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ON THE SUSTAINABLE DEVELOPMENT GOALS



ABOUT THE REPORT

On 18 July 2019, the Transnational Alliance to Combat Illicit Trade (TRACIT) in collaboration with the UN Conference on Trade and Development (UNCTAD) organized a forum to discuss the role of illicit trade in inhibiting positive development outcomes and in particular, the implications for the achievement of the UN Sustainable Development Goals (SDGs).

The event featured the launch of TRACIT's report, Mapping the Impact of Illicit Trade on the UN Sustainable Development Goals.

The TRACIT report investigates illicit trade in 12 key sectors that participate significantly in international trade and are most vulnerable to illicit trade. For each sector, the negative impacts of illicit trade are mapped against the 17 UN SDGs. The sectors include: agri-foods, agro-chemicals and pesticides, alcohol, counterfeit and pirated goods, forestry, IUU fishing, petroleum, pharmaceuticals, precious metals and gemstones, tobacco products, trafficking in persons and illicit trade in wildlife.

This document excerpts the chapter on "SDGs and illicit trade in counterfeit and pirated goods"

ABOUT TRACIT

The Transnational Alliance to Combat Illicit Trade (TRACIT) is an independent, private sector initiative to drive change to mitigate the economic and social damages of illicit trade by strengthening government enforcement mechanisms and mobilizing businesses across industry sectors most impacted by illicit trade.

FOR MORE INFORMATION

The full report, Executive Summary and the sector specific chapter excerpts can be found at: www.tracit.org/publications_illicit-trade-and-the-unsdgs

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INTRODUCTION

Illicit trade and the UN SDGs

The UN Sustainable Development Goals (SDGs) lay out an ambitious set of 17 goals to address the world's most acute economic, social and environmental challenges. They cover everything from poverty eradication and zero hunger to clean water, decent jobs and peace. Since coming into effect in January 2016, governments, private sector and civil society have rallied around the SDGs to guide policy, implement investment strategies and allocate funding.

Among the portfolio of tools available to achieve the SDGs is the expansion of international trade.¹ This is because trade has historically proven to be an engine for development, boosting income generating capacity and contributing to unprecedented reductions in poverty levels.² Over the last few decades cross-border trade has expanded significantly, supporting rising living standards across the globe.

At the same time, the expansion in *legal* trade has been accompanied by the alarming emergence of *illicit* trade, with estimates quantifying it and associated transnational criminal activities at between 8 and 15 percent of global GDP.³

From smuggling, counterfeiting and tax evasion, to the illegal sale or possession of goods, services, humans and wildlife, illicit trade is compromising the attainment of the SDGs in significant ways, crowding out legitimate economic activity, depriving governments of revenues for investment in vital public services, dislocating millions of legitimate jobs and causing irreversible damage to ecosystems and human lives.

Mapping illicit trade against the SDGs

Despite the recognition of international trade as an important means to achieve the SDGs, insufficient attention has been given to the substantial impact that illicit trade has on holding back progress.

In order to help governments and business better understand how their efforts to achieve sustainable development must account for the negative forces of illicit trade, this study maps the 17 UN SDGs against the following sectors: agri-foods, alcohol, fisheries, forestry, petroleum, pharmaceuticals, precious metals and gemstones, pesticides, tobacco, wildlife and all forms of counterfeiting and piracy. These sectors were chosen because they participate significantly in international trade and they are particularly vulnerable to illicit trade. Trafficking in persons is also examined as a particularly abhorrent phenomenon affecting supply chains and basic human rights as well as contributing to illicit trade practices. To the extent that an SDG—or one of the 169 targets established to track progress on the goals—is impacted by illicit trade, this study examines where and how illicit activity undermines progress to achieve it. In some cases, illicit activity is mapped against an overall goal, such as SDG 3 (Good Health and Well-Being). In other cases, a specific target has been examined, such as SDG Target 8.7 (Eradicate forced labor, end modern slavery and human trafficking).

Key findings from the report

The socio-economic impacts of illicit present significant deterrence to all 17 of the SDGs—holding back progress, increasing costs and pushing achievement of the goals further away.

There are notable "macro" impacts where illicit trade cuts deeply across many of the SDGs, undermining achievement of the economic goals for poverty reduction, decent jobs and economic growth (SDGs 1, 2, 3, 4 & 8), and robbing governments of taxable income that can be invested in public services (SDGs 9 & 17). When it generates revenue for organized criminal and terrorist groups, illicit trade undermines goals for peace and stability (SDG 16). Most forms of illicit trade plunder natural resources (SDGs 6, 14 & 15), abuse supply chains and ultimately expose consumers to fake and potentially harmful products (SDG 12).

While findings show that illicit trade poses a threat to all 17 SDGs, nowhere is the nexus as evident than in SDG 16 (Peace, Justice and Strong Institutions) and SDG 8 (Decent Work and Economic Growth).



Illicit trade—in all its forms—stands in direct juxtaposition to SDG 16, by feeding violence and breeding corruption, undermining trust in institutions and the rule of law, and generating enormous illicit financial flows. Moreover, the links between illicit trade and organized crime are well

established, from human trafficking networks and tobacco smuggling, to fuel theft by drug cartels and the involvement of the mafia and organized criminal groups in the trade of counterfeit products. Perhaps most frightening are links to terrorist financing that heighten threats to national and global security.



All types of illicit trade threaten inclusive economic growth and significantly hinder achievement of SDG 8. Lost taxes rob governments of revenues intended for schools, infrastructure and other public services. Illegal and unfair competition reduces sales and dampens the ability of companies

to create lasting and dignified job opportunities. Taken together, economic leakages across the sectors susceptible to illicit trade create an annual drain on the economy of US\$2.2 trillion and present a triple threat to financing the necessary "billions to trillions" dollar gap needed to reach the SDGs.

Business is a partner for achieving the SDGs

As illicit trade weakens the viability and sustainability of industries, it simultaneously dilutes private sector contributions to achieving the SDGs. For example, illicit trade is a form of unfair competition that undermines private sector contributions to economic growth and employment. It chokes off market growth, sabotages global supply chains, squanders natural resources and endangers market security. Fake products and inferior materials in supply chains harm consumers and tarnish consumer perception of a corporation's social responsibility (CSR) performance. In some cases, it poses significant threats to the safety and security of personnel and facilities, all adding to the increasing costs of doing business. Where proliferating illicit trade creates socio-economic instability, it dampens private sector investment, holds back research and development (R&D) and discourages technology transfer.

For these reasons, the private sector has a vital interest in defending against illicit trade, helping itself across industry sectors and playing an active role in promoting the SDGs.



The Transnational Alliance to Combat Illicit Trade (TRACIT) provides a platform for business and governments to collaborate holistically to mitigate the incumbrance of illicit trade on the SDGs. Mapping the impacts of illicit trade on the UN Sustainable Development Goals is part of TRACIT's

contribution to the partnership approach embodied in SDG 17 and a means by which business, the public sector and civil society—working in partnership—can more effectively achieve the SDGs.

SDGs AND ILLICIT TRADE IN COUNTERFEIT AND PIRATED GOODS

The global trade in counterfeit and pirated goods accounts for the largest economic value of all forms of illicit trade, robbing the legitimate economy of jobs and economic growth, while at the same time putting consumers at risk to unsafe, inferior and ineffective products.¹

The Organization for Economic Co-operation and Development (OECD) reports that counterfeiting and piracy in international trade alone has grown from US\$250 billion annually in 2007² to more than US\$461 billion in 2013. This is an increase of more than 80 percent in less than 5 years and represents more than 2.5 percent of world trade and as much as 5 percent of all goods imported into the European Union.³ Moreover, the growth of illicit digital trade of copyrighted works continues to grow; the value of digital piracy in music, movies and software in 2015 alone was estimated to be more than US\$200 billion.⁴

Examples include:

- High-end luxury goods such as counterfeit watches, perfumes and leather goods;
- Personal electronic products, such as mobile phones, personal computers, TVs and gaming devices;
- Household and personal care products such as laundry detergents, toys, cosmetics and shampoos;
- Pharmaceuticals and medical devices, such as antibiotics, radiotherapy machines and dental drills, vehicle spare parts, including brakes, batteries and airbags, alcohol and cigarettes; and
- Copyright piracy of movies, television, music, live performances, computer software and video games.

The ubiquity and high profits from counterfeit and pirated goods, coupled with low risks of detection, prosecution and penalties, generates significant illicit proceeds for criminal enterprises. As a result, money laundering is frequently an indispensable element of IPR crime, with illicit proceeds also be used to finance other crimes, such as drug and human trafficking.⁵ As noted by Europol "Trading in counterfeit products is a relatively low risk activity, involving minimal penalties whilst providing high profits, and will increasingly attract [organized crime groups] previously involved in other crime areas."⁶

Effective IPR enforcement is crucial in safeguarding the health of consumers, maximizing the value of human creativity and innovation, promoting economic development and deploying modern technologies.

Impact of illicit trade in counterfeit and pirated goods on achieving the UN Sustainable Development Goals

The illicit production and trafficking of counterfeit and pirated goods is an accelerating global phenomenon that represents a direct threat to the achievement of the SDGs. Counterfeit and pirated goods are produced outside the normal channels of commerce with little regard to environment, health and safety regulations and standards—and as a result pose risks to long term economic growth, consumer health, livelihoods and the environment.

Consequently, it is not surprising that illicit trade in counterfeit and pirated goods negatively impacts nine of the seventeen SDGs:

- SDG 1 (no poverty);
- SDG 3 (good health and well-being);
- SDG 4 (quality education);
- SDG 6 (clean water and sanitation);
- SDG 8 (decent work and economic growth);
- SDG 9 (industry, innovation and infrastructure);
- SDG 12 (responsible consumption and production);
- SDG 15 (life on land); and
- SDG 16 (peace, justice and strong institutions).

Note: The health, environment and economic risks associated with falsified and substandard pharmaceutical products and counterfeit pesticides are covered in more detail in their own chapters.

Health and safety



The prevalence of counterfeit goods poses direct and indirect health and safety risks to consumers and the broader society, thereby undermining SDG 3 (health and well-being for all).

Legal manufacturers abide by regulations and invest heavily in innovation and product development, with brands serving as guarantees of quality and safety. In contrast, counterfeiters make their money by sidestepping product safety regulations, environmental controls and labor laws—and by free-riding on the research and development (R&D) of others. As a result, counterfeit goods are often of sub-standard quality or of unknown and sometimes dubious chemical/material composition.⁷

Examples include counterfeit batteries and cigarette lighters that explode, toys with paint toxicity, baby formula that provides no nourishment, and counterfeit electronic goods that may cause serious injury and even death through explosions, unregulated heat burns and electric shock. Semi-conductors, for example, are integral parts of modern electronics. But counterfeit versions have been found in everything from automated external defibrillators, potentially leading to the electrocution of a patient, to airport landing lights and microcontrollers intended for use in brake systems in high-speed trains in Europe.⁸

Even relatively innocuous goods, such as watches, apparel and handbags can pose health risks for consumers when counterfeiters use potentially harmful materials (allergenic and/or toxic).⁹ Examples include the use of prohibited carcinogenic dyes to color fabrics and children's clothing made from highly flammable fabrics that burn quickly and intensively.¹⁰ Counterfeit cosmetics and personal care products containing dangerous levels of lead, mercury, cyanide and other carcinogens can cause severe allergic reactions and pose a particular threat to pregnant women and their unborn babies.¹¹

Counterfeits also pose risks to specific SDG 3 health targets. For example:

- SDG Target 3.6 aims to halve the number of global deaths and injuries from road traffic accidents. However, the rapid growth¹² in counterfeit auto parts, including substandard, malfunctioning airbags¹³ and brake pads¹⁴ poses real dangers to drivers.¹⁵
- SDG Target 3.9 aims to reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination. However, counterfeit inputs, such as industrial chemicals and electronic components have been found to include harmful toxic substances such as lead, mercury, cadmium, and arsenic.

Economic growth and development



The ubiquity of counterfeit and pirated goods has a significant negative impact on economic growth and job creation. According to the OECD, international trade in fake goods was more than US\$461 billion in 2013, with as much as 5 percent of all goods imported into the European Union being counterfeit.¹⁶ That figure excludes digital piracy, which in 2015 alone was estimated to be more than US\$200 billion.¹⁷ For governments and business, the losses include illegal acquisition of IP, reduced returns to innovators and creators, lost tax revenue, and the diversion of public and private resources from more productive ends. These costs create a significant drag on the growth of knowledge-based economies, but also result in significant job losses.

A series of studies published by the EUIPO in 2016 found that counterfeiting and piracy costs the EU economy over €83 billion and 790,000 jobs every year, as well as €14.3 billion in government revenue (income tax and value added tax).¹⁸ A 2017 global study by Frontier Economics estimates that the wider social and economic impacts on displaced economic activity, investment, public fiscal losses and criminal enforcement from counterfeit and piracy could reach as much as US\$1.9 trillion by 2022, draining US\$4.2 trillion from the global economy and putting 5.4 million legitimate jobs at risk.¹⁹

In addition to displacing legitimate jobs and economic activity,²⁰ counterfeiting also presents challenges to UN objectives for fair and legal employment. Fakes are often produced under unethical, unregulated and poor working conditions, utilizing child labor and coerced migrants.²¹ At best, workers receive derisory wages without benefit from legal, social or medical safeguards.²² As these situations create opportunities for labor exploitation, they hamper efforts to achieve SDG Target 8.8 (protect labor rights and promote safe and secure working environments for all workers).

The importance of trademarks and copyright to jobs and economic growth

Trademarks support the development of products and services that consumers want and depend on, creating new jobs and entire industries. Trademark-intensive industries alone contributed 23.7 million jobs in the USA in 2014 (up from 22.6 million in 2010) and 27.8 percent of employment and 42 percent of GDP in the EU during the period 2011-2013.²³ A 2017 study by INTA estimated that Trademark-Intensive Industries in Indonesia, Malaysia, the Philippines, Singapore, and Thailand contributed from 27 to 60 percent of each country's share of exports and between 17 and 50 percent of GDP.²⁴ Similar studies in Latin America have found comparable correlations between trademark-intensive industries and gross domestic product (GDP), employment and productivity.²⁵

Copyright serves as a critical tool to finance cultural production, including educational materials, musical and artistic works, such as poetry, novels, movies, songs, and computer software. As noted by WIPO Director General Francis Gurry, "Copyright is the central mechanism in the creation of the market for creative works if you like, the dominant interface between the world of creativity and the economy. It is the means by which the market exchange of creative works occurs. As such, it is also the principal means for the financing of the production of creative works, enabling the creator to control the commercial exploitation of her works, thereby returning economic value to the creator and ensuring livelihood for the individual creator, and economic sustainability for the creative industries."²⁶

Industry, innovation and infrastructure



Today's increasingly knowledge-based economy is driven by innovation. In addition to stimulating economic growth, innovation has the potential to address some of the world's most intractable challenges, including climate change, decent employment, food security, combating infectious diseases, and ensuring access to affordable and clean energy. To the extent that counterfeiting and piracy disincentivize innovation (SDG 9), they necessarily generate a negative ripple effect on several other SDGs that depend on innovation, such as SDG 1 (End poverty in all its forms everywhere), SDG 4 (Ensure inclusive and equitable quality education), and SDG 8 (Promote inclusive and sustainable economic growth, employment and decent work for all).

A critical factor in maximizing the value and benefits of innovation is a clear legal and regulatory system that recognizes the importance of the underlying intellectual property rights (IPRs). Accordingly, the role that IPR protection and enforcement has in facilitating innovation and thereby contributing to the achievement of the 2030 sustainable development agenda has received broad international recognition, including by the Group of 20 (G-20) heads of State.²⁷

In contrast, IP theft in the form of trademark counterfeiting and copyright piracy, stifles economic growth and job creation by discouraging innovation, reducing incentives for companies to invest in R&D and inhibiting creative industries from realizing their full potential.

Environmental impacts



The environmental cost of counterfeit and pirated goods can extend from cradle to grave: From manufacture to final destruction and disposal, counterfeit and pirated goods pose an ongoing threat to the environment and the various SDGs dedicated to environmental protection.

The importance of proper waste management and sustainable consumption and production patterns are enshrined in SDG 6 (clean water and sanitation) and SDG 12 (responsible consumption and production). Specifically, SDG Targets 6.3 (reduce water pollution by eliminating dumping and minimizing release of hazardous chemicals and materials), 12.4 (achieve the environmentally sound management of chemicals and

all wastes throughout their life cycle) and 12.5 (substantially reduce waste generation through prevention, reduction, recycling and reuse) call for a life-cycle approach to sustainable production, consumption and disposal.

Legitimate business responds to these challenges by increasingly incorporating environmental sustainability into core business models, with companies making substantial investments in waste management and adopting zero-waste strategies.

In contrast, counterfeiters have no responsibilities for compliance with environmental standards and regulations and no incentive to keep toxic chemicals out of their products. Examples of violations include the unlawful disposal of hazardous toxic substances into air and water²⁸ and the use of harmful chemicals and other contaminants in clothing.²⁹ Counterfeit electronics created from e-waste introduce potentially hazardous waste streams into water ways, creating health and environmental hazards for workers and nearby communities.³⁰

The sub-standard quality and/or dubious and unknown composition of counterfeits introduces additional environmental risks—and costs—associated with their destruction and disposal (e.g., high heat incineration or encapsulation for hazardous materials).³¹ In some cases, the cost of destruction can exceed the cost of original production.³² The situation is particularly acute in countries where technical capacity, appropriate storage and waste facilities, and regulatory control are limited.

Common methods of destruction such as open burning, disposal into open landfills or improper recycling may result in the release of toxic gases, such as persistent organic pollutants (POPs) and other toxins linked to serious adverse effects on human health (SDG 3). Improper storage and destruction also may pollute soils, groundwater or watercourses, with potentially devastating and long-term effects on soil fertility, clean water supplies, marine life and other natural resources vital for human wellbeing (SDGs 6, 15).³⁴

The health and environmental impacts from the inappropriate destruction or disposal of counterfeits may thus prove to be equal to or even more damaging than the negative economic impacts.

Peace, justice and strong institutions



IP crime has emerged as a lucrative and growing business opportunity for organized criminal networks — largely due to the high profits, low risk of discovery, and inadequate or minor penalties when and if caught.³⁵ As noted by the United Nations Interregional Crime and Justice Research Institute (UNICRI), counterfeiting and piracy play a key role in the operations of transnational criminal organizations and "helps fund other criminal activities such as extortion, illegal drugs and human trafficking, compromises the international financial system for money laundering purposes and, ultimately, makes it more difficult for existing law enforcement measures to be effective".³⁶ The involvement of organized crime in trademark counterfeiting and copyright piracy accordingly undermines the underlying principles of SDG 16 (Peace, justice and strong institutions) and SDG Target 16.4 in particular, which calls on countries to significantly reduce illicit financial flows and combat all forms of organized crime.

CONCLUSIONS

1 NO POVERTY	
ſ Ĩŧ Ŕ ŔŔ	Stifles economic growth, prevents legal job growth and drains over US\$700 billion from the global economy.
3 GOOD HEALTH AND WELL-BEING	Consumers are exposed to harmful ingredients and faulty products that pose clear health and safety risks.
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4 QUALITY EDUCATION	Pirating copyrighted works erodes investment and production of cultural and educational materials.
6 CLEAN WATER AND SANITATION	Irresponsible disposal of hazardous and toxic substances into air and water jeopardizes groundwater and watercourse.
8 DECENT WORK AND ECONOMIC GROWTH	Drains GDP, displaces legitimate jobs and economic activity; creates opportunities for labor exploitation and unsafe working conditions.
9 INDUSTRY, INNOVATION AND INFRASTRUCTURE	
	IP theft deters and discourages innovation, reducing incentives for companies to invest in R&D and inhibits creative industries from realizing their full potential.
12 RESPONSIBLE CONSUMPTION	Drives production under unethical, unregulated and poor working
	conditions, utilizing child labor in its production and coerced migrants smuggled into a country selling counterfeit goods.
15 LIFE ON LAND	
	Generates environmental hazards to soil and land from unregulated manufacturing and improper waste disposal.
16 PEACE, JUSTICE AND STRONG	
	Helps fund other criminal activities, fosters corruption, and undermines the rule of law.

IMPLICATIONS AND NEXT STEPS

The sweeping, negative impacts of illicit trade on the SDGs point to a wide range of challenges for both governments and business. Hence, it will be expedient to:

Attend to developing and least developed countries. The alarming consequences of illicit trade are especially evident in developing countries hard-pressed to monetize resources, commercialize innovation, attract investment, establish lasting job opportunities and create genuine, long-term economic growth. As such, it will be critical to support the capabilities of developing countries to better defend against illicit trade by inter alia taking stock of national government experiences, challenges, priorities and requests for assistance while also identifying where "in-country" efforts would be most valuable and most effective.

Account for the interconnected nature of the challenge. As noted by the UN, the SDGs are integrated and indivisible in nature with significant inter-linkages across the goals and targets. Ending poverty, for example, must go hand-in-hand with strategies that build economic growth and address a range of social needs including education, health, social protection, job opportunities and environmental stewardship. By the same token, a holistic approach is needed to address the significant number of interdependencies and overlapping problems relating to multiple forms of illicit trade. The impacts of illicit trade cannot be examined effectively in isolation of other sectors, nor can they be addressed in isolation of the SDGs.

Promote shared responsibility. Improving public-private dialogue and promoting partnerships will be needed to address the global nature of illicit trade. Public and private actors can play an important role in determining a responsive, evidence-based work program for addressing illicit trade, including delineation of best practices, and, where applicable, development of regulatory standards.

Prioritize the policy response. The findings from this study demonstrate that illicit trade is a significant deterrent to achieving the SDGs. As governments go about formulating policies and implementing programs to achieve the SDGs, a first order consideration should be to reduce the deterrent forces of illicit trade and plug the fiscal leakages associated with it. This approach has the immediate effect of adding resources and revenues back into the global economy, putting more policy tools back on the table, and reducing timelines, costs and other hurdles to achieving the goals. Consequently, a more level playing field, without the economic drags of illicit trade, can improve the efficiency and effectiveness of policies and programs governments are taking to stimulate growth, employment and investment to achieve the SDGs.

Foster political will and leadership. Addressing the threat of illicit trade on the SDGs will require political will of government officials at all levels to prioritize the problem, actively pursue solutions and invest in enforcement measures. This study provides a first step in raising awareness on the threat of illicit trade on achieving the SDGs. The work also serves as a roadmap to help policy makers identify areas that merit greater attention and to formulate effective strategies to address the serious threats posed by illicit trade.

NOTES

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