



Economic and Social Council

Distr.: Limited
17 May 2004

Original: English

Commission on Crime Prevention and Criminal Justice

Thirteenth session
Vienna, 11-20 May 2004

Draft report

Rapporteur: Ajebe **Ligaba Wolde** (Ethiopia)

Addendum

International cooperation in combating transnational crime

1. At its 2nd and 5th meetings, on 11 and 13 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, entitled "International cooperation in combating transnational crime". It had before it the following documents:

(a) Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2004/5);

(b) Report of the Secretary-General on the United Nations Convention against Corruption (E/CN.15/2004/6);

(c) Report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims (E/CN.15/2004/7 and Add.1).

2. At its 2nd meeting, on 11 May, following an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime, the Commission heard statements by the representatives of Algeria, Angola (on behalf of the Group of African States), Argentina, Australia, Colombia (on behalf of the Group of Latin American and Caribbean States), Croatia, Ireland (on behalf of the European Union and the candidate and potential candidate States), Morocco, Saudi Arabia, Sweden, Thailand and Turkey.

3. At its 5th meeting, on 13 May, the Commission heard statements by the representatives of Armenia, Azerbaijan, Brazil, Colombia, Egypt, France, India,



Indonesia, Liechtenstein, the Libyan Arab Jamahiriya, Mauritania, Mexico, Nigeria, Pakistan, Panama, Paraguay, Portugal, Qatar, the Republic of Korea, South Africa and Ukraine. The Commission also heard statements by the observers for the League of Arab States, the International Federation of Red Cross and Red Crescent Societies, the International Organization for Migration and the United Nations Commission on International Trade Law.

A. Deliberations

4. The Director of the Division for Treaty Affairs introduced the item by reviewing the work of the United Nations Office on Drugs and Crime with regard to combating transnational organized crime. While emphasizing the achievement of the entry into force of the Organized Crime Convention and the first two Protocols in an expeditious manner, he urged Member States to consider ratifying or acceding to the Firearms Protocol. He summarized the activities of the Office aimed at promoting the ratification of the Organized Crime Convention and its Protocols and stated that the Office was committed to ensuring the universal ratification of and full compliance with those instruments. He also reviewed the role of the Office in supporting the negotiation of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) and in promoting its ratification. The report on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims was also highlighted.

5. Most speakers addressing agenda item 5 identified transnational organized crime as one of the most serious security challenges facing the international community. They noted that the activities of organized criminal networks had expanded beyond traditional sectors such as drug trafficking to encompass a broad range of other interlinked criminal activities: trafficking in persons, smuggling of migrants, kidnapping and economic crime. Zones of conflict and instability, which provided havens for conducting cross-border criminal activity, as well as the development of new communication technologies and the opening of new markets, were having a dramatic impact on the nature and expansion of organized crime.

6. Countering transnational organized crime therefore required a global response, relying first and foremost on increased international cooperation. Several speakers emphasized that it was essential to coordinate international efforts and that the United Nations Office on Drugs and Crime was the most appropriate body to lead international efforts, thereby avoiding duplication of effort and waste of resources. They also acknowledged the usefulness of the assistance extended by the Office to their countries, through training seminars and technical cooperation, in the fight against transnational organized crime, terrorism, money-laundering and corruption and stressed the need for additional resources in order to further strengthen international action in those areas.

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

7. Many speakers welcomed the entry into force of the Organized Crime Convention and its first two Protocols as a major achievement in the fight against transnational organized crime and called for the prompt entry into force of the

Firearms Protocol. An appeal to Member States that had not done so to ratify or accede to the Convention and the Protocols was reiterated. In that connection, several speakers informed the Commission of progress made towards ratification of the instruments, including the conclusion of their internal ratification processes.

8. Several speakers expressed their appreciation for the work of the Office in promoting the ratification and implementation of the Convention and its Protocols, emphasizing that the ratification of those instruments, in particular the Firearms Protocol, should remain the highest priority of the United Nations Secretariat. The Office was requested to continue providing technical assistance and expertise to requesting States and encouraged to circulate the legislative guides as soon as possible in order to facilitate ratification and implementation. It was also repeatedly emphasized that strengthening of international cooperation in the areas of extradition, mutual legal assistance and money-laundering was crucial.

9. Given the significance of effective implementation of the Organized Crime Convention and the first two Protocols that were now in force, the role of the Conference of the Parties to the Convention in promoting and reviewing the implementation of the instruments was underscored, including particular efforts to be made to ensure the participation of least developed countries in the deliberations of the Conference. The need to familiarize the public with the instruments in order to facilitate their implementation was also suggested. Several speakers shared their experience in the fight against organized crime at the national and regional levels and reported on efforts to bring their national legislation into compliance with the provisions of the Convention and its Protocols. Some States presented their strategies against organized crime in the framework of development assistance, for example in connection with trafficking in persons, and urged the donor countries to review existing development assistance policies with a view to providing additional resources for a strengthened programme of technical assistance to developing countries.

10. Several speakers expressed the wish that the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders should provide an opportunity to discuss issues relevant to the implementation of the Convention and its Protocols, as well as to raise awareness about the instruments. It was proposed that an exchange of opinions should take place among experts with regard to the effective implementation of the instruments and that a discussion should be held on strengthening international cooperation, in particular extradition and mutual legal assistance.

2. United Nations Convention against Corruption

11. All speakers reaffirmed the determination of their States to combat corruption, which was identified as a major threat to sustainable development, good governance and the rule of law, as well as a facilitator of most forms of organized criminality. All speakers welcomed the adoption of the United Nations Convention against Corruption, the first legally binding global instrument against corruption. It was noted that the Convention, which had been opened for signature in December 2003 at the High-Level Political Conference for the Purpose of Signing the Convention, held in Merida, Mexico, had gathered a large number of signatures and the wish was expressed that those be promptly followed by an equally high number of ratifications, allowing the Convention to enter into force in the near future.

12. Several speakers informed the Commission that steps towards the domestic approval of the Convention for ratification had been taken in their States and that ratification was either imminent or contemplated in the near future, reporting on the adoption of national anti-corruption strategies, programmes and policies and on the establishment of national anti-corruption bodies. In many States legislation had been or was being introduced to establish corrupt practices as criminal offences, to facilitate investigation and prosecution, to increase sanctions and to enhance transparency and accountability of public administration, creating an ethical environment in both the public and the private sectors in which corruption would not be tolerated.

13. A number of speakers described regional efforts to harmonize national definitions of corruption and criminalization and sanctions against corruption, emphasizing the need to strengthen coordination among anti-corruption bodies at both the regional and the international level.

14. Several delegations indicated that they would require specialized assistance and advice to expedite the review of national legislation and to carry out ratification and implementation. In that connection, support was expressed for the programme of activities outlined in the report of the Secretary-General for promoting the entry into force and implementation of the Convention. Two speakers announced that their States had decided to support, through voluntary financial contributions, the promotion of the entry into force of the Convention, including preparation of a legislative guide on the Convention.

15. A number of delegations emphasized the keen interest of their States in the issue of recovery of assets derived from corruption and their return to the State that was the legitimate owner of such assets, calling for provision by the United Nations Office on Drugs and Crime of technical assistance to enhance the capacity of States to cooperate for that purpose. It was suggested that the Eleventh Congress on Crime Prevention and Criminal Justice could offer a valuable opportunity to discuss that issue, in connection with the consideration of the substantive item on measures to combat economic crime, including money-laundering, and during the workshop on the same subject.

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

16. Several speakers stressed the continued impact and cost of kidnapping in their countries. It was noted that the phenomenon was not confined to any region or group of States and that it had assumed global proportions. Essential to the combating of kidnapping was the promotion of more effective forms of international cooperation and exchange of information. In addition, the importance of effective support to victims of kidnapping and their families was stressed. For those reasons, the representative of Colombia, speaking on behalf of the Group of Latin American and Caribbean States, supported expanded cooperation to combat kidnapping, as well as the provision of an expanded programme of technical assistance.

17. One speaker provided a detailed overview of recent policy initiatives aimed at combating the problem of kidnapping in his country. Among others, these included the building of effective law enforcement capacity to respond to the specific challenges posed by kidnapping; an effective system to monitor ongoing cases of

kidnapping; mechanisms, such as the provision of information to raise awareness, aimed at preventing cases of kidnapping; and reforming the legislative framework, ensuring among other objectives that effective protection and support was provided to victims and their families. Significant lessons had been learned in preventing and responding to cases of kidnapping, which might be of value to other States confronted by similar problems.

18. Several speakers supported the recommendations made in the report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims. In particular, the importance of sharing lessons learned and best practices in countering kidnapping was highlighted. In that regard, the initiative of Colombia to provide financial support for the development of a law enforcement manual on prevention and counter-kidnapping techniques was welcomed by several speakers. The value of debating the issue of kidnapping at the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including the results of the work carried out by the United Nations Office on Drugs and Crime on the manual of best practices, was underscored.
