

GUIDELINES ON FIGHT AGAINST MONEY LAUNDERING PROMULGATED BY INTERNATIONAL ORGANIZATIONS

1. The Forty Recommendations of the Financial Action Task Force on Money Laundering (FATF-GAFI) (www1.oecd.org/fatf/40Recs_en.htm). They constitute the basic framework of the fight against money laundering and they have been conceived for a universal application. They embrace judicial, penal and police system, financial system and its regulation, and international cooperation.
GAFI acknowledged since the beginning that the countries have different juridical and financial systems, so everybody cannot take the same measures. Therefore, recommendations constitute the action principles on money laundering that the countries have to apply, in accordance with its particular circumstances and its constitutional framework, leaving the countries certain flexibility in its application instead of forcing to carry out with all the details: The measures are not specially complicated or difficult, whenever political actions will. Either jeopardize liberty to carry out legal operations neither threaten the economic development.
2. The Eight special Recommendations and International Co-operation on terrorist financing, elaborated by the FATF in October 2001. (www.fatf-gafi.org). These Recommendations contain a set of measures aimed at combating the funding of terrorist acts and terrorist organizations, and are complementary to the Forty Recommendations. The FATF Forty and Eight Special Recommendations have been recognized by the International Monetary Fund and the World Bank as the international standards for combating money laundering and the financing of terrorism.
3. Convention on Laundering, Search, Seizure and Confiscation of The Proceeds from Crime Strasbourg, 8.XI.1990; (www.imolin.org/Italy.328.htm) the member States of the Council of Europe and the other States signatory hereto, Considering that the aim of the Council of Europe is to achieve a greater unity between its members; convinced of the need to pursue a common criminal policy aimed at the protection of society; considering that the fight against serious crime, which has become an increasingly international problem, calls for the use of modern and effective methods on an international scale; Believing that one of these methods consists in depriving criminals of the proceeds from crime; Considering that for the attainment of this aim a well-functioning system of international co-operation also must be established.
4. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted by the Conference at its 6th plenary meeting, on 19 December 1988. (www.incb.org/a/conv/1988/index.htm)
5. Caribbean Financial Action Task Force (CFATF) 19 Aruba Recommendations (June 1990) (www1.oecd.org/fatf/ctry-orgpages/org-cfatf_en.htm)
6. Model Regulations Concerning Laundering Offences connected to Illicit Drug Trafficking and Other Serious Offences, elaborated by CICAD (Inter-American Drug Abuse Control Commission) (www.oas.org/juridico/spanish/ag-res98/Res1544.htm), amended by the CICAD Group of Experts at Santiago, Chile, October 1997, Washington, D.C., May 1998, Buenos Aires, Argentina, October 1998, and Mexico City, Mexico, July, 2002 and adopted by CICAD at its twenty-second regular session held in Lima, Peru, November, 1997, at its twenty-fifth regular session held in Washington D.C. in May, 1999, and at its thirty-second regular session held in Mexico City, Mexico in December, 2002, and at its thirty-fourth regular session held in Montreal, Canada in November 2003.

7. The Principles of the Basel Committee elaborated by the committee for the banking regulations and the Basel watchful practices from the United Nations Economic and Social Council. (www.cicad.oas.org/Lavado_Activos/esp/Documentos/basilea.htm)
8. The United Nation Convention against Transnational Organized Delinquency approved by the General Assembly on November 15th, 2000. (www.cicad.oas.org/es/tratados/crimenorganizado.pdf)
9. Fighting agreement against Corruption of Foreign Public Agents on the OCDE International Commercial Transactions (<http://webdomino1.oecd.org/horizontal/oeecdacts.nsf/Display/FBAD30EDC2117363C1256E4A0054162A?OpenDocument>). On December 17th, 1997 a total of 34 countries signed in Paris this Agreement and on February 15th, 1999 was put into effect.

The agreement has as objective to assure a free competence, not spoiled for corrupted practices. This objective has been translated in the assumed compromise by the signed countries, to introduce the necessary legal modifications to punish acts of bribery to foreign public official realized by its nationals. The finally of this is to reach or maintain a contract or other irregular benefit in the international economic activities development.

10. Political declaration and action plan against money laundering approved in the twentieth extraordinary period of the United Nations General Assembly, New York, June 10th, 1998. (www.unodoc.org, www.imolin.org)
11. Political declaration and action plan against organized transnational delinquency, elaborated by the United Nations of the Economic and Social Council, approved in the World Conference about organized transnational delinquency celebrated in Naples November 21-23, 1994 (Resolution 49/159 General Assembly). (www.imolin.org/UNres035.pdf)
12. Guide for the financial institutions in the detection of the activities of financing of terrorism elaborated by GAFI – FATF (www.fatf-gafi.org). It was agreed to develop a special guide for financial institutions in an extraordinary meeting in October 29-30, 2001, to help them to detect the techniques and mechanisms utilized in the terrorism financing.
13. Summit of the American Ministerial Conference Concerning the Laundering of Proceeds and Instrumentalities of Crime Ministerial Communiqué in Buenos Aires. (www1.oecd.org/fatf/ctry-orgpages/org-cfatf_en.htm)
14. Kingston Declaration on Money Laundering (4-6.Nov.1992) (www1.oecd.org/fatf/ctry-orgpages/org-cfatf_en.htm)
15. Wolfsberg's Principles (www.transparency.org/pressreleases_archive/2000/wolfsberg-principles.html)