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INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

cicad

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Washington DC, USA

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FINAL REPORT
Ad Hoc Group Meeting on Transnational Organized Crime

**MEETING OF THE AD HOC GROUP
ON TRANSNATIONAL ORGANIZED CRIME
March 15-17, 2004
Washington DC**

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FINAL REPORT

I. BACKGROUND

At its 34th regular session, held in Montreal, Canada in November 2003, the Inter-American Drug Abuse Control Commission (CICAD) received a report from the President of the First Inter-American Meeting on Cooperation Mechanisms against Transnational Organized Crime, the Deputy Attorney General of Mexico, José Luis Santiago Vasconcelos, on the discussions that had taken place in Mexico City on October 6-8, 2003 (CICAD/doc 1268/03). In its conclusions and recommendations, that meeting called for creating an ad hoc group that would meet before the end of April 2004 to consider the issue of transnational organized crime in greater detail. The Commission decided to establish an open-need group of this kind, and requested it to examine the issue of transnational organized crime, in light of the said conclusions and recommendations, as it relates to the drug problem and the activities of CICAD, and to report its conclusions to the Commission during its 35th regular session.

The ad hoc group was convened in Washington from March 15 to 17, 2004, with members of the following countries: Antigua and Barbuda, Argentina, Bahamas, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, Trinidad and Tobago, Uruguay, United States, and Venezuela.

II. PROCEEDINGS OF THE MEETING

INAUGURAL SESSION

Opening the inaugural session, the Deputy Secretary General of the Organization of American States, Luigi R. Enaudi, referred to the threats that transnational organized crime poses for member countries, not only for their societies but also for the very concept of governance. The Executive Secretary of CICAD, David R. Beall, described the challenges facing countries of the Organization in controlling transnational organized crime, which tends to undermine the very basis of the State, and he reviewed developments within CICAD over the past decade of its activities. The President of CICAD, Paul Kennedy, spoke during the third plenary session about the importance of the relationship between transnational organized crime and illegal drug trafficking, and the efforts of CICAD in this respect.

BUREAU

The representative of Mexico, Ambassador Miguel Angel Gonzalez Felix, was elected president of the meeting by acclamation, and the representative of Chile, Dr. Andrea Muñoz, was elected Vice President, also by acclamation.

PRESENTATIONS

Mr Rafael Franzini-Batlle of the CICAD Executive Secretariat and Mr. Kristian Hoelge of the United Nations gave presentations dealing respectively with transnational organized crime in the hemisphere and with the institutional structure adopted by the United Nations for combating transnational organized crime.

Representatives of the OAS General Secretariat described the work of the Organization with respect to transnational organized crime, in the following areas:

- Corruption: Mr. Sergio Garcia, Technical Secretariat for Legal Cooperation Mechanisms, Anticorruption Division.
- Arms control: Mrs. Ligia Guevara, Alternate Representative of Nicaragua to the OAS.
- Trafficking in persons: Executive Secretary of the Inter-American Commission for Women, Mrs. Carmen Lomellin, and Mrs. Laura Lanberg (CIM).
- Terrorism: Ambassador Juan Fisher, Permanent Representative of Uruguay to the OAS and President of the Inter-American Committee against Terrorism.
- Legal Assistance: Luiz Azevedo and Enrique Martinez of the Technical Secretariat for Legal Cooperation Mechanisms, Anticorruption Division.

The CICAD Secretariat gave presentations on the following programs relating to transnational organized crime:

- Drug trafficking: Mr. Ziggy Malyniwsky, Chief, Supply Reduction Section.
- Arms control: Mr. Michael Sullivan, Chief, Legal Development Section.
- Control over Chemical Precursors: Mr. Ziggy Malyniwsky, Chief, Supply Reduction Section.
- Money-laundering and Terrorism Financing: Pierre Lapaque, Advising Expert with the Money-laundering Unit.
- Gangs: the “*Maras*” project in El Salvador, presentation by Mrs. Margarita Chavez, Director of the Salvadoran Antidrug Commission.

Mr. Michael Sullivan, Chief, Legal Section, discussed the CICAD's mandate in controlling transnational organized crime.

There were three presentations dealing with multilateral tools for combating transnational organized crime:

- a) Institutional development in the field of legal and operational cooperation (law enforcement agencies: police, customs, financial intelligence units)
 - Presentation by Cristina Biebesheimer, representing the Inter-American Development Bank, on justice reform in the hemisphere.
 - Presentations on CICAD projects by Mr. Rodolfo Uribe, Program Coordinator for Strengthening Financial Intelligence Units in South America, and Michael Sullivan, Chief of the Legal Development Section.
- b) Model Regulations and Legislative Consistency. Description of the CICAD strategy for implementing the model regulations: Mr. Rafael Franzini-Battle, Chief, money-laundering unit.

DECISIONS ADOPTED

The ad hoc group took the following decisions:

1. PROPOSAL

To submit the following proposed action plan for consideration by the CICAD at its 35th regular session, to be held in Washington, April 27-30, 2004:

Proposals for a Plan of Action for the Development of Hemispheric Cooperation
Against the Illicit Trafficking of Drugs and Related Crimes Associated with Transnational
Organized Crime

17th March 2004

The CICAD Ad-hoc Group on Transnational Organized Crime presents for consideration of the Commission the following plan of action, which is the product of the discussions of its first meeting, March 15-17, 2004:

a) The concept of transnational organized crime

The Member States attending the meeting indicated that there is no common concept of transnational organized crime that has been adopted in a Hemispheric instrument. The Palermo Convention and its additional Protocols provide a frame of reference on this topic. To date, fifteen member states of the Organization of American States are party to the Palermo Convention and many are in the process of ratification.

Action to be undertaken: The OAS member states should consider as a priority the adoption or ratification of the Palermo Convention and its three additional Protocols as a means toward developing a frame of reference for this subject.

b) The OAS addresses different aspects of transnational organized crime

Several agencies and entities of the OAS¹ address different aspects of transnational organized crime. This handling requires a joint vision to integrate efforts to combat transnational organized crime.

Action to be undertaken: The subject of “the fight against transnational organized crime” could be included in the Hemispheric agenda through an OAS General Assembly resolution. This resolution should reflect the continuing efforts of each of the areas of the OAS that deals with the various aspects of the phenomenon within the framework of their respective fields of expertise with the objective of consolidating a joint vision of the ongoing efforts and promoting better coordination and cooperation in those efforts. The follow up and fulfillment of this Resolution could be assigned to the Committee on Hemispheric Security, taking into account the Declaration on Security in the Americas².

c) CICAD has been working for more than a decade on diverse manifestations of transnational organized crime linked to the issue of drugs and its relation to drug trafficking

CICAD addresses a series of crimes that relate to transnational organized crime activities within the terms of the Palermo Convention. The trafficking of arms and explosives, money laundering, trafficking of precursors and controlled chemical substances are crimes related to drug trafficking that have been addressed by CICAD for over a decade.

¹ For example, CICAD, CICTE, CIM and the Consultative Committee of CIFTA.

² This appeared as a recommendation under item no. 43 of the Declaration.

Action to be undertaken: CICAD should intensify its work in the struggle against illicit drug trafficking and related crimes linked to transnational organized crime. To this end it should develop actions for cooperation at the Hemispheric level within the framework of the provisions of the Palermo Convention.

- d) CICAD will contribute to international cooperation against the illicit trafficking of drugs and related crimes linked with transnational organized crime

Actions to be undertaken:

1. Through expert and working groups already in existence, review CICAD's existing model regulations and other initiatives in order to consider the relevancy of incorporating aspects related to transnational organized crime.
2. Request that the Executive Secretariat of CICAD carry out a study examining the relevancy of developing model regulations on transnational organized crime that take into account the following:
 - a) The results of the Conference of the States Party to the Palermo Convention, June 2004;
 - b) The responses to indicators 85 and 86 of MEM on transnational organized crime
 - c) Other initiatives related to this subject.
 - d) The available comments of the expert and working groups.
3. CICAD in collaboration with the Secretariat responsible for implementation of the Palermo Convention may hold workshops or seminars for the future implementation of the Convention, with respect to illicit drug trafficking and related crimes associated with transnational organized crime.

2. REPORT ON PROPOSALS NOT CONSIDERED

That the President of the group, Miguel Angel Gonzalez Felix, in his oral report to the Commission, transmit a proposal from the delegation of Honduras which was considered during the meeting but which was not included in the action plan. This is included as **Annex A**. As well, that the President of the group, again in his oral report, should refer to the proposals made by the delegations of Canada, Mexico, and Peru, which were presented during the meeting but were not considered. These are attached as **Annexes B, C, and D** respectively.

Annex A

Proposal of the Delegation of Honduras

PROPOSAL OF THE DELEGATION OF HONDURAS MARCH 17, 2004

Action proposed:

That CICAD cooperate with Central American states in order to increase their governments' capacity to deal with the problems of gangs that are being used by transnational organized crime as instruments for the trafficking of illicit substances and goods, and related crimes such as the execution of young people and adults who violate the rules of criminal organizations.

CICAD cooperation should extend to the measures that these countries are pursuing, with great effort, in the fields of prevention, promotion and rehabilitation.

Annex B

Proposal of the Delegation of Canada

PROPOSED ACTIONS (March 17, 2004)

Actions to be undertaken:

The following are specific items which were identified as critical issues pertaining to the development of a multilateral approach towards combating transnational organized crime:

- The need to continue to develop and share best practices when addressing specific expressions of organized crime, such as gangs;
- The need for an organized crime public awareness strategy;
- The need to develop special investigative tools as indicated in the new MEM indicators, such as:
 - Informant recruiting and witness protection
 - Undercover operations
 - Wiretaps
 - Controlled Deliveries
- The need to develop intelligence-led policing for a more efficient and coordinated approach towards targeting criminal organizations.

Annex C

PROPOSAL OF THE DELEGATION OF MEXICO

In addition to establishing and revising model regulations for implementing the Palermo Convention, the following activities could be considered:

1. Identify special investigation techniques for combating transnational organized crime (training and the exchange of information).
2. Create cooperation mechanisms and confidential control systems for coordinated operations, national contact points, and bilateral agreements for the exchange of liaison officers.
3. Prepare an annual report on trends in transnational organized crime within the hemisphere.
4. Seminars and expert meetings.
5. Monitor progress through the MEM

Annex D

Proposal of the Delegation of Peru

CICAD Efforts to Develop International Cooperation against Illegal Drug Trafficking and Related Offenses Involving Transnational Organized Crime

(Proposal of the delegation of Peru)

1. Promote the signing of cross-border cooperation agreements between member countries of CICAD for strengthening national systems of control over the smuggling and clandestine marketing of chemical precursors.
2. Recommend that member countries establish progressive control over chemical precursors that are used by transnational organized crime for the illicit production of drugs.
3. Foster joint participation by observer agents in cases of intervention in transnational criminal organizations for purposes of obtaining information feedback.
4. Encourage meetings between justice officials as a way of facilitating international legal assistance in combating the problem of drugs linked to transnational organized crime.
5. Sponsor international seminars to examine the relationship between countries that are producers and consumers of controlled chemical precursors in order to compare national legislation and explore ways of optimizing the exchange of information and intelligence between authorities responsible for combating drugs related to transnational organized crime