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Draft report

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Addendum

International cooperation in combating transnational crime

A. Structure of the debate

1. At its 5th to 7th meetings, on 15 and 16 May 2003, the Commission on Crime Prevention and Criminal Justice considered item 5 of its agenda. It had before it the following documents:

(a) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2003/2);

(b) Report of the Secretary-General on ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2003/5);

(c) Report of the Secretary-General on the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption (E/CN.15/2003/6);

(d) Report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims (E/CN.15/2003/7 and Add.1);

(e) Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources (E/CN.15/2003/8 and Corr.1 and Add.1);

(f) Report of the Secretary-General on prevention of corrupt practices and transfer of funds of illicit origin (A/57/158 and Add.1 and 2);



(g) Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its fourth session, held in Vienna from 13 to 24 January 2003 (A/AC.261/13).

2. At its 5th and 6th meetings, on 15 May, following an introductory statement by the Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime¹ of the Secretariat, the Commission heard statements by the representatives of Zimbabwe (on behalf of the Group of African States), Cuba (on behalf of the Group of Latin American and Caribbean States), Greece (on behalf of the European Union, acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and associated countries Bulgaria, Romania and Turkey), Panama, Turkey, Algeria, Peru, Sweden, Croatia, Yemen, Uganda, China, Mexico, Guatemala, France, Indonesia, United States of America, the Sudan and South Africa.

3. At its 7th meeting, on 16 May, following a presentation made by the Secretariat on the United Nations legislative guides on the United Nations Convention against Transnational Organized Crime (the "Organized Crime Convention")² and the Protocols thereto, the Commission heard statements by the representatives of El Salvador, Canada, Australia, India, Poland, the Islamic Republic of Iran, Costa Rica, Colombia and the Republic of Korea. The Commission also heard statements by the observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the League of Arab States, the Asia Crime Prevention Foundation and the International Centre for Criminal Law Reform and Criminal Justice Policy.

B. Deliberations

4. The Director of the Centre for International Crime Prevention introduced the item by reviewing the work of the Centre with regard to combating transnational organized crime. He summarized the activities of the Centre over the past year in a number of areas, in particular in the promotion of the ratification of the Organized Crime Convention and its Protocols. The Director emphasized that the required number of ratifications had almost been reached and that the Convention would in all likelihood enter into force during 2003. He also reviewed the role of the Centre in supporting the negotiation of the United Nations Convention against Corruption and encouraged Member States to facilitate the completion of the negotiations at the sixth session of the Ad Hoc Committee, to be held from 21 July to 8 August 2003. The results of work completed in connection with international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims, as well as progress made in addressing the problem of trafficking in protected species of wild flora and fauna and illicit access to genetic resources were also highlighted.

¹ Formerly known as the Office for Drug Control and Crime Prevention.

² General Assembly resolution 55/25, annex I.

1. United Nations Convention against Transnational Organized Crime and the Protocols thereto

5. Several speakers expressed their concern at the continued growth of transnational organized crime and its multifaceted implications at the national, regional and international levels and reconfirmed their commitment to cooperate in the fight against it. Some speakers reported that their countries had developed comprehensive plans of action against organized crime and had implemented corresponding legislative measures aimed at improving international cooperation, while at the same time protecting the freedom and rights of individuals. The efforts of some States to conclude both bilateral and regional instruments to combat transnational organized crime were outlined. It was emphasized in that respect that the establishment of effective mechanisms for the expeditious implementation of extradition and mutual legal assistance procedures was an essential part of the common fight against transnational organized crime. Nevertheless, some speakers reported on the difficulties encountered by their Governments in combating transnational organized crime and called for donors to increase financial contributions to the Secretariat in order to facilitate the provision of further technical assistance.

6. Many speakers expressed satisfaction with the progress made towards the ratification and implementation of the Organized Crime Convention and its Protocols and stated that their Governments either had already ratified the instruments or were working towards that goal. In that respect, many speakers expressed their appreciation to the Secretariat for its technical assistance activities relating to the promotion of the ratification and implementation of the Convention and its Protocols. Several speakers expressed satisfaction with the results of regional and subregional seminars promoting the ratification and the implementation of the instruments and welcomed the convening of other regional pre-ratification seminars aimed at strengthening international cooperation. Appreciation was expressed for the efforts of the Secretariat to organize a treaty event in cooperation with the Office of Legal Affairs of the Secretariat in order to promote the ratification of the Convention and its Protocols.

7. Some speakers emphasized that the promotion of the ratification of the Convention should remain the highest priority of the Secretariat. In addition, the importance of establishing effective mechanisms for the implementation of the Convention and its Protocols, once the Conference of Parties to the Convention had been established, was underscored. It was emphasized that such efforts should be adequately funded and take into account regional differences. In that connection, a number of speakers supported the efforts of the expert group developing the United Nations legislative guides on the Convention and its Protocols and expressed their appreciation to the Governments and organizations that had offered support for the process. Bearing in mind the close connection between transnational organized crime and terrorism, many speakers supported the combining of technical assistance activities on implementation of the universal instruments against terrorism and of the Organized Crime Convention.

8. Several speakers asked the Commission to consider the drafting of an additional protocol to prevent, suppress and punish trafficking in human organs. A number of speakers also supported a proposal to hold a world summit of prosecutors

in Guatemala in February 2004, with a view to drawing up a coordinated plan for the efficient combating of transnational organized crime for the practical use of public prosecutors around the world.

2. Negotiation of an international convention against corruption

9. Many speakers stressed the importance of international cooperation in the fight against corruption, emphasizing that corrupt practices had a negative impact on sustainable development and social stability and required a unified approach from the global community. In that regard, a number of speakers noted the considerable progress made by the Ad Hoc Committee for the Negotiation of a Convention against Corruption and called for further efforts to finalize its work, so that the new instrument could be approved by the General Assembly and submitted to the high-level signing conference by the end of 2003. It was stressed by a number of speakers that any future convention against corruption should be a comprehensive and multidisciplinary instrument. Bearing that in mind, reference was made to a wide range of areas that would require a spirit of compromise in order to achieve consensus in the Ad Hoc Committee, including the issue of definitions, the scope of application of the future convention, the inclusion of measures to prevent corruption, criminalization, asset recovery, measures for international cooperation and appropriate monitoring and follow-up mechanisms. National and regional efforts, including the African Union Convention on Preventing and Combating Corruption, adopted in 2002, and the Inter-American Convention against Corruption,³ were outlined by some speakers in order to share their experience in fighting corruption. In that respect, it was emphasized that the future convention against corruption should be consistent with existing instruments against corruption, allowing as many States as possible to ratify the instrument.

10. Most speakers reiterated their strong commitment to the successful completion of the work of the Ad Hoc Committee. The representative of France pledged a voluntary contribution of \$55,000 to facilitate the participation of least developed countries at the sixth session of the Ad Hoc Committee. A number of speakers expressed gratitude to the Government of Mexico for hosting a high-level political conference for the purpose of signing the United Nations Convention against Corruption. The representative of Mexico cordially invited all Member States to the conference, to be held in Merida from 9 to 11 December 2003.

3. International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

11. Several speakers stressed the seriousness of the crime of kidnapping, its connections with the activities of organized criminal groups and terrorist groups and its particular manifestation in periods of civil conflict. It was pointed out that kidnapping had assumed serious proportions in some States. In that respect, one State badly affected by the problem provided a detailed overview of the nature and extent of kidnapping in its jurisdiction, its connections with organized criminal groups and terrorist groups and measures being taken to counter it. Several other speakers also outlined the measures being taken by the authorities in their respective

³ E/1996/99, annex.

countries to counter kidnapping and to assist victims, including law enforcement training, cooperation between various security, policing and prosecution agencies, improved intelligence-gathering and the implementation of victim support programmes. With respect to victims of kidnapping, a number of speakers highlighted the serious impact that kidnapping had on individuals and their families, with an array of social, psychological and economic consequences being described.

12. With due regard to the impact of kidnapping, several speakers expressed solidarity with countries with serious problems of kidnapping and underscored the importance of more effective regional and international cooperation in countering it. It was pointed out by some speakers, however, that while greater international cooperation was required to counter kidnapping, existing measures, such as those provided for by the Organized Crime Convention, were adequate for the purpose. Accordingly, States were urged to ratify the Convention and its Protocols so as to ensure their widespread application. It was also reiterated that identifying best practices in preventing and countering kidnapping was critical to confronting the problem effectively. In that regard, several speakers welcomed the initiatives taken by the Secretariat in developing a counter-kidnapping pilot project.

4. Trafficking in protected species of wild flora and fauna and illicit access to genetic resources

13. A number of speakers highlighted the seriousness of trafficking in protected species of wild flora and fauna, expressing concern at the environmental, economic, social and scientific consequences of that practice. Several representatives drew attention to a range of domestic legislative and enforcement measures currently being implemented to combat trafficking in protected species of wild flora and fauna. Most speakers supported the need for enhanced international cooperation and mutual legal assistance in preventing, combating and eradicating such illicit activities. One speaker emphasized the need for a comprehensive approach, including education and awareness-raising, as well as the need to avoid duplication of efforts through close cooperation among international organizations.

14. Regarding illicit access to genetic resources, one speaker stressed the need to further promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources, in line with the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, adopted by the Conference of the Parties to the Convention on Biological Diversity in its decision VI/24, and with the Plan of Implementation of the World Summit on Sustainable Development.⁴ Another speaker pointed out that the secretariat of the Convention on Biological Diversity,⁵ the Food and Agriculture Organization of the United Nations and the World Intellectual Property Organization were actively engaged in looking at the issues connected with genetic resources, which involved intellectual property rights, contractual law and environmental

⁴ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1), chap. I, resolution 2, annex.

⁵ See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

protection. That speaker questioned the contribution the Secretariat could make in that field and encouraged it to focus on the illegal trade in endangered species.
