

## Final recommendations of the International Seminar

### *Follow the money: new ways to fight drug trafficking and money laundering*

**Santo Domingo 28 and 29 March 2023**

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#### **Preamble**

The countries of Latin America, the Caribbean and the European Union are building a solid bi-regional relationship in the field of the fight against transnational organized crime, demonstrating their strong political will to move forward in joint efforts to better respond to common challenges, and in this area the fight against illicit drug trafficking represents a key aspect of the bi-regional drugs agenda.

As a demonstration of the importance of the fight against organised crime in EU-LAC relations, mention can be made of the many European regional or bilateral cooperation programmes in this field, such as: the regional programme EL PAcCTO, the EUROFRONT programme or bilateral projects such as "European support to special anti-drug forces in the application of Bolivian law", the project "EU Support to the Fight against Drugs and Organised Crime in Peru", the project "EURESP emergency response to strengthen the penitentiary system in Ecuador" and the project "Support to the Strategic Institutional Plan of the Judiciary of the Dominican Republic", among others.

The Latin America, Caribbean and European Union cooperation programme on drug policies - COPOLAD III, in its component on the fight against international drug trafficking, highlights the need to strengthen strategies to impact the finances and assets of criminal organisations as the most effective way to reduce their power and their capacity to generate economic, political and social influence, and money laundering will be one of the priority issues in this year's bi-regional discussions.

This International Seminar, organized in collaboration with the Office of the Attorney General and the National School of the Public Ministry of the Dominican Republic, and the COPOLAD III program is intended to help generate reflections, recommendations and inputs for political dialogue between the European Union and Latin American and Caribbean countries on drug trafficking and money laundering. The following document is presented to the participants in the International Seminar as a basis for discussion and as a proposal for a declaration to be adopted after the two working days; the same document will be successively submitted for consideration by the EU-CELAC co-chairs of the bi-regional mechanism on drugs in view of its High-Level Meeting scheduled for August in Spain.

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**Participants in the International Seminar "Follow the money: new ways to fight drug trafficking and money laundering", gathered here in Santo Domingo to discuss the evolution of drug trafficking, the 'mafia' economy and the challenges for the future.**

Whereas:

1. The latest reports from national and international bodies show the complex and changing scenario of the illicit drugs phenomenon and its impact on the countries of Europe, Latin America and the Caribbean. The data on drug production, trafficking and problematic drug use show a worrying general upward trend (increase in cultivation areas, seizures and availability, increase in purity, cheaper prices and a continuous increase in new psychoactive substances) which shows its effects within the region and towards the main markets of Europe and North America, which show a strong and sustained demand dynamic, even throughout the restrictions imposed during the COVID pandemic;
2. Organized crime, in addition to acts of intimidation and violence, commits frauds and increasingly sophisticated and remunerative acts of corruption, which drain significant resources from the licit economy and undermine the potential for growth, especially in difficult times like today;
3. whereas profit-making is one of the most important features of modern criminal organisations, which adopt forms of action strongly geared to meeting market demand for goods and services, establish close collaboration with other criminal and non-criminal organizations, and constantly move between the apparently lawful dimension of their activities, intimidation and corruption and the illegal purposes pursued (for example, money laundering);
4. Fraudulent use of the Internet allows organised crime to expand trafficking in psychoactive substances, as well as to experiment increasingly successfully with new criminal activities, demonstrating an astonishing ability to adapt to new technologies;
5. The financial flows of international drug trafficking carried out by mafia organisations often involve banking institutions in several countries around the world, making it essential to carry out coordinated investigations at international level to identify, through banking channels, the financial operators involved in international drug trafficking;

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6. Many criminal organisations have a network structure characterised by high levels of flexibility, mobility, connectivity and heterogeneous national involvement, as well as a capacity for infiltration and mimicry; whereas the growing trend towards mutual assistance between the various criminal organisations, which manage, also through their new international structures and the diversification of their activities, to overcome differences in language or commercial interests to converge towards common operations that allow them to lower costs and maximise profits in a period of global economic crisis;
7. In many cases, for organised crime, the corruption of public officials is intrinsic to the functioning of their own trafficking insofar as it allows, inter alia, access to confidential information, obtaining false documents, directing awards through public tenders, laundering their income and evading law enforcement actions by judicial and police authorities;
8. The main purpose of criminal organisations involved in drug trafficking (and, more broadly, of those involved in any branch of organised crime) is to obtain economic benefits. Part of this illicitly produced money is reinvested, in cash, to maintain and/or expand their illegal businesses;
9. Organised crime groups are increasingly using virtual means of payment (cryptocurrencies) to launder their assets, or to pay for supplies, weapons and drugs, among others;

**On the occasion of the first day of the technical dialogue of the seminar on:**

*International Drug Trafficking: A Threat to Public Security, the Economy and Democracy*

- *The evolution of drug trafficking and the 'mafia' economy: challenges for the future.*
- *The need for international police cooperation in the fight against drug trafficking.*
- *Organised crime, corruption and money laundering: the need for a common holistic (or multi-focal) approach*

**We propose/recommend the following:**

- Implement increasingly close cooperation with the banking system and professional activities, including the financial sector and the accountancy professions, and greater transparency in this area, in particular to define IT tools and legislative, administrative and accounting measures to ensure the traceability of financial flows and the detection of criminal phenomena, and to determine

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procedures for reporting any criminal activity, including through the strengthening of financial intelligence.

- Develop a common (joint) strategy between LA and the EU against drug trafficking, corruption and money laundering, including legislative measures and positive actions aimed at effectively combating these criminal phenomena;
- Incorporate all existing regional and international normative instruments on organised crime, corruption and money laundering into national legislation in a timely and appropriate manner;

#### **On the occasion of the second day of the technical dialogue of the seminar on**

- *Follow the money approach: combating money laundering to disrupt the power of drug trafficking drug trafficking*
- *Challenges of transforming traditional drug law enforcement systems into effective mechanisms for the financial and property targeting of organised crime: mechanisms for joint investigation and cooperation in property investigation.*
- *Strengthening financial and asset investigations between LA and EU.*
- *Current money laundering risks in the EU and LAC and proposals for their management.*
- *Challenges of transforming traditional anti-drug systems into effective mechanisms for the financial and patrimonial affectation of organised crime.*

#### **We propose/recommend the following:**

- Develop technological tools and databases of relevant financial and wealth information to facilitate authorities' access to digital information to promote proper investigation of suspicious persons and companies; stressing that an effective regulatory framework should take due account of the interaction between anti-money laundering provisions and the fundamental right to protection of personal data, so that money laundering can be combated without relaxing established data protection standards, but should not be an obstacle to effective investigation of money laundering.
- On the basis of the most advanced national legislations, consider the application of non-conviction based confiscation models in cases where, on the basis of available evidence; and upon a decision of a judicial authority, it can be demonstrated that assets are the proceeds of criminal activities or are used to carry out criminal activities; stressing that preventive confiscation models can only be

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applied upon a judicial decision, in accordance with national constitutional guarantees and without prejudice to the right to property and the right of defence;

- Strengthen international cooperation, including informal, for financial and asset investigations between LAC and the EU;
- Assess the usefulness of creating single platforms for access to all databases containing heritage information at the national level and respecting the national law of each country;
- Promote the strengthening of agencies responsible for the administration of seized and confiscated assets and the development of effective models to maximize the benefits for states and their citizens;
- Encourage the re-use of seized proceeds of crime for social purposes, for example, by allocating such proceeds to victims and communities devastated by organised crime and drug trafficking, and to use them to fund the fight against crime;
- Promote the creation or designation of a possibly centralised institution competent for the management of confiscated assets that can implement their reuse and social disposal;
- Strengthen international cooperation in the recovery of illicit assets, including when they are located in another country, create and strengthen international networks and more systematically exchange best practices in this field;
- Evaluate the possibility of incorporating into the discussions of the EU-CELAC Mechanism on drugs issues related to international judicial cooperation in the fight against drug trafficking, as well as governance issues and rule of law principles.

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