

## Annex III

### Other international instruments used in efforts to fight drug-related crime

The main mechanisms supporting international cooperation among criminal justice agencies are mutual legal assistance, extradition, transfer of proceedings in criminal matters, freezing and confiscation of the proceeds of crime and a number of less formal measures. Those mechanisms are based on bilateral or multilateral agreements or arrangements, as well as on national laws. All of them are evolving rapidly to keep pace with new technologies. Their strengthening over the past 10 years or so reflects the determination of Member States to work more closely with each other to face the growing threats of organized crime and corruption.

In addition to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>a</sup> two other conventions are crucial to promoting international cooperation in the fight against organized crime and corruption: the United Nations Convention against Transnational Organized Crime<sup>b</sup> and the Protocols thereto;<sup>c</sup> and the United Nations Convention against Corruption.<sup>d</sup> Having national legislation in place to fully implement those legal instruments is therefore of paramount importance, as is the adoption of the administrative measures necessary to support the various modalities of international cooperation.

#### *United Nations Convention against Transnational Organized Crime and the Protocols thereto*

The Organized Crime Convention and its Protocols apply to serious offences committed by criminal organizations, including participation in the activities of those organizations. Drug trafficking and corruption offences are also included. The Convention is an important legal instrument for establishing the legislative framework needed to address the illicit drug trade and for building mechanisms for international cooperation. In the absence of bilateral arrangements, the Organized Crime Convention can act as a treaty on mutual legal assistance or an extradition treaty between States parties to the Convention. The Convention strengthens most existing international cooperation mechanisms, such as extradition, mutual legal assistance, law enforcement cooperation, and protection of victims, informants and witnesses.

#### *Making full use of mechanisms for international cooperation*

Some significant progress has already been made towards the universal implementation of the Organized Crime Convention, but much remains to be done. There is unfortunately still a gap between the rapid ratification of the Convention and its implementation. The full potential of the Convention in the area of ensuring effective action against the illicit drug trade and other forms of organized crime has not yet been realized. That is being progressively addressed by the Conference of

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<sup>a</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

<sup>b</sup> *Ibid.*, vol. 2225, No. 39574.

<sup>c</sup> *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

<sup>d</sup> *Ibid.*, vol. 2349, No. 42146.

the Parties to the United Nations Convention against Transnational Organized Crime, by supporting and monitoring the implementation of the Convention.

*United Nations Convention against Corruption*

The main purposes of the Convention against Corruption are:<sup>e</sup> to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and to promote integrity, accountability and proper management of public affairs and public property.

States parties to the Convention against Corruption are required to introduce effective policies aimed at the prevention of corruption. An entire chapter of the Convention is devoted to that issue. A variety of measures concerning both the public and the private sector are covered. The measures range from institutional arrangements, such as the establishment of a specific anti-corruption body, to codes of conduct and policies promoting good governance, the rule of law, transparency and accountability.<sup>f</sup>

States parties to the Convention against Corruption are obliged to criminalize a wide range of acts of corruption and to fully engage the criminal law and criminal justice system in the fight against corruption. Most importantly, the Convention is aimed at providing a strong framework for international cooperation in fighting corruption, particularly with respect to the tracing, freezing and seizure of assets, as well as asset recovery and measures to counter money-laundering.

The Convention against Corruption opens the door for a much greater level of cooperation between national anti-corruption agencies and other law enforcement agencies involved in the fight against organized crime, drug trafficking and corruption. That cooperation includes efforts to build the capacity of national law enforcement and criminal justice institutions to fight organized crime and corruption. Fighting corruption is a particularly important part of effective international cooperation. The provision of technical and other assistance in support of capacity-building initiatives is one of the aims of the Convention against Corruption, as well as the Organized Crime Convention and the 1988 Convention.<sup>g</sup>

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<sup>e</sup> See article 1 of the Convention against Corruption.

<sup>f</sup> *Legislative Guide for the Implementation of the United Nations Convention against Corruption* (United Nations publication, Sales No. E.06.IV.16), para. 5.

<sup>g</sup> See article 10 of the 1988 Convention.