



ESEM
ESCUELA DE SEGURIDAD
MULTIDIMENSIONAL-USP

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Course on

ILLICIT MARKETS AND ORGANIZED CRIME IN THE AMERICAS



MINISTÉRIO DA
JUSTIÇA E
SEGURANÇA PÚBLICA



Eurofront

Class

International Normative Framework on Organized Crime

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Introduction

The organized crime impact has not been limited to specific territorial spaces, nor has it been limited by territorial barriers, which is why concern about the impact of organized crime, as categorized by the United Nations (UN) since its inception, has not only been reflected in the States, but also in International Organizations such as the UN and the OAS. In our region, this has been made visible through the issuance of various pronouncements with a certain degree of obligation for the States.



Introduction

That is why, in this subject, the following will be addressed: the obligations that States have in the context of public international law, specifying the analysis on the subject of organized crime and on the mechanisms that have an impact in our countries, understanding these, to those that are part of the Organization of American States (OAS).

The subject is divided into three sections: in the first part, the character of the pronouncements of international organizations will be addressed, with the purpose of knowing the relationship that could exist between these documents and the States; In a second and third part, there will be an analysis of the main universal and regional documents that address the issue of organized crime in the international scope.



Institutions

UN: United Nations Organization

OAS: Organization of American States

UNODC: United Nations Office on Drugs and Crime

Secretariat for Multidimensional Security of OAS

Committee on Hemispheric Security of OAS



Class Content

It is important to identify the level of linkage that exists between the norms (**hard law and soft law**), which group the pronouncements of regional and universal institutions. Hard law is translated into treaties, pacts, conventions or agreements, which have an obligation of observance and compliance, while soft law is not binding and are embodied in declarations, recommendations, guidelines or principles.

In relation to the norms and pronouncements of international institutions, there must be two types of adequacy: firstly, in relation to the norms that are issued after the ratification of the international norm, and secondly, the norms that were issued prior to the ratification of the international norm, which are contrary to it must be without effect.



Class Content

The Convention against Transnational Organized Crime, better known as the Palermo Convention, was adopted in the year 2000, along with its three Protocols :

- United Nations Protocol to Prevent, Suppress and Punish Human Trafficking, Especially Women and Children
- United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air
- United Nations Protocol against the illicit manufacturing and trafficking of firearms



Class Content

At the Special Conference on Security that took place from October 27 to 28, 2003, the **Declaration on Security in the Americas** was issued, which recognizes the character, nature, and multidimensional scope of security threats.

The impact that **multidimensional security** had on the OAS was considerable, since from the Declaration on Security in the Americas, the Secretariat for Multidimensional Security was created, whose objective is to "fight against threats to national security and the citizens".



Class Summary

- Differences between hard and soft law
- United Nations Convention against Transnational Organized Crime and its Additional Protocols (2000)
- Declaration on Security in the Americas (2003) and Multidimensional Security



Reference

NACIONES UNIDAS. Oficina de las Naciones Unidas Contra la Droga y el Delito. Convención de las Naciones Unidas Contra la Delincuencia Organizada Transnacional y sus Protocolos. Nueva York, 2004

ORGANIZACIÓN DE LOS ESTADOS AMERICANOS. Declaración sobre Seguridad en las Américas. Aprobada en la tercera sesión plenaria, celebrada el 28 de octubre de 2003





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