



Economic and Social Council

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Commission on Crime Prevention and Criminal Justice

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Agenda item 4

Strategies for crime prevention

France, Romania and United States of America: 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:

Action against corruption and money-laundering

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Noting the corrosive effect that corruption has on democracy, the rule of law and economic activity,

Recognizing that corruption is a primary tool of organized crime in its efforts, often conducted on an international basis, to subvert Governments and legitimate commerce,

Drawing attention to the increasing number of regional conventions and other regional instruments recently developed to fight corruption, including the Organisation for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, done at Paris on 17 December 1997, the Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996,¹ the Principles to Combat Corruption in African Countries of the Global Coalition for Africa, the Council of Europe Criminal Law Convention on Corruption and Agreement Establishing the Group of States against Corruption, the conventions and related protocols on corruption of the European Union and recommendation 32 of the recommendations developed and endorsed by the Senior Experts Group on Transnational

¹ See E/1996/99.

Organized Crime of the Group of Eight (the Group of Seven major industrialized nations plus the Russian Federation), which met in Lyon, France, from 27 to 29 June 1996, as well as to best practices, such as those compiled by the Financial Action Task Force on Money Laundering, the Basel Committee on Banking Supervision and the International Organization of Securities Commissions,

Commending the efforts in the United Nations to address corruption concerns in a global forum, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions² and the International Code of Conduct for Public Officials,³ the ongoing development of a comprehensive international convention against transnational organized crime and protocols thereto by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, established pursuant to General Assembly resolution 53/111 of 9 December 1998, and the manual prepared by the Secretariat on practical measures against corruption,

Noting the Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999 at the invitation of United States Vice-President Albert Gore Jr., at which participants from ninety Governments pledged to cooperate in regional and global bodies to adopt effective anti-corruption principles and practices and to create ways to assist each other through mutual evaluation,

Noting also the Expert Group Meeting on Corruption and Its Financial Channels, held in Paris from 30 March to 1 April 1999, pursuant to Economic and Social Council resolution 1998/16 of 28 July 1998,

1. *Welcomes* the declaration made by the Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999, and the conclusions and recommendations of the Expert Group Meeting on Corruption and Its Financial Channels, held in Paris from 30 March to 1 April 1999;⁴

2. *Urges* Member States to examine, at the national level, in conformity with the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels, the adequacy of their domestic legal regimes to guard against corruption and the proceeds of corruption, drawing upon international assistance available for that purpose, with a view to, where necessary:

(a) Strengthening national laws and regulations in order to criminalize corruption in all its forms, amending provisions against money-laundering so that they cover bribes and the proceeds of corruption, as well as provisions concerning the prevention and detection of acts of corruption and money-laundering;

(b) Improving the transparency, vigilance and monitoring of financial transactions and limiting bank and professional secrecy in cases involving criminal investigation;

(c) Promoting both inter-agency coordination and international administrative and judicial cooperation in matters involving corruption;

(d) Introducing legislation and programmes promoting the full involvement of civil society in efforts to fight corruption;

² General Assembly resolution 51/191, annex.

³ General Assembly resolution 51/59, annex.

⁴ E/CN.15/1999/10, paras. 1-14.

- (e) Ensuring that sufficient capacities are established for providing extradition and mutual assistance in cases involving corruption or money-laundering;
3. *Stresses* the need to develop a global strategy to strengthen international cooperation aimed at the prevention and punishment of corruption, including the links of corruption with organized crime and money-laundering;
4. *Encourages* Member States to become parties to, and to implement the terms of, international conventions and other instruments aimed at fighting corruption;
5. *Invites* Member States to participate in conferences and other forums for the advancement of international efforts against corruption, such as the second Global Forum on Fighting Corruption, to be held in the Netherlands in 2000 as follow-up to the Global Forum on Fighting Corruption held in Washington, D.C., in February 1999;
6. *Also invites* Member States to examine ways to develop a global system for the joint evaluation of practices aimed at combating corruption;
7. *Decides* that criminalization of acts of corruption involving public officials should be considered in the context of the draft United Nations Convention against Transnational Organized Crime that is being developed by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime;
8. *Requests* the Ad Hoc Committee to consider whether measures against corruption should be incorporated into the draft United Nations Convention against Transnational Organized Crime or into one of the draft protocols thereto;
9. *Invites* Member States to keep the Office for Drug Control and Crime Prevention of the Secretariat informed of progress made in the implementation of the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels;
10. *Requests* the Office for Drug Control and Crime Prevention:
- (a) To ensure that the ongoing revision of the manual prepared by the Secretariat on practical measures against corruption reflects the conclusions of the first Global Forum on Fighting Corruption and incorporates the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels;
- (b) To continue to develop, in consultation with Member States, an effective global programme for providing technical assistance to fight corruption;
- (c) To explore ways to convince underregulated financial centres to adopt rules enabling them to trace and take action against the proceeds of organized crime and corruption, to participate actively in international cooperation aimed at preventing and controlling related forms of financial crime and, if necessary, to consider the introduction of measures to protect the international financial system from the underregulated financial centres and of mechanisms for the establishment of such minimum regulatory standards;
- (d) To report to the Commission on Crime Prevention and Criminal Justice at its [ninth] [tenth] session on the progress made in the implementation of the present resolution and the steps taken by Member States to combat corruption and its proceeds;
11. *Requests* the Secretary-General to undertake, within existing or extrabudgetary resources, technical cooperation activities to combat corruption, in consultation with Member States that may be able to provide assistance.
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