

Manila Declaration on the Prevention and Control of Transnational Crime

Manila, Philippines, 25 March 1998

We, Ministers and Representatives of the States participating in the Asia Regional Ministerial Meeting on Transnational Crime, held at Manila, Philippines, from 23 to 25 March 1998, organized by the United Nations Centre for International Crime Prevention, with the Government of the Philippines acting as the Host;

Assembled for the purpose of promoting regional and international cooperation to combat transnational crime and to devise modalities to improve the capacity of our countries to respond more effectively to the threats we are facing;

Reiterating the importance of implementing the principles contained in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, as well as other pertinent United Nations instruments;

Convinced of the need for effective national and regional action against transnational crime, particularly in view of its serious debilitating effects on democratic institutions, the maintenance of the rule of law and the development process;

Mindful of the crucial importance of action against transnational crime, including organized crime, drug trafficking, terrorism, trafficking in human beings and various forms of financial crimes and corruption, and the need for appropriate legislation and regulatory measures, as well as of an efficient and fair criminal justice system;

Conscious of the important role played by the United Nations in fostering international cooperation and developing practical strategies to prevent and combat transnational crime in all its forms and dimensions;

Bearing in mind the Shizuoka Declaration of the Sixth Asia Crime Prevention Foundation Conference on Crime Prevention and Criminal Justice, held in Tokyo and Shizuoka, Japan, from 28 October to 1 November 1997;

Bearing in mind also the ASEAN Declaration on Transnational Crime of 20 December 1997 which called for the expansion of the scope of the efforts of member countries to combat transnational crime such as terrorism, drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and the exploration of ways by which the member countries can work closer with relevant agencies and organizations, including the United Nations and its specialized agencies;

Hereby declare:

1. We recognize that organized transnational crime undermines civil society, distorts legitimate markets and destabilizes States. Criminal groups are creative in their endeavours in establishing alliances in the region and in other parts of the globe by taking advantage of gaps and weaknesses in international cooperation in criminal matters.
2. We are concerned about the increase and expansion of organized criminal activities, such as trafficking in human beings, transnational exploitation of women and children, drug trafficking, trafficking in firearms and motor vehicles, illegal trade in cultural objects and natural resources including flora and fauna, money laundering and other forms of financial crimes and corruption. We express our determination and political will to take concrete action by, among other measures:
 - (a) promoting national and regional action against transnational crime and corruption;
 - (b) developing effective strategies aimed at defeating the economic power of criminal organizations, dismantling

their alliances and support networks and developing effective mechanisms capable of bringing members and leaders of criminal groups to justice;

- (c) improving the functioning of our institutions, in particular the criminal justice systems, reviewing, modernizing and harmonizing, as appropriate, existing laws and regulations to ensure their continued relevance, efficiency and adaptability to modern manifestations of organized crime;
 - (d) enacting new laws and regulations, responding to the complexity and sophistication of various forms of transnational crime, so as to bridge the gaps in legal systems which can be exploited by organized criminal groups;
 - (e) strengthening the capacity of our law enforcement agencies and criminal justice personnel, and upgrading their skills through specialized training in the area of transnational crime, money laundering and other economic offences, including corruption, and the elaboration of the required training materials;
 - (f) implementing existing and developing new regional programmes aiming at the implementation of the various recommendations of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,
 - (g) intensifying cooperation and coordination at the national level among relevant agencies to deal with various forms of transnational crime; and
 - (h) fostering close collaborative ties with international organizations, in particular Interpol and relevant non-governmental organizations.
3. We also recognize that the Asia and Pacific region is witnessing rapid economic and political changes, together with advancements in communications and technology. These developments not only stimulate closer contacts with global markets, but also facilitate linkages between criminal organizations and allow joint criminal ventures. We note that the use and exploitation of computers and telecommunications technology for criminal activities have increased.
 4. We call upon States that are not yet parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to ratify or adhere to it without delay and to implement it fully.
 5. We realize that organized crime, drug trafficking, corruption and other economic crime generate large profits, which are used in illegal activities and to infiltrate legitimate businesses and financial enterprises, affecting negatively the development processes of our countries. It is therefore imperative that we prevent and control money laundering by, inter alia :
 - (a) developing modern and adequate investigation and information-gathering techniques to prevent criminals from manipulating and using the financial systems to disguise the origin of assets and funds, and developing complex structures that make detection unlikely and the collection of evidence difficult; and complementing this approach by actively encouraging and securing the cooperation of financial institutions and the business community through appropriate regulations and mechanisms;
 - (b) when appropriate, revising existing laws and regulations and enacting new laws, in order to integrate therein provisions on money laundering, in particular, those dealing with the extension of anti-money laundering measures to cover all serious offences and the reporting of suspicious transactions to appropriate authorities, combined with effective implementation mechanisms to ensure prevention and control of the laundering of the proceeds of crime; and
 - (c) supporting the Global Programme Against Money Laundering, developed by the United Nations International Drug Control Programme (UNDCP) and the Centre for International Crime Prevention, with a view to having cooperation activities with these entities to address the needs of the region in this field by paying particular attention to institution building and training of personnel.
 6. We reiterate the view that corruption in various forms, including corruption and bribery in international commercial transactions, and their linkages with the various forms of organized crime undermine the values of democracy and morality and jeopardize the social, economic and political development of the countries of our region. Therefore, we confirm our commitment to combat all corrupt practices by, among other measures:
 - (a) developing prevention and control measures to promote a culture of accountability and transparency, with the active involvement and support of the public;

- (b) developing comprehensive anti-corruption programmes, including administrative, civil, procedural and criminal legislation, as well as regulatory provisions and administrative action;
 - (c) putting into effect, as appropriate, the various provisions of the International Code of Conduct for Public Officials, adopted by the General Assembly in its resolution 51/59, the United Nations Declaration on Public Security, adopted by the General Assembly in its resolution 51/60, and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, adopted by the General Assembly in its resolution 51/191 as well as the recommendations of the Expert Group Meeting on Corruption, held in Buenos Aires, 17 - 21 March 1997, in order to strengthen national institutions and call attention, at national and international levels, to the need for addressing the problems of corruption and bribery.
7. We note that the phenomena of corruption and bribery have become transnational in nature. Consequently, we encourage the Commission on Crime Prevention and Criminal Justice, in accordance with its existing mandate, to examine the feasibility of a global convention against corruption and bribery, taking into consideration successful initiatives in this field, such as the 1996 Inter-American Convention against Corruption, adopted by members of the Organization of American States, and the Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions, adopted in 1997 by the OECD members and a number of non-OECD members.
8. We are convinced that combating the above-mentioned forms of crime requires concerted action at all levels. As these crimes transcend national boundaries, international cooperation is essential, complemented by collaborative ties at the regional and sub-regional levels. To that end, we are determined that our efforts should be focused on the following actions:
- (a) creating the necessary infrastructures for regional and sub-regional cooperation of criminal justice institutions and law enforcement agencies to detect, investigate and effectively prosecute various forms of transnational crime with special emphasis on organized crime and corruption, taking full advantage of the experience of existing bilateral and regional arrangements;
 - (b) intensifying the exchange of information and experience regarding the occurrence and patterns of organized crime and corruption, benefiting from best practices applied in different countries, and taking into account developments in the region.
9. We recognize the urgent need to make progress in Vigorously promoting international cooperation in criminal matters. In this regard, we urge that special attention be given to extradition, mutual assistance, witness protection, transfer of prisoners, seizure and forfeiture of the proceeds of crime, as well as to other forms of regional and international cooperation in criminal matters. Towards that end we encourage focus on the following cooperation modalities, bearing in mind the differences in our legal systems:
- (a) reviewing and updating our extradition and mutual assistance arrangements or agreements, or concluding such arrangements, as appropriate, so as to facilitate the application of extradition, mutual assistance and witness protection laws and practices among the countries of the region;
 - (b) in concluding bilateral or regional agreements, efforts should be made to include provisions on simplified extradition procedures, taking into account the need for each country to have its own extradition law and to respect safeguards contained in that law;
 - (c) establishing national central authorities to process requests for extradition and mutual assistance and putting in place mechanisms that would ensure coordination between competent national authorities; and
 - (d) making full use of the United Nations Model Treaties on International Cooperation in Criminal Matters when concluding bilateral, subregional or regional agreements or arrangements in this field, and taking full advantage of the expertise of the United Nations Commission on Crime Prevention and Criminal Justice regarding modalities of cooperation in criminal matters.
10. We welcome the results achieved by the inter-sessional open-ended intergovernmental group of experts on the elaboration of a draft international convention against organized transnational crime, which met in Warsaw, Poland, from 2 to 6 February 1998. We believe that the outline of options for contents of the convention serves as a solid basis for its further elaboration. We strongly support such an endeavor and confirm our commitment to play an active role in the efforts to resolve differences and overcome conceptual or substantive

difficulties so that the process can move with speed towards its conclusion. We urge the Commission on Crime Prevention and Criminal Justice to take advantage of the existing momentum and the consensus achieved on the desirability of such a convention, with a view to speeding up the process of its drafting and finalizing such a project as soon as possible.

11. We are convinced that, in order to achieve progress in combating the various forms of crime mentioned above, the capacities of our crime prevention and criminal justice infrastructures should be strengthened. Technical assistance and advisory services provided by regional and international organizations are essential for many of the countries in our region, particularly those which are undergoing economic hardships and do not possess the means to institute effectively appropriate reforms and changes.
12. We believe that technical assistance should respond to the specific needs of the countries of the region and take account of the following issues:
 - (a) strengthening national capacities, including the creation of specialized structures capable of dealing with the complexity of organized crime;
 - (b) establishing arrangements for the systematic collection, collation and analysis of data on structures, functions and manifestations of organized transnational crime, including trafficking in human beings, money laundering and corruption, and using such data in the development and implementation of appropriate policies should be pursued;
 - (c) exchanging information regarding legislative measures in order to assist in enactment of new legislation in response to newly emerging patterns of crime;
 - (d) organizing training courses and seminars for law enforcement and criminal justice personnel and developing training materials such as manuals and training curricula, with a view to upgrading their skills, promoting the exchange of experiences and know-how;
 - (e) developing and implementing bilateral, subregional, regional and international treaties on cooperation in criminal justice matters, drawing on the expertise of regional States and the United Nations; and
 - (f) ensuring that the sectors of society that may be involved in transnational crime by reason of poverty and similar circumstances be provided with effective and sustainable alternative sources of livelihood and/or provided with opportunities to put their talents to legitimate use.
13. We recognize the important role played by the United Nations Centre for International Crime Prevention in providing technical assistance and advisory services. Its role in facilitating the creation of joint initiatives and the formulation and implementation of technical cooperation projects, involving not only the interested developing countries but also other interested countries and relevant agencies, should be enhanced, with a view to maintaining efficient criminal justice systems as an essential element of development efforts. The resources for the Centre should be strengthened in order for it to cope with the increased demand for technical assistance and advisory services.
14. We also recognize the important role played by institutions and organizations in the Asia and Pacific region, such as the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the Asia Crime Prevention Foundation (ACPF) in assisting the countries of the region in this field.
15. We recognize as well the important role of subregional organizations in pursuing initiatives focused on their geographic areas and in establishing inter-organizational coordination mechanisms to address the problem of transnational crime.
16. We are convinced of the fact that building up the capacity of governments to effectively cooperate with each other in criminal justice matters, particularly in relation to combatting organized crime and corruption, is a joint responsibility of developed and developing countries and relevant agencies. We therefore call upon countries, the United Nations Development Programme, the World Bank, the Asian Development Bank, and other relevant international, regional and national agencies to give favourable consideration to technical assistance project proposals submitted to them by the Centre for International Crime Prevention on strengthening our

national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and corruption. In this connection, and given the high priority attached by our Governments to these matters, we appeal to prospective donors to give favourable consideration to the further development and implementation of action plans contained in the project proposals, including the integration of the activities foreseen in such proposals in the national' development plans of our countries and in the respective country programmes of UNDP.

17. We express our determination to ensure proper follow-up to the pronouncements of this Declaration by undertaking the following:
 - (a) encouraging our Governments to take the necessary measures, in accordance with their countries, respective legal systems, to implement the various provisions of the Declaration; and
 - (b) appealing to Governments and intergovernmental and non-governmental organizations and relevant institutes, to assist the efforts of the countries of the region in their fight against transnational crime.