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TECHNICAL ASSISTANCE PROGRAM FOR THE USE OF FORFEITED ASSETS

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, D.C. 20006



CICAD/OAS Cooperation with its Member Countries

Technical Assistance Program for the Use of Forfeited Assets

Rafael Franzini | Unidad Antilavado de Activos/CICAD/OEA, Santa Cruz de la Sierra, 30 de Noviembre de 2006

The situation

- Unequal struggle against drug trafficking: scarce institutional resources vis-a-vis limitless illicit resources of organized crime
- Small public budgets to address the drug problem and implement national plans
- Institutional weakness at all levels of action: law enforcement, justice operators, national anti-drug commission, national health systems, educational systems, local administration, civil society, ...

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Rationale

- The illicit origin of the proceeds of drug trafficking and related activities legitimizes their use in seeking to resolve the problems generated by such activity within society and its institutional environment, and imposes an obligation on states to do so.

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The problem

- ∩ Seizure and forfeiture of assets: legal and administrative difficulties
- ∩ Administration and use of forfeited assets: costs, inflexibility, third party rights, administrator responsibility, corruption
- ∩ Use of assets: difficulties of disposal and distribution

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What we seek

- ∩ To provide technical assistance to member state governments and the other national institutions involved in strengthening and enhancing procedures for seizure, forfeiture, administration, and disposal of assets and revenues that are proceeds of drug trafficking- and money laundering-related offenses.

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Actions undertaken

- **Modifications to the forfeiture provisions of the Model Regulations on Money Laundering Control**
- **Work in the subgroup on forfeiture of the Group of Experts on Money Laundering**
- **Offer of technical assistance from OAS Secretary General**

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Plan of action

- **Review of the different systems in the Hemisphere for seizing and forfeiting assets of illicit origin**
- **Distinction between activities intended to improve seizure procedures and those for improving administration of assets seized**

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Assistance components

- ∩ Each country will prepare, together with CICAD, a work plan that clearly identifies the activities to be carried out:
- ∩ A) Development of the legal framework
- ∩ B) Organizational development or creation or strengthening of a forfeited assets administration entity
- ∩ C) Training
- ∩ E) Equipment improvement

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Implementation

- ∩ With supervision from CICAD, the work plan will be implemented in the countries
- ∩ Horizontal cooperation

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