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**COOPERATION AND SHARED RESPONSIBILITY IN THE GLOBAL FIGHT AGAINST  
ORGANIZED CRIME, IN PARTICULAR DRUG TRAFFICKING, ILLEGAL ARMS SALES,  
HUMAN TRAFFICKING AND CROSS-BORDER TERRORISM**

***Report submitted by the co-Rapporteurs***

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1. Globalization has generated a series of changes worldwide. New military and transnational threats to international peace and security, namely drug trafficking, the manufacture and trafficking of weapons, trafficking of persons and cross-border terrorism, have emerged.
2. The phenomenon of globalization encompasses the growing "internationalization" of financial, industrial and commercial capital, but it also makes threats transnational and heightens people's sense of insecurity. Current trends such as the growing interdependence between States and the opening of borders, which exist alongside socio-economic, cultural, legal and political inequalities, facilitate the activities of transnational criminal groups. Criminals are freer to move, making it easier for them to cross borders and broadening the range and scope of their operations. Consequently, most countries have suffered a surge in criminal activities that poses a serious threat to political and economic stability.
3. The international economic crisis, spawned by the financial crisis, has led to unemployment, a drop in remittances, a fall in both the volume and price of exports, less foreign direct investment and a downward trend in tourism. As a result, more people are working in the informal sector while others have joined organized crime networks.
4. Organized crime groups carry out their illicit activities using the most advanced technological tools such as information networks, the financial system and more sophisticated weapons. They also take advantage of differences in legislation, legal systems and traditions, which often seriously hamper State efforts to respond adequately to the threat of organized crime.
5. The past few years have been characterized by a significant increase in global criminal activities such as money laundering, trafficking in nuclear technology and material, the trade in human organs and migrant smuggling. At the same time, emerging crimes such as modern piracy, and trafficking in toxic waste, counterfeit medicines, precious metals or natural resources have been added to the list of traditional illegal activities such as prostitution, drug trafficking and arms trafficking.

6. As the problem of transnational crime becomes more complex and involves more stakeholders, actors and agencies, it is necessary to intensify existing multilateral and national measures in order to address this problem more effectively. In response to these global threats, the United Nations General Assembly adopted the Convention against Transnational Organized Crime and two supplementary Protocols: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea in 2000. A third Protocol, against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, was adopted in 2001. The Organized Crime Convention is the only legally binding international instrument inviting States to harmonize laws and procedures across borders and between regions and thus prevent and combat all forms of transnational organized crime. With 148 States Parties, it is the broadest legal instrument in this field.

### **Drug trafficking**

7. Drug trafficking is one of the principal illicit activities worldwide and constitutes a serious threat to the entire international community. The United Nations Office on Drugs and Crime (UNODC) states that illegal drugs are used by more than 200 million people throughout the world. Moreover, the *Report on Global Illicit Drug Markets 1998-2007*, commissioned by the European Union, states that the number of cocaine and heroine users worldwide has increased, in particular, in Eastern Europe and Central Asia. No single government can successfully combat this menace alone. Cooperation, coordination and commitment by all countries are essential to curb this crime.

8. According to the UNODC *World Drug Report 2008*, the number of drug users should be more effectively controlled, especially in developing countries. More attention should be paid to preventing, treating and reducing the consequences of drug use. The work carried out under the EU Drugs Action Plan (2005-2008), whose objective is to reduce drug consumption and the harm it does to health and society, is noteworthy in this respect. The United Nations General Assembly Special Session on the World Drug Problem, in 1998, adopted a political declaration and an action plan, which was revised and updated in the follow-up session (UNGASS 2) in 2008.

9. The International Narcotics Control Board (INCB) reported that corrupt public officials allow drug traffickers to continue acting with impunity, while the officials and journalists that try to tackle the problem are frequently victims of harassment and violence, or are even killed. INCB, therefore, has repeatedly stated that in order to fight drug-related corruption successfully, governments have to show political determination and take strong action; the results obtained have to be clear and measurable.

10. The *Report of the INCB for 2008* indicates the routes drug traffickers use around the world. The Central American and Caribbean region constitutes one of the main routes for cocaine from South America to North America and Europe. Another route runs through Central Asia, bringing heroin to eastern and western European countries. Western Africa is a notorious centre for cocaine smuggling from South America to Europe.

11. The European Union (EU) has recently not only become one of the main exporters of illegal synthetic drugs, but is also importing the materials needed to produce them.

12. The practicable and achievable vision of being a drug-free society is to successfully and effectively control illicit drug activities and mitigate its negative consequences on society, including significant and sustainable reductions in illicit crop cultivation (opium, coca, cannabis), manufacturing and trafficking of drugs and drug-related crimes, and the prevalence of illicit drug use.

13. Drug trafficking and drug abuse pose a major threat to the health, dignity and hopes of millions of people and lead to the loss of human life. In order to tackle the global drug problem and actively promote a society free from drugs, countries should ensure that all people can live healthily, in dignity, and in peace and security.

14. The global drug problem remains a common and shared responsibility that requires effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing and balanced approach to supply and demand reduction strategies. Law enforcement, preventive measures, alternative development for drug dependent communities, treatment and rehabilitation as well as aftercare services are effective tools to combat drug trafficking and enhance the well-being of citizens. Drug cartels undermine the foundations of government and corrupt government structures. Political campaigns have been financed and authorities elected using resources obtained from drug trafficking.

15. The three main international legal instruments on drugs - the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances – have been widely ratified. Their objective is to foster cooperation on drug issues, the eradication and destruction of crops, the exchange of information and intelligence, the establishment of joint task forces and working groups among the security forces of the countries affected, the dismantling of drug-trafficking organizations and the investigation of drug-related crimes, such as money laundering and arms trafficking. They also address the need to reduce the demand for drugs and drug abuse.

16. Since it is difficult to control the drug trafficking routes due to the widening information network, the IPU should work together with national parliaments, governments and non-governmental organizations (NGOs) on joint activities such as producing stringent legislative measures.

17. The strengthening and harmonizing of laws, regulations and supplementary measures on drugs and strong regional cooperation to combat drug trafficking should be promoted among IPU Member Parliaments with the assistance of international organizations.

18. Counterfeit medicines pose a significant threat worldwide. Their distribution affects mainly, but not exclusively, the poor. Counterfeit medicines often contain life-threatening ingredients whose consumption can harm or even kill consumers. The inability to receive essential medicines exacerbates regional social and economic instability. In many regions, trafficking in counterfeit medicines has become one of the fastest growing criminal businesses. At the same time, prosecution of traffickers is hampered by the absence of an adequate legislative and law enforcement framework. Improved technological capabilities have enabled counterfeiters to produce drugs and packaging that can barely be distinguished from the original product.

19. In addition, drug trafficking is linked to health problems since in many parts of the world the use of intravenous drugs helps spread diseases such as HIV/AIDS and hepatitis. The adverse consequences of drug abuse for individuals and society requires adequate attention in countries and concerned international organizations through comprehensive drug demand-reduction strategies, particularly for youth and high-risk groups. The alarming rise in the incidence of HIV/AIDS and other blood-borne diseases among injecting drug users is a cause for concern, and one which requires countries to provide comprehensive drug abuse prevention programmes and treatment, care and related support services to their citizens, in full compliance with international drug control conventions and national legislation.

20. Some of the consequences of drug use are loss of income, significant increases in health costs, and the breaking up of families and communities. Every year, national governments allocate resources for police forces, border patrols, judicial systems and treatment and rehabilitation programmes.

21. The significant contribution of women and families to the global drug problem should be recognized since many studies confirm that women could make a significant contribution to preventing family members from consuming illicit drugs and to the process of treatment and rehabilitation. Member Parliaments should ensure that drug control policies, measures and interventions include women and ensure that women have access to drug control programmes without discrimination.

22. Member Parliaments should encourage the participation of civil society and NGOs organizations in addressing the global drug problem and foster, where applicable, the involvement of civil society entities in the formulation and implementation of drug demand and supply-reduction policy.

23. Drug demand-reduction programmes should be promoted through scientific evidence and a wide range of measures, including primary prevention, early intervention, treatment, care, rehabilitation, social reintegration and related support services, particularly for high-risk drug users. IPU Member Parliaments should ensure accessibility on a non-discriminatory basis, including for those in detention facilities and marginalized groups.

24. There are serious challenges posed by increasing links between drug trafficking, corruption and other forms of organized crime, including trafficking in persons, trafficking in firearms, cybercrime and, in some cases, terrorism and money-laundering, including money-laundering in connection with the financing of terrorism, as well as the significant challenges faced by law enforcement and judicial authorities in responding to the ever changing means used by transnational criminal organizations to avoid detection and prosecution.

25. Member Parliaments should continue their efforts to improve understanding of the problem, particularly on new trends, patterns and emerging types of psychotropic substances through the examination of scientific evidence, research-based information, sharing of experiences and forensic data.

26. The IPU should commit itself to work on anti-drug activities with youth by raising public awareness and providing youth with information, skills and opportunities to choose healthy lifestyles.

27. The IPU should take into consideration the misuse of medicine and pharmaceutical products through legal channels. This is crucial to prevent the diversion of pharmaceutical preparations, the manufacture and marketing of mixtures of amphetamine-type stimulants and other synthetic drugs, the use of non-controlled chemicals and/or substitute chemicals as new precursors for the illicit synthesis of drugs.

28. The IPU should promote and encourage international cooperation including judicial cooperation through existing international conventions and mutual legal assistance measures, in order to prevent, detect and prosecute drug-related transnational organized crimes, dismantle criminal organizations and confiscate their illicit proceeds and also recognize the need to enhance the capability of law enforcement and judicial personnel to utilize the tools available under the international framework.

29. The IPU, and in particular countries sharing common borders, should intensify intelligence exchange and cross-border cooperation aimed at countering the global drug problem, specifically those States that are directly affected by illicit crop cultivation and the manufacture, transit, trafficking, distribution and abuse of narcotic drugs and psychotropic substances.

30. The IPU should explore ways and means to eliminate or mitigate significantly the drug problem through the following activities:

- (a) Illicit cultivation of opium poppy, coca bush and the cannabis plant;
- (b) Illicit demand for narcotic drugs and psychotropic substances, and drug-related health and social risks;
- (c) Illicit production, manufacturing, marketing and distribution of, and trafficking in, psychotropic substances, including synthetic drugs;
- (d) Diversion of and illicit trafficking in precursors and essential chemicals.

31. The IPU should take the lead in assessing the effectiveness of current domestic laws, enforcement practices and legal penalties in reducing domestic drug demand, including strengthening regional and subregional efforts to combat drugs. In addition, the IPU should promote efforts by parliaments to share best practices and experiences in combating drug trafficking and developing national laws. Moreover, since human rights issue figure high in combating drug trafficking, parliaments should monitor actions taken by their respective governments to ascertain whether or not they comply with international human rights standards and the rule of law.

32. Parliaments should support tax exemption, in compliance with World Trade Organization (WTO) rules and regulations, for products from drug-related alternative development projects, and for private sector companies that contribute to drug control activities as an incentive to combat the drug menace.

#### **Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

33. Another threat to international security related to organized crime is the illicit manufacturing, transfer and traffic of arms, their parts and components, and ammunition, the various consequences of which affect peace, stability and sustainable development.

34. The illegal sale of arms, especially small arms and light weapons (SALW), poses a risk to international peace, stability and security from the uncontrolled build-up and proliferation of armaments. These problems not only fuel armed conflicts, armed criminality and terrorism, but also exacerbate violence, undermine respect for international humanitarian law, impede the provision of humanitarian assistance to victims of armed conflict, and hinder the return to peace and sustainable development.

35. It is important to highlight that SALW should only be used for legal purposes, such as national defence and public security. These weapons can cause injuries, harm and public or national insecurity when they are misused, or when they fall into the hands of criminal and terrorist groups.

36. Disarmament and illegal arms sales are vital issues to which the IPU has given priority since its inception. The illicit sale of arms is closely related to other organized crime activities, such as drug trafficking and terrorism. In some parts of the world, arms and ammunition are also exchanged for diamonds and other commodities. In several regions, handcrafted arms made out of old weapons or from different parts and components is a growing problem, as they are even more difficult to be identified and traced.

37. The framework of international and regional political and legal instruments on firearms control is fairly well developed. In particular, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Organized Crime Convention, are the main instruments tackling transnational firearms trafficking and related crimes.

38. At the regional level, legal frameworks aimed at regulating and combating the illegal sale of arms were adopted. For example, in 1997 the Member States of the Organization of American States (OAS) signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials. At the subregional level, in 2003 the Andean Community adopted the legally binding Andean Community Decision 552, and two years later the Central American region adopted the Code of Conduct of the Central American States on the Transfer of Arms, Ammunition, Explosives and other Related Materials.

39. In May 1998, the Southern African Development Community (SADC) and the European Union (EU), with the technical support of certain research institutes and NGOs, approved the Regional Drug Control Action Plan, aimed at the reinforcement of regulations and closer coordination between judicial and customs authorities. In 2000, the African Union adopted the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, whose provisions were taken up in subsequent subregional instruments. In 2001 the SADC adopted the SADC Declaration concerning Firearms, Ammunition and other Related Materials, and the legally binding SADC Protocol on Control of Firearms, Ammunition and Other Related Materials, which entered into force in 2004. In East Africa, the Nairobi Declaration for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa was adopted in 2000, followed by the legally binding Nairobi Protocol in 2004 and by the Best Practice Guidelines on the implementation of the Nairobi Protocol for countries of the Great Lakes Region and the Horn of Africa in 2005. In West Africa, the Economic Community of West African States (ECOWAS) adopted a legally binding convention in 2006 that has not yet entered into force. Central African countries are currently in the process of developing their own subregional convention on firearms.

40. In Europe, efforts to control the illegal arms trade have prompted the EU to adopt several instruments and decisions, some of which are legally binding. These include Council Directive 91/477/EEC on control of the acquisition and possession of weapons (Amended 2008), the EU Code of Conduct on Arms Exports 2008, the 2003 Council Common Decision on the Control of Arms Brokering, the Council Joint Action 2008/230/CFSP on support for EU activities in order to promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries, and the recent Directive 2008/51/EC of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

41. Association of South-East Asian Nations (ASEAN) countries and member countries of the ASEAN Regional Forum (ARF) address common problems related to the illicit transfer of small arms in South-East Asia, which are inextricably linked to transnational crimes, including human and drug trafficking. ASEAN countries regularly cooperate to combat transnational crimes, including trafficking of SALW, through the ASEAN Ministerial and Senior Officials Meetings on Transnational Crimes and ASEANAPOL (ASEAN Chiefs of Police). Moreover, at the 14<sup>th</sup> ASEAN Summit held from 27 February to 1 March 2009 in Thailand, ASEAN leaders adopted the ASEAN Political-Security Community Blueprint (APSC Blueprint), which provides a roadmap to establish the APSC by 2015. One of its objectives is to strengthen cooperation within the region in combating transnational crimes, including illicit trade of SALW by promoting full implementation of the UN PoA. To deal with the problem, States are required to respect the right of self-defence enshrined in Article 51 of the UN Charter in recognition of the different problems faced by each region.

42. IPU resolutions encourage Member Parliaments to sign and/or ratify conventions, treaties, and other international instruments aimed at arms control, disarmament and greater international security. The IPU has also urged Member Parliaments to exercise effective control over their arms and military equipment as well as their exports and imports of arms so as to prevent their transfer to parties that engage in illicit arms trafficking.

43. Parliamentarians agreed that they should play a constructive role in strengthening the control of trafficking of SALW by recommending that their respective parliaments actively engage in efforts to combat the proliferation and misuse of SALW. The IPU should further strengthen this initiative in order to effectively eradicate illicit arms sales.

44. The IPU should encourage Member Parliaments to continue efforts to monitor, assess and evaluate their arms stockpiles, existing capability and national capacity, and their financial and technical capacity to take action against illegal arm sales.

### **Human trafficking**

45. Trafficking in persons is considered a violation of human rights and a modern form of slavery, which has become a severe problem affecting not only individual countries, but the international community at large. This crime is comparable to drug and arms trafficking due to the profits it generates, which, according to the United Nations, amounts to approximately US\$ 32 billion. Trafficked persons are deceived, sold or subjected to slavery-like conditions under different forms and in various sectors such as construction, *maquila* factories, agriculture, domestic service, prostitution, pornography, sexual tourism, organ removal, and traffic of human organs. Among them, women and children are the most vulnerable groups.

46. The victims of human trafficking in developing countries, in particular children and adolescents, are mostly from poor families and lack economic opportunities, education and health services. They have few job prospects and are exposed to ethnic or racial discrimination. UNICEF estimates that every year between 1,000 and 1,500 children in some African countries are trafficked for adoption by couples in North America and Europe.

47. According to the UNODC *Global Report on Trafficking in Persons* 2009, human trafficking involves long distances; the victims are taken from Africa to places in Europe and North America, from Latin America to North America and Europe, from Central and Eastern Europe and Central Asia to Europe and the Middle East, and from Southern Asia to the Middle East.

48. Currently, the world has become more aware of the severity of this modern form of slavery because of its considerable damage, multi-faceted and cross-border nature. Therefore, cooperation between governments and other stakeholders is an important factor for the success of operations aimed at combating trafficking in persons.

49. At the global level, the UNODC Global Initiative to Fight Human Trafficking (UN.GIFT) was launched in 2007 to promote the global fight on human trafficking on the basis of international agreements reached at the United Nations. UN.GIFT aims to mobilize State and non-State actors to eradicate human trafficking by reducing both the vulnerability of potential victims and the demand for exploitation in all its forms, ensuring adequate protection and support to victims and supporting the effective prosecution of the criminals involved, while respecting the fundamental human rights of all persons.

50. In terms of regional efforts, the Anti-Trafficking in Persons Section under the supervision of the Organization of America States (OAS) focuses on heightening awareness and disseminating information about the problem, sharing information with governments and civil society, defining policies to combat human trafficking as well as working with officials to implement concrete measures to fight the problem in the western hemisphere.

51. Since the mid-1990s, the EU has actively participated in the development of a global and multidisciplinary approach that involves countries of origin, transit and destination in the struggle to prevent and fight human trafficking, provide protection and support to the victims and effectively persecute traffickers.

52. In Asia, the 10 ASEAN Member States expressed their determination to combat trafficking in persons by signing the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, in 2004. Accordingly, in 2007, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) agreed to establish a regional focal network in the form of a Working Group on Trafficking in Persons, and endorsed the 2007-2009 Work Plan to Implement the ASEAN Declaration.

53. Furthermore, the ASEAN Inter-Parliamentary Assembly (AIPA) took note that the differences in laws and regulations to combat trafficking in persons among Member States was a major challenge to forging closer cooperation. Therefore, in 2008, the AIPA Caucus was established as a forum for the members to work towards developing common legislative initiatives, which include the efforts to the harmonization of the laws on trafficking in persons in the region. In addition, AIPA has set up an Ad-hoc Committee on Human Trafficking to comprehensively address human trafficking in South-East Asia and provides a parliamentary dimension to the issue. The Ad-hoc Committee will work with the AIPA Caucus towards this end. This could serve as a model of subregional parliamentary cooperation to combat drug trafficking.

54. In Africa, the Economic Community of Western African States (ECOWAS) prepared in 2001 a regional action plan to combat the trafficking of persons on criminal justice issues. The Member States pledged to facilitate and accept the return of trafficked victims, establish a national working group in each country that could be used as a link with the ministries and pertinent organizations to make recommendations, strengthen the capacity of the centres to provide care to trafficked victims, and protect informants in the investigation of trafficking cases.

55. It seems that the world has awoken from its state of disregard and indifference although trafficking in persons is still as real as ever. Indeed, the problem has worsened. Also, traditional challenges of which we have been aware for decades remain. Such challenges are poverty, unemployment, lack of opportunities and knowledge, unreliable databases, inadequate campaigns for raising public awareness and insufficient human resource development, wrong attitudes and mistreatment of trafficked victims, inadequacy and ineffectiveness of law enforcement, victim assistance and safe repatriation and the difference in laws and regulations in each country.

56. On the other hand, emerging issues such as the global financial and economic downturn and the increase in human organ smuggling have a significant impact on the situation. They allow the traffickers to have more room to commit trafficking in persons and persons at risk are more vulnerable to exploitation. Criminals are remarkably adept at exploiting new business opportunities. Organ trafficking, thus, has become a lucrative business for criminals.

57. Additionally, differences in law enforcement, criminal justice systems and the root causes of trafficking in persons in each region are huge barriers to solving this problem.

58. These are major challenges that require strong and closer cooperation from international organizations. Many substantive suggestions were indicated in the Handbook for Parliamentarians on Combating Trafficking in Persons, jointly produced by the IPU and UNODC, but the priority area of work must be taken into account based on the level of urgency to solve the problem in an efficient and timely manner.

59. On this occasion, IPU Member Parliaments should enhance their role in the fight against trafficking in persons by:

- Seriously discussing the harmonization of laws on trafficking in persons in each country to ensure compatibility and seamless cooperation to combat trafficking in persons;
- Being more proactive in combating trafficking in persons by drawing up a work-plan to collaborate with relevant international and regional organizations. A comprehensive work-plan and laws should incorporate prevention, protection and assistance measures for victims and strong penalties for traffickers without imposing unilateral requirements on other States;
- Promoting public awareness and cooperation in combating trafficking in persons to tackle the root causes of the problem and enhancing awareness of competent authorities to protect the human rights of trafficked victims.

60. At the same time, the IPU should provide its Member Parliaments with recommendations and best practices for the establishment of a special parliamentary committee on combating trafficking in persons, the appointment of a national rapporteur to monitor the development and implementation of national measures to combat human trafficking, finalization of the

report to the Conference of the Parties to the Organized Crime Convention, and monitoring and evaluating the implementation of national action plans dealing with combating trafficking in persons.

### **Cross border terrorism\***

61. Cross-border terrorism represents a serious threat to international peace, security and stability. Every region is facing threats from terrorism. Cross-border terrorism can be resolved through regional and bilateral cooperation, such as setting up a system and a mechanism to address cross-border terrorism, increasing information exchange among countries to monitor terrorist movements, developing human resources and inter-agency coordination, improving and developing national legislation, conducting regular anti-terrorism training sessions, and post-event and post-arrest rehabilitation.

62. Terrorists attack strategic targets in order to undermine the State's political, economic and social systems. The targets may be either "hard" or "soft" targets, such as embassies, financial centres, hotels, train stations, schools, universities or airports.

63. Terrorists have used scientific and technological breakthroughs such as the Internet to promote their ideology, recruit new members, plan their activities and obtain financial support.

64. In response, international organizations such as the United Nations, the OAS and the IPU have adopted resolutions recommending that States and parliamentarians strengthen regional and international cooperation to prevent, combat and eliminate terrorism. Similarly, States should prevent persons or entities from using their territories as bases to conduct international terrorist acts and sanction those that allow it.

65. The UN Charter and international conventions to counter terrorism urge all States to fulfil their obligations under international law in prosecuting and extraditing the perpetrators of terrorist acts, and preventing the financing of terrorist organization and acts.

66. Since 1963, the international community has negotiated 16 international conventions and protocols that, together with UN Security Council resolutions related to terrorism and regional anti-terrorism legal instruments, form the core of the global legal regime against this threat.

67. Those instruments establish obligations for all Member States not only to criminalize a series of offences considered to be terrorist acts, including financing terrorist groups and/or acts, but also to strengthen international cooperation on criminal matters related to terrorism and thus ensure that no country can be used as a safe haven by terrorists.

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\* For the purpose of this document and for legal reasons, the names of the terrorist groups and the States protecting them are not mentioned.

68. A global response to terrorism requires a broad range of initiatives. As recognized in the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006 by the United Nations General Assembly, a key element is to strengthen the capacity of national criminal justice systems to bring perpetrators to justice in full compliance with the universal legal regime against terrorism and according to the rule of law. Under the Strategy, all Member States agreed on a coordinated and comprehensive response to terrorism based on four pillars: (a) measures to address the conditions conducive to the spread of terrorism; (b) measures to prevent and combat terrorism; (c) measures to build State capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and (d) measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism.

69. Parliamentarians have a fundamental role to play in combating terrorism. Legislative work is essential not only to ratify international anti-terrorism instruments, but also to allow the effective incorporation of the international provisions contained in those instruments into national legislation.

70. The fundamental role of parliaments and legislative assemblies in preventing and fighting terrorism has been recognized in many different forums: the 105<sup>th</sup> Inter-Parliamentary Conference in its resolution entitled "Contribution of the world's parliaments to the struggle against terrorism, in conformity with resolution 55/158 of the United Nations General Assembly", the 106<sup>th</sup> Inter-Parliamentary Conference in its resolution entitled "Condemnation of the terrorist attacks of 11 September 2001 on the United States of America", the 107<sup>th</sup> Inter-Parliamentary Conference in its resolution entitled "Terrorism - a threat to democracy, human rights and civil society: the contribution of parliaments to combating international terrorism and addressing its causes in order to maintain international peace and security", and in the framework of the 2003 Parliamentary Hearing at the United Nations, which discussed inter alia progress and setbacks in the fight against terrorism.

71. In addition, the 116<sup>th</sup> IPU Assembly approved by consensus a resolution entitled "International cooperation to combat terrorism, its root causes and its financing, including cross-border funding". This is a topic of current interest that the IPU continues to include in its documents, as it poses a major threat to human rights.

72. The 2002 Inter-American Convention against Terrorism is an example of regional commitment. It includes an integral normative and updated framework for preventing and fighting terrorism and its financing, focusing on the need to increase cooperation and exchange information between Member States and to fully respect human rights while countering terrorism.

73. Moreover, the North Atlantic Treaty Organization has laid the groundwork for a global front against terrorism that includes elements of dissuasion, defence, dismantling groups and protection from terrorist attacks from abroad.

74. In addition, the European Council recognizes that the legislative framework established by the EU to fight terrorism and improve judicial cooperation plays a decisive role in fighting terrorist activities.

75. Similarly, the US State Department's Country Reports on Terrorism 2008 highlight that terrorism has been curbed thanks to significant achievements in border security, exchange of information, security of transportation, financial transaction controls and the death or capture of numerous terrorist leaders.

76. It is evident that organized crime encompasses various activities, which makes it difficult for security forces to tackle because large amounts of money are involved, which has the potential to corrupt important organizations in society.

77. It is important for parliamentary proposals and actions for dealing with these problems to be effectively carried out. In particular, the IPU should:

- Ensure that all measures taken to combat terrorism are in line with Members' international obligations, in particular international human rights law, international refugee law and international humanitarian law. In addition, the protection of the rights of victims of terrorist acts needs to be considered. The IPU must affirm that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group.
- Strengthen legal systems in accordance with the International Convention for the Suppression of the Financing of Terrorism in order to combat money laundering and financing of terrorist activities, and ensure that all measures taken are in line with their international obligations.

### **Money laundering**

78. Money laundering is a growing concern for many countries. Increasing attention is being paid to the concept of Anti-Money Laundering initiatives and Combating the Financing of Terrorism (AML/CFT), particularly in order to impede the international flow of funds to international terrorists and their organizations.

79. Money laundering fuels corruption and organized crime. Money is the prime reason for engaging in almost any type of criminal activity. Corrupt public officials need to be able to launder bribes, kick-backs, public funds and, on occasion, even development loans from international financial institutions. Organized criminal groups need to be able to launder the proceeds of drug trafficking, commodity smuggling and other serious crimes. Terrorist groups use money-laundering channels to support their terrorist acts.

80. The social consequences of allowing these groups to launder money can be disastrous. Money laundering can erode a nation's economy by changing the demand for cash, making interest and exchange rates more volatile, and causing high inflation in countries where criminals are doing business. Taking the proceeds of crimes from corrupt public officials, traffickers and organized crime groups is one of the best ways to stop or disrupt criminal activity.

81. The estimated amount of money laundered globally in one year is between 2 and 5 per cent of global GDP, or between US\$ 800 billion and US\$ 2 trillion. Although the gap between those figures is huge, even the lower estimate underlines the seriousness of the problem governments have pledged to address.

82. Rapid developments in financial information, technology and communication allow money to move anywhere in the world with speed and ease. This makes the task of combating money laundering more urgent than ever.

83. In recent years, the international community has become more aware of the dangers that money laundering poses in all areas and many governments and jurisdictions have committed themselves to taking action.

84. International legal instruments such as the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption call on States to afford one another the widest measure of assistance in investigations, prosecutions and judicial proceedings related to money laundering through international cooperation.

85. Those instruments also require Member States to criminalize the laundering of money derived from the widest range of predicate offences, including offences committed both within and outside the jurisdiction of the State party in question. In many cases, the money laundering offence and the predicate crime are not committed in the same country, so cooperation among Member States is key to the successful prosecution of money laundering offenders and the effective confiscation of the proceeds of crime.

86. Parliamentarians should stress the need to develop international cooperation to fight corruption and combat financial safe havens, in the forms of extradition agreements, asset forfeitures, social sanctions, mutual assistance, and to support national democratic reforms and good governance and increase public confidence in the integrity of government and democratic institutions by strengthening codes of conduct for government ministers, members of parliaments and public officials in order to address the problem of money laundering.

87. The IPU should recommend that parliaments review or amend their national laws to reflect the major principles of the probity of politicians, institutions and public servants and to increase transparency in public administration and lead international efforts to harmonize laws on combating money laundering.

88. The IPU should encourage Member Parliaments to further strengthen laws and regulations on government procurement procedures, and to ensure proper oversight of government and elected officials by strengthening internal auditing mechanisms and guaranteeing public access to information necessary for meaningful external review in order to prevent money laundering activities.