



Mahidol University
International College

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.

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Office and office hours: by appointment

Assessment

Attendance and Participation	10%
Examinations	40%
Presentation	20%
Focused group discussions	10%
Short essays	20%

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.

Topic No.	Topic
1	Introduction: Transnational Crime and the Palermo Convention
2	Money Laundering
	Money Laundering
3	Corruption
	Corruption and 1 st Focus-Group Discussion
4	Human Trafficking
	Human Trafficking
5	Human Trafficking
6	Mid-term exam (and 1 st Short Essay Due)
7	Counterfeiting of consumer goods
	Counterfeiting of medicines and medical products
8	Drug Trafficking
	Drug Trafficking
9	Cybercrime and 2 nd Focus-Group Discussion
	Cybercrime
10	Interpol
	Interpol
11	Extradition and Student Presentations on Selected Topics
12	Final Exam (and 2 nd Short Essay Due)

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 (20%)

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. Individual Presentation (20%)

The individual presentation will be conducted in Weeks 6 and 12. Each student will present a 10-minute case study illuminating one of the transnational crimes presented in class. The presentation 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. Scores will be evaluated based on (1) PowerPoint preparation, (2) the delivery of the information, and (3) the content of the presentation.

4. Final Examination (20%)

The final examination is held in Week 12. 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. Two focused group discussions (10%)

These will take place once before the mid-term exam and once before the final exam. Discussions will focus on a couple of given questions related to the learned topics. A group of 4-5 students is expected to explain, discuss, and analyze the issues according to the questions asked.

Representatives of each group then present their responses to the class about 10 minutes.

6. Two 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; the other to be submitted in week 12.

Students must demonstrate that they have thought deeply and think 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 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:

- Albanese, J.S. (2011). The Universe of transnational crime. Chapter 1. *Transnational crime and the 21st century: criminal enterprise corruption, and opportunity*. pp. 1-10.
- Goldsmith, A. (2016). Organized crime: threat and response in the global era. In Globalization and mobility. In Marmo, M. & Chazal, N. (2016). *Transnational crime & criminal justice*.
- Standing, A. (2010). *Transnational organized crime and the Palermo Convention: a reality check*. International Peace Institute. [online]. Available at https://www.ipinst.org/wp-content/uploads/publications/e_pub_palermo_convention.pdf.
- *The United Nations Convention against transnational organized crime and the three supplementary protocols* (Available at <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>).

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:

- Albanese, J.S. (2011). *Transnational crime and the 21st century: Criminal enterprise, corruption, and opportunity*. Chapter 9: Money laundering.
- Kruisbergen, E.W., Leukfeldt, E.R., Kleemans, E.R. & Roks, R.A. (2019). Money talks money laundering choices of organized crime offenders in a digital age. *Journal of Crime and Justice*, 42(5), 569-581.

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:

- Holmes, Leslie. (2015). What is corruption? Chapter 1 & Why corruption is a problem. Chapter 2. *Corruption: a very short introduction*. (pp. 1-17 & 18-35).
- Hough, D. (2017). *The Corruption Perceptions Index: Much Ado About Nothing*. University of Sussex, UK. [online]. Available at <https://scsussex.wordpress.com/2017/01/25/the-corruption-perceptions-index-cpi-much-ado-about-nothing/>.
- Interpol Report on *Global Standards to Combat Corruption in Police Forces / Services*. Available at <https://policehumanrightsresources.org/content/uploads/2001/01/Global-Standards-to-Combat-Corruption-in-Police-Forces-Services.pdf?x96812> (13 pages)

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 differences 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:

- Albanese, J. (2011). Human trafficking. *Transnational crime and the 21st century: criminal enterprise corruption, and opportunity*. Chapter 5.
- Jones, Loring; Engstrom, David; Hilliard, Patricia; Sungakawan, Decha. (2011). Human trafficking between Thailand and Japan: Lessons in recruitment, transit and control. *International Journal of Social Welfare*, 20(2), 203-211.
- Schepper-Hughes, N. (2014). Human trafficking: exposing the brutal organ trade. *New Internationalist*, May.
- United States, Department of State. (2021). *Trafficking in Persons Report 2020*. [online]. Available at <https://www.state.gov/reports/2020-trafficking-in-persons-report/>
- UNODC. (2015). *Assessment toolkit: Trafficking in persons for the purpose of organ removal*.

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:

- Albanese, J. 2011. Counterfeiting. *Transnational crime and the 21st century: criminal enterprise corruption, and opportunity*. Chapter 4.
- Grackin, A. (2008). Counterfeiting and piracy of pharmaceuticals: Reducing the risk in global supply chains. *IEEE Engineering in Medicine and Biology Magazine*, November/December 2008, pp. 66-69. Available at https://www.hawaii.edu/csati/summit/Pharma_Grackin.pdf
- Keitel, Susan. (2012). The MEDICRIME Convention: criminalizing the falsification of medicines and similar crimes. *GaBI Journal*, 3-4 [online]. Available at <http://gabi-journal.net/wp-content/uploads/GJ-2012-3-4-p138-41-SpecialReport-Keitel.pdf>
- UNODC. (2014). Focus on the illicit trafficking of counterfeit goods and transnational organized crime. [online]. Available at http://www.unodc.org/documents/counterfeit/FocusSheet/Counterfeit_focussheet_EN_HIR_ES.pdf. (10 pages)

Drug 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 learn the role of the United Nations’ Office on Drugs and Crime (UNODC) that relates to the drug problems. 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:

- Albanese, J.S. (2011). Drug trafficking. Chapter 2. *Transnational crime and the 21st century: criminal enterprise corruption, and opportunity*. pp. 1-10.
- United Nations’ Office on Drugs and Crime (UNODC)’s website is at <https://www.unodc.org/unodc/en/data-and-analysis/drug-production-and-trafficking.html>
- Legal framework for drug trafficking is available at <https://www.unodc.org/unodc/en/drug-trafficking/legal-framework.html>
- The Paris Pact is available at <https://www.unodc.org/unodc/en/drug-trafficking/paris-pact-initiative.html>

Cybercrime

Topic description: The focus 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:

- Albanese, J.S. (2011). Cybercrime and fraud. Chapter 6. *Transnational crime and the 21st century: criminal enterprise corruption, and opportunity*.
- Hakmeh, J. (2017). Building a stronger international legal framework on cybercrime. [online] Available at www.chathamhouse.org/expert/comment/building-stronger-international-legal-framework-cybercrime

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 focus will also be on the uses and misuses of Red Notices, the misuses of Interpol and how politically motivated Red Notices lead to human rights violations.

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:

- Cameron-Waller, Stuart. (2008). Interpol: a global service provider. Chapter 3. S. D. Brown (1st ed). 2008. *Combating international crime: the longer arm of the law*.
- Charlotte Malenga & Josseline Rios Velasquez. (2017). The abuse of Interpol's Red notices by states. [online]. Available at <https://reforminginternationalorganizations.wordpress.com/2017/04/17/the-abuse-of-interpols-red-notices-by-states/>
- Hudak, S. & Morris, C. (2013). Improving the effectiveness of the ICPO. *Reforming International Organizations*. [online]. Available at <http://reforminginternationalorganizations.wordpress.com/2013/05/02/improving-the-effectiveness-of-the-international-criminal-police-organization-by-scott-hudak-and-christopher-morris/>

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 do not 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:

- The Council on Foreign Relations' website. What is extradition? How does the process work? Available at <https://www.cfr.org/backgrounder/what-extradition>
- Mann, M., Warren, I & Kennedy, S. (2018). The legal geographies of transnational cyber-prosecutions: extradition, human rights and forum shifting. *Global Crime*. [online]. <https://doi.org/10.1080/17440572.2018.1448272>.