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Secretaría de Seguridad Multidimensional

XXXIII MEETING EXPERT GROUP FOR THE CONTROL OF MONEY LAUNDERING

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STRATEGIC PLAN

PROPOSAL BY THE REPUBLIC OF ARGENTINA

a. Strategic objectives

The strategic objectives should be consistent with the guidelines on Money Laundering established by the Hemispheric Drug Strategy and its Plan of Action, which are the two pillars of the CICAD documents.

In this regard, the Strategy makes specific reference to the problem of two points, from which there exist a series of concrete actions in the Action Plan:

Hemispheric Drug Strategy	Plan of Action
<p><i>44. Legislative and institutional frameworks on the prevention, detection, investigation, prosecution, and control of the laundering of proceeds from illicit drug trafficking, the diversion of controlled chemical substances to illicit channels, and other serious transnational crimes, should be established, updated or reinforced, as appropriate, in accordance with the recommendations of the Financial Action Task Force (FATF).</i></p>	<p>a) Review legislative and institutional frameworks in matters of prevention, detection, investigation, prosecution and control of money laundering; on the basis of this review, modify programs or introduce new ones as necessary. b) Evaluate the results achieved through the implementation of legislative and institutional measures for the prevention, detection, investigation, prosecution and control of money laundering. c) Create or strengthen financial intelligence units to foster successful anti-money laundering prosecutions. d) Create or strengthen mechanisms of cooperation and exchange of information among agencies enforcing laws on the prevention and control of money laundering</p>
<p><i>45. National entities responsible for the management and disposition of assets seized and/or forfeited in cases of illicit drug trafficking, money laundering, and other related crimes should be established or strengthened, as appropriate.</i></p>	<p>a) Establish/strengthen national organizations with responsibility for the administration of seized and/or forfeited assets, and the disposition of forfeited assets. b) Promote specialized programs to improve systems for the administration of seized and forfeited assets. c) Strengthen technical capacities for the administration and disposition of assets related to drug trafficking and related crimes.</p>

We understand that our objectives should aim to contribute, from LAVEX, the implementation by States of the Strategy and Action Plan. In that sense, the principal axes are given by the general precepts (strengthening the regulatory framework, optimizing the management and disposition of confiscated / seized assets) and more specific guidelines for the actions identified in the Plan (revised regulatory and institutional frameworks, evaluation of said frameworks, strengthening of FIUs, information sharing, improve agencies and programs of seized asset management, and provide tools to strengthen technical capacities in the field).

b. Lines of work

Perhaps here is where we should gird our efforts. In principle, the lines of work should be linked to specific objectives targeted in the previous section.

Taking into account that the XXXII Meeting of LAVEX emphasized the need "to identify specific tasks," it should be our contributions are aimed in that direction. For these purposes, the tasks can be divided in three groups that should be addressed:

- At first, we have the tasks that permit the functioning of the group and that should have a continuous and permanent basis. Among these tasks, is the updating of the model regulation when necessary, updating the list of contacts and the procedures for cooperation on ML / FT, maintaining a base on typologies of ML / FT, etc.

As such, they could be part of this task force evaluating the performance of LAVEX, based on indicators to monitor compliance of the strategic plan that we developed (see "Methodology")

- On the other hand, we have reviewed the final reports from past meetings and find what still remains to be done, so the first task should be correspondence to conclude the works that have been pending or, otherwise, decide that they are no longer of interest to the group.

These tasks are those that were agreed at the last meeting, namely: the paper on "Legal Nature of the Confiscation," online international cooperation (seizure subgroup), the development of a set of principles for proper use of the information produced and exchanged by FIUs and continue the project of information sources and collection of money laundering sentences (subgroup FIU-OIC)

Other tasks remain that correspond to earlier LAVEX meetings, and for various reasons were not completed, at least permanently.

- Finally, we would propose the tasks ahead, always within the framework of the objectives' agreed terms. In this sense, Argentina reiterates its interest in moving on the issue of risk of offshore financial centers and the impact of tax havens in money laundering activities.

c. Mission

To our knowledge, the LAVEX "is the hemispheric forum for debate, analysis and drawing conclusions in the fight against money laundering and terrorist financing."

We do not consider that there is much that can be discussed at this point, while the LAVEX mission cannot be established by the group, but it is a mandate of the body which called for its formation, ie the CICAD. In this sense, the LAVEX mission is established in the different instances of creation / modification by the group, since its inception in 1990 (with instructions to develop the Model Regulations), its realignment in 1996 for the Plan of Action of Buenos Aires, and its subsequent operation with the assistance of the CICAD Anti-Laundering Section. It might be wise that the Executive Secretariat of CICAD provide us with documents which were reflected in these decisions, and previous strategic plans of LAVEX in order to clearly identify the mission entrusted to the group.

d. Vision

At this point, as well as subsequent points, it is important to have clear limitations in both our specific role as members of the Group of Experts. In this sense, taking up as mentioned in point "a," we must keep in mind that this is a technical group and is the political body to which the LAVEX responds (ie the CICAD) which should define the view of the entity in full, including its technical groups has on the issue.

In any case, we could trace the documents adopted by the plenary of the CICAD where that vision has been shaped more or less clearly. Again, the Hemispheric Drug Strategy, in particular its introductory paragraphs, may be useful to us, in that, while not specifically adhering to the problem of money laundering, specifies the guiding principles agreed to by the member states of the OAS.

e. Who are our "clients?"

f. Who are our strategic partners

The above also applies to point "e" and to the point "f", according to the definitions that refer to these points should be given by the political authorities of the CICAD, and not be decision by the technical fields.

In this sense, we would have to review the adequacy of both points in the strategic plan and in any case, if we consider that should also be included, we should ensure that their content **is a true reproduction of the bodies established by the CICAD which must determine the type of issues that go beyond the technical sphere.**

g. Who forms the group and what are our responsibilities.

Regarding this point, the fact is that ultimately the group will be composed of those persons whose States are party to nominate as their representatives, being their exclusive competence designation.

If the point is to guide these appointments, the "Profile of Delegates before the Panel of Experts", which is detailed by the Executive Secretariat in convening each session of LAVEX, clearly summarizes the minimum recommendations to consider by States. From here "desirable" qualifications of delegates are detailed while also mentioning the importance of maintaining the delegates who participated in previous meetings.

h. Methodology

Regarding the methodology, the XXXII LAVEX meeting of the delegations made several proposals that should be taken into consideration and that, along with others that we added as a whole can represent a good basis of methodological criteria:

- To ensure that each job is carried out by more than one delegation. In this regard, Argentina would propose that a work item can only be realized if there are at least three delegations interested in heading it.
- To promote a more active role in the eventual presidency of the Group in the monitoring of outstanding work, with the support of the Executive Secretariat for this task
- To establish clear phases for each job, differentiated and subject to specific deadlines.
- To try to close any pending jobs before generating new tasks.
- To establish evaluation indicators to keep track of the activity of the Group.

- To generate interactive platforms to facilitate coordination and joint efforts of the delegations in the months between meetings.

Of course, these points do not exhaust the section, it would be wise that we continue to add concrete proposals from which to build even a basic outline of guidelines.

Finally, we must not forget that we have a methodological approach approved in the XXXI meeting of LAVEX, which provides guidelines for the organization for *in situ* work during the Expert Group meetings and provides some recommendations to allow more optimal exchange of information necessary to carry out the different jobs.

i. Fixed period for strategic planning

In view of the tasks that are pending and that could be generated, planning should not be less than two years.