



Economic and Social Council

Distr.: Limited
9 March 2010

Original: Spanish

Commission on Narcotic Drugs

Fifty-third session

Vienna, 8-12 March 2010

Agenda item 7

Illicit drug traffic and supply and related measures

Argentina, Australia and Costa Rica*: revised draft resolution

Strengthening national capacities in the administration and disposal of property and other assets confiscated in cases of drug trafficking and related offences

The Commission on Narcotic Drugs,

Recalling that, in accordance with article 5, paragraph 2, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹ parties to the Convention shall adopt such measures as may be necessary to enable their competent authorities to identify, trace and freeze or seize proceeds, property or instrumentalities derived from offences established in the Convention, for the purpose of eventual confiscation,

Recalling also that, in accordance with article 12, paragraph 1, of the United Nations Convention against Transnational Organized Crime,² parties to the Convention shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of property, equipment or other instrumentalities used in or destined for use in offences covered by the Convention,

Further recalling that, in accordance with article 31, paragraph 3, of the United Nations Convention against Corruption,³ States parties to the Convention shall adopt, in accordance with their domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property, equipment or other

* On behalf of the Group of Latin American and Caribbean States.

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

² Ibid., vol. 2225, No. 39574.

³ Ibid., vol. 2349, No. 42146.



instrumentalities used in or destined for use in offences established in the Convention,

Considering that, in the measures to enhance international cooperation to counter the world drug problem,⁴ adopted by the General Assembly at its twentieth special session, Member States recognized the need to promote and develop effective mechanisms for the pursuit, freezing, seizure and confiscation of property obtained through or derived from illicit activities, so as to avoid its use by criminals,

Having regard to the Political Declaration on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,⁵ in which Member States recognized that, despite past efforts, illicit crop cultivation and illicit drug production, manufacturing, distribution and trafficking had been consolidated into a criminally organized industry generating enormous amounts of money, laundered through the financial and non-financial sectors and that it was therefore necessary to strengthen measures aimed at dismantling such criminal organizations and confiscating their illicit proceeds and train law enforcement and judicial personnel to utilize the tools available in the international framework,

In conformity with the Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,⁴ in which it was recommended that Member States adopt or strengthen legal measures providing for the identification, freezing, seizure and confiscation of property that constitutes proceeds of drug trafficking and related offences,

Reaffirming its resolution 52/9, entitled “Strengthening measures against the laundering of assets derived from drug trafficking and related offences”, in which it called upon Member States to complement national and international measures against the laundering of assets derived from drug trafficking, with the aim of weakening the economic power of criminal organizations engaged in drug trafficking and related offences, and to promote the sharing of information between law enforcement authorities, and in which it urged Member States to enable national institutions specializing in financial intelligence to facilitate the exchange of information with relevant international partners,

Aware that efforts to counter the world drug problem require increasingly greater resources and that it is therefore necessary to maximize the operation of the different financing instruments, including mechanisms for the administration and disposal of confiscated property,

1. *Invites* Member States to review periodically their regulatory and institutional frameworks in order to optimize investigations into assets related to drug trafficking and related offences for the purpose of ensuring greater effectiveness in law enforcement and judicial measures to pursue criminal organizations engaged in the commission of such offences and for the purpose of confiscation when acting at the request of another party, in accordance with

⁴ General Assembly resolutions S-20/4 A to E.

⁵ A/64/92-E/2009/98, sect. II.A.

article 5, paragraph 5, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;⁶

2. *Invites* Member States to cooperate in identifying assets and property that may have been acquired through drug trafficking and related offences, to exchange information on such assets and property and to assist in the seizure and freezing of such assets and property, including by fully complying with their international obligations in that regard;

3. *Invites* Member States to adopt, consistent with article 12 of the United Nations Convention on Transnational Organized Crime⁷ and to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation, in cases in which proceeds of crime have been transformed or converted, in part or in full, into other property, of that property up to the assessed value of the proceeds of crime stemming from the offence;

4. *Encourages* Member States to undertake awareness-raising campaigns and training programmes aimed at law enforcement authorities and judicial officers with a view to emphasizing the importance of the investigation of assets in cases of drug trafficking and related offences;

5. *Invites* Member States, where appropriate, to improve or institutionalize their mechanisms for the administration of property seized and confiscated in the framework of legal proceedings in cases of drug trafficking and related offences, in order to maximize the administration and disposal of the resources generated, in accordance with national legal procedures, including the establishment of efficient comprehensive records of seized and confiscated assets;

6. *Invites* Member States to consider, consistent with their domestic legislation, the possibility of using confiscated resources to support the activities of law enforcement and other agencies, including those specializing in the treatment and rehabilitation of drug addicts.

⁶ United Nations, *Treaty Series*, vol. 1582, No. 27627.

⁷ *Ibid.*, vol. 2225, No. 39574.