

Resolution 52/9

Strengthening measures against the laundering of assets derived from drug trafficking and related offences

The Commission on Narcotic Drugs,

Recognizing that an international framework for countering the laundering of assets derived from drug trafficking has been established through the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹

Recalling that, in the Political Declaration adopted by the General Assembly at its twentieth special session,² Member States undertook to make special efforts against the laundering of money linked to drug trafficking,

Recalling also that the General Assembly, at its twentieth special session, adopted measures to enhance international cooperation to counter the world drug problem,³ including measures for countering money-laundering,⁴ in which the Assembly recognized that the problem of laundering of money derived from, inter alia, illicit trafficking in narcotic drugs had become a global threat,

Reaffirming the commitment made by Member States in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, adopted during the high-level segment of the fifty-second session of the Commission, to implementing effectively that Political Declaration and its Plan of Action and to strengthening the implementation of regimes for countering money-laundering, and stressing the need to respond to the challenges posed by the links between drug trafficking and other forms of organized crime,

Bearing in mind the Global Programme against Money-Laundering, established in 1997 in response to the mandate entrusted to the United Nations Office on Drugs and Crime pursuant to the 1988 Convention,

Noting that the General Assembly, in its resolution 63/197 of 18 December 2008, entitled “International cooperation against the world drug problem”, urged all States to strengthen their efforts to achieve the goals set at the twentieth special session of the Assembly by promoting national and international initiatives to eliminate or reduce significantly transnational criminal activities, including money-laundering, and to strengthen action, in particular international cooperation and technical assistance, aimed at preventing and combating the laundering of proceeds derived from drug trafficking and related criminal activities,

Bearing in mind that the United Nations Convention against Transnational Organized Crime⁵ and the United Nations Convention against Corruption⁶ provide a framework for countering money-laundering,

Welcoming the report of the meeting of the open-ended intergovernmental expert working group on countering money-laundering

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

² General Assembly resolution S-20/2, annex.

³ General Assembly resolutions S-20/4 A to E.

⁴ General Assembly resolution S-20/4 D.

⁵ United Nations, *Treaty Series*, vol. 2225, No. 39574.

⁶ *Ibid.*, vol. 2349, No. 42146.

and promoting judicial cooperation held in Vienna on 30 June and 1 July 2008,⁷

Recognizing that strengthening national and international measures against the laundering of assets derived from drug trafficking will contribute to weakening the economic power of criminal organizations engaged in drug trafficking and related offences, such as trafficking in firearms and the diversion of precursor chemicals,

Recognizing also that the cultivation of illicit drug crops and the illicit production, manufacture and distribution of and trafficking in drugs have increasingly merged to form a consolidated organized crime industry generating enormous amounts of money laundered through the financial and other sectors,

Taking note of the initiative on financial flows in and around Afghanistan and the meeting on that subject held within the framework of the Paris Pact initiative in Vienna on 6 and 7 November 2008,

Also taking note of the work undertaken and the progress achieved in countering money-laundering within the framework of specialized regional and international bodies, such as the World Bank, the International Monetary Fund, the Egmont Group of Financial Intelligence Units, the Financial Action Task Force on Money Laundering (FATF) and the FATF-style regional bodies, the Organization for Economic Cooperation and Development, the International Criminal Police Organization (INTERPOL) and the World Customs Organization,

Bearing in mind that the laundering of assets derived from drug trafficking and drug-related offences can deprive Member States of substantial resources that could otherwise be used to further their development,

1. *Urges* States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988⁸ to apply fully the provisions of that Convention, in particular with regard to the laundering of assets derived from drug trafficking, and invites Member States that have not yet done so to consider taking measures to ratify or accede to the Convention;

2. *Invites* States parties to the United Nations Convention against Transnational Organized Crime⁹ and the United Nations Convention against Corruption¹⁰ to apply fully the provisions of those conventions, in particular with a view to countering money-laundering, and invites Member States that have not yet done so to consider taking measures to ratify or accede to those conventions;

3. *Urges* Member States, in accordance with their national legal frameworks, to strengthen bilateral, regional and international cooperation for combating the laundering of assets derived from drug trafficking, in particular with respect to information exchange, above all among financial intelligence units and other competent authorities engaged in countering the laundering of money and other assets, and invites Member States to enhance effective international judicial cooperation in detecting and prosecuting those involved in money-laundering and such cooperation in developing witness protection programmes;

⁷ UNODC/CND/2008/WG.2/3.

⁸ United Nations, *Treaty Series*, vol. 1582, No. 27627.

⁹ *Ibid.*, vol. 2225, No. 39574.

¹⁰ *Ibid.*, vol. 2349, No. 42146.

4. *Encourages* Member States that are in a position to do so to provide training and technical assistance to States requesting such assistance, particularly for building the capacity of institutions to counter the laundering of assets;

5. *Invites* Member States, where appropriate, to review and strengthen their national legislation against the laundering of assets derived from drug trafficking and drug-related offences and to review the criminal and administrative penalties applicable to such offences, in conformity with relevant international standards;

6. *Also invites* Member States, where appropriate and in accordance with their national legal frameworks, to expand the predicate offences to the crime of money-laundering to include, at a minimum, serious offences that facilitate drug trafficking, including those related to new forms of criminal activity, such as the misuse of new technologies, cyberspace and electronic money transfer systems, and to the smuggling of cash across borders;

7. *Urges* Member States to establish or, where applicable, strengthen national institutions specializing in financial intelligence by allowing them to receive, obtain, analyse and disseminate information relevant to the prevention, detection and countering of money-laundering. In addition, such institutions should have the ability to facilitate, in accordance with the national legal frameworks, the exchange of such information with relevant international partners;

8. *Calls upon* Member States to promote, in accordance with their national legal frameworks, the sharing of information between law enforcement authorities to facilitate criminal investigations and prosecutions;

9. *Urges* Member States to make use of available state-of-the-art technologies and techniques to investigate and prosecute the laundering of assets derived from drug trafficking in recognition of the fact that such laundering is a phenomenon in constant evolution, always involving new methods;

10. *Also urges* Member States to adopt appropriate measures, including, where feasible, monitoring measures, to prevent the use of cash transactions and negotiable bearer instruments for the purpose of laundering the proceeds of drug trafficking and related offences;

11. *Calls upon* Member States, in accordance with their national legislation, to complement national and international measures against the laundering of assets derived from drug trafficking through such strategies as the establishment of procedures for the forfeiture of the proceeds of drug-related crime, by natural or legal persons, and of the right of ownership in respect of assets proved to be of illegal origin and, pursuant to article 5 of the 1988 Convention, to conclude agreements on sharing funds that have been transferred abroad as the result of illegal acts, with the aim of weakening the economic power of criminal organizations engaged in drug trafficking and related offences;

12. *Suggests* that Member States consider establishing transparent mechanisms to distribute confiscated funds derived from activities linked to drug trafficking and related offences to help finance law enforcement and international cooperation activities and that Member States consider implementing mechanisms and strategies in support of measures against the laundering of assets derived from drug trafficking and related offences;

13. *Invites* Member States, consistent with their international obligations, to ensure that banking secrecy laws do not constitute an impediment to criminal investigations into the laundering of assets derived from drug trafficking and related offences so as to avoid undermining the effectiveness of mechanisms against the laundering of assets;

14. *Requests* the United Nations Office on Drugs and Crime to continue, within its mandate, to provide technical assistance and training, upon request, for preventing and countering the laundering of assets derived from drug trafficking with a view to ensuring that the problem is better understood and receives greater attention, particularly among judges, investigators and prosecutors, and to cooperate with relevant specialized international and regional bodies to that effect, and invites Member States and other donors to provide extrabudgetary contributions for those purposes in accordance with the rules and procedures of the United Nations;

15. *Urges* Member States to promote the involvement of the private sector, including financial entities, in preventing activities that may be linked to the laundering of assets derived from drug trafficking and related offences, with a view to addressing that scourge in a comprehensive manner;

16. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to transmit the text of the present resolution to all Member States.