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Commission on Crime Prevention and Criminal Justice

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Items 5 (a) and 6 of the provisional agenda*

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Argentina and Peru: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from transnational organized crime and drug trafficking and related offences

The General Assembly,

Concerned about the links between transnational organized crime and drug trafficking and economic crime,

Concerned also about the negative impact of transnational organized crime and drug trafficking and related offences on development and security,

Concerned further about cases of transnational organized crime and drug trafficking and related offences that involve vast quantities of assets, which may

* E/CN.15/2011/1.



constitute a substantial proportion of the resources of States, and that weaken governance systems, national economies and the rule of law of those States,

Convinced that proceeds of crime resulting from transnational organized crime and drug trafficking and related offences continue to threaten the security and stability of financial institutions and systems, affect all societies and undermine economic prosperity and sustainable development, making international cooperation to prevent and control them essential,

Determined to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets resulting from transnational organized crime and drug trafficking and related offences,

Recognizing that an international framework for countering the laundering of assets derived from drug trafficking has been established through the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹

Recognizing also that the United Nations Convention against Transnational Organized Crime² and the United Nations Convention against Corruption³ provide a framework for countering the illicit flow of proceeds of crime and money-laundering,

Welcoming General Assembly resolution 64/182 of 18 December 2009, in which the Assembly adopted the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,⁴ as adopted at the high-level segment of the fifty-second session of the Commission on Narcotic Drugs, in which States Members of the United Nations decided to establish 2019 as a target date for States to eliminate or reduce significantly and measurably, inter alia, money-laundering related to illicit drugs,

Welcoming also General Assembly resolution 65/232 of 21 December 2010, on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity,

Bearing in mind Commission on Narcotic Drugs resolutions 53/3 of 12 March 2010 and 52/9 of 20 March 2009 and Economic and Social resolutions 2003/36 of 22 July 2003 and 2003/32 of 22 July 2003,

Bearing in mind also the International Convention for the Suppression of the Financing of Terrorism,⁵ which entered into force in April 2002, Security Council resolution 1373 (2001) of 28 September 2001 and the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288 of 8 September 2006,

Recalling the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development

¹ United Nations, *Treaty Series*, vol. 1582, No. 27627.

² Ibid., vol. 2225, No. 39574.

³ Ibid., vol. 2349, No. 42146.

⁴ A/64/92-E/2009/98, sect. II.A.

⁵ United Nations, *Treaty Series*, vol. 2178, No. 38349.

in a Changing World,⁶ adopted on 19 April 2010 by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which Member States were encouraged to consider developing strategies or policies to combat illicit financial flows,

Welcoming the work undertaken and progress achieved in countering money-laundering within the framework of specialized regional and international bodies, such as the World Bank, the International Monetary Fund, the Egmont Group of Financial Intelligence Units, the Financial Action Task Force on Money Laundering, regional bodies similar in style to the Task Force, the Organization for Economic Cooperation and Development, the International Criminal Police Organization and the World Customs Organization,

Noting with interest the work of the United Nations Office on Drugs and Crime on the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, established in 1997 in response to the mandate entrusted to the United Nations Office on Drugs and Crime pursuant to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and the evaluation of the programme by the Independent Evaluation Unit,

Convinced that the availability of technical assistance can play an important role in enhancing the ability of States, including by strengthening capacity and institution-building, to prevent, detect and deter illicit financial flows originating from transnational organized crime and drug trafficking and related offences,

Aware that the availability of information on illicit financial flows resulting from transnational organized crime and drug trafficking and related offences is very limited, and of the need to improve the quality, scope and completeness of such information,

Taking note of the analytical work of the United Nations Office on Drugs and Crime, such as the publication *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*,⁷ which provides an overview of different forms of emerging criminal activity and their negative impact on the sustainable development of societies,

Also taking note of other international events relevant to the issue of illicit financial flows, such as the Tax and Crime Conference held in Oslo from 21 to 23 March 2011, and noting with particular interest the “whole-of-government” approach discussed at that conference,

Welcoming the progress made within the framework of the Paris Pact initiative regarding the work with illicit financial flows as a key issue in the drug economy,

Recognizing that strengthening national and international measures against the laundering of assets derived from transnational organized crime and drug trafficking and related offences will contribute to weakening the economic power of criminal organizations engaged in drug trafficking, organized crime and corruption,

⁶ A/CONF.213/18, chap. I, resolution 1.

⁷ United Nations publication, Sales No. E.10.IV.6.

Welcoming the review of implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 carried out by the International Narcotics Control Board in the area of money-laundering,

Welcoming also the development of a review of implementation mechanisms for the United Nations Convention against Corruption and the decision to consider and explore options with regard to the establishment of a mechanism or mechanisms for the implementation of the United Nations Convention against Transnational Organized Crime,

Welcoming further the study undertaken by the United Nations Office on Drugs and Crime on illicit financial flows resulting from drug trafficking and other forms of transnational organized crime and its findings,

Alarmed that a large proportion of proceeds of crime resulting from transnational organized crime and drug trafficking and related offences is laundered in cooperative jurisdictions committed to Organization for Economic Cooperation and Development standards of transparency and exchange of information,

Deeply concerned that recent studies by the United Nations Office on Drugs and Crime have indicated that proceeds of crime amounted to some 3.6 per cent of global gross domestic product in 2009, of which 80 per cent were laundered through the financial system, that proceeds related to transnational drug trafficking and organized crime activities amounted to some 1.5 per cent of global gross domestic product, that the “interception rate” of efforts to counter money-laundering at the global level remained limited and that only about 0.2 per cent of proceeds of crime laundered through the financial system were seized and frozen,

1. *Urges* States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,⁸ the United Nations Convention against Transnational Organized Crime⁹ and the United Nations Convention against Corruption¹⁰ to apply fully the provisions of those conventions, in particular with a view to countering money-laundering, and invites Member States that have not yet done so to take steps to ratify those conventions;

2. *Calls upon* Member States to criminalize the generation, transfer, placement and laundering of proceeds of organized crime resulting from transnational organized crime and drug trafficking and related offences;

3. *Urges* Member States to require financial institutions or other businesses or entities subject to obligations with regard to countering money-laundering to report promptly to the competent authorities the suspicious transfer of funds that are linked to proceeds of crime and money-laundering resulting from transnational organized crime and drug trafficking and related offences or that are to be used for organized crime or by criminal organizations;

4. *Encourages* Member States to implement measures to freeze funds that are linked to proceeds of crime and money-laundering resulting from transnational organized crime and drug trafficking and related offences or other assets of those who finance organized crime and criminal organizations;

⁸ United Nations, *Treaty Series*, vol. 1582, No. 27627.

⁹ Ibid., vol. 2225, No. 39574.

¹⁰ Ibid., vol. 2349, No. 42146.

5. *Urges* Member States to take all necessary measures to ensure that they do not provide safe havens for individuals who are charged with accumulating or harbouring in their possession substantial assets derived from transnational organized crime and drug trafficking and related offences or who are charged with the financing of organized crime or criminal organizations;

6. *Encourages* Member States to afford other countries the greatest possible measure of legal assistance and information exchange in connection with criminal, civil enforcement and administrative investigations, inquiries and proceedings relating to tracking illicit financial flows resulting from transnational organized crime and drug trafficking and related offences or the financing of organized crime and criminal organizations;

7. *Urges* Member States to establish or, where applicable, strengthen national institutions specializing in financial intelligence by allowing them to receive, obtain, analyse and disseminate financial, administrative and law enforcement information relevant to preventing, detecting and deterring illicit financial flows resulting from transnational organized crime and drug trafficking and related offences and to ensure that such institutions have the ability to facilitate the exchange of such information with relevant international partners;

8. *Also urges* Member States to consider related global initiatives to facilitate the tracking of proceeds of crime resulting from transnational organized crime and drug trafficking and related offences;

9. *Encourages* the International Narcotics Control Board to strengthen its focus on money-laundering in its review of the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

10. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and in close cooperation with relevant international organizations, to strengthen the collection and reporting of accurate, reliable and comparable data on proceeds of crime and money-laundering resulting from transnational organized crime and drug trafficking and related offences and to develop a simple and efficient reporting system that will encourage Member States to report, in a coordinated, timely and integrated way, data related to their efforts, achievements and challenges in the area of tracking proceeds of crime, as well as provide information relating to the nature, extent and evolution of illicit financial flows in their national drug and crime situations;

11. *Also requests* the United Nations Office on Drugs and Crime to further develop its research on the financial dimensions of transnational organized crime and drug trafficking and related offences;

12. *Calls upon* the United Nations Office on Drugs and Crime to provide technical assistance, upon request and subject to the availability of funds, to Member States in order to enhance their capacity to collect, analyse and report data on illicit financial flows resulting from transnational organized crime and drug trafficking and related offences;

13. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States, to develop model strategies to combat illicit financial flows

resulting from transnational organized crime and drug trafficking and related offences;

14. *Calls upon* the United Nations Office on Drugs and Crime to continue providing technical assistance, subject to the availability of funds, to Member States to prevent, detect and deter illicit financial flows and money-laundering resulting from transnational organized crime and drug trafficking and related offences and the financing of organized crime, criminal organizations and terrorism, in accordance with the United Nations-related instruments and internationally accepted standards, including, where applicable, the recommendations of relevant intergovernmental bodies such as the Financial Action Task Force on Money Laundering and relevant initiatives of regional, interregional and multilateral organizations against money-laundering, and to strengthen the Global Programme against Money-Laundering, inter alia, in line with the recommendations of the review of the programme by the Independent Evaluation Unit;

15. *Encourages* the United Nations Office on Drugs and Crime to continue its work on illicit financial flows as a key issue in the drug economy within the framework of the Paris Pact initiative;

16. *Calls upon* the United Nations Office on Drugs and Crime to ensure a better mainstreaming of the tracking of illicit financial flows resulting from transnational organized crime and drug trafficking and related offences in its regional and thematic programming;

17. *Urges* the United Nations Office on Drugs and Crime to strengthen its cooperation with other international and regional organizations engaged in combating the harmful effects of illicit financial flows resulting from transnational organized crime and drug trafficking and related offences, including the World Bank, the International Monetary Fund, the Egmont Group of Financial Intelligence Units, the Financial Action Task Force on Money Laundering, regional bodies similar in style to the Task Force, the Organization for Economic Cooperation and Development, the International Criminal Police Organization and the World Customs Organization;

18. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on measures taken and progress achieved in the implementation of the present resolution.