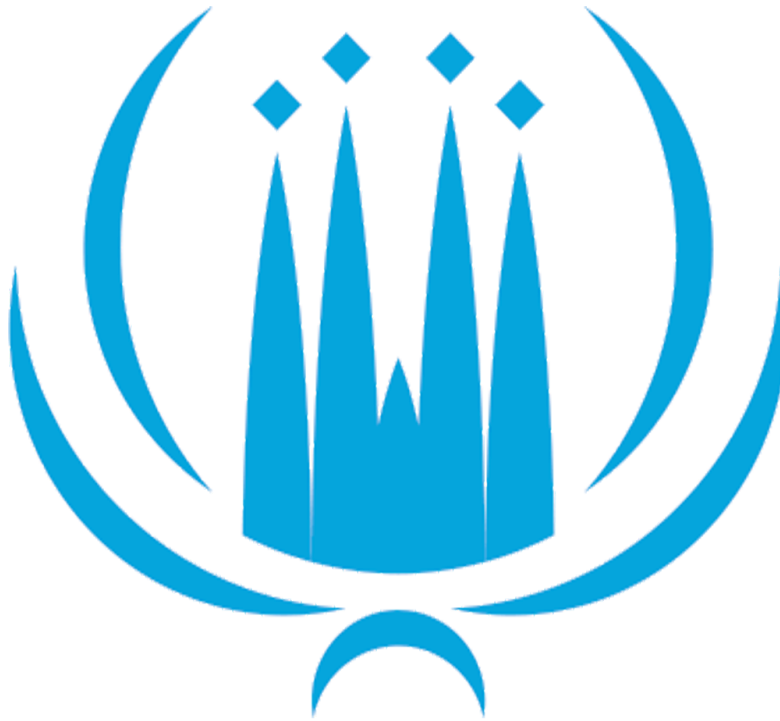




UNODC

BCNMUN 2026

From Crisis to Cooperation:
Navigating Instability in a Globalized World

Table of Contents

Table of Contents.....	2
Introduction.....	3
Definition of Key Terms.....	4
Background Information.....	4
Major Countries and Organisations Involved.....	6
Timeline of Events.....	8
Relevant UN Treaties and Resolutions.....	10
Previous Attempts to Solve the Issue.....	11
Possible Solutions.....	12
Bibliography.....	13

Topic: Dismantling transnational criminal organizations and the limits of national sovereignty in international law enforcement.

Chair: Mikhail Kostyuk

Position: Expert Chair

Introduction

While organized crime can cross borders easily, national laws cannot. A shipment of cocaine can be paid for in one country, produced in a second, transported through a third and sold in a fourth, with the money laundered in a fifth. Any officer that wants to seize it can only act within the laws of their own country. The gap between where the crime happens and where police can act on it forces every state to depend on the cooperation of others, and this committee has to decide what happens when cooperation fails

The groups that use that gap have changed. In July 2026, UNODC reported that criminal groups in the East and Southeast Asia share the same infrastructure and sell services to one another. Victims across East Asia, Southeast Asia, Australia and New Zealand lost between 88.3 and 114.1 billion dollars to scam offences in 2025 alone, up from the estimated 18 to 37 billion dollars in 2023, with most of it run out of industrial scale compounds in the Mekong region, and the plan has spread to Africa, South Asia, the Middle East and the Pacific. Unfortunately, while these groups are able to move fast, the speed at which the legal process built to stop them operates at can be inconsistent, and a majority of the instances takes time.

This slowness is done on purpose. Article 2 of the Charter of the United Nations says that all member states are equal and stops interference in matters belonging to a state's own jurisdiction. A similar rule sits inside the treaty to fight organized crime. Article 4 of the United Nations Convention against Transnational Organized Crime tells state parties to respect sovereign equality, and says that no state party may carry out on another state's territory the functions belonging to that state's own authorities.

Everything in the Convention depends on consent. Several Articles in the Convention obligate the need for one state to ask another to agree. Where the second state is willing and able, the system works. Where it is slow, unwilling, corrupt or absent from part of its territory, the request achieves nothing. Formal requests can take months or years, by which time all pertinent evidence may have been destroyed.

At that point a state chooses between accepting protection and acting alone, and more states now act alone. Criminal groups have been labeled terrorist organizations, and although that designation is a sanctions and criminal law measure rather than an authorization to use force, states have relied on this framing to argue that war artillery should become available. Many instances of boats suspected of carrying drugs have been destroyed instead of being boarded, encrypted phone networks hosted in one country have been hacked by police from another. There are many member states that resist this because sovereignty protects them. Disorder, thievery and crime have been used to justify intervention before, and it is most often that states with inferior power are the ones which are asked to give up ground.

In this committee, every delegation will agree that organized crime should be fought. What should be debated is who may act, where, under whose authority and under what limits.

Definition of Key Terms

Transnational Criminal Organization (TCO)

A criminal group that operates across national borders. The Organized Crime Convention calls this an organized criminal group, meaning three or more people who work together over a period of time to commit serious crimes for money.

National Sovereignty

The right of a state to be the highest legal authority inside its own territory. Every other state has to respect that right.

Jurisdiction

The authority of a state to make law, apply it and enforce it over people, property or conduct. It is usually divided into three kinds: the power to legislate, the power of courts to decide a case, and the power to take physical action. A state may hold one without the others.

Enforcement Jurisdiction

The power of a state to act physically to apply its law, by arresting people, searching places or seizing property. A state may write laws about conduct abroad, but it cannot send officers abroad to enforce them without permission.

Mutual Legal Assistance

The formal process by which one state asks another for help with an investigation. Requests normally pass through a central authority named by each state.

Flag State Jurisdiction

The rule that a ship at sea falls under the authority of the state whose flag it flies. Another state cannot board or search it without permission.

Safe Haven

A territory where a criminal group can operate with little risk of investigation or prosecution. The cause may be an unwilling government, a weak one, or an area that no government controls.

EncroChat and Sky ECC

Two encrypted phone networks used almost exclusively by criminal groups. French and Dutch police broke into EncroChat in 2020 and Belgian, Dutch and French police took apart Sky ECC in 2021, capturing tens of millions of messages that were shared across Europe and used in thousands of prosecutions.

Background Information

Historical Background

The treaties written from the 1960s onwards gave states a common framework for fighting against a trade that no country could on its own, and by the end of the 1980s they had settled the pattern that still governs work at sea. A state that wants to act against another state's craft asks permission first. Since then almost everything built is based on the same compromise. A state gets help beyond its borders by requesting, never by taking it.

The end of the Cold War marked a period where trade and money moved almost without restriction and travel became far easier, European borders opened and shipping numbers increased, while criminal groups spread across jurisdictions faster than police forces could keep up with. Governments were forced to accept the fact that national law was not enough to reach groups which were organized in several countries at once. In 2003, states decided to go through with the Organized Crime Convention, which now binds almost every state in the world. The Convention consists of two central steps, where states first make sure that they both recognize the offense, otherwise the country cannot extradite for the offense. The second step would be to help each other through the extradition, legal assistance and joint investigation, which only works through consent.

Later on, states built two treaties alongside the convention, one around money and one around the internet, due to states finding that criminal wealth and criminal communications usually sit outside the country where the crime was committed. To give states a way to reach the proceeds, the Convention against Corruption went beyond the money laundering and confiscation rules already in the Organized Crime Convention by adding rules on tracing and returning stolen assets, combined with money laundering standards that banks are required to practice. Reaching an agreement for Cybercrime was harder, seeing as several governments refused to join as several proposed treaties let one state reach data held in another without permission first. This objection had never been settled and is still a relevant debate to this day.

After many years running, the Organized Crime Convention had no way of checking whether states were upholding their promises, and when review processes were finally agreed it was built so that it could not intrude, could not punish or could not rank anyone. Oversight was an important final step for the Convention

Current Situation in the World

In the modern world, there are three main issues which are heavily important to the topic at hand. Today, criminal groups have industrialized, several states have moved from police responses to military responses, and courts have started to ask whether the current cooperation in place is lawful.

The clearest example of this is Southeast Asia. Along the borders of Myanmar, Cambodia and Laos, and in some areas of the Philippines exist guarded compounds, which hold tens of thousands of workers running online fraud. People from at least 80 countries and territories have been identified inside these compounds, and the United Nations reports human rights violations against them, with crimes such as torture, sexual violence and prison conditions, and many of them are trafficked into these compounds and forced to commit the crimes.

Now, criminal groups in the Americas have been recognized as terrorist organizations, which was used by states to argue that they are in an armed conflict with these groups, and at least 230 people have been killed in more than 75 strikes as of September 2026. Governments attempt to justify this as a last resort once interdiction is viewed as being too slow. On the other hand, the United Nations High Commissioner for Human Rights regards it as extrajudicial killing being carried out with no lawful process.

Two states show us how sovereignty can be exercised in more than one way, the first being Mexico, which refuses to allow foreign forces to operate on its grounds, but at the same time transfer senior cartel members to the United States courts. Haiti, unable to control its own capital, asked for foreign help and obtained Security Council authority for a force to fight gangs in its own territory. Both states show different paths that allow them to keep consent at its core. The most controversial path among member states is the third, where the government acts inside or against another without asking.

French and Dutch investigators broke into encrypted phone networks used almost entirely by criminal groups and shared the content across Europe, producing thousands of prosecutions. Defendants argue that the states where the phones were located were never notified. Some courts in Germany and Switzerland have excluded the evidence on sovereignty grounds while higher courts have allowed it, and where the suspect, the company and the servers sit in three different states, it is unclear which one may act.

The confusion around this subject led to the creation of the United Nations Convention against Cybercrime as a response, setting up a network working at all times and procedures for preserving and sharing electronic devices. During negotiation processes, critics warned that a wide definition of cybercrime could lead to governments going after journalists and political opponents, which led to 79 member states and organizations signing it, but only 3 member states, being Qatar, Azerbaijan and Vietnam ended up ratifying it, so it is not yet in place.

Major Countries and Organisations Involved

United States

The United States currently holds the largest market for illegal drugs and is the state pushing the most at the limits of enforcement abroad. The U.S. now designates criminal groups as terrorist organizations, and since September 2025 have destroyed boats suspected of trafficking, claiming law of armed conflict. Their position lies on the fact that criminal groups holding territory and killing on mass scales cannot be treated as a simple policing issue, and are also the largest users of extradition and legal assistance.

Mexico

Mexico, on one hand, fights for sovereignty in this issue, but also expands cooperation at the same time. Mexico has a history of rejecting United States action on its territory, they have objected to not being consulted on the terrorist designations covering their own groups, meanwhile also demanding evidence from United States accusations on Mexican officials. Still, they have transferred more than 90 senior figures to the United States.

Venezuela

Venezuela has become the centre of the campaign at sea, since the first strikes destroyed boats that had left its coast. It rejects the idea of the legal basis for the operations and supports calls to make the Caribbean a zone of peace. Venezuela represents the idea of how action against crime can lead to conflict between states, and many delegations mention their case when arguing that criminal justice should never justify unlawful force against a state.

Russian Federation

The Russian Federation is known to strongly defend its sovereignty in this debate. Throughout recent years, they have refused to join the Budapest Convention, arguing that accessing data in another country breaks national sovereignty, and it started the process through the General Assembly resolution 74/247 of 2019 which produced the Convention against Cybercrime. They hold firm on the stance that cooperation should be agreed between states and only depend on consent, never letting foreign officials or private corporations act inside another state.

People's Republic of China

Being one of the states most damaged by the fraud economy in Southeast Asia, China strongly supports non-interference. There are many Chinese nationals involved in fraud operations, both as organizers and as trafficking workers. China has urged neighboring governments to conduct raids on the

compounds, coordinated significant repatriations of its citizens, and engaged through bilateral law enforcement channels. Its history indicates that cross border action is possible under a strict view of sovereignty, as long as the involved states are willing.

European Union, through Europol and Eurojust

The European Union is the region with the highest level of cross border enforcement integration, making it the region where limits are challenged the most. The European Investigation Order allows a court mandated issue in one member state to be executed in another, and joint investigation teams are common. The verdicts following the EncroChat and Sky ECC cases indicate that even allied nations have not reached an agreement on the actions of officials from one member state regarding data stored in another.

United Nations Office on Drugs and Crime (UNODC)

UNODC is responsible for the Organized Crime Convention and its protocols, overseeing the secretariat for the assemblies of states parties to that Convention and will do the same for the Convention against Cybercrime once it goes into force. It generates the majority of the research related to this discussion, offers training, operates the SHERLOC portal and the resources that assist states in creating requests, and oversees the review process established by resolution 9/1. It lacks the authority to impose anything, so its impact relies on states opting to utilize its resources.

Timeline of Events

1988

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Under Article 17, a state that suspects a foreign ship of trafficking has to ask the flag state for permission before boarding and searching it. That rule has governed work at sea ever since.

15th November 2000

The United Nations Convention against Transnational Organized Crime is adopted.

The General Assembly adopted it by resolution 55/25 and opened it for signature in Palermo in December. It came into force on 29 September 2003 and now has 193 states parties. In 2003 the Assembly also adopted the Convention against Corruption, whose fifth chapter created the first

binding rules for returning stolen money.

October 2018

Creation of the UNTOC Review Mechanism

The Conference of the Parties adopted resolution 9/1 and set up a review process for the Convention and its protocols. The Mechanism was built so that it could not intrude, could not punish and could not rank states. That caution shows how closely sovereignty is guarded even in a review.

June 2020 to June 2021

Police take apart the encrypted networks

EncroChat, Sky ECC and ANOM.

French and Dutch Investigators broke into EncoChat in June 2020, and Belgian, Dutch and French investigators took apart Sky ECC in March 2021, capturing tens of millions of messages between them. The ANOM operation, run by the United States and Australia was revealed in June 2021, and it sold criminals a platform that was actually police equipment. Thousands of arrests followed, and so did years of court cases.

20th February 2025

Foreign terrorist organization designations

Eight Latin American groups were listed, among them the Sinaloa Cartel and the Jalisco New Generation Cartel. Mexico said it had not been consulted and warned that the listing must not become an excuse for action on its territory.

2nd September 2025

First lethal strike on a suspected trafficking vessel

The first strike of the campaign, which the United States named Operation Southern Spear on 13 November 2025, destroyed a vessel in the

Caribbean, and the campaign later reached the eastern Pacific. The administration told Congress that it considered itself in an armed conflict with cartels it did not name.

30th September 2025

Security Council resolution 2793 on Haiti.

The Council let member states turn the mission led by Kenya into a Gang Suppression Force of up to 5,550 personnel to fight gangs. The vote was 12 in favour and none against, with China, Pakistan and the Russian Federation abstaining.

25th to 26th October 2025

Hanoi signing ceremony and sanctions on Colombia

Seventy two signatories, including the European Union, signed on the first day, and the total had reached seventy nine by July 2026. The Convention stays open for signature at United Nations Headquarters until 31 December 2026 and comes into force 90 days after the fortieth ratification.

Relevant UN Treaties and Resolutions

Charter of the United Nations, Articles 2(1), 2(4) and 2(7), signed 26 June 1945

The charter states that all member states are equal, bans the threat or use of force against the territory or independence of any state, and bans interference in a state's own affairs, and serves as the base of this whole debate.

United Nations Convention on the Law of the Sea, adopted 10 December 1982

This Convention states that a ship on the high seas is subject to its flag state alone, apart from a short list of exceptions such as piracy, the slave trade, unauthorised broadcasting and ships without nationality, which are the few circumstances in which another state may stop and inspect it. It also

instructs states to cooperate in the fight against marine drug trafficking, making it the primary test for the legitimacy of the recent strikes.

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted 20 December 1988

Article 17 established the process by which a state that suspects a foreign ship of trafficking requests authorization from the flag state to board, search, and take action. Additionally, it supports shiprider agreements used throughout the Caribbean and promotes bilateral agreements to expedite that process.

United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000

With 193 states parties, this is the primary treaty in this area and has been in effect since September 29, 2003. Article 16 deals with extradition, Article 18 with legal help, Article 19 with joint investigations, Article 20 with specific investigative procedures, and Article 27 with police cooperation. Article 4 preserves sovereignty and prohibits a state from performing tasks that belong to the authorities of another state.

United Nations Convention against Corruption, adopted by the General Assembly resolution 58/4 of 31 October 2003

The first legally binding international regulations for recovering and restoring stolen funds were established in Chapter V, along with a requirement to implement overseas confiscation orders. This is frequently the treaty that harms criminal organizations the most because they must retain their wealth in stable nations.

United Nations Convention against Cybercrime, adopted by the General Assembly resolution 79/243 of 24 December 2024

This is the first international agreement on cybercrime. It establishes a network that operates around the clock, guidelines for preserving and transferring electronic evidence in significant cases, and training plans. On October 25, 2025, it became available for signing in Hanoi. Ninety days following the fortieth ratification, it becomes operative.

Previous Attempts to Solve the Issue

The Organized Crime Convention is the biggest effort to date, and it is worthwhile to examine its limitations. Despite the fact that nearly every state has joined, the Convention has not made cooperation fast or reliable. The Convention leaves the speed and quality of help to national officials. Evidence guidelines vary, requests are poorly written and returned, and central offices are understaffed. In a field where data may only be retained for weeks, the procedure takes months. Although the review system was designed to reveal these shortcomings, the restrictions imposed on it allow it to identify issues without putting any obligation on the parties involved to address them.

As regional integration progressed, a new issue emerged. The EncroChat and Sky ECC prosecutions were made possible by the fact that a court order issued in one member state of the European Union can be executed in another with minimal verification. The cost of proceeding more quickly than the agreement permits is demonstrated by the following legal cases. The defendants argue that France never disclosed to the states the location of the phones and that they are unable to contest the operation there or at the trial. Years of uncertainty and perhaps failed charges have resulted from speed without established regulations.

Raids demonstrate that pressure shifts rather than eliminates the issue. In Southeast Asia, operations against compounds have destroyed structures and set thousands of trafficked workers free. The sector expands throughout Africa, South Asia, and the Pacific, and businesses reopen in new locations. Removing buildings without removing the organizers, the guardians, and the money just shifts the business. The Office of the High Commissioner for Human Rights has requested that governments acknowledge forced criminality in their trafficking laws because victims are frequently punished as criminals after being freed.

When stopping boats is seen to be too slow, the military approach in the Caribbean and eastern Pacific has been justified as the last remaining alternative. Still, its outcomes are debatable. Nothing reported indicates that trafficking has decreased, despite the fact that at least 230 people have been killed and no court has determined that any of them were traffickers. Due to their modesty, smaller mechanisms have performed better. Boats can be halted without violating sovereignty thanks to shiprider agreements, which allow an officer of one state to travel on the ship of another state and provide the legal power to intervene. When trust already exists, joint investigative teams resolve the delay issue, and Financial Action Task Force listings have altered national law without using any kind of legal force.

Possible Solutions

The proposals below come from member states, United Nations bodies and research organizations. Several of them are contested, and none is a finished clause.

Speed Up Formal Cooperation Between States

Once legitimate collaboration is swift, acting alone is no longer justified. Adequate personnel and case management systems would be provided to central offices, allowing requests to be processed rather than waiting in line and publishing average response times. The SHERLOC portal and the request writer tool, two UNODC tools that lower the failure rate of requests, would be increased, and officials who prepare them would receive subsidized training. Time constraints would apply to urgent requests, particularly those requiring the preservation of electronic evidence or the freezing of an account, and any rejection would require an explanation. This proposal works only where the requested state is willing. It removes the argument that acting alone was the only option available, but it leaves open what may be done where a government will not act or does not control the territory in question.

Clarify the Limits of Enforcement at Sea and Abroad

This proposal would confirm that human rights legislation and the law of the sea govern operations against drug trafficking at sea, and that boarding requires authorization from the flag state or another recognized legal basis. With standing permits and quick inspections, shiprider and boarding agreements under Article 17 of the 1988 Convention would be expanded, requiring consent in minutes rather than days. States would be required to publicly disclose the legal justification for any operations conducted outside of their borders, as unexplained practices are what prevent these conflicts from being resolved. Where a state is unable rather than unwilling to act, help would come through training and equipment, and if necessary through Security Council approval with the consent of the host government. That determination would rest with the Council rather than with the state proposing to act.

Fix the Rules on Electronic Evidence

The sovereignty issue is currently most difficult when it comes to electronic evidence. States would be urged to ratify and sign the Convention against Cybercrime, as well as enact national legislation that protects human rights and requires judicial permission and explicit grounds for rejection. In accordance with the European Investigation Order Directive, states would also be required to notify one another when an inquiry reaches people or infrastructure on the other's territory. In order to prevent

jointly gathered evidence from being lost in court years later, minimum requirements for presenting technical procedures to the defense would be established.

Follow and Recover the Money

Taking the earnings is frequently the only way to permanently harm a criminal organization. The complete provisions of Chapter V of the Convention against Corruption would be implemented, including the restitution of seized funds to the impacted states and the acceptance of international confiscation orders. Public access to corporate ownership registers, national regulations that align with Financial Action Task Force standards, and oversight of attorneys, accountants, and agents who transfer illicit funds into the legal economy would all be implemented. Financial sanctions would be imposed on those who manage and safeguard illegal infrastructure, such as telephone providers and free zone operators that knowingly serve criminal compounds.

Bibliography

"About the Convention." United Nations Office on Drugs and Crime, www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html. Accessed 7 Sept. 2026.

"Basic Guidelines for Delegates Participating in THIMUN Conferences." THIMUN Foundation, 2021, foundation.thimun.org. Accessed 7 Sept. 2026.

Fernandez, Lily. "An International Law Perspective on the U.S.'s Recent Strikes in International Waters." *American University International Law Review*, 13 Jan. 2026, auilr.org. Accessed 7 Sept. 2026.

"French Court Ruling May Lead to Legal Challenges over State Sky ECC and EncroChat Phone Hack." *Computer Weekly*, computerweekly.com. Accessed 7 Sept. 2026.

"Haiti, January 2026 Monthly Forecast." Security Council Report, www.securitycouncilreport.org/monthly-forecast/2026-01/haiti-33.php. Accessed 7 Sept. 2026.

Human Rights Watch. "Q&A: US Military Operations in the Caribbean, Pacific." 16 Dec. 2025, www.hrw.org. Accessed 7 Sept. 2026.

Jurist. "UN Report Exposes Explosive Growth of Southeast Asian Crime Syndicates." 21 July 2026, www.jurist.org. Accessed 7 Sept. 2026.

"Mexico's President Says Extradition of 37 Cartel Operatives to US Was 'Sovereign Decision'." Anadolu Agency, 22 Jan. 2026, www.aa.com.tr. Accessed 7 Sept. 2026.

"Mexico Sends 26 Cartel Suspects to U.S., Calling Move a 'Sovereign Decision'." OCCRP, 13 Aug. 2025, www.occrp.org. Accessed 7 Sept. 2026.

"Mexico Warns the US Not to 'Invade Our Sovereignty' in Fight against Cartels." NPR, 20 Feb. 2025, www.npr.org. Accessed 7 Sept. 2026.

"More than 5,300 People Still Held in Myanmar Scam Centres: Rights Group." Al Jazeera, 23 June 2026, www.aljazeera.com. Accessed 7 Sept. 2026.

"Myanmar Has Declared a 'Zero Tolerance' Policy for Cyberscams, but the Fraud Goes On." PBS NewsHour, www.pbs.org. Accessed 7 Sept. 2026.

"Security Council Resolution 2793 (2025)." United Nations Security Council, S/RES/2793 (2025), unscr.com/en/resolutions/2793. Accessed 7 Sept. 2026.

"Southeast Asia Strengthens Regional Cooperation to Combat Trafficking for Forced Criminality." UNODC Regional Office for Southeast Asia and the Pacific, 1 July 2025, www.unodc.org/roseap. Accessed 7 Sept. 2026.

"Timeline of US Strikes against Alleged Drug Boats." InSight Crime, insightcrime.org/news/timeline-us-strikes-against-alleged-drug-boats. Accessed 7 Sept. 2026.

"The U.S. Military Targets and Destroys Alleged Narcotics Trafficking Vessels in the Southern Caribbean Sea and Eastern Pacific Ocean." American Journal of International Law, vol. 120, no. 1, Cambridge University Press. Accessed 7 Sept. 2026.

"U.S. Designates 2 More Mexican Cartels as Foreign Terrorist Organizations." PBS NewsHour, 16 July 2026, www.pbs.org. Accessed 7 Sept. 2026.

"UN Convention against Cybercrime Opens for Signature in Hanoi, Viet Nam." United Nations, 25 Oct. 2025, www.un.org/ola. Accessed 7 Sept. 2026.

"UN Report Exposes Torture, Rape in Southeast Asia's Multi-Billion-Dollar Scam Centres." UN News, 20 Feb. 2026, news.un.org/en/story/2026/02/1167012. Accessed 7 Sept. 2026.

United Nations Convention against Cybercrime. UNODC,
www.unodc.org/unodc/en/cybercrime/convention/home.html. Accessed 7 Sept. 2026.

United Nations Convention against Transnational Organized Crime. United Nations, 2004,
www.unodc.org. Accessed 7 Sept. 2026.

United States, President (Trump). *Statement on the United States Airstrike on a Tren de Aragua Vessel in the Caribbean Sea*. 2 Sept. 2025. *Compilation of Presidential Documents*, DCPD-202500886,
www.govinfo.gov/content/pkg/DCPD-202500886/html/DCPD-202500886.htm. Accessed 7 Sept. 2026.

United Nations Office on Drugs and Crime. *Report of the Informal Expert Working Group on Mutual Legal Assistance Casework Best Practice*. UNODC,
www.unodc.org/documents/legal-tools/lap_mlaeg_report_final.pdf. Accessed 7 Sept. 2026.

Requesting Mutual Legal Assistance in Criminal Matters from G20 Countries: A Step-by-Step Guide. UNODC, www.unodc.org/unodc/en/corruption/g20-anti-corruption-resources. Accessed 7 Sept. 2026.