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REPORT

**FOR THE GENERAL COMMITTEE ON
POLITICAL AFFAIRS AND SECURITY**

***“RULE OF LAW: COMBATING TRANSNATIONAL
CRIME AND CORRUPTION”***

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REPORT FOR THE GENERAL COMMITTEE ON POLITICAL AFFAIRS AND SECURITY

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The battle against large-scale organised crime, apart from answering the need for essential moral values, means fighting for the defence of democracy against the unjust conditioning of society, the economy, the media and politics.

Without a fight against crime in the OSCE area as well, there can be no real security policy, let alone policies for the true protection of fundamental human rights.

The figures on the extent of organised crime turnover are staggering and hence too are its invasive capacities which are apt to create a 'dirty' economy and 'dirty' politics aimed at negative and private interests rather than the common good.

We need only recall the UN statement that the burden of the criminal economy, in terms of drug trafficking profits alone, amounts to 2.5% of world GDP.

If there is a field in which the indivisibility of security is not only a choice but also a duty that all OSCE countries share, it is the field of a renewed political and legislative fight against crime.

We cannot surrender in the face of the fundamental duty to defend the rule of law.

There are numerous international documents and agreements that almost all world organisations have adopted regarding the fight against crime, not to mention the international collaboration between Police Forces.

On various occasions and at various formal sessions, the OSCE has also made observations and offered important contributions in this area.

Today we believe that the most useful starting point, not as regards abstract sociological analyses but as regards concrete national legal measures, is the United Nations Convention against Organized Crime approved in Palermo between 12th and 15th December 2000.

In Palermo, where ten years later, not by chance, our Fall Meetings will convene, the international community understood the fundamental concept that Kofi Annan expressed perfectly: “the treaty of Palermo is the demonstration of the international community's will to find a global response to a global challenge so that if crime can cross borders so will the law.”

Thus the objective is clear: the law cannot stop at national boundaries which crime manages to pass with ease.

This means working for policies that are as transnational as possible in order to seriously take on criminal activities that are by their nature 'globalized', while the response of our parliaments and governments is not 'globalized' to the same extent.

Added to which the OSCE area can be defined 'an area of variable legality' because the non-homogeneous nature of our countries' anti-crime legislation leaves open entry points to crime.

If this is true and it is, the political purpose of our work is that of bringing our legislation and parliamentary cooperation against crime into line as far as possible. In concrete terms, six OSCE countries have still not ratified the Palermo Convention. In addition, the UN Convention in Palermo was accompanied by three further Protocols of extraordinary and innovative significance.

The first Protocol introduced for the first time, in terminology as well as policy, the theme of the fight against the traffic of human beings. Only one OSCE country has not signed the Protocol, but a further five countries have not yet ratified it. The second additional Protocol concerns the struggle against the smuggling of migrants that seven OSCE countries have not ratified, and one has not even signed.

Finally, the third Protocol regarding the fight against the illicit production and traffic of arms has not been signed by sixteen OSCE countries and has not been ratified by another twelve, bringing the total to 50% of countries adhering to our organisation.

It is certain that each of these subjects, even if qualitatively and quantitatively different from one another, would merit elaboration.

It is nonetheless undisputed that were all our countries to include every principle of the Palermo Treaty and the three additional Protocols in their national legislation, it would significantly lessen the differences between us and hence facilitate a more robust and effective fight against crime.

Indeed, the Palermo Protocols are the first real legal instrument at global level against the traffic of persons.

Another field in which a coordinated transnational policy is necessary is the fight against money laundering. Indeed, the free circulation of capital cannot include all financial flows. If certain assets have criminal origins or are aimed at criminal or terrorist activity, it must be frozen and intercepted.

The financial war against crime must be based on policies that counter the "black global finance": if the worldwide banking and financial network has black holes, then it is up to the transnational legal network to intervene in offshore centres and wherever a lack of transparency causes easy placing of 'dirty' capital.

In this regard the Italian law providing for the confiscation of Mafia assets is useful, because it takes away from criminals the very things that are most dear to them, in other words, the proceeds of their criminal activity.

In this context every measure that permits the tracing of all flows of money should be intensified. The greatest profits from the criminal black economy come from the production and distribution of drugs. Criminals do not incur any 'entrepreneurial risks' other than those deriving from the effectiveness of the policies countering them.

The United Nations Office on Drugs and Crime in Vienna is effective in its work in Afghanistan to reduce the huge quantities of drugs currently being produced there. However, in order to restrict the supply, OSCE participating States must step up their policies to restrict the demand for such drugs. In addition, the daily struggle, beginning in Afghanistan, that the UN office on drugs and crime in Vienna is involved in, requires a more continuous and robust alliance between our countries.

The objective for all is 'to reduce supply and reduce demand' through synergistic policies, starting in school, to counter the irreversible effects of toxic substances; and on an international level, to put in place uncompromising initiatives against the production of drugs, by means of financial interventions aimed at substituting crops that are today all too profitable for producers..

All these objectives are not achievable without an important legislative effort for transparency of administrative acts and hence against corruption.

The UN Convention against Corruption of 14 December 2005, deriving from the Merida Conference in 2003, which four OSCE countries have yet to ratify, provides for the UN High Commissioner for Anti-corruption to be supported by as many national authorities, and it is to be hoped that parliaments promote specific parliamentary committees aimed at assuring totally transparent administrative procedures that prevent discretionary and unfair treatment on the part of the public administration with respect to citizens.

Finally, two last inescapable observations. The first: There is a territory within the OSCE area that is lacking in any international recognition and is hence a natural area for trafficking of every type since there is no international 'presence'. The area is TRANSDNISTRIA which today constitutes not only a political problem as regards the territorial integrity of Moldova, but also presents an urgent question for the security of the whole OSCE area, that must be resolved.

The second: the new and dramatic phenomenon of maritime piracy that threatens world commerce by sea, until today defended by the ATALANTA Mission in the Gulf of Aden and which calls for a great amount of economic and social support to Somalia and all Sub-Saharan Africa, where today a shocking humanitarian emergency has been reported whose effects bode dangerously for the Mediterranean.

Dear colleagues,

I hope that these elements will be usefully considered in the Draft Resolution that follows so that our Parliamentary Assembly can, over the coming years, recall the formal declaration of Oslo as an important opportunity for the growth and strengthening of policies against crime in our countries and our parliaments.