ICIR 304 Transnational Crime

Course Description and Aims
This course provides opportunities for students to explore, analyze and critically evaluate issues related to transnational crime and international cooperative efforts to combat it. The definition of transnational crimes used in the course is that contained in the United Nations Convention Against Transnational Organized Crime and as elaborated by Albanese (2011). All of the crimes we will deal with have direct or indirect effects on two or more countries and are carried out for profit. Tackling them therefore requires international cooperation. Most of the following transnational crimes will be covered especially in terms of their economic, political and social impacts: money laundering; corruption; the international drug trade; trafficking of humans for sex, marriage, labor, and organs; cybercrime; and counterfeiting. Where relevant, international conventions designed to combat these transnational crimes will be investigated critically as will the role and structure of INTERPOL and its means and problems of enforcement (with a special focus on the political use of Red Notices) and the role and practice of extradition under International law will be critically assessed, especially as it impacts international political relationships and individual human rights. Students are encouraged to develop their own positions on the transnational crime issues addressed, particularly in relation to impacts of the international legal architecture on poorer countries and on individual human rights.

The scope of transnational crime; agencies and institutions involved in interdiction efforts; efforts to control smuggling and piracy; tax evasion and money laundering; human trafficking networks; the international drug trade; intellectual property rights regimes and violations; cybercrime; terrorism; crimes against humanity.

Lecturer: Iljas Baker; email: iljas.baker@mahidol.ac.th
Office and office hours: by appointment

Assessment

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance and Participation</td>
<td>10%</td>
</tr>
<tr>
<td>Examinations</td>
<td>50%</td>
</tr>
<tr>
<td>Presentation</td>
<td>10%</td>
</tr>
<tr>
<td>Focused group discussions</td>
<td>10%</td>
</tr>
<tr>
<td>Short essays</td>
<td>20%</td>
</tr>
</tbody>
</table>

Course Learning Outcomes
At the completion of the course students will be able to:

1. Provide information on the incidence of prevailing forms of transnational criminal activity and explain some of the major problems of collecting information on the incidence of transnational crimes.
2. Explain the principal contexts and consequences of transnational criminal activity.
3. Describe the principal international conventions and agencies involved in combating transnational crime and evaluate their success.
4. Propose solutions to some of the problems identified in combatting transnational crime.
5. Develop their own positions on issues addressed, particularly in relation to impacts of the international legal architecture on poorer countries and on individual human rights.
<table>
<thead>
<tr>
<th>Topic No.</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction: Transnational Crime and the Palermo Convention</td>
</tr>
<tr>
<td>2</td>
<td>Money Laundering</td>
</tr>
<tr>
<td></td>
<td>Money Laundering</td>
</tr>
<tr>
<td>3</td>
<td>Corruption</td>
</tr>
<tr>
<td></td>
<td>Corruption</td>
</tr>
<tr>
<td>4</td>
<td>Human Trafficking</td>
</tr>
<tr>
<td></td>
<td>Human Trafficking</td>
</tr>
<tr>
<td>5</td>
<td>Human Trafficking</td>
</tr>
<tr>
<td>6</td>
<td>Student Presentations on Selected Topics</td>
</tr>
<tr>
<td></td>
<td>Mid-term exam</td>
</tr>
<tr>
<td>7</td>
<td>Counterfeiting of consumer goods</td>
</tr>
<tr>
<td></td>
<td>Counterfeiting of medicines and medical products</td>
</tr>
<tr>
<td>8</td>
<td>Drug Trafficking</td>
</tr>
<tr>
<td></td>
<td>Drug Trafficking</td>
</tr>
<tr>
<td>9</td>
<td>Cybercrime</td>
</tr>
<tr>
<td></td>
<td>Cybercrime</td>
</tr>
<tr>
<td>10</td>
<td>Interpol</td>
</tr>
<tr>
<td></td>
<td>Interpol</td>
</tr>
<tr>
<td>11</td>
<td>Extradition</td>
</tr>
<tr>
<td>12</td>
<td>Revision</td>
</tr>
<tr>
<td></td>
<td>Group Presentations</td>
</tr>
</tbody>
</table>

### Assessment Methods & Criteria

1. **Classroom Participation (10%)**
   Students will receive between 0% and 5% for attendance, with lateness a consideration. Students will also receive between 0% and 5% for participating in class; this includes being an active participant in discussions and asking and answering questions.

2. **Mid-Term Examination (25%)**
   The mid-term exam will be held in Week 6 and covers all the topics from Weeks 1 to 5. It is an open book exam. Students are required to respond to the questions in the form of short essay answers. Questions will test the students’ knowledge and understanding of some aspects of the topics covered.

3. **Group or Individual Presentations (10%)**
   The group presentations will be conducted in Weeks 6 and 12. In groups of two or individually will present a case study illumination one of the transnational crimes presented in class. Presentations must show a thorough understanding of the main actors involved, the extent of the criminal activity, an assessment of the legal response and suggestions for improvement.

4. **Final Examination (25%)**
   The final examination is held in Week 13. It all the topics covered between weeks 7 and 11. It is an open book exam. Students are required to respond to the questions in the form of short essay answers. Questions will test the students’ knowledge and understanding of the some aspects of topics covered.

5. **Focused group discussions (10%)**
   These will take place once before the mid-term exam and once before the final exam. Discussions will focus on two papers chosen for the strength of their authors’ arguments and their contribution to our understanding of some aspect of transnational crime. Students are expected to analyze the authors’ arguments and assess their strengths and weaknesses. They then submit a 500-word essay containing an assessment of the authors’ main arguments and pointing out how they could be strengthened in terms of methodology and/or evidence.

6. **Short essays (20%)**
Students are asked to submit a short essay (approximately 1,000 words) related to one of the assigned readings. One essay is to be submitted in week 6 and one is to be submitted in week 12. Students must demonstrate that they have thought deeply and critically about the arguments presented in the readings.

**Introduction to Transnational Crime**

**Topic description:** Introduction to transnational crime generally and transnational organized crime specifically. The relationship between globalization and transnational crime and the difficulties this poses for combating transnational organized crime. We will also look at how transnational organized crime groups have changed in structure from hierarchical to networked, and the growing relationship between transnational organized crime and international terrorism. The goals of the TOC Convention and its shortcomings will also be featured.

**Expected learning outcome:** Students will understand how changing political, social, economic and technological environments have been advantageous for the growth of transnational criminals, the threats posed by transnational crime and the difficulties of combating it. Students will also understand the blurring of the lines between TOC groups and international terrorists and the major elements of the TOC Convention, the links between the Convention and the Supplementary Protocols and the weaknesses of the Convention.

**Suggested readings and activities:**
- Discussions will focus on fostering a critical perspective to Albanese’s typology of transnational crime and the role of globalization in the growth of transnational crime. They will also focus on assessing the main elements of the Convention in combating transnational crime.

**Money Laundering**

**Topic description:** This will cover the role of money laundering in transnational crime and techniques of money laundering. There will also be a focus on combating money laundering and the work of the Financial Action Task Force and other international instruments, including the United States’ Patriot Act.

**Expected learning outcome:** Students will understand the place of money laundering in sustaining the activities of international criminals, how money is laundered and efforts to combat it with special attention to the work of the Financial Action Task Force. They will also understand why it is difficult to measure and therefore difficult to assess the effectiveness of anti-money laundering efforts.
Suggested readings and activities:
- Discussions will focus on techniques of money laundering and on specific case studies presented in class.

**Corruption**

**Topic description:** This will cover some of the difficulties of defining corruption, types of corruption and the relationship between corruption and political systems especially authoritarian states and democracies. There will also be a focus on the difficulties of measuring corruption and a critical look at the Transparency International Perceptions of Corruption Index. Lastly we will look at how to combat corruption.

**Expected learning outcome:** Students will understand how corruption facilitates transnational crime and the damage it causes to society, types of corruption and the difficulties of combating corruption. They will be able to analyze the relationship between systems of governance and the extent of corruption.

**Suggested readings and activities:**
- Activity - We will look at the TI Corruption Perceptions Index online and discuss what we find there noting the political systems of the least corrupt countries and discussing how countries that are the least corrupt at home may still engage in corrupt activities abroad. The Boehm (2015) reading will be assigned for close reading and critical analysis.

**Human Trafficking**

**Topic description:** We will focus on defining human trafficking distinguishing between it and illegal migration, the extent of human trafficking, human trafficking for sex, marriage, labor exploitation and organ harvesting the pattern of human trafficking, human trafficking and unequal development, the Palermo Protocol on human trafficking, combating human trafficking.

**Expected learning outcome:** Students will understand the difference between human trafficking and illegal migration and the possibility of their interchange, the “push” and “pull” factors and the pattern of human trafficking and the different types of human trafficking. They will also understand the difficulties of combating human trafficking and how misguided efforts can lead to human rights violations.
Suggested readings and activities:

Activity - There will be an initial exercise to see if the students can distinguish between cases of human trafficking and illegal migration. Discussions will focus on the issue of legalizing prostitution and the implication of this for human trafficking. The Burza paper (see suggested readings) will assigned for close reading and critical analysis and will be a designated focus of discussion.

**Student Presentations of Case Studies & Midterm Exam**

Students will present in groups based on content assigned from the prior 6 weeks as well as attend and complete a midterm examination that consists of short essay questions derived from the course material. A short essay will also be handed in based on one of the designated seminar papers. These activities will enable the instructor and the students to gauge how well they (the students) grasp the topics covered and can think critically about them.

**Counterfeiting**

*Topic description:* This will focus on the links between organized crime and counterfeiting and whether counterfeiting is a victimless crime. The counterfeiting of consumer goods and medicines and medical products will be analyzed. Government supported counterfeiting and its contribution to the GDP of selected countries will also be addressed.

*Expected learning outcome:* Students will understand the links between organized crime and counterfeiting and will be able to think critically about whether counterfeiting is a victimless crime. They will understand the extent and seriousness of counterfeiting and will be aware of government supported counterfeiting and its contribution to the GDP of selected countries. They will be able to assess efforts (both legal and technological) to combat counterfeiting.

Suggested readings and activities:
Discussions will focus on the counterfeiting of foods and pharmaceuticals.

Drugs Trafficking

**Topic description:** This covers the global trafficking of illicit psychoactive drugs, trafficking routes and drug cartels as well as the use of the “dark net” for the trafficking of drugs. We will also investigate attempts at interdiction, crop eradication, alternative livelihoods and licensing and their utility. The issue of legalization is explored in some detail.

**Expected learning outcome:** Students understand the extent and patterns of trafficking, the variety of groups involved and trafficking modalities, why violence is an inherent feature of drug trafficking, and attempts at combating drug trafficking. Students can analyze the economic, political and social issues related to drug legalization or decriminalization.

**Suggested readings and activities:**
- Martin, J. (2014). *Drugs on the dark net: how cryptomarkets are transforming the global trade in illicit drugs.*
- Class discussions will focus on the issue of universal legalization.

Cybercrime

**Topic description:** The focus here will be computer mediated and computer assisted crimes. A typology of cybercrime will be presented and some major case studies showing the costs to society of cybercrime and the need to increase efforts to combat it. International instruments designed to combat cybercrime will also be investigated especially the Patriot Act and the Budapest Convention.

**Expected learning outcome:** Students will understand the factors behind the growth of cybercrime, its seriousness and particularly its threat to national security. They will understand the importance of combating it and assess the kinds of measures that can be taken to combat it especially those that promote international cooperation.

**Suggested readings and activities:**
- Discussions will focus on some of the case studies presented by the instructor.
**Interpol**

**Topic description:** This will focus on the growth of transnational crime and the need for international cooperation to combat it. The early history of Interpol and its current structure and goals. The uses and misuses of Red Notices.

**Expected learning outcome:** Students will understand the important role Interpol has to play in combating transnational crime but will also understand how it can be misused for political reasons (contrary to its constitution) and how Red Notices in particular can violate human rights.

**Readings and activities:**
- Discussions will focus on the misuses of Interpol and how politically motivated Red Notices lead to human rights violations.

**Extradition**

**Topic description:** This will present a brief history of extradition, why it is thought to be necessary, how extradition is dealt with in international and domestic law, why extradition treaties don’t always lead to extradition requests being granted. It will also explore issues of sovereignty and the non-extradition of nationals and reasons for refusing an extradition request.

**Expected learning outcome:** Students will understand the development of the practice of extradition and the significance of extradition and why a request is granted or rejected. They will also understand why some states prefer to try their own citizens at home for crimes committed abroad or for crimes that have caused damages abroad. They will be able to analyze and think critically about the notion that some extraditions may put political interests before individual human rights.

**Suggested readings and activities:**
Discussions will focus on case studies of extradition requests made by the United States to the United Kingdom.

**Student Presentations and Revision**

**Topic description:** Students will present on an assigned topic and revise for a final examination. Students will present in groups based on content assigned from the prior 5 weeks. These presentations will enable the instructor and the students to gauge how well they (the students) grasp an aspect or aspects of the topics covered and can think critically about them. Revision will focus on the suggested and assigned readings addressing controversies, complexities and major arguments.