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Subject: **Texts adopted at the World Ministerial Conference on Organized Transnational Crime (Naples, 21-23 November 1994)**

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Delegations will please find herewith the following provisional texts adopted at the above Conference :

- **in Annex 1** : a resolution containing the Naples Political Declaration and the Global Action Plan against Organized Transnational Crime ;
  - **in Annex 2** : a resolution presented by the Italian delegation.
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WORLD MINISTERIAL CONFERENCE ON  
ORGANIZED TRANSNATIONAL CRIME  
Naples, Italy, 21-23 November 1994

## REPORT OF THE COMMITTEE OF THE WHOLE

### Draft resolution

#### Naples Political Declaration and Global Action Plan against Organized Transnational Crime

*The General Assembly,*

*Alarmed* by the rapid growth and geographical extension of organized crime in its various forms, both nationally and internationally, undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms,

*Recognizing* that the growing threat of organized crime, with its highly destabilizing and corrupting influence on fundamental social, economic and political institutions, represents a challenge demanding increased and more effective international cooperation,

*Recalling* General Assembly resolutions 44/71 of 8 December 1989, 45/121 and 45/123 of 14 December 1990, 47/87 of 16 December 1992 and 48/103 of 20 December 1993 and Economic and Social Council resolutions 1992/22 and 1992/23 of 30 July 1992, 1993/29 and 1993/30 of 27 July 1993 and 1994/12 and 1994/13 of 25 July 1994,

*Recalling in particular* its resolution 46/152, in which it approved the statement of principles and programme of action on the creation of an effective United Nations crime prevention and criminal justice programme, contained in the annex to that resolution,

*Acknowledging with appreciation* the work of the World Ministerial Conference on Organized Transnational Crime, held at Naples from 21 to 23 November 1994,

*Acknowledging with appreciation also* the work of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach, held at Courmayeur, Italy, from 18 to 20 June 1994, organized by the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme and the Government of Italy, under the auspices of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna,

*Noting* regional initiatives in this field, such as the Conference on Drugs and Organized Crime, between the countries of the European Union and the countries of Central and Eastern Europe, as reflected in the Berlin Declaration of 8 September 1994, as well as the fifteenth Summit of Central American Presidents, held at Guácimo, Limón, Costa Rica, from 18 to 20 August 1994,

*Recognizing* that organized transnational crime is a major concern of all countries and that it calls for a concerted response from the international community,

*Emphasizing* the need for strengthened and improved international cooperation at all levels and for more effective technical cooperation to assist States in their fight against organized transnational crime,

1. *Expresses its appreciation* to the Government of Italy for acting as host to the World Ministerial Conference on Organized Transnational Crime;

2. *Takes note with appreciation* of the conclusions and recommendations of the World Ministerial Conference on Organized Transnational Crime;

3. *Approves* the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, annexed to the present resolution, and urges States to implement them as a matter of urgency;

4. *Requests* the Secretary-General to transmit the Naples Political Declaration and Global Action Plan against Organized Transnational Crime to the Commission on Crime Prevention and Criminal Justice for appropriate action, while recommending a higher level of priority for the United Nations crime prevention and criminal justice programme within the framework of the United Nations;

5. *Urges* all entities of the United Nations system, including the regional commissions and the specialized agencies, and the relevant intergovernmental and non-governmental agencies to extend to the United Nations crime prevention and criminal justice programme their full support in fulfilling its tasks;

6. *Invites* Governments to contribute to the United Nations Crime Prevention and Criminal Justice Fund in order to enable the programme to respond to the most urgent needs of States in the field of the prevention and control of organized transnational crime;

7. *Resolves* to take decisions at its fiftieth session on the allocation of adequate resources to the United Nations crime prevention and criminal justice programme on the basis of proposals for the modification of the programme to be submitted by the Secretary-General, taking into account the

responsibilities entrusted to the United Nations pursuant to the Naples Political Declaration and Global Plan of Action against Organized Transnational Crime;

8. *Requests* the Commission on Crime Prevention and Criminal Justice to keep the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime under regular review;

9. *Requests* the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

*Annex*

**NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN  
AGAINST ORGANIZED TRANSNATIONAL CRIME**

*We, heads of State and Government, ministers responsible for criminal justice systems, and other high-level representatives of Governments,*

*Convened* at Naples for the first time in history, on the eve of the fiftieth anniversary of the United Nations, to consider ways and means of strengthening and improving national capabilities and international cooperation against organized transnational crime and of laying the foundations for concerted and effective global action against organized transnational crime and the prevention of its further expansion,

*Deeply concerned* about the dramatic growth of organized crime over the past decade and about its global reach, which constitute a threat to the internal security and stability of sovereign States,

*Alarmed* by the high cost of organized transnational crime in both human and material terms, as well as by its effects on national economies, the global financial system, and the rule of law and fundamental social values,

*Aware* of the needs of many countries, particularly developing countries and countries in transition, seeking to modernize and render more functional their criminal justice systems in order to raise the level of their response to organized transnational crime,

*Convinced* of the urgent need for more effective international mechanisms to assist States and to facilitate the implementation of joint strategies for the prevention of and to combat organized transnational crime, and the further need to strengthen the role of the United Nations as a focal point in that field,

*Reaffirming* the responsibility vested in the United Nations in crime prevention and criminal justice and recognizing the need to strengthen its role in the development of a comprehensive programme of action to prevent and control organized transnational crime,

*Aware* of the differences that still exist among countries in their understanding and evaluation of the phenomenon and, consequently, in their choice of policies to fight against organized crime,

*Proclaim* our political will and strong determination, as well as our unequivocal commitment to ensure full and expeditious implementation of the present Political Declaration and Global Action Plan against Organized Transnational Crime.

## I. POLITICAL DECLARATION

1. We resolve to protect our societies from organized crime in all its forms through strict and effective legislative measures and operational instruments, always consistent with internationally recognized human rights and fundamental freedoms.

2. We are determined to join forces and fight together against the expansion and diversification of organized transnational crime, and we note with grave concern links between organized transnational

3. We will direct particular efforts towards defeating the social and economic power of criminal organizations and their ability to infiltrate legitimate economies, to launder their criminal proceeds and to use violence and terror.

4. We affirm that the fight against organized transnational crime should be accorded high priority by States, by all relevant global and regional organizations, with the necessary support of the general public, the media, business, institutions and non-governmental organizations.

5. While acknowledging the global implications of organized crime, we recognize that prevention and control must necessarily vary from State to State and region to region and be based upon improvements in national capabilities, increased knowledge and shared experiences about organized criminal groups.

6. We note with concern that organized transnational crime threatens the social and economic growth of developing countries and countries in transition and their institutions. The international community should assist these countries in their efforts to enable their criminal justice institutions to adequately prevent and combat organized crime, with due respect for international human rights and fundamental freedoms.

7. We express our satisfaction at the establishment of the Commission on Crime Prevention and Criminal Justice. We strongly recommend that continued priority attention be accorded to strengthening international cooperation against organized transnational crime in the United Nations crime prevention and criminal justice programme, while acknowledging that limited resources place constraints upon implementation of its mandates. We urge the Secretary-General to allocate adequate financial and human resources for the United Nations activities in the fight against organized transnational crime, bearing in mind the scope of its responsibilities.

8. We urge States which have not become parties to the very important United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to do so without delay. All States are urged to fully implement this and other relevant existing agreements and to develop, when necessary, instruments dealing with the broad range of organized transnational crimes extending beyond drug trafficking.

9. We wish to strengthen and enhance the capability of States whenever possible, as well as of the United Nations and other relevant global and regional organizations, to achieve more effective international cooperation against the threats posed by organized transnational crime, particularly in relation to :

(a) Closer alignment of legislative texts concerning organized crime;

(b) Strengthening international cooperation at the investigative, prosecutorial and judicial levels in operational matters;

(c) Establishing modalities and basic principles for international cooperation at the regional and global levels;

(d) Elaboration of international agreements on organized transnational crime;

(e) Measures and strategies to prevent and combat money-laundering and to control the use of the proceeds of crime.

10. We attach particular importance and the highest priority to the implementation of the present Political Declaration and Global Action Plan against Organized Transnational Crime and, to this effect, we shall strive to improve financial and other assistance for programmes in developing countries and countries in transition and to mobilize funds from overall official development assistance and other official sources for programmes addressed to the fight against organized crime; and we call upon the Commission on Crime Prevention and Criminal Justice to keep under regular review the activities outlined herein.

## II. GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME

### A. Problems and dangers posed by organized transnational crime

11. The international community should adopt a generally agreed concept of organized crime as a basis for more compatible national responses and more effective international cooperation.

12. To effectively combat organized crime, States should take its structural characteristics and *modus operandi* into account in devising strategies, policies, legislation and other measures. While not constituting a legal or comprehensive definition of the phenomenon, the following qualities are characteristic: group organization to commit crime; hierarchical links or personal relationships which permit leaders to control the group; violence, intimidation and corruption used to earn profits or control territories or markets; laundering of illicit proceeds both in furtherance of criminal activity and to infiltrate the legitimate economy; the potential for expansion into any new activities and beyond national borders; and cooperation with other organized transnational criminal groups.

13. To recognize and intelligently prevent and combat organized transnational criminal activities, the international community should increase its knowledge of criminal organizations and their dynamics. States should collect, analyse and disseminate reliable statistics and information on the phenomenon.

**B. National legislation dealing with organized transnational crime  
and guidelines for legislative and other measures**

14. The experience of those States which have confronted organized crime and the intelligence derived from the study and analysis of its structures and criminal activities should be examined by every State for useful guiding principles concerning what substantive, procedural and regulatory legislation and organizational structures are necessary to prevent and combat the phenomenon.

15. Substantive legislation penalizing participation in criminal associations or conspiracies and imposing criminal liability on corporate bodies should be considered by States, when necessary, as a means of strengthening capabilities to combat organized crime domestically and improving cooperation internationally.

16. States should ensure that they possess structures and capabilities throughout their entire criminal justice system adequate to deal with complex organized criminal activities, including safeguards against corruption, intimidation and violence.

17. In order to effectively combat organized crime, States must overcome its code of silence and intimidation. Reliable evidence-gathering techniques, such as electronic surveillance, undercover operations and controlled delivery, should be considered when so contemplated in national law and when administered with full respect for individual rights, in particular the right of privacy, and, subject to judicial approval, supervision as appropriate. Measures which encourage the cooperation and testimony of members of organized crime should be considered, including adequate protection programmes for witnesses and their families and - within the limits of national law - the concession of treatment recognizing the collaboration provided by them in the prosecutive process.

18. The regulatory measures detailed in section F, below, dealing with money-laundering and the proceeds of crime, and other administrative law mechanisms to reinforce transparency and integrity in business and government, should be considered preventive measures of equal importance with penal law means of combating organized crime.

19. States should endeavour, when warranted, to establish and equip special investigative units with expertise in the structural characteristics and methods of operation of organized criminal groups. States should also endeavour to provide those units with the necessary training and resources to concentrate on intelligence collection and analysis concerning organized transnational crime.

20. States should develop educational programmes to create a culture of morality and legality and should implement measures to raise public awareness regarding the effects of organized crime, enlisting the support of the public, the news media and the private sector for national and international efforts against organized crime.

21. States should give consideration to providing proper restitution or compensation to the victims of organized crime, taking into account the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985.



22. The United Nations and other relevant global and regional organizations should, when necessary, develop practical models of and practical guidelines for substantive and procedural legislation, using as a basis the experience and expertise of States and drawing on contributions from relevant organizations. The United Nations and these organizations should also assist States upon request in reviewing and evaluating their legislation and in planning and undertaking reforms, taking into account existing practices and cultural, legal and social traditions.

**C. International cooperation at the investigative,  
prosecutorial and judicial levels**

23. The ability of organized transnational crime to shift its activities from country to country and to widen the magnitude of its activities as new opportunities arise requires that States ensure that they have in place the basic components of a functional system of international cooperation.

24. Because the lack of relevant cooperative arrangements critically hinders effective mutual efforts, States should, when warranted, develop and improve bilateral and multilateral assistance. In this context, reliance on and more widespread promotion of "model" treaties and relevant regional instruments should be pursued.

25. States should endeavour to implement fully existing bilateral and multilateral conventions and agreements concerning extradition, to ensure effective implementation of requests for mutual legal assistance.

26. States should improve the practical application of existing agreements through informal and operational mechanisms, for example, the exchange of manuals explaining national procedures, the designation of "central authorities" for mutual legal assistance or "contact points" to expedite requests, the formation of joint task forces, the identification of "best practice" investigative techniques, and the sharing of advanced investigative technology.

27. States should encourage the development of a basic intelligence-gathering capability, while respecting individual human rights and fundamental freedoms, with arrangements such as liaison officers to facilitate the collection and dissemination of intelligence to other States, as well as other forms of cooperation.

**D. Modalities and guidelines for international cooperation  
at the regional and international levels**

28. Acknowledging the importance of regional approaches, States should take measures to prevent organized criminal groups operating in a particular region from extending their activities further, and should continue to promote regional strategies.

29. States should strengthen technical cooperation activities designed to assist developing countries and countries in transition, upon request, in enhancing the capability of their law enforcement and judicial systems.

30. States should ensure that bilateral and multilateral technical cooperation activities are appropriately coordinated to avoid overlapping or duplication of efforts.

31. The United Nations should, upon request, provide and facilitate the provision of technical cooperation including the systematic exchange of experiences and expertise, the appropriate training of police and judicial staff, as well as the use of effective countermeasures. The following areas appear to be of particular importance:

(a) Drafting legislation for those countries whose penal systems do not yet encompass the fight against organized crime;

(b) Providing special training courses for police staff, prosecutors, judges and magistrates and all those officials who provide technical expertise to investigative bodies;

(c) Gathering, analysing and exchanging information on criminal organizations and related activities, taking into account the work of other relevant inter-governmental organizations.

#### **E. Feasibility of international instruments, including conventions, against organized transnational crime**

32. States should consider the further development of international instruments, drawing on the positive experience and results achieved by the elaboration and implementation of existing broad-based bilateral or multilateral agreements. The development of such international instruments would promote closer alignment or compatibility of national legislation with regard to the criminalization of organized transnational crime, the adoption of more effective criminal justice measures and the greater use of mutual assistance and extradition.

33. States should in particular consider the practical aspects of establishing more effective tools and instruments, such as models of technical agreements, manuals for police and judicial cooperation, methods for the regular flow of information and other communications, as well as databases for storing and updating information. Such instruments might be introduced as memoranda of understanding similar to those already concluded by some States in the field of international drug trafficking.

34. With respect to the opportunity of elaborating international instruments, such as a convention or conventions against organized transnational crime, the World Ministerial Conference on Organized Transnational Crime requests the Commission on Crime Prevention and Criminal Justice to initiate the process of requesting the views of Governments on the impact of such a convention or conventions and on the issues that could be covered therein.

#### **F. Prevention and control of money-laundering and control of the proceeds of crime**

35. States should ensure that the fight against organized transnational crime should be based on strategies aimed at defeating the economic power of criminal organizations, which should involve both criminal law measures, in particular appropriate sanctioning and sentencing, and adequate regulatory mechanisms.

36. States should consider the need to make it a criminal offence to launder the proceeds of criminal activities, in order to address the accumulation by organized criminal groups of large amounts of capital, and the resulting need of those groups to have their profits laundered and invested in legitimate business.

37. States should consider the adoption of preventive measures ensuring a clear identification of position of owners of companies and accurate information on acquisitions and transfers, high ethical standards in public administration, the business sector, financial institutions and relevant professionals, as well as cooperation between the authorities in charge of regulating financial and economic sectors and those applying penal laws.

38. States should consider adopting legislative measures for the confiscation or seizure of illicit proceeds, asset forfeiture, as required, and the availability of provisional arrangements, such as the freezing or seizing of assets, always with due respect for the interests of bona fide third parties. Subject to the basic principles of their legal systems, States should also consider the possibility of sharing forfeited assets and - under specific conditions and always through judicial or other legal proceedings - of confiscating or seizing illicit proceeds without a criminal conviction, or confiscating or seizing sums that are higher than those relating to the crime for which judgement has been passed.

39. States should consider the adoption of legislative and regulatory measures that will limit financial secrecy in order to promote effective money-laundering control and international cooperation. These measures should also include obligations for the application of the "know your customer" rule, as well as for the identification and reporting of suspicious financial transactions, while fully protecting representatives of financial institutions from any liability for good-faith reporting of such transactions, except in cases of gross negligence. In addition, States should accord high priority to measures designed to prevent the displacement of money-laundering activity from tightly supervised banks to non-supervised businesses and professions which offer financial services. For this purpose, States should endeavour to undertake research and studies to identify those businesses which may serve as money-launderers and to determine the feasibility of extending reporting and other requirements to possible areas other than banking and financial institutions.

40. The United Nations and other international organizations and mechanisms, such as the Financial Action Task Force, the International Criminal Police Organization, the Inter-American Drug Control Commission (CICAD) of the Organization of American States and the Council of Europe, the European Union and the Arab Interior Minister Council Secretariat, which have played an active role in combating money-laundering, should join their efforts to reinforce common regulatory and enforcement strategies in that area.

41. The United Nations should assist States in needs assessment, treaty development and development of criminal justice infrastructures and human resources by providing technical assistance to countries on request, using the expertise and cooperation of all its institutes and other relevant agencies, including the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme, which organized the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach.

G. Follow-up and implementation

42. States should take necessary measures, in accordance with the Global Action Plan against Organized Transnational Crime, to translate it into practice to the widest possible extent at the national, regional and international levels.

43. The United Nations, through its Commission on Crime Prevention and Criminal Justice and its institutes and other relevant agencies, should assist State efforts against organized crime by needs assessments and regular review of the progress in implementing the Political Declaration and Global Action Plan, in accordance with the priorities of its programme of work, by assisting in the specific actions recommended above, and by technical cooperation.

44. The Commission on Crime Prevention and Criminal Justice should regularly review progress in the implementation of the Global Action Plan against Organized Transnational Crime, in accordance with the priorities of its programme of work.

45. To enable the United Nations crime prevention and criminal justice programme to support intensification of efforts at the national level and increased intergovernmental cooperation, and to carry out its important responsibilities, existing resources are not sufficient. A higher priority should be accorded to the United Nations crime control activities by allocating adequate resources in the medium-term plan for 1992-1997 and in the corresponding biennial budgets, and by States increasing voluntary contributions to the programme, thus strengthening the United Nations crime control structure, increasing its efficiency.

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Agenda item 10

## CONCLUSIONS AND RECOMMENDATIONS

Italy : draft resolution

### **Establishment of an international task force**

*We, heads of State and Government, ministers responsible for criminal justice systems, and other high-level representatives of Government,*

*Convened* at Naples for the first time in history, on the eve of the fiftieth anniversary of the United Nations, to consider ways and means of strengthening and improving national capabilities and international cooperation against organized transnational crime and of laying the foundations for concerted and effective global action against organized transnational crime and the prevention of its further expansion,

*Taking note* of the adoption of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and in particular of the urgency of the implementation of the measures contained therein,

1. *Express our appreciation* for the proposals of the Government of Italy to organize and host at no cost to the United Nations an international task force, drawing on the expertise of representatives of Member States and in consultation with the United Nations crime prevention and criminal justice programme, for the elaboration of proposals on the feasibility of establishing an international training centre for law enforcement and criminal justice personnel;

2. *Take into account* the offer of the Italian Government to act as host of the centre and to provide the organizational and functional resources;

3. *Invite* the Government of Italy to submit the results of the task force's work to the Commission on Crime Prevention and Criminal Justice at its next session.