



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.15/1998/L.1/Add.3  
27 April 1998

ORIGINAL: ENGLISH

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COMMISSION ON CRIME PREVENTION  
AND CRIMINAL JUSTICE

Seventh session  
Vienna, 21-30 April 1998  
Agenda item 11

**ADOPTION OF THE REPORT OF THE COMMISSION ON ITS SEVENTH SESSION**

**Chapter V**

**INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME**

**A. Structure of the debate**

1. At its 1st to 5th and 8th meetings, from 21 to 24 April 1998, the Commission on Crime Prevention and Criminal Justice considered agenda item 6, entitled "International cooperation in combating transnational crime".
2. For its consideration of item 6, the Commission had before it the following documents:
  - (a) Report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime (E/CN.15/1998/5);
  - (b) Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime (E/CN.15/1998/6);
  - (c) Report of the Secretary-General on the recommendations of the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997 (E/CN.15/1998/6/Add.1);
  - (d) Report of the Secretary-General on the recommendations of the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998 (E/CN.15/1998/6/Add.2);
  - (e) Note by of the Secretary-General on mutual assistance and international cooperation in criminal matters (E/CN.15/1998/7).

3. At the 1st meeting, on 21 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, statements were made by the representatives of Egypt, United States of America, Argentina, Saudi Arabia, Russian Federation and Japan. A statement was made by the observer for Chile.
4. At the 2nd meeting, on 21 April 1998, statements were made by the representatives of Tunisia, Italy, Philippines, China, Netherlands, Republic of Korea, Ukraine, Germany, Fiji, Sweden, Sudan and Swaziland. A statement was made by the observer for the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Community). Other statements were made by the observers for Slovakia, Morocco, Canada and the Czech Republic.
5. At the 3rd meeting, on 22 April 1998, statements were made by the representatives of Botswana, France, Ukraine, Zambia, Mexico, Poland, Pakistan, Austria and Italy. A statement was made by the observer for Chile (on behalf of the group of Latin American and Caribbean States). Statements were made by the observers for Israel, Venezuela, Bosnia and Herzegovina, Libyan Arab Jamahiriya, Belarus and Turkey. The observer for the Division for the Advancement of Women of the Secretariat, also made a statement.
6. At the 4th meeting, on 22 April 1998, statements were made by the representatives of Ecuador, Colombia, Romania, Brazil and Islamic Republic of Iran. A statement was made by the observer for South Africa (on behalf of the Group of 77). Statements were made by the observers for Azerbaijan, Sri Lanka, Syrian Arab Republic, South Africa, Spain, Australia, Finland, Portugal, Trinidad and Tobago, Peru, Yemen, Mauritius, Lebanon and Democratic Republic of the Congo. The observer for the Holy See made a statement. Statements were made by the observers for the African Institute for the Prevention of Crime and the Treatment of Offenders and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The observers for the Council of Europe, the Council of Arab Ministers of the Interior and the International Criminal Police Organization (Interpol) also made statements.
7. At the 5th meeting, on 23 April 1998, statements were made by the observers for the International Confederation of Free Trade Unions and the Asia Crime Prevention Foundation. The Chairman summarized the deliberations. The representative of France made a statement.
8. At the 8th meeting, on 24 April 1998, the Commission heard a report by the Chairman of the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. Statements were made by the representatives of Argentina, Japan, Mexico and Tunisia. The observers for Australia and Peru also made statements.

## **B. Deliberations**

9. In his opening statement, the Executive Director of the Office for Drug Control and Crime Prevention presented the Commission an overview of the future work of the Centre regarding transnational organized crime. The focus would be on those regions of the world where the problem was most acute and where the United Nations would offer a competitive advantage. Emphasis would be placed on creating units capable of centralizing information and activities targeting organized criminal groups, also serving as focal points for operational and technical services, as well as helping to create or reinforce reliable evidence-gathering techniques. In order to keep the momentum, the Commission should hammer out a timetable for completing the draft international convention against transnational organized crime. A world report on organized crime would be prepared. In implementing its programme of work, the Centre would be guided by the objectives of the medium-term plan for the period 1998-2001 and the programme budget for the period 1998-1999.
10. The Commission expressed its concern about the growth of transnational organized crime, which was affecting the political stability and social and cultural values of societies all over the world, threatening national and global

security. Important changes had occurred in the structure and dynamics of organized crime at the national and transnational levels, including the appearance of new manifestations of money-laundering, bribery, robbery, trafficking in human beings, including women, children migrants and trafficking in stolen motor vehicles and firearms, drug trafficking, terrorism, alien and contraband smuggling, economic espionage, intellectual property theft and counterfeiting. It was recognized that the increasingly sophisticated and globalized nature of organized crime made international cooperation a crucial element in combating that phenomenon. The Naples Political Declaration and Global Action Plan against Transnational Organized Crime (A/49/748, annex, chap. I, sect. A) provided guidance to Member States in their common effort to deal with that uncivil element of society. There was agreement among Member States on the importance of giving due attention to the practical implementation of the provisions of the Naples Political Declaration and Global Action Plan.

11. Various countries reported on the initiatives taken by their Governments to combat organized crime efficiently and to foster international cooperation. Those measures included the adoption of new legislation on organized crime and related offences, the elaboration of new criminal and procedural codes and of plans of action, the establishment of specialized task forces and the improvement of judicial cooperation through bilateral and multilateral agreements.

12. Support was expressed for the need to streamline the Programme activities and focus on priority issues. While some speakers were of the view that the Commission should focus on activities related to transnational organized crime, others stressed the importance of giving due attention also to standards and norms as valuable guidance to Member States. It was noted that the United Nations had, within the framework of defined priority themes, carried out valuable work covering other aspects of crime prevention and criminal justice. The development of standards and norms, together with the ongoing information-sharing about their use and application, and the development of model treaties were important and worthwhile achievements of which Member States were justly proud. It was emphasized that the Programme should focus on technical cooperation and assistance and develop specialized knowledge, as well as medium-term and long-term technical assistance programmes. The participants were of the view that the Centre had the potential of performing its task more effectively but only if Member States supported it with the necessary resources.

13. There was unanimous support for the elaboration of an international convention against transnational organized crime. The results of the meeting of the inter-sessional open-ended intergovernmental group of experts, held at Warsaw from 2 to 6 February 1998 (E/CN.15/1998/5), were welcomed. Those results would serve as the basis for future work. The convention should constitute a legal framework for concerted action against organized crime and a basis for the harmonization of national legislation. It should contain legally binding obligations for Member States to implement innovative solutions to cope with organized crime. It should also contain detailed provisions on international cooperation, such as mutual legal assistance, extradition, law enforcement cooperation, confiscation and seizure of proceeds from crime and transfer of criminal proceedings. Some speakers suggested that specific topics of relevance to the convention might be included in additional protocols. In the drafting of the convention, a flexible approach should be pursued, taking into account various legal systems and practices, as well as differences in the socio-economic development of countries.

14. Finally, the necessity of having the convention formulated as soon as possible was stressed. It was stated that priority attention should be given to that important undertaking. A target date for the finalization of the convention could be the year 2000, when the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the millennium General Assembly would be held. Effective strategies in the area of inter-State cooperation in criminal matters were discussed. It was stressed that, in view of the increasing mobility of offenders and the internationalization of crime, extradition and mutual assistance in criminal matters should be in the forefront of national and international policies for combating transnational crime. The recommendations of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998 (E/CN.15/1998/7, annex), were welcomed as a contribution to the further promotion of cross-legal and cross-cultural approaches to cooperation between States in the penal field.

It was noted that technical cooperation services were of the utmost importance, particularly for developing countries and the least developed countries, in strengthening the capability of national criminal justice systems to deal with requests for judicial assistance. The crucial role of the Centre, particularly in drafting model legislation, providing advisory services and elaborating training manuals, was highlighted.

15. In accordance with Economic and Social Council resolution 1996/27, an in-session open-ended working group was established for the purpose of identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan and of considering the possibility of elaborating a convention against organized transnational crime. The report of the Chairman of the working group is contained in annex I to the present report.