political support for (anti-corruption) reforms in situations like these is extremely difficult because public officials benefitting from corrupt deals (*the status quo*) will resist the call for more transparency and accountability.'

Hudson et al (2018: 1) conclude that political will can be built through 'developmental leadership' defined as: 'the strategic, collective and political process of building political will to secure pro-development outcomes'. They identify three core elements on which development leadership rests (Hudson et al, 2018: 1):

- 'First, on motivated and strategic individuals with the incentives, values, interests and opportunity to push for change.
- 'Second, because leadership is fundamentally a collective process, on these motivated individuals overcoming barriers to cooperation and forming coalitions with sufficient power, legitimacy and influence.
- 'Third, coalitions engage in a battle of ideas to help reshape society's rules. Coalitions' power and effectiveness partly hinges on their ability to contest one set of ideas and legitimise an alternative set'.

2.3. Measurement

Brinkerhoff (2010: 1) stresses that political will has to be manifested in concrete action, and as such, 'speeches and other public declarations by senior officials, passage of national legislation and/or ratification of international compacts or treaties....are insufficient signals of the presence of political will', and are instead what Schnell (2018) describes as 'window dressing'. But conversely, he argues that the absence of concrete action – failure to pass legislation, or to enforce sanctions, for example – cannot be taken as an indicator of lack of political will, since, as noted above, those failures could have resulted 'from a variety of factors', notably low levels of capacity (Brinkerhoff, 2010: 1).

Scheye (2020: 4) echoes the former point, arguing that public statements, legislation, rule-making and so on can never be understood as expressions of political will: 'The mere existence of laws, the establishment of special units to deal with organised crime [or other issue], and the public pledges of politicians and change agents do not constitute achievements. They are formalistic expressions of intent. They are important means to an end, but they are not outcomes and valid and reliable inferences of political will cannot be drawn from their existence'.

Brinkerhoff (2010: 2-3) disaggregates political will (for anti-corruption efforts) into seven components, which can be used to assess the presence or absence of political will, as well as strength of political will:

- 1 **'Government initiative:** This component concerns the source of the impetus for a particular (anti-corruption) policy or programme choice. Political will is suspect when the push for change comes totally from external actors. Some degree of initiative from country decision-makers must exist in order to talk meaningfully of political will.

- 2 **‘Choice of policy or programme based on technically sound, balanced consideration and analysis of options, anticipated outcomes, and costs/benefits:** When country actors choose (anti-corruption) policies and actions based on their own assessments of the likely benefits to be obtained, the alternatives and options, and the costs to be incurred, then one can credibly speak of independently derived preferences and willingness to act.
- **‘Mobilisation of stakeholders:** This component concerns the extent to which government actors consult with, engage, and mobilise stakeholders. Do decision-makers reach out to members of civil society and the private sector to advocate for the changes envisioned? Are legislators involved? Are there ongoing efforts to build constituencies in favour of (anti-corruption) policies and programmes?
 - **‘Public commitment and allocation of resources:** To the extent that country decision-makers reveal their policy preferences publicly and assign resources to achieve those announced policy and programme goals, these actions contribute to a positive assessment of political will.
 - **‘Application of credible sanctions:** Without effective sanctions, corruption (*or whatever problem is being addressed*) cannot be reduced. Well-crafted and enforced sanctions, both negative and positive, signal serious intent to address corruption (*or other problem*). Symbolic and/or selective enforcement points to half-hearted political will.
 - **‘Continuity of effort:** Fighting corruption (*or other problem*) requires resources and effort over the long term. One-shot’ approach or episodic efforts signal weak and/or wavering political will.
 - **‘Learning and adaptation:** Political will is demonstrated when country actors establish a process for tracking (anti-corruption) policy or programme progress, and actively manage reform implementation by adapting to emerging circumstances. Learning can also apply to country policymakers observing policies, practices, and programmes from other countries and selectively adopting them for their own use.’

Brinkerhoff (2010: 3) asserts that political will ‘is not usefully conceived of as a binary variable’ (absent or present) but rather along a scale from weak to strong, and in terms of whether it is positive or negative. He claims that examining ratings for each of the above seven components permits ‘detailed, situation-specific assessment, allowing for nuanced considerations of degrees of political will, from weak to strong’ (Brinkerhoff, 2010: 3).

Ankamah and Khoda (2018: 4-5) list four key components of political will for anti-corruption which effectively represent a shortened version of Brinkerhoff’s components:

- origin of the initiative
- comprehension and extent of analysis of the problem to be solved
- application of credible sanctions
- resource dedication and sustenance.

Scheye (2020: 4) identifies a similar list of dimensions which can be used to observe political will, without inferring political actors' intent or motivation:

- concrete outcomes and results
- disbursement of requested and allocated budgetary funds
- implementation of laws, rules and regulations
- analytic analysis and understanding of the problem that is to be solved
- application of incentives and disincentives for decision-makers, policymakers and implementing officials
- coalition building.

3. Political will and serious organised crime (SOC)

3.1. Relevance of political will in combatting SOC

There are many definitions of organised crime. The UN Office on Drugs and Crime (UNODC) has developed a general definition:

Organized crime is a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand. Its continuing existence is maintained through corruption of public officials and the use of intimidation, threats or force to protect its operations.

Under the UN Convention on Transnational Organised Crime, 'serious crime' refers to offences punishable by a penalty of incarceration for at least four years.¹ The 2021 UK Integrated Review (HMG, 2021: 82) defines serious and organised crime as:

individuals planning, coordinating and committing serious offences, whether individually, in groups and/or as part of transnational networks. The main categories of serious offences covered by the term are: child sexual abuse; modern slavery and human trafficking; organised immigration crime; illegal drugs; illegal firearms; organised acquisitive crime; cybercrime; fraud; money laundering; and bribery, corruption and sanctions evasion.

The literature often uses the term 'anti-corruption efforts' for measures which are also highly relevant in combatting SOC, reflecting the close ties between these. Though plenty of corrupt activities of course take place without any connection at all to organised crime, Tennant (2021:1) argues: 'Corruption and organized crime are mutually interlinked and have a symbiotic relationship. Corruption is the means by which organized crime can function and flourish in any society; organized crime provides the financial and social incentives for individuals to become engaged in corrupt activity'. Given this close connection, Tennant argues that, rather than treating them as separate phenomena, it is easier to understand them through the term 'organized corruption', defined (Zvekić & Roksandic, 2021) as:

¹ <https://www.unodc.org/e4j/en/organized-crime/module-1/key-issues/definition-in-convention.html>

the involvement and/or use of an organized interest entity, criminal or not, in various forms of corruption and related illicit deeds from the position of power and/or with political coverage to gain financial, political or social benefits. [...] It is not only about systemic illicit financial gains and undue influence in decision making, but also about systemic “buying” and “influencing” of social support to gain or stay in political and economic power.

What is the relevance of political will in combatting SOC and corruption?

Scheye (2020: 2) stresses the importance of political will in countries where organised crime is rampant in order to tackle the scourge: ‘If little to no political will and commitment exist, it is naïve and foolhardy to believe that activities sponsored and supported by both domestic and international actors can not only succeed but also be sustained’.

Using case studies of Singapore and Bangladesh, Ankamah and Khoda (2018: 11) show ‘how political will is a necessary condition in a government/country’s anti-corruption efforts, although may not be sufficient’. They further show that the components of political will – ‘the origin of anti-corruption initiatives, credible sanctions, resource dedication and sustenance, and comprehension and extent of analysis are important components if a country wants to exhibit political will for successful anti-corruption outcomes’ (Ankamah & Khoda, 2018: 11). Schacter (2005: 240) argues that ‘the absence of firm support and strong leadership from the bureaucratic and political elite on matters of accountability and corruption is a binding constraint on the effective functioning of IAs (institutions of accountability)’. Using the case studies, Ankamah and Khoda (2018) call on countries to make conscious efforts to build political will to combat corruption.

Political will is also important because SOC and corruption are often closely tied to politics; for example, with politicians being involved in facilitating organised crime. According to Briscoe and Goff (2016: 3): ‘Illicit activity has become part of the living organism of many countries’ public and business affairs. It must be treated not as a foreign body, but as an integral part of governance and economic systems’. Briscoe and Goff (2016: 15) write: ‘The scope and significance of the linkages between political actors and criminals can vary, from occasional acts of public-sector corruption, such as bribe taking, to the systemic alliance between state actors and criminal organizations’. Burcher (2017: 2) echoes this: ‘The nexus between criminals and political elites includes a wide range of relations, from predatory to parasitic and even symbiotic. This comprises both explicit and tacit agreements, mediated by money or influence, that may be forged directly or through intermediaries’. Both papers give several examples of such links:

- ‘Political parties in West Africa, such as the New Patriotic Party in Ghana, have been accused of close association with drug traffickers’ (Briscoe & Goff, 2016: 16).
- ‘The populist Líder Party in Guatemala is reported to have been intimately connected to a scam that laundered money for drug traffickers, with the blessing of the former head of the Central Bank – who then became the party’s vice-presidential candidate’ (Briscoe & Goff, 2016: 16).

- ‘Even far more reputable parties with strong governing records, such as the Workers’ Party in Brazil, the Popular Party in Spain, or the main political forces in India, the Bharatiya Janata Party (BJP) and the Indian National Congress, have been entangled in scandals involving crimes such as illicit cash payments, kickbacks on procurement contracts and, in India, the recruitment of criminals as candidates’ (Briscoe & Goff, 2016: 16).
- ‘In 2005, the then governor of Helmand (Afghanistan), Sher Mohammed Akhundzada, was prosecuted after authorities seized opium in his property. In spite of this and further evidence linking him and other state officials to the drug trade, he later became a Member of Parliament’ (Burcher, 2017: 6).
- ‘(I)n Mozambique, Mohamed Bachir Suleman, who is on the United States Department of the Treasury’s Foreign Drug Kingpin list for alleged drug operations in Europe, is believed to have given millions of dollars to the ruling FRELIMO party in Mozambique. Local investigations have failed to connect him to the drug business, further sparking allegations of political corruption to protect him from prosecution’ (Burcher, 2017: 6).
- A series of case studies on the Andean region explore the relationship between politics and organised crime networks in Puno (Peru), Manabi (Ecuador) and Antioquia (Colombia) and identify strong local level links. ‘Manabi has become an important region for the transport of drugs to Central America. Foreign cartels have built relationships with politicians and business leaders... (In) Puno... goods are smuggled from Bolivia, and illegal mining and the production of coca paste are the basis of the local economy, something that has permeated the political scene through contributions to electoral campaigns. In Antioquia, local criminal groups have maintained semi-open relationships with local politicians for many years, providing financial and logistic support to election campaigns’ (Burcher, 2013).

3.2. International commitments to combat SOC

Organised crime and corruption are a growing problem. In 2009, the UN Office on Drugs and Crime (UNODC) estimated that transnational organised crime generated 870 billion US dollars (\$), the equivalent of 1.5% of global gross domestic product (GDP); all criminal proceeds worldwide amounted to an estimated 3.6% of global GDP, equivalent to about \$2.1 trillion (Schultze-Kraft, 2016: 2). It has a massive negative impact (Schultze-Kraft, 2016: 10):

The impact of organised criminal activities on licit markets, societies and states, particularly fragile ones, is (potentially) far-reaching, corrosive and destructive: economic, political and social institutions are undermined and/or transformed and reconfigured, accountability and democratic processes are hollowed out, vast amounts of public revenue are lost and stolen, social cohesion is fractured and the security of citizens and states is endangered.

There is increasing recognition of the scale of the problem and the need to address it. It is beyond the scope of this review to examine national commitments, legislation and agencies to tackle serious organised crime. However, ‘the range of international

organizations, frameworks, agreements and action plans dealing with organized crime and corruption is immense' (Tennant, 2021: 2). Key international conventions include:²

- **United Nations Convention against Transnational Organized Crime (UNTOC)**, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organised crime. It entered into force on 29 September 2003. The Convention reflects both the seriousness of the problems posed by transnational organised crime, and the need for international cooperation in order to tackle it. States that ratify it commit themselves to taking a series of measures against transnational organised crime, including:
 - the creation of domestic criminal offences (participation in an organised 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;
 - the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organised crime. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**, adopted by General Assembly resolution 55/25. This entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting cases of trafficking in persons. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.
- **Protocol against the Smuggling of Migrants by Land, Sea and Air**, adopted by General Assembly resolution 55/25. This entered into force on 28 January 2004. It deals with the growing problem of organised criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. It also includes, for the first time in a global international instrument, an agreed definition of smuggling of migrants. The Protocol aims at preventing and combatting the smuggling of migrants, as well as promoting cooperation among States Parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterise the smuggling process.

² This write-up on the UN Convention and Protocols in relation to transnational organised crime is largely drawn from the UNODC website: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

- **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition**, adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. The Protocol is the first legally binding instrument on small arms adopted at the global level. Its aim is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition.
- **United Nations Convention against Corruption (UNCAC)**, adopted by the UN General Assembly in October 2003. This entered into force on 14 December 2005 and is the only legally binding universal anti-corruption instrument. The Convention covers five main areas: preventive measures, criminalisation and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. It also covers many different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. It also includes a specific chapter on asset recovery, aimed at returning assets to their rightful owners, including countries from which they had been taken illicitly. The vast majority of UN Member States are parties to the Convention.

There are also several regional and multilateral conventions, declarations and action plans. Tennant (2021: 2) notes that '(t)he UN system continually adopts resolutions and statements on organised crime and corruption issues through the General Assembly and, increasingly, the Security Council, the Economic and Social Council, and the annual Commissions on Crime Prevention and Criminal Justice (CCPCJ) and Commission on Narcotic Drugs (CND)'. On implementation, he adds (Tennant, 2021: 2):

These resolutions translate into an enormous range of guidelines, standards and norms, capacity-building programmes and other field missions led by the UN Office on Drugs and Crime (UNODC), the UN Development Programme and other parts of the UN system. The Conferences of Parties to the UN Convention against Transnational Organized Crime (UNTOC) and the UN Convention against Corruption (UNCAC) take turns each year in producing new soft law and recommendations, along with the countless recommendations produced by their subsidiary bodies. In addition, law enforcement and criminal justice systems make use of international bodies, such as INTERPOL and EUROPOL, to cooperate on the problem.

3.3. Challenges

Tennant (2021: 13) acknowledges: 'The range of technical and practical instruments on offer is unprecedented for law enforcement and criminal justice practitioners at the local, national and international levels'. However, he criticises the lack of an overarching strategy or vision to combat organised corruption. Others (Dammert and Khosa from interviews cited in Tennant, 2021: 15) also point to the disconnected approach across the multilateral system, and the fragmentation in implementation. Dammert (from interview cited in Tennant, 2021: 15) attributes this to competition between different UN bodies. Marquette and Peiffer (2021) note that: 'Despite obvious overlaps, global policy – as well as research and practice – on tackling corruption and organised crime

have remained largely parallel rather than “twin tracks” – cousins, say, rather than siblings’, and argue that this makes the responses to both problems weaker. Research by GI-TOC also shows that the mandate for organised crime ‘is spread widely and in an uncoordinated manner across the UN, and the lack of linkages and synergies between UNCAC and UNTOC in particular are a case in point’ (Tennant, 2021: 15).

Further problems are caused by difficulties in evaluating implementation of UNCAC and UNTOC and by the fact that many instruments to combat organized corruption don’t come under the aegis of the UN, such as the Financial Action Task Force (FATF) and the G20 Anti-Corruption Working Group. Zvekić (2018) calls for greater integration between UNCAC, UNTOC and the Sustainable Development Goals (SDGs): ‘Only in combination will these platforms offer a cohesive and effective crime-prevention strategy. In this manner, the preventive measures contained in the conventions can be better leveraged to inform the developmental efforts associated with achieving the Sustainable Development Goals.’

One of the biggest challenges is posed by the fact that often those tasked with implementing measures against SOC and corruption are involved in and benefit from them. The Council on Foreign Relations concluded back in 2013, ‘when political leaders or elites benefit from organized crime, implementation of international frameworks is not feasible’ (cited in Tennant, 2021: 18). Dammert (cited in Tennant, 2021: 19) notes: ‘The problem in some countries is that the same people who are “fighting” organized crime are linked to corrupt practices’. Scheye (2020: 6) echoes this: ‘The ‘inherent dilemma ... [is that] the very actors which must adopt and implement policies to curb corruption are those which may face weak, or even negative, incentives to do so’. Examples include (Tennant, 2021: 5-6):

- In Iran, GI-TOC research found that the ‘state turns a blind eye to the illicit activities of those loyal to the ruling elite, such as exploiting and manipulating the currency trade and engaging in large-scale smuggling of licit and illicit goods and resources’.
- In Guinea-Bissau, ‘Drug traffickers support politicians on the understanding that if they win, they will leave the traffickers alone. Politicians also need a way to launder their money, so links with organized crime are useful.’
- In the Western Balkans, GI-TOC research identified an ‘organized corruption’ style of governance, whereby ‘political, business and criminal elites collude to preserve and protect their interests and influence over public functions and resources. These practices create a fertile environment for corrupt officials to operate with impunity’.

This in turn confirms the importance of political will in combatting SOC and corruption, as Marquette (cited in Tennant, 2021: 21) notes:

We need to recognize that the cracks in the system came about because of decisions made by powerful people, and until these are fixed, until we see the political will needed to fix these cracks and deliver genuine resilience, legislation and frameworks that rely on the same powerful people for implementation are unlikely to make any real difference.

This is reflected in the record on implementation. The *Organised Crime Index: Africa 2019* study (2019: 12) found that: ‘while the greatest investment appears to have been made in building up the architecture for responding to organised crime – through national policies and legal frameworks, and by acceding to international conventions – which suggests that some political will is in place, it is weak implementation that undermines country resilience’.

3.4. Measurement of political will to combat SOC

Scheye (2020: 7) stresses the importance of measuring political will in the context of the fight against transnational organised crime:

if the objective is to pursue effective policies and initiatives against organised crime, a valid and reliable methodology for measuring political will is essential. Without comprehending the real dimensions of political will, it is naïve and foolhardy to believe that activities sponsored and supported by both domestic and international actors can succeed and be sustained.

Section 2.3 above looked at how political will can be measured, and highlighted the fact that mere professions of intent to take action on a particular issue, or even passage of legislation and formulation of policies, are insufficient: more concrete measures are needed. Key ‘indicators’ of political will include implementation of laws and policies, allocation of resources, and mobilisation of stakeholders. GI-TOC (2015) have produced a framework of indicators to assess efforts to combat transnational organised crime. These are divided into three broad types (GI-TOC, 2015: 4):

- **Capacity indicators: ‘Is capacity developing to address the key issue?’** These ‘include structural indicators and process indicators. Structural indicators help in capturing the acceptance and commitment of the government to undertake measures in keeping with its obligations to combat organised crime (treaties adopted and ratified by the state, national policy, and formal procedures). Process indicators help in assessing a state’s efforts, through its implementation of policy measures and programmes of action, to transform its obligations to combat organised crime into desired results (budget allocation, coverage of targeted population groups under public programmes, incentive and awareness measures, and indicators reflecting functioning of specific institutions).
- **‘Objective’ situation indicators: ‘Do statistical measures of actual societal situations show that improvements are being achieved?’** These ‘indicators are statistical measures of actual societal situations. For example,how many criminal offenders were arrested or how many victims of trafficking were rescued in a given time period.
- **Public perception indicators: ‘Does the public feel that an improvement is occurring?’** ‘These indicators assess the public’s perception of the impact.... Due to a lack of quantitative data and ‘objective’ situation indicators, people’s perceptions of development and organised crime act as a proxy for quantitative data’.

GI-TOC (2015: 4) note that, 'due to organised crime's clandestine nature', objective situation indicators 'with the requisite degree of accuracy to contribute to measures of the impact of organised crime' can be difficult to obtain. Thus, while 'objective' situation indicators are the most ideal type of indicator to utilise, depending on the crime the other two indicators (capacity and public perception) are much more heavily relied on. They also point out that perception data can 'become instrumental in gauging the impact of organised crime' (GI-TOC, 2015: 4). 'Furthermore, public perception indicators allow for the juxtaposition of organised crime as a metric against other state indicators such as state fragility and poverty, making the debate more accessible to the non-law enforcement crowd and bringing to the table critical development actors who must be part of future responses' (GI-TOC, 2015: 4).

Midgley et al (2014: 6-7) stress that all three types of indicators are important to provide a balanced picture of progress, and illustrate this with the example of measuring progress in addressing illicit financial flows:

capacity indicators to show the strength of legislation or institutions to address money laundering could be important. Such capacity indicators give credit to governments that are taking long term measures that can take many years to yield objective results. However, the ultimate success of such laws and institutions cannot be understood without reference to an 'objective' situation indicator: for example, the volume of illicit financial flows from the country in question. However, such statistics are not always accurate, and public/investor confidence is also crucial to the overall success of the exercise of addressing illicit financial flows: therefore perception-based indicators tracking public/investor perceptions of bribery or anti-corruption efforts would provide an essential complement to the two other types of indicator.

In his paper, Scheye (2020) uses country specific formulae in three sectors affected by organised crime – water and electrical utilities, tax administration, and land management – to present an empirical methodology to measure the political will possessed by state actors to reduce organised crime. He explains that '(t)he proposed indicators are well known and readily obtainable and do not rely on the qualitative judgments of experts, public opinion surveys or perception studies' (Scheye, 2020: 14). The actual year-over-year performance of a state's institutions, agencies and regulatory bodies with regard to the three sectors is evaluated – 'efficiency in each sector is correlated to the overall level of organised crime in that country. Increased efficiency of each of the three is a direct measure of the state's political will to reduce the malevolence of organised crime' (Scheye, 2020: 14).

4. Political will, SOC, kleptocracy and illicit finance

4.1. Kleptocracy

Serious organised crime and corruption are strongly linked to kleptocracy. This refers to 'a form of government in which leaders use their political positions of power to gain or increase their personal wealth by stealing money and valuable resources from the countries they rule' (Longley, 2021). Kleptocrats tend to be found in developing countries with authoritarian governments, where people lack the political power and financial resources to prevent it, as well as in some middle income countries, especially in Asia and former Soviet countries. Past examples include Congo under Joseph Mobutu, the Philippines under Ferdinand Marcos, and Nigeria under Sani Abacha (Longley, 2021; OECD, 2016). Mobutu took power in Congo (renamed Republic of Zaire, now the Democratic Republic of Congo) in 1965, and by the time he was ousted in 1977, he was thought to have embezzled a personal fortune of \$4-15 billion (Longley, 2021). Ferdinand Marcos was president of the Philippines from 1966-1986, during which time the Marcos family illegally amassed a fortune valued at \$5-10 billion (Longley, 2021). General Sani Abacha ruled Nigeria from 1993 until his death in 1998: he and his associates embezzled an estimated \$1 billion to \$5 billion from the Central Bank of Nigeria by falsely claiming the money was needed for national security (Longley, 2021).

Kleptocracy is typically accompanied by illicit financial flows (see below) to other (often developed) countries. As Diamond (2021) explains: 'Kleptocracy is not just mega-corruption; it is the movement and laundering of stolen money across national borders'. Kleptocrats move funds abroad for a number of reasons: '(t)he funds are less subject to seizure if a new regime takes power....keeping funds in foreign jurisdictions also provides access to luxury goods that may not be available domestically. Finally, funds held abroad can be used to curry favour in other countries which might later provide a safe haven if the kleptocrat has to exit' (OECD, 2014: 16).

As well as the obvious harm done to their own countries and societies through corruption, organised crime, and so on, the evidence points to kleptocracy and illicit finance being used to undermine democracies in the West (Sutton & Judah, 2021). Peraldi (2019) notes: 'Today, there is growing consensus that kleptocracy is rapidly becoming one of democracy's biggest threats...Kleptocrats bypass anti-money laundering regulations in Western democracies and infiltrate the political system through donations, weakening the rule of law and corrupting the basic pillars of democracy from within'. Sutton and Judah (2021: 12) echo this, highlighting that 'the proxies of authoritarian regimes have cultivated corrupt relationships with prominent businesses, cultural figures and institutions across much of the democratic world'. But they also point to direct interference in elections (Sutton & Judah, 2021: 11):

Politically directed or “weaponized” corruption has been used to interfere in elections in the United States and in European allies and to build bulkheads amongst political elites. The Alliance for Securing Democracy at the German Marshall Fund has calculated that authoritarian regimes such as Russia and China have spent more than \$300 million interfering in democratic processes more than a hundred times and spanning 33 countries in the past decade.

How to combat kleptocracy? Peraldi (2019) describes the traditional approaches taken by Western policymakers and stakeholders to fight kleptocracy and some of the challenges involved:

- **‘Strategic litigation:** (this) has been used in the US, France, Switzerland and the UK against corrupt officials in Equatorial Guinea, Venezuela, Malaysia, Russia and Kazakhstan, to name a few. However, obtaining convictions can take as long as 10 years.... Once a conviction is obtained, the process of returning assets might even fall into limbo due to the lack of established regulations and procedures to return stolen assets.
- **‘Sanction lists:** (these) have been created in the US to prevent certain corrupt officials from continuing to operate freely (see Section 5.2).
- **‘Beneficial ownership registers:** in the UK have increased transparency to identify the true owners of shell companies. Yet in the US, efforts to pass beneficial ownership registration have been thwarted by the American Bar Association, mostly over concerns around attorney-client privilege and anti-money laundering reporting.’ Strong bipartisan support did eventually lead to legislation being passed, notably the Corporate Transparency Act 2019 (see Section 4.4).
- **‘Investigative reports:** (these) have exposed kleptocrats’ networks in some cases, but the threat of libel lawsuits continues to obstruct efforts to investigate. Corporations and individuals, particularly in the UK, use lawsuits to cripple journalists’ ability to investigate and expose corruption-related crimes.’

Peraldi notes that these approaches largely focus on the countries where the money is stolen and on kleptocrats themselves, rather than on the ‘transnational networks and global services that enable kleptocracy’. She also points out that many governments have ‘leapt on the anti-corruption bandwagon to win global esteem’, including authoritarian and populist regimes ‘who often end up misusing anti-corruption rhetoric or processes to reinforce their own kleptocratic behaviour while at the same time delegitimizing or getting rid of the opposition’ (Peraldi, 2019). Examples of the latter include China and Saudi Arabia (Fuller, 2018). Diamond (2021) stresses that, ‘The most important condition for fighting kleptocracy is political will’. Raggett (2020: 27) highlights the ways in which lack of political will undermines European efforts to combat kleptocracy; for example, the European Commission initially nominated politicians who had been convicted of financial crimes to head two of the most powerful EU institutions, signalling ‘a lack of seriousness about deterring financial crime and upholding the rule of law more broadly’. He makes a number of recommendations for how European countries with the will to do so can dismantle kleptocrats’ financial networks; for example, by ‘developing rigorous threat assessments designed to prevent European initiatives from funding kleptocrats and their networks’ (Raggett, 2020: 27).

4.2. Illicit financial flows

The OECD (2014: 16) defines illicit financial flows as ‘generated by methods, practices and crimes aiming to transfer financial capital out of a country in contravention of national or international laws’. They generally involve money laundering, bribery by international companies, tax evasion and trade mispricing. ‘Money laundering is a process by which the illicit source of assets obtained or generated by criminal activity is concealed to obscure the link between the funds and the original criminal activity’ (GI-TOC, 2015: 46). ‘Money laundering allows OCGs to introduce the proceeds of crime into the legitimate economy. The array of techniques used.....ranges from setting up shell companies and complex international schemes involving a series of bank transfers, to new payment methods such as cryptocurrencies and anonymous payment methods’ (Luyten & Voronova, 2020: 3).

The sums involved are huge. According to the IMF, as much as 5% of the world’s gross domestic product is laundered money, and only 1% of it is ever spotted; illicit cross-border financial flows have been estimated at \$1-1.6 trillion per year (Duffey & Sibley, 2017). The UN Economic Commission for Africa (UNECA) estimates that net IFFs between Africa and the rest of the world from 2000-15 averaged \$73 billion (at 2016 prices) per year from trade mis-invoicing alone – equivalent to nearly 5% of Africa’s GDP (\$1.7 trillion in 2018); this far exceeds official development assistance (for instance, sub-Saharan Africa received about \$49 billion in ODA in 2017) (Hunter, 2019: 3).

Sutton and Judah (2021) stress that illicit financial flows (involving kleptocrats or otherwise) have a negative impact on ordinary citizens in those countries:

In many high-income democracies, including the United States and most European countries, the middle class has paid a material price for kleptocrats’ and other financial criminals’ abuse of the global financial system. Money laundering schemes involving luxury real estate properties have contributed to unaffordable housing costs in many cities and towns; offshore secrecy jurisdictions have enabled high-net-worth individuals to pay a lower tax burden than the majority of working people; and unregulated flows of dirty money have allowed foreign powers to influence and buy off public officials.

Given this, they argue that fighting illicit finance (and kleptocracy abroad) will contribute to more just and inclusive societies at home. However, one of the main challenges is that the global financial system enables these practices. Sutton and Judah (2021) point to:

the growth of poorly regulated and ungoverned spaces in the global financial system, which in turn has birthed a shadow economy that now contains immense flows of anonymous wealth. The rise of financial secrecy has enabled the ‘globalization’ of corruption, empowering kleptocratic states and actors on the world stage by offering them new tools and access to foreign markets.

Tennant (2021: 5) cites a BuzzFeed report which found that ‘the giants of Western banking move trillions of dollars in suspicious transactions, enriching themselves and

their shareholders while facilitating the work of terrorists, kleptocrats and drug kingpins'. Diamond (2021) echoes this, stressing that:

Kleptocracy thrives not just because the legal and political systems in the countries of origin are debased but because powerful interests in the world's wealthy democracies – including bankers, real estate brokers, accountants, lawyers, wealth managers and public relations agents, not to mention American state governments – want to cash in on this debasement.

Diamond (2021) identifies the main steps needed to combat illicit finance (and kleptocracy). He explains that it requires closing the loopholes that permit international criminal actors (whether drug lords, terrorists, or corrupt politicians):

- 'first, to place their illicit funds in legitimate banks and businesses in the West, using front individuals, anonymous companies, and sophisticated lawyers;
- 'second, to layer the money, concealing its origins by transferring it 'through multiple bank secrecy jurisdictions' or anonymous shell companies, trusts, and limited partnerships; and
- 'third, to circulate the illicit money in the bloodstream of the legitimate economy through the purchase of assets like real estate.'

There are laws and regulatory frameworks in place to combat illicit financial flows. Sutton and Judah (2021) note: 'At the level of international cooperation and institution-building, the past three decades have witnessed a dramatic escalation in the global fight against transnational corruption and illicit finance'. Examples include the Financial Action Task Force (FATF) launched by G7 countries in 1989 to set and review global anti-money laundering standards; it has since grown to around 40 members including nearly all major global financial centres (Sutton & Judah, 2021). In 1997 most of the world's high-income nations agreed to prosecute their own citizens' and firms' corrupt activities abroad, and in 2005 the UNCAC came into force (Sutton & Judah, 2021). Sutton and Judah (2021) add that, 'over the past decade the United States, the United Kingdom, and the European Union (EU) have taken increasingly stringent steps to impose transparency on their economic systems and sanction corrupt figures and rogue financial actors'.

However, implementation of these has been weak. Sutton and Judah (2021) present several examples from the European Union (UK examples are given in the following section):

- 'In the EU, all 27 member states are required by law to have a beneficial ownership registration system in place – but as of January 2020, only five member states were judged to have functioning systems in place by the NGO Global Witness' (p. 8).
- 'A recent analysis found that many European financial intelligence units (FIUs) – the government bodies responsible for collecting information on suspicious transactions from banks and other regulated entities – are "overwhelmed by incoming data, short staffed, with delays of as much as six months to get potential pressing leads"' (pp. 18-19).
- 'In many EU countries judicial and prosecutorial agencies and law enforcement units focused on white-collar crimes vary tremendously in their expertise and staffing.

Although the EU recently created a regional-level prosecutorial agency focused on fraud, it has only a handful of staff to handle thousands of cases' (p. 19).

- And in the United States, Diamond (2021) identifies a key flaw in the current system: 'it relies on someone to report suspicious activity, rather than empowering the Treasury Department's Financial Crimes Enforcement Network to conduct its own investigations. As a result, money launderers 'face a less than 5% risk of conviction' in the US, according to the Financial Action Task Force'.

A key challenge is that criminal elements can take advantage of inconsistencies and asymmetries in countries' anti-corruption and anti-money laundering frameworks (Sutton & Judah, 2021):

A regulatory framework is only as strong as its weakest link...Once dirty money is laundered into one market, it can easily pass into another; as a result, the states with the weakest regulatory regimes set the conditions for entry into the financial systems of high-income democracies.

They add that these gaps and vulnerabilities exist not only across countries' regulatory frameworks but also within them. For example, the US' anti-money laundering regime imposes strict compliance on banks while leaving most real estate, private equity, hedge funds, and opaque, illiquid markets such as luxury goods uncovered (Sutton & Judah, 2021).

4.3. United Kingdom

Illicit finance

The UK is one of the biggest global financial hubs and has been a major destination for illicit financial flows. According to the National Crime Agency (NCA), it is the UK's large, open financial sector that makes it attractive for money launderers: 'the plethora of professional services and the complex and varied ways available to launder money' (NCA, 2018: 38). It also highlights, 'The ease with which UK companies can be opened, and the appearance of legitimacy that they provide, [which] means they are used extensively to launder money derived both from criminal activity in the UK and from overseas' (NCA, 2018: 38). As well as being a global financial centre, along with the ease of doing business, and the UK's openness to overseas investment, a further factor in increasing vulnerability to illicit flows is the UK's 'embrace of new and innovative technologies'.³

While a robust assessment of scale is lacking, the NCA puts the value of money laundering affecting the UK annually in the hundreds of billions of pounds (NCA, 2018: 38). Across the UK's financial infrastructure of Overseas Territories and Crown Dependencies, use of opaque corporate structures remains a key tool to hide financial crime (Haenlein, 2020). A 2020 House of Commons report stated that the UK embraced Russian money, and 'few questions if any were asked about the provenance of this

³ <https://www.gov.uk/government/publications/economic-crime-plan-2019-to-2022/economic-crime-plan-2019-to-2022-accessible-version>

considerable wealth', while a leaked US Treasury report from the Trump administration named the UK as a 'higher-risk jurisdiction' for money laundering (cited in Rohac & Stradner, 2021).

In recent years, new legislation, including anti-money laundering laws covering banks, has been passed to address the issue. In addition, the recent UK Integrated Review includes a stress on illicit finance, with the government acknowledging that its efforts in the past have been below par, and committing to 'reinvigorate efforts to tackle illicit finance' (Keatinge, 2021). The Integrated Review also recognises that illicit finance is a potential tool for state and non-state actor interference against the UK, and that it damages the UK's economy and reputation.

Despite this, Keatinge (2021) asserts: 'It is absolutely the case that the UK still lacks a proper strategy for addressing the central role it plays in global illicit finance'. More worryingly, he points to the 'glaring gap' in the Integrated Review failing to acknowledge the extent to which the UK is central to the problem of international illicit finance. The literature also points to a record of weak implementation and enforcement. The UK Serious Fraud Office has for much of the past decade suffered from underfunding and lack of political will to support its mission; only within the past few years has it been able to pursue meaningful enforcement of its well-regarded Bribery Act (Heathershaw & Mayne, 2021). Anti-money laundering regulations covering banks are being ignored (Sutton & Judah, 2021). When money laundering does take place, a key finding of research by Sutton and Judah (2021) on real estate indicates that the gatekeepers of dubious transactions are not being sanctioned through the laws that govern these regulated industries. For example, there have been only a handful of convictions brought under Section 330 of the Proceeds of Crime Act, which reflects a failure to report a suspicion or knowledge of money laundering across the regulated sectors of banking, real estate, accountancy and others (Sutton & Judah, 2021).

Kleptocracy

A similar picture emerges for the UK's efforts to combat kleptocracy. Legislation has been passed in this regard, including the Proceeds of Crime Act and the 2018 legislation on Unexplained Wealth Orders. The latter holds that if a foreign person with links to crime or public wealth in their home country makes an extravagant purchase (for example, property or jewels) that seems to be beyond their explainable means, law enforcement agencies can investigate the source of the money. If the source is found to be corrupt, or the individual cannot account for their wealth, the assets can be seized (Diamond, 2021).

However, again, implementation can be weak. The UK's beneficial ownership registration system, under which companies must disclose their real – as opposed to legal – owners, 'has suffered from a severe lack of resources and, as such, verification and enforcement capability' (Raggett, 2020: 24). 'While any member of the public can search for the ownership details of firms registered at Companies House, doing so reveals that more than 130,000 of them are formally controlled by people based in secrecy jurisdictions, and some by children under the age of two' (Raggett, 2020: 24). Raggett (2020: 24) concludes: 'Transparency on its own is not enough'. Heathershaw and Mayne (2021) add that the system has been undermined by an apparent lack of repercussions for reporting false, inaccurate, or misleading information.

Three years after the legislation on Unexplained Wealth Orders was introduced, ‘accompanied by much sabre rattling from government officials on how the orders would be used to target corrupt foreign – specifically Russian – money’, Sutton and Judah (2021) observe that there have been no known unexplained wealth orders that have targeted Russian money. Furthermore, there have been only two cases that featured foreign political figures, ‘one of which ended in a disastrous failure for the National Crime Agency’ (Sutton & Judah, 2021). Heathershaw and Mayne (2021) argue that the emphasis in the government’s efforts is very much on illicit finance that funds ‘organised crime groups, terrorists and other malicious actors’, rather than those specifically involved in grand corruption or kleptocracy. This reflects differences in priorities within the UK government, notably between the Treasury and the rest of government.

Looking ahead, the literature sees little prospect of the UK improving its record on combatting illicit financial flows and kleptocracy. Highlighting the ‘disconnect between government ministers, who will often laud UK’s laws and regulations, and research projects...that present a different story on the ground’, Heathershaw and Mayne (2021) warn that the gap between rhetoric and reality is unlikely to narrow, with reports of government plans to cut specific anti-corruption programmes by as much as 80%. Keatinge (2021) echoes this, noting that: ‘The dramatic cuts in the budgets of those departments that have previously led international illicit finance engagement for the UK, and the lack of a properly financed domestic response (for example, around asset recovery) do little to suggest that the government has its heart in the matter’.

4.4. United States: evidence of political will?

In the United States there is evidence in recent years of growing political will for tackling corruption and kleptocracy, particularly since the Biden administration took office. President Biden co-authored an article in 2019 on the dangers of what he called ‘foreign dark money’, and in 2020 committed that if elected he would issue a presidential policy directive that ‘establishes combatting corruption as a core national security interest and a democratic responsibility’ (Heathershaw & Mayne, 2021). Since assuming office, ‘President Joe Biden has made clear that cleaning up the international financial system and targeting its use by kleptocrats, corrupt actors and international organised crime groups is a major priority’ (Keatinge, 2021). His promised directive is being implemented by, among others, National Security Adviser Jake Sullivan and Secretary of State Anthony Blinken (Keatinge, 2021). In January, the US Congress passed a major overhaul to its anti-money laundering and financial transparency regime (Sutton & Judah, 2021). A White House factsheet issued in June 2021 titled ‘Establishing the Fight Against Corruption as a Core US National Security Interest’ includes a commitment to ‘crack down on tax havens and illicit financing that contribute to income inequality, fund terrorism and generate pernicious foreign influence’.⁴

⁴ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/03/fact-sheet-establishing-the-fight-against-corruption-as-a-core-u-s-national-security-interest/>

Rohac and Stradner (2021) highlight the fact that in the United States ‘an anti-kleptocracy agenda commands a significant bipartisan consensus – a rare feat in Washington’. They point to the Corporate Transparency Act, passed by Congress before Biden’s inauguration, which gives law enforcement new tools to counter money laundering, financing of terrorism and other illicit activity. They also cite the launch on 10 June 2021 of a bipartisan Congressional Caucus against Foreign Corruption and Kleptocracy, ‘the first institutional congressional body dedicated to information sharing and finding solutions to global corruption’. In the pipeline are two bills, each introduced by a Republican *and* a Democratic legislator. One is the Justice for Victims of Kleptocracy Act, which, ‘(i)f passed, will direct the Department of Justice to list online the amounts of money stolen from the citizens of kleptocratic regimes and recovered by US law enforcement’. The second is the Countering Russian and Other Kleptocracy Act which, if passed, will create a rapid response fund (from part of the fines collected from US businesses under the Foreign Corrupt Practices Act) to allow policymakers to act quickly after events like the downfall of the Yanukovych regime in Ukraine in 2014 (Rohac & Stradner, 2021).

The literature (Rohac & Stradner, 2021; Diamond, 2021; Sutton & Judah, 2021) stresses the need for international cooperation to combat illicit finance, so as to remove the loopholes which corrupt politicians, organised criminal groups and others are otherwise able to exploit. Progress has also been made in the EU, with a ‘number of major leaps forward’ in its fifth anti-money laundering (AML) directive last year, and its current implementation of a robust AML action plan (Sutton & Judah, 2021). Sutton and Judah (2021) explain the shift as follows:

On both sides of the Atlantic, revelations that authoritarian regimes and corrupt actors have used economic institutions in the democratic West to stash assets and bribe government officials have moved political leaders and civil society to strengthen anti-corruption institutions and close long-festered gaps in anti-money laundering architecture.

The recent June 2021 G7 summit communiqué included a commitment to combat global illicit finance.⁵ ‘We recognise the need for action on corruption, including by sharing information on illicit financial activities, tackling the misuse of shell companies, and curtailing the ability of illicit actors to hide wealth, including in real estate’.⁶

While it is too early to assess the impact of the shift in Washington on curbing illicit finance, it is clear that there is – at least on paper - political will to move on this issue. Whether current activities will translate into ‘political *want*, political *can* and political *must*’, as Malena (2009) describes, when legislation comes up against difficult domestic vested interests (for example, US-based secrecy jurisdictions, lobbyists) and when it comes to resource allocation decisions, has yet to be seen.

⁵ <https://rusieurope.eu/rusi-news/uk-must-follow-through-g7s-commitment-combat-illicit-finance>

⁶ Carris Bay G7 Summit Communiqué, p. 48. <https://www.g7uk.org/wp-content/uploads/2021/06/Carbis-Bay-G7-Summit-Communique-PDF-430KB-25-pages-3.pdf>

5. Political will, SOC and sanctions

5.1. Sanctions as a tool to combat SOC

Sanctions can be used to combat SOC, in particular transnational SOC (in other countries) where traditional law enforcement measures (arrest, prosecution, and so on) might not be feasible. Imposition of sanctions against SOC groups is obviously far easier than measures such as military action. Moreover, targeted sanctions – focused on individuals and organisations involved in SOC, rather than the general population – will not harm ordinary citizens in the way that blanket sanctions regimes often do. Most relevant in the context of SOC are financial sanctions, defined as follows:⁷

a financial sanction can consist of various penalties, including the prohibition of transferring funds to certain countries and the freezing of accounts and assets. There are also specific financial sanctions that may prohibit individuals from providing financial support or services for citizens of a sanctioned country.

Generally speaking, it is a criminal offence to have any kind of financial dealings with a sanctioned person or entity.

Vorrath (2018) notes that ‘(t)here has been increasing reference to transnational (organised) crime in UN sanctions regimes, such as appears in the designation criteria of the Mali sanctions regime established in 2017’. She adds that ‘(r)efERENCE to trafficking and criminal business has also been used to strengthen the cause of individual cases without being the prime reason’. As detailed below, the US has for a number of decades been directing sanctions against transnational organised crime groups, and the UK is also making increasing use of sanctions to combat SOC.

While relatively easy to impose, sanctions are not the ultimate solution and a number of caveats apply to their use. Firstly, with regard to aims and what they can achieve. Referring to sanctions in the context of the US and UK, Haenlein (2020) argues that their aim is not to combat dirty money as such, but rather ‘they are a tool to apply pressure – to make it harder for designees (in this case transnational criminals) to advance their activity, and to encourage them to change behaviour’. In order to achieve this, Haenlein continues, sanctions must be able to be lifted – ‘if there is no prospect of their removal, targets are unlikely to respond as desired’. (See below for how this is demonstrated in the US.)

Secondly, the literature cautions that sanctions cannot be used as a replacement for other law enforcement measures but can support these (see below for discussion of this in the context of the US and UK). Vorrath (2018) asserts:

⁷ <https://mk0complyadvanti5atn.kinstacdn.com/wp-content/uploads/2021/01/The-State-of-Financial-Crime-ComplyAdvantage-2021.pdf>

Sanctions will simply not work as the prime instrument for tackling transnational crime, and, when they are applied, it should be done with an eye on their possible side effects and with due consideration for other parts of the chain of illicit flows. But, if adequately designed, implemented and coordinated, they can make a useful contribution in responding to transnational crime in insecure environments.

Thirdly, as seen with illicit finance above, the effectiveness of sanctions against SOC groups based in other countries is heavily dependent on international cooperation. 'Criminal activities today easily pour across borders while the authorities attempting to fight them are restricted to national boundaries' (Patrick, 2012).

Fourthly, the literature points to the potential for abuse of the targeted sanctions tool, particularly given the fact that decisions about their imposition typically rest with governments (political leaders). Moiseienko (cited in Zabyelina, 2020: 537) warns:

The risk of politicised decisions attaches to laws that rely on the discretion of the executive, especially in matters as sensitive as corruption allegations. Entrusting the decision-making to an essentially political, non-judicial body is a trait of all targeted sanctions regimes, whether domestic or international. Due to this quasi-political nature of anti-corruption sanctions, it is imperative that their enforcement be scrupulously fair and transparent lest they should lose their credibility.

Finally, sanctions do nothing to address the root causes of SOC in other countries. Patrick (2012) lauds sanctions as a good first step, but comments that ultimately, 'the solution to transnational crime lies in the elusive goal of improving domestic institutions – ranging from the law enforcement and judicial sectors to education and health that improve opportunities for young people'.

5.2. United States

The United States has been one of the leading countries to make use of sanctions to combat SOC and human rights abuses. This dates back several decades. The Foreign Narcotics Kingpin Designation Act (Kingpin Act) of 1999 has 'served as the primary authority for applying US sanctions to disrupt international drug trafficking operations, aiming to deny foreign narcotics traffickers, related businesses and operatives access to the US financial system, and prohibit trade and transactions with US individuals and companies' (Haenlein, 2020). With reference to the point made above that the purpose of sanctions is to apply pressure, Haenlein (2020) cites a witness in the 2017 Committee on Foreign Affairs hearing (see below):

Kingpin designations are not designed to "take out" anyone, in the sense that they lead to incarceration... [Instead, they are a] tool to reach transnational criminal networks that, for one reason or another, are beyond the reach of traditional law enforcement techniques.

The evidence points to the Act having significant impact (Haenlein, 2020):

- ‘The Office of Foreign Assets Control (OFAC) reports designating over 2,000 individuals and entities as of June 2019, and freezing over half a billion dollars of assets under the Act between 2000-19. These designations extend to foreign entities that provide support, are owned or controlled by, or act on behalf, of significant foreign narcotics traffickers, aiming to create a ‘pariah effect’ whereby legitimate business is deterred from illicit activity, complicating criminals’ efforts to launder their proceeds.
- ‘A 2017 House of Representatives Committee on Foreign Affairs hearing provided multiple examples of disruptive impact. These included cases where the regime had led to the negotiation of voluntary surrender and extradition, convictions following revived local investigations, and the dismantling of business empires engaged in laundering criminal proceeds. Witnesses cited the Act’s ‘significant impact’, describing it as “one of the most important and powerful instruments the US has in its quiver to fight organized crime networks”.’

However, the challenges in assessing impact were also cited in the House of Representatives hearing, including that of isolating the effects from parallel policy and enforcement efforts.

According to Haenlein (2020): ‘In general, the power of US sanctions owes to the US’ status as the world’s largest economy and the US dollar as the principal currency for trade and international payments’. She adds that the constraining effect of sanctions is strongest if countries where criminals reside follow OFAC designations, and impose their own sanctions and criminal investigations. This is the case in Colombia, where being designated is known as ‘civil death’; it has in some cases led to criminal justice outcomes whereby: ‘At times it is the OFAC designation that brings the cartel... leaders to the table to negotiate their criminal culpability’ (Committee of Foreign Affairs hearing, cited in Haenlein, 2020).

In 2011 the Obama administration used financial sanctions to target four organised criminal groups, in an attempt to economically cripple them. The four groups targeted were the Brother’s Circle in Eurasia, the Camorra in Italy, the Yakuza in Japan, and Los Zetas in Mexico (Patrick, 2012). As well as freezing their assets, the executive order issued by Obama allowed ‘US courts to sentence to up to 20 years in prison any person convicted of being a member of one of these groups or of aiding them’ (Patrick, 2012). The logic behind the sanctions is that money laundering ‘is the life blood’ of transnational organised crime, and hence following the money is an effective strategy to disrupt criminal operations (Patrick, 2012).

In 2012 the Magnitsky Act was enacted, to punish Russian officials responsible for the torture and death of Russian tax accountant Sergei Magnitsky in a Moscow prison in 2009 (Zabyelina, 2020: 536). It was subsequently widened, with the 2016 Global Magnitsky Human Rights Accountability Act, allowing the US government to sanction foreign government officials implicated in human rights abuses anywhere in the world (Travers Smith, 2020). Under the Global Magnitsky Act, US officials could ‘revoke US visas and block all US-based property or interests in property of foreign persons (both individuals and entities) for their alleged involvement in human rights abuses or acts of

corruption’ (Zabyelina, 2020: 536). Individuals sanctioned under the Global Magnitsky Act are placed on the List of Specially Designated Nationals (SDNs) maintained by OFAC. Moreover (Zabyelina, 2020: 536-537):

Entities 50 percent or more owned by SDNs are themselves treated as SDNs, even if not explicitly named on the SDN list. This can significantly expand the impact of a designation of an individual with substantial commercial assets. SDNs are banned from the US market in the way that they cannot buy, sell, invest or perform other financial activities in the US. All of the property and interests in property of SDNs within US jurisdiction are blocked and ‘US persons’ are generally prohibited from engaging in any transactions with SDNs.

5.3. United Kingdom

While not specifically focused on organised crime, the United Kingdom is also making increasing use of sanctions to target corruption and kleptocracy, as well as human rights abuses. As a member of the United Nations, the UK is required to implement sanctions passed by resolutions of the UN Security Council. Under the EU’s Common Foreign and Security Policy, these UN measures were implemented through EU Regulations, with direct legal effect in all member states. Under the EU (Withdrawal) Bill, EU law would be maintained as it was at the date of withdrawal from the EU, by transposing it into national law. However, this does not allow the UK to lift sanctions or impose new ones. The 2018 Sanctions and Anti-Money Laundering Act (SAMLA) was thus necessitated by Brexit.

SAMLA enables the government to impose sanctions in compliance with UN Security Council resolutions or other international obligations, as well as for a number of other purposes, including: in the interests of national security; to promote respect for human rights (prevent gross human rights violations); and to promote respect for democracy, the rule of law and good governance.⁸ Overall, the Act gives the UK government much wider powers to implement sanctions, including financial sanctions, trade sanctions and immigration sanctions. In May 2018 the ‘Magnitsky Amendment’ was added, allowing for sanctions for the purpose of preventing or responding to gross human rights abuse or violations. It came about in the wake of the Salisbury poisonings earlier that year.⁹

In July 2020 the Global Human Rights Sanctions Regulations were enacted, as secondary legislation under SAMLA. These are intended to give the UK the power to implement sanctions on a unilateral basis going forward, with the purpose of targeting individuals and organisations around the world, including ‘those who commit unlawful killings perpetrated against journalists and media workers, or violations and abuses motivated

⁸ <https://www.shearman.com/perspectives/2018/06/sanctions-and-anti-money-laundering-act>

⁹ On 4 March 2018, Sergei Skripal, a former Russian military intelligence officer who had defected to the UK, and his daughter were poisoned in Salisbury. The poison used was found to have been a member of the Novichok family of nerve agents, developed by the Soviet Union. Two Russian intelligence officers were later identified by British police as having carried out the attack. <https://www.bbc.co.uk/news/uk-51722301>

on the grounds of religion or belief' (Travers Smith, 2020). As of July 2020 the Act was being used to sanction 49 individuals, of whom 25 were Russian, 20 Saudi Arabian, two from Myanmar and two North Korean organisations (Travers Smith, 2020).

Travers Smith (2020) notes that, while SAML A and the 2020 Regulations allow the UK to implement unilateral sanctions, this will have to be balanced against the post-Brexit imperative to negotiate independent trade policies: 'This political environment may well end up curtailing the extent to which the UK can implement any unilateral sanctions, even against those individuals implicated in the worst kinds of human rights abuses' (Travers Smith, 2020).

The Global Anti-Corruption Sanctions Regulations (ACSR) 2021 came into force on 26 April 2021, also as secondary legislation under SAML A. The ACSR are intended to prevent individuals involved in corruption (which is defined as bribery or the misappropriation of property) from either moving money through the UK's financial system or entering the UK freely. They 'are expected to provide the UK with an additional, powerful tool to hold the corrupt to account' (Travers Smith, 2021). The Foreign Secretary at the time, Dominic Raab, said the ACSR would be used to 'target the individuals who are responsible, and should be held responsible, for graft and the cronies who support or benefit from their corrupt acts' (cited in Travers Smith, 2021). A particular aim is to target corruption perceived to be draining 'the wealth of poorer nations' or which 'poisons the well of democracy around the world' (Travers Smith, 2021).

The ACSR allows the government 'to impose asset freezes and travel bans on individuals and organisations who are involved in serious corruption' (Travers Smith, 2021). Those targeted will also be unable to open UK bank accounts or conduct business with UK businesses; the latter 'will be unable to provide funds or economic resources, directly or indirectly, to designated persons. Financial institutions will be required to report any accounts or monies they hold for a designated person, and a specific licence will need to be sought to continue a transaction that would otherwise be prohibited' (Travers Smith, 2021).

Responsibility for enforcing the new sanctions regime rests with the Office of Financial Sanctions Implementation as well as the International Corruption Unit in the National Crime Agency. The first list of individuals sanctioned under the ACSR comprised 22 people from six different countries, 14 of them involved in a \$230 million tax fraud in Russia perpetrated by an organised crime group and uncovered by Sergei Magnitsky (Travers Smith, 2021).

In her discussion of the pros and cons of sanctions to combat SOC, Haenlein (2020) focuses on two aspects:

- **Potential positive impact:** the UK economy does not have the same clout as that of the US (the power of US sanctions are due to that status). 'Yet London's status as one of the most prominent global financial centres, its leading financial services sector, and role in processing a large proportion of the world's daily transactions nonetheless affords it a crucial strategic position at a key crossroads of global finance. Equally critical is London's role as a hub for illicit finance, as a favoured destination to launder and invest the proceeds of transnational crime. Notably,

ongoing abuse of UK financial infrastructure means sanctions could play a crucial disruptive role.... The UK's strategic location at the intersection of licit and illicit finance could therefore afford its sanctions outsized potential impact.'

- **Potential negative impact:** '(t)he potential benefits outlined above depend on sanctions being used coherently and strategically alongside existing responses', notably arrest and prosecution. UK sanctions are not punitive by design, and hence it is important to ensure they do not obstruct law enforcement action. 'Sanctions legislation allows the freezing of assets, but does not enable their permanent removal.' This could clash with the Proceeds of Crime Act 2002, which offers the legal framework for recovery of criminal assets. This points to the need for coordination, and for a clear strategy on how sanctions could most usefully be deployed in concert with other law enforcement instruments.

6. Political will, SOC and trafficking

Trafficking is one of the main forms of SOC globally, and can take many different forms: human trafficking for labour; human trafficking for sexual exploitation; trafficking of drugs, illicit weapons, illicit wildlife or environmental products; and so on. Definitions of human trafficking include three components: the act itself (for example, transportation of people), the means by which it is carried out (such as abduction or fraud), and the purpose (for example, for forced labour).¹⁰ Organised criminal gangs are able to make vast sums through trafficking. While fragile and conflict-affected states often provide an enabling environment for trafficking, this also takes place within developed countries. Moreover, developed countries are often the destination countries for trafficking of humans, drugs, illicit wildlife, and so on.

‘Traditional’ approaches to combatting trafficking entail a mixture of prevention, protection and prosecution interventions:

- a) **Prevention:** awareness-raising targeting actual and potential victims of trafficking, and covering origin, transit and destination countries. With the former (actual victims), the goal is to educate them about their rights and how to seek help; with the latter the aim is to prevent additional victims being trafficked and to increase public awareness of the issue. Prevention can also include livelihoods programmes to reduce the impact of socioeconomic factors like unemployment which often fuel trafficking.
- b) **Protection:** provision of assistance to meet basic needs of survivors, for instance, for food or shelter, either directly or through financial support; medical treatment and counselling; access to information about available services, rights, and sources of support; physical protection from suspected traffickers to prevent intimidation or recapture; visas or other documentation required for staying in the transit or destination country, or assistance to return to origin countries.
- c) **Prosecution:** law enforcement (investigation and prosecution of traffickers), strengthened border controls, identifying and freeing victims of trafficking.

In the case of trafficking of illicit goods (drugs, weapons, wildlife products, and so on) the stress will, for obvious reasons, be on prevention and prosecution rather than protection.

¹⁰ Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN OHCHR, 2000) defines trafficking in persons as: ‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’

6.1. Relevance of political will

The issue of political will in relation to SOC and trafficking is especially pertinent in two regards: a) determining the focus of efforts (supply-side versus demand-side); and b) determining whether and which interventions are carried out. These are explored below in generic terms and, to better illustrate the kinds of choices and challenges faced, in the context of specific examples of SOC and trafficking.

Where is the focus of efforts to combat trafficking? The list of interventions above clearly shows that the main thrust is on the supply-side (traffickers and, in the case of human trafficking, victims of trafficking), rather than on the demand side (those using the services provided by trafficked people or those buying trafficked goods). The Palermo Protocol does actually include a legal obligation on state parties ‘to discourage the demand that fosters all forms of exploitation of persons’. Similarly, Article 18 of the EU Anti-Trafficking Directive states that: ‘Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings’.¹¹

The decision to target the supply side rather than the demand-side is, to a large extent, a political one. It is based on several considerations: which approaches are likely to work, which are easier to implement (more practical), which are likely to be most ‘palatable’ for donor country populations, and which serve the interests of political leaders. As seen in the case studies below, such supply-side focused approaches often prove ineffective. The persistent choice to opt for them, despite their lack of success, highlights the role of political will: a purely objective assessment of the evidence would lead to demand-side interventions.

As well as supply versus demand side, political will is also relevant in deciding *which* interventions or programmes to carry out. This applies in origin, transit and destination countries. In origin and transit countries, where communities are economically dependent on trafficking (or the income this generates), measures to curb trafficking can have negative effects on local livelihoods, leading to increased hardship and poverty. Political leaders in those countries may therefore be reluctant to carry out such measures, especially where the expected benefits will be manifested in target (Western) countries. For example, destroying poppy crops could remove a farmer’s main source of income in a developing country, rendering his family destitute, but the benefit – reduced drugs supply – will be seen (if at all) in markets in developed countries. Political will also comes into play where there are strong ties between politicians and organised criminal gangs; these could undermine political support or willingness to carry out anti-trafficking measures. For political leaders in the developed world, too, some interventions will be easier and more appealing than others; for example, funding programmes to strengthen border controls could be a better option (easier and bringing greater returns at the ballot box) than funding much more expansive and challenging livelihood programmes in origin countries.

¹¹ <https://cordis.europa.eu/project/id/612869/reporting/es>

6.2. Case study 1: drug trafficking in the United States

The United States has traditionally taken a supply-side approach to combatting drugs: eliminate drugs production and entry into the US, and thereby eliminate drugs consumption and all the problems that go alongside it (Sabau, 2020). Sabau (2020) describes the three main forms this approach takes, and their associated flaws:

- **Eliminate the raw materials required to produce narcotics:** notably coca leaf, the main ingredient in cocaine. This has proved challenging because various countries produce coca leaf, with Colombia, Peru and Bolivia being among the largest. In the latter, coca leaf has traditionally been consumed by indigenous communities and is an important part of their culture. Hence the Bolivian government was allowed to produce limited amounts of coca leaf for domestic use. However, a farmer producing coca leaf for domestic use could easily sell it for illegal export as well, and get paid far more. Another challenge is that, even where the South American authorities cooperate in curbing coca leaf production, for example by capturing coca farms, burning crops, or destroying processing facilities, drug cartels will have more farms and more ways to produce coca leaf.
- **Target the transportation routes:** in response to the above challenges in curbing drug production, the focus shifted to transportation and preventing drugs getting to consumers. This was the US approach in the mid-1980s: the aim was to stop cocaine being smuggled into the country. The dominant group involved in this at the time was Pablo Escobar's Medellin Cartel: it smuggled most of its drugs through the Caribbean using an advanced transport system with planes and speedboats. The US government did eventually succeed in curbing smuggling via this route, but the drug cartels simply shifted to Mexico and began smuggling drugs across the US' southern border. And when the US shifted its focus to Mexico, other organised criminal groups (OCGs) took the opportunity to revive the Caribbean routes.
- **Target the cartels:** this was the approach taken by the US government when stopping drug production and preventing transport of drugs into the US failed. The Mexican War on Drugs aimed to dismantle the largest organised crime groups in the country and thereby end drug trafficking. However, between 2006 and 2019, it led to 250,000 Mexican citizens being killed, making it the most violent conflict in the country's recent history. Moreover, government attacks on the largest cartels caused these to split into smaller organisations: fighting between these led to further violence.

Librett (2018: 64) is equally scathing about the War on Drugs, pointing to its 'many long-lasting detrimental consequences, such as the militarization of state and local police, mass incarceration, and a considerable fiscal impact on the federal government'. Sabau (2020) sums up the impact of supply-side measures: 'No matter how it was implemented, the supply-side approach to fighting the drug market was only marginally effective, and often resulted in consequences worse than the problem it attempted to solve'.

Librett (2018) provides a detailed analysis of different US administrations' policies on drugs and makes it clear that the decision by most presidents to focus on supply-side approaches was political. Reagan took a very hardline stance on drugs, while his

Democratic successor, Bill Clinton, pursued the same ‘tough on crime’ policies, vowing that he would ‘never permit any Republican to be perceived as tougher on crime than he was’ (Librett, 2018: 17). Librett (2018: 17) claims that Clinton initially supported innovative, demand-side based policies such as methadone clinics for addicts, but shifted under ‘political pressure from other Democrats who wanted to take control of the drug war away from the Republicans’.

Sabau (2020) argues that demand-side approaches, which focus on drug consumers, can be more effective. This includes recognising that not all drugs are equally dangerous – ‘(t)here is a large difference between marijuana which kills virtually no one from an overdose,and metamphetamines which.... killed over 13,000 people in the US in 2013 alone’ (Sabau, 2020). This has led to the legalisation of cannabis use in some states. California was the first state to legalise cannabis for medicinal purposes in 1996, followed by 29 others (as of 2018). But in 2018, eight US states – Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon and Washington – relaxed drug laws to allow marijuana to be legal for recreational use as well as medicinal (Robertson, 2018). Other countries that have legalised cannabis for personal use include Uruguay, the Netherlands, Canada, Spain and Portugal, while since 2017 police in Switzerland have stopped prosecuting people for cannabis possession for personal use (Robertson, 2018).

Focusing efforts on consumers also involves recognising that some means of consumption are safer than others: ‘it is one thing to consume heroin in a dark alley with a syringe borrowed from someone else, and another to do so at a safe injection site with clean needles and a group of volunteers trained to avoid overdoses’ (Sabau, 2020). Hence, Sabau calls for the US government to provide safe spaces for recreational drug consumption, where people are supported by trained personnel, receive guidance on the negative effects of drugs and are not condemned. Related to this is government provision of services to help people come off drugs. ‘More than judging people who have fallen prey to addiction, we should work to provide adequate treatment, therapy, and rehabilitation when needed. For all users, it is clear that we should stop penalizing consumption and start focusing on how to make it safer’ (Sabau, 2020).

Such approaches have been tried at state level in the United States, as detailed by Librett (2018). Federal funding for such initiatives also increased dramatically under President Obama: between 2008 and 2016 the federal demand-reduction budget grew from \$9.1 billion to \$15.1 billion, and the overall drug treatment budget nearly doubled from \$7.2 billion to \$14.2 billion (Librett, 2018: 57). This review was not able to find evidence of the impact of such changes in the United States. However, Sabau (2020) asserts there is overwhelming evidence in other countries on the success of such demand-side policies, focused on consumers, for example:

- ‘In Switzerland, the government gave extensive support to heroin dependents in the 1980s, which in turn reduced overall consumption in the country and lowered crime rates.
- ‘In Portugal, depenalising drug consumption and shifting resources away from enforcing drug laws to providing adequate healthcare was also extremely effective in lowering consumption.’

- Safer consumption practices, such as developing safe-injection sites for harmful substances, has proven to reduce overdose rates and led to a drop in consumption.¹²

While the evidence points to the effectiveness of demand-side approaches, political will to introduce and implement these can be weak. Politicians – especially if they are in a vulnerable position electorally – could be afraid of being seen as ‘weak’ on combatting the drugs trade, or of being blamed for any adverse consequences. In sum, political considerations play a massive role in determining how SOC and drug trafficking is tackled, and lack of political will to take on board evidence-based alternative approaches is common.

6.3. Case study 2: trafficking in persons for forced labour

Organised criminal groups across the globe are heavily involved in trafficking in persons. Human trafficking can be for different purposes, with the main ones being trafficking for forced labour, and trafficking for sexual exploitation. With regard to trafficking for forced labour (labour exploitation), efforts to combat this follow a similar pattern to efforts to combat drug trafficking; that is, with a focus on supply-side rather than demand-side measures. Supply-side approaches include raising awareness among vulnerable groups of the risks involved; and supporting job creation, livelihoods, microcredit, and so on in origin countries so people don’t feel the need to migrate for work – and hence are less likely to fall into the hands of traffickers. However, as with anti-drug trafficking measures, these have proved ineffective. Organised crime groups can easily recruit from other areas – ‘the sheer size of the potential supply pool’ calls into question the efficiency of an approach that attempts to reduce the number of people vulnerable to exploitation (Marshall, 2020: 7). In addition, it is extremely difficult to remove the underlying socioeconomic drivers of labour trafficking. Marshall (2020: 7) concludes:

I am yet to see evidence that supply-side prevention interventions such as poverty alleviation, micro-credit, education, most of which have been going on for several decades under other names, have or can have any real impact on trafficking in overall terms. Further, I am yet to see a theory of change which suggests how this even might work.

As with drug trafficking, the failure of supply-side approaches has led to some shift to demand-side measures. Key interventions in relation to trafficking for forced labour are (GRETA, 2020: 17):

- Criminalise the use of services of victims of trafficking with the knowledge that the person is a victim.

¹² <https://www.ohtn.on.ca/Pages/Knowledge-Exchange/Rapid-Responses/Documents/RR83-Supervised-Injection-Effectiveness.pdf>

- Adopt measures to improve labour conditions in sectors prone to the use of trafficked labour, through strengthening and enforcing labour standards and regulations.
- Regulate or license employment and recruitment agencies.
- Adopt legislation integrating the prevention of human trafficking in public procurement policies and promoting transparency in supply chains.
- Promote public-private partnerships.
- Engage NGOs and trade unions through strategic partnerships.
- Support consumer-based action against products made from exploitative labour.

Many of these approaches are based on the simple principle that trafficking for labour takes place to promote profits, and if those profits can be reduced or made harder to secure, this will reduce human trafficking. As Marshall (2012: 1) explains:

So it seems clear that if we are able to limit the rewards, while also working to address the values (e.g. indifference to suffering of people seen as different on the basis of race, sex, age or social status) that provide an enabling environment for exploitation and the forced labour and services of trafficking, we are going to have an impact on the problem.

How does political will influence efforts to combat trafficking for forced labour? In 'origin' countries, governments can be reluctant to combat trafficking in persons because this is often linked with regular and irregular migration, and remittances from migrant workers are important for the country's economy. Filipino domestic workers in the Gulf, many of whom work in highly exploitative conditions, are an example: the remittances from Filipino domestic workers are vital to the Philippines economy and can erode political will to tackle trafficking (and abuse faced by workers in Gulf countries). Political will can also be undermined by strong economic ties to, or dependence on, destination countries: Indians, for example, can be similarly trafficked and exploited in the Gulf countries, but the Indian government is keen to develop economic relations with those countries and hence reluctant to speak out. A third aspect in origin countries is direct collusion between organised criminal gangs involved in trafficking in persons and government officials such as immigration officers – collusion that can extend to the highest levels of government.

In 'destination' countries, political will to tackle labour exploitation can be weak for similar reasons. 'Governments are often reluctant to address these issues for fear of alienating private sector interests' (Marshall, 2020: 8). Many sectors into which people are trafficked are often covered by labour laws and standards, but enforcement is often weak. 'Countering exploitative practices/trafficking and forced labour in these sectors would require not just stronger action against employers found to be in breach of these laws and standards but also measures to ensure that migrant workers have access to remedies for exploitation and abuse, regardless of their legal status' (Marshall, 2020: 3). Political will to provide the resources and capacity needed could be lacking – governments have other priorities. The literature highlights the role that consumer pressure can play in overcoming such obstacles, and the role of promoting action to

tackle human trafficking. 'Alternative impetus for improved labour conditions may be obtained by harnessing the power of consumers and a distaste for products and services produced by unfree labour' (Marshall, 2020: 8).

Example: Child camel jockeys in United Arab Emirates

The experience of child camel jockeys in the United Arab Emirates (UAE) (and other Gulf countries) illustrates the influence of political will in relation to anti-trafficking efforts.

For years in the previous three decades, children as young as two were trafficked from poor regions of Pakistan, India, Bangladesh and Nepal to the UAE to work as camel jockeys. Camel racing has become a very lucrative and prestigious sport in Dubai and other Gulf countries, and child jockeys were favoured because of their light weight and because their screams (of terror) can spur the camels to race. Children were either sold by their families to middle men, or kidnapped: they were taken to the Gulf by being passed off as sons of people working there. This entailed collusion on the part of government and immigration officials in both origin countries and destination countries. The children were treated appallingly: cut off from their families, deliberately starved to keep their weight down, imprisoned on camel farms, physically and often sexually abused, and forced to ride in very dangerous races where many were injured or even killed.¹³

Despite the clear exploitation of such children, neither the authorities in origin countries such as Pakistan, nor the government in the UAE, took steps to end the practice – given the popularity of the sport in places like Dubai, and the economic importance of the UAE to South Asian countries, no action was taken. As Gluckman (n.d.) notes:

In Dubai, the situation is condoned at every level, including the government, from immigration authorities to police. It's more than status quo, it's what happens when society standards are set by the state. In a kingdom ruled by oil, where the media is muffled and everyone sets aside ethics to placate the sheiks and sultans. Locals accept the races, even if they don't participate. Arabs hold to the heritage line. Those of Indian descent, who might be expected to express outrage, especially since they outnumber Dubai natives by three to one, accept the situation as just another ugly condition of wealth.

It was only when journalists and NGOs such as Anti-Slavery International began to expose the plight of child jockeys that governments in the region came under pressure to take action. The UAE initially passed a law in 1993 banning the participation of children in camel racing, but this was widely ignored and the practice continued. Further exposure and pressure led to a new law in 2005 making it illegal for children under the age of 15 to be used as camel jockeys. Other measures, including repatriating child jockeys to their home countries, providing compensation, and more stringent immigration checks, were introduced. In addition, robot jockeys were devised to replace children in the races. These steps have contributed to a massive reduction in the number

¹³ <https://2001-2009.state.gov/g/tip/rls/fs/2005/50940.htm>

of children being trafficked and used as camel jockeys, though the problem has not been eradicated completely.

The experience of many domestic workers from South Asia, the Philippines and other developed countries, who are lured or trafficked to the Gulf, is very similar: they often face various forms of abuse and exploitation, but political will to tackle the issue, on the part of both their own governments and those of Gulf countries, is weak.

7. Political will, SOC and COVID-19

Experience shows that conflicts and humanitarian emergencies create opportunities for SOC, and all the evidence to date points to the COVID-19 pandemic being no different. The COVID-19 pandemic has restricted some 'traditional' forms of SOC; for example, border lockdowns made movement of illicit goods more difficult. However, the literature clearly points to organised criminal groups having adapted their activities to the new conditions – and opportunities – offered by the pandemic, and to an overall rise in criminal activity. 'Analysis suggests that organised crime's long-standing combination of territorial and transnational activity enables tremendous adaptability as criminal enterprises continue to operate and diversify during crises' (Herbert & Marquette, 2021: vii). Key factors in relation to the pandemic facilitating organised crime include (Europol, 2020: 13-14):

- **'Online activities:** More people are spending more time online throughout the day for work and leisure during the pandemic, which has greatly increased the opportunities for various types of cyber-attacks, fraud schemes and other activities targeting regular users.....
- **'Demand for and scarcity of certain goods,** especially healthcare products and equipment (see below), is driving a significant portion of criminals' activities in counterfeit and substandard goods, organised property crime and fraud. A potential economic recession may also stimulate social tolerance for these types of goods and their distribution.
- **'Payment methods:** With a shift of economic activity – including shopping for everyday goods – to online platforms, cashless transactions are increasing in number, volume and frequency. Even offline transactions are shifting to cashless payment options, as cash is seen as a potential transfer medium for COVID-19. Cashless payment options are likely to continue to gain in popularity and plurality covering credit card payments, payment platforms, virtual currencies and other mediums.
- **'Criminal use of legal business structures and money laundering:** The ease of establishing legal business structures has been of great benefit to the economy. However, this has also been effectively exploited by organised crime. During the COVID-19 pandemic, criminals have quickly exploited established legal business structures to orchestrate supply and fraud schemes, the distribution of counterfeit goods and money laundering.
- **'Economic downturn:**Rising unemployment, reductions in legitimate investment and further constraints on the resources of public authorities may combine to present greater opportunities for criminal groups, as individuals and organisations in the private and public sectors are rendered more vulnerable to compromise. Increased social tolerance for counterfeit goods and labour exploitation has the potential to result in unfair competition, higher levels of organised crime infiltration and, ultimately, illicit activity accounting for a larger share of GDP. At the same time, trends for domestic human trafficking and organised property crime within the EU may intensify as a result of economic disparity between Member States.'

Two forms of SOC (among others) that are either increasing or likely to increase as a result of the pandemic are human trafficking, and 'health sector related' crime. With regard to trafficking in persons, Wagner and Hoang (2020: 14) explain that the pandemic is causing further disruption to state structures and systems, and to livelihoods, meaning 'that more people are unable to meet their basic needs, receive only limited state support and are poorly protected by the rule of law'. It thus exacerbates the socioeconomic drivers of trafficking and irregular migration, and weakens preventive and protection mechanisms (NGOs are also facing huge constraints in carrying out their activities). Wagner and Hoang (2020: 14) warn that the virus will increase 'both the number of displaced people in states affected by conflict and humanitarian crises, and their vulnerability to trafficking'. Moreover, there are predictions that the increased desperation of migrants in camps and in transit countries will facilitate recruitment by non-state armed groups such as ISIS and Boko Haram (Wagner & Hoang, 2020). The longer and more severe the pandemic, the greater these risks.

Dellasega and Vorath (2020: 4-5) list similar factors contributing to a rise in exploitation and human trafficking: increased economic hardship, school closures, migrant workers trapped in foreign countries without work, increased difficulty of moving people across borders (smugglers demand more money for migrants and are more likely to exploit them), and the fact that detection of human trafficking has become harder.

With regard to crimes specific to the health sector in response to the pandemic, the literature highlights a number of different forms:

- 1 **Crime groups taking advantage of demand for PPE and medical supplies:** shortages in medical equipment and basic supplies create a market for counterfeit goods and profiteering. Ditcham (2020) predicts a rise in the number of fake sites claiming to have access to stocks of such products: 'In reality, these will either peddle fake drugs or will use their sites to gain access to bank details of would-be customers' (see below). The Economist (2020) reported that the urgent need for PPE has 'opened up a new field for ineffective, overpriced or even non-existent goods'. It identifies two factors that have helped the criminals: 'the waiving of normal procurement controls by governments desperate to protect their health workers; and the impossibility of arranging face-to-face meetings between customers and suppliers' (The Economist, 2020). Jespersen (2020: 15) gives examples of large-scale scams involving organised criminal groups: a) 'Operation Pangea, a longstanding Interpol operation that aims to disrupt the online sale of counterfeit and illicit health products, seized over 34,000 counterfeit surgical masks between 3-10 March 2020'; b) 'a Europol investigation uncovered a company in Singapore that accepted a €6.6 million payment for alcohol gels and FFP3/2 masks that were never dispatched'; c) 'in the Czech Republic, a shipment of 680,000 masks and 28,000 respirators was intercepted by authorities that had been diverted from Italy'. This indicates that the involvement in health sector supply chains may be heightened as a result of the pandemic.
- 2 **Crime groups taking advantage of vaccine demand:** Crime in relation to COVID-19 vaccines is particularly worrying. Firstly, a 'black market in any COVID-19 vaccine, real or counterfeit, carries twin dangers: people who receive it may behave as if they are immune to the disease when they are not, endangering their own and

others' lives; and it could throw a spanner in the works of ongoing vaccine trials' (Spinney, 2020). Secondly, in September 2020, crime scientists 'warned of possible thefts of vaccine shipments, bribes and backhanders for preferential treatment from suppliers, and even the chilling prospect of deliberate virus-spreading "to prime the market". They urged governments to resist the temptation to wave through light-touch controls on vaccine supply lines, fearing that these would only fuel crime' (Spinney, 2020). Since then, action has been taken, including seizure of a number of fake COVID-19 vaccines, and online ads for others being taken down by police, but equally, 'there have been reports of vaccine thefts and cyber-attacks on organisations that are distributing the real vaccines' (Spinney, 2020). 'On 2 December 2020 Interpol issued an orange notice warning that vaccine crime represented "a serious and imminent threat to public safety" and calling on law enforcement agencies globally to stay alert' (Spinney, 2020).

3 **Crime groups using the pandemic for cybercrime:** Jespersen (2020: 15) explains:

Generally speaking, the scope for cybercrime has increased with COVID-19, with more people working from home online, and potentially distracted by family members also at home. The use of 'coronavirus' and 'COVID-19' in domain names, email addresses, phishing and malware schemes has already become a significant problem. This can have a direct impact on healthcare systems. It can include phishing campaigns and malware distribution through websites providing information and advice on COVID-19, which infect computers and extract information, as well as ransomware shutting down medical, scientific or health related facilities, which occurred in the Czech Republic, or misinformation to increase panic and distrust.

Ditcham (2020) also highlights the problem of cybercrime as people become desperate to buy face medicines and sanitary products such as masks, and become less cautious than normal, giving criminals access to their bank details. 'Amongst the issues that hospitals are having to deal with are reported threats from hackers who are using fake emails from what appears to be the World Health Organisation (WHO) – emails which, once opened, give criminals access to personal files. The threat of leaking confidential patient data would then be used as a form of ransom to extort large sums of money' (Ditcham, 2020). Ditcham (2020) reports that 'the BBC has identified a number of further cyber scams that include "click here for a cure", fake government offers of a tax refund, as well as sites impersonating the WHO or purporting to represent the US Centers for Disease Control and Prevention. Many ask for a "donation" to help the fight against the pandemic, but are inevitably just scams'.

4 **OCGs increasing their legitimacy by supporting affected communities:** There is also potential that organised crime groups will use the pandemic to increase their legitimacy by supporting communities. The Global Initiative against Transnational Organised Crime highlights previous examples, such as the Yakuza in Japan acting as first responders following the earthquakes and tsunamis in Japan, the Jalisco cartel providing aid to hurricane victims in Mexico, and al Shabaab providing relief and food assistance during Somalia's droughts (Jespersen, 2020: 16). Spinney (2020) describes the role of criminal gangs in the pandemic: 'Spotting a propaganda opportunity, in some places they have extended their sway by stepping in to help where official responses to the crisis were seen to have fallen short'. For example:

‘(i)n Brazil, while the current president, Jair Bolsonaro, has been slow to respond to coronavirus, gangs in the favelas have enforced curfews to minimise the spread’ (Jespersion, 2020: 16); in Japan, the Yakuza offered to disinfect a quarantined cruise liner and handed out free masks and toilet paper (Jespersion, 2020; 16; Spinney, 2020); and gangs in Cape Town called a temporary truce to hand out food parcels (Spinney, 2020). Europol (2020: 14) warns that organised crime will be more socially acceptable as OCGs increasingly infiltrate economically weakened communities to portray themselves as providers of work and services.

Not surprisingly, there is little literature on responses to SOC and COVID-19, and in particular on political will in relation to these issues. However, factors likely to affect political will to combat SOC related to the pandemic include:

- Lack of public resources on the part of governments in both developed and developing countries, due to the economic downturn caused by the pandemic (reduced income) and rising spending needs.
- Prioritisation of combatting the ‘direct’ effects of the pandemic; for instance, health care, lockdowns, job losses, and so on; and hence a lack of focus on SOC.
- Disparities between developed and developing countries (and within each of these groups) with regard to health systems, vulnerability, resources, preparedness for major health crises such as pandemics, and so on.

It is also worth noting that, despite a long record of humanitarian and other crises fuelling SOC, there are few signs of political leaders being prepared for this in the case of the pandemic, and of them rapidly implementing anti-SOC measures.

8. Conclusion

This review of existing evidence demonstrates why political will may be essential for effectively tackling SOC, illicit finance and transnational corruption, but also why it is challenging to find it, measure it and create demand for it. While much of the literature focuses on countries where weak governance is generally a problem, the review also shows how political will to tackle these challenges cannot be presumed to exist in wealthier countries where governance may not be weak but where many of the enablers of SOC, illicit finance and transnational corruption are present.

The next step in SOC ACE's pilot research phase will be the development of a short conceptual paper that builds on Malena's 2009 work on political *want*, political *can* and political *must*, as well as a number of research projects built around the five initial themes set out here in this paper that have at their heart the aim to support the development of more politically feasible reforms in the future.

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