

INTERNATIONAL MEANS IN CONFRONTING ECONOMIC AND FINANCIAL CRIME



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Abstract:

International economic and financial crime has become a threat to security and stability at the national and international levels. It represents a direct attack on the political and legislative authority. Rather, it challenges the authority of the state itself. It destroys and weakens social and economic institutions while losing faith in democratic processes. Global conditions and changes have helped to increase the size of criminal organizations across countries, especially in light of economic globalization and the communications and transportation revolution, and this was reflected in the increase in the types of economic and financial criminal activities practiced by organized economic crime. across countries. Therefore, international cooperation in confronting economic and financial crime must take a deeper dimension, and this cooperation must be strengthened between countries, and the agreements stipulating this cooperation must be implemented through an effective mechanism, because that is in the interest of the countries that bear. The imminent danger as a result of economic and financial crime, and new and sophisticated means must be identified to combat it.

Key words: Mechanisms; legal; combat; crime; economic; financial.

Introduction:

There have been many global efforts to combat economic and financial crime, and interest in it has increased more than the development of this crime in the era of development and technological progress and at the level of international forums, despite the difficulty of knowing its size. This criminal activity and the fact that these crimes are characterized by their seriousness and threat to the security and stability of all countries.

This puts all international organizations and official and unofficial bodies before the need to find ways to cooperate to combat the phenomenon of crime.

International economic and financial crime has become a threat to security and stability at the national and international levels. It represents a direct attack on the political and legislative authority. Rather, it challenges the authority of the state itself. It destroys and weakens social and economic institutions while losing faith in democratic processes. Global conditions and changes have helped to increase the size of criminal organizations across countries, especially in light of economic globalization and the communications and transportation revolution, and this was reflected in the increase in the types of economic and financial criminal activities practiced by organized economic crime. across countries.

Therefore, international cooperation in confronting economic and financial crime must take a deeper dimension, and this cooperation must be strengthened between countries, and the agreements stipulating this cooperation must be implemented through an effective mechanism because that is in the interest of the countries that bear. The imminent danger as a result of economic and financial crime and new and sophisticated means must be identified to combat it. (Jaafar, 1988, page 150).

In addition to the United Nations, many international organizations and non-governmental organizations are doing great work to confront international economic and financial crime in all its forms. The international efforts and joint action on a large scale to confront this criminal phenomenon and the activity of the various control agencies are real at the world level today and cannot be denied at all international, regional, and local levels.

Research Plan: I see dividing it into two main sections

The first topic: the global level

The second topic: the regional level

THE FIRST TOPIC:

global level

The phenomenon of international economic and financial crime is dangerous, and control measures must be effective at the global level to achieve the security of society from its harmful effects and the security of humanity so that we can rebuild the earth.

International organizations and bodies, led by the United Nations and all other regional organizations, work to protect society from dangerous types of criminal organizations by fighting, weakening, and dismantling them by prosecuting and convicting their members, and confiscating the funds gained from their illegal activities.

During the second half of the current century, the local, regional, and international efforts remained united and proceeded almost in one line, striving to achieve a common goal in all issues related to combating economic crime and professional and criminal phenomena that are inconsistent with the economic policy of states and international and regional bodies combating organized crime.

The United Nations realized that the only way to close the door to criminals is through international cooperation and the provision of assistance to countries in need.

The researcher may see dividing this topic into four demands, namely

The first requirement: the United Nations and its bodies.

The second requirement: the Organization for Economic Cooperation and Development.

The third requirement: the International Working Group.

The first requirement

The United Nations and its bodies

No one can deny the role of the United Nations and its bodies in confronting crime by all means, and that we are not going to address the great efforts that the United Nations has always made, and we will touch on the most important treaties and recommendations issued by the United Nations body that are at the heart of the subject of our research.

First: The Fifth United Nations Conference on Crime Prevention - Geneva 1975:

Introducing the topic of economic crime (in the context of crime developed) for the first time at the level of the United Nations to prevent crime in Geneva from September 1 to September 12, 1975 AD. The conference dealt with research and study of the new forms of crimes and their dimensions at the local, regional, and international levels. Such as organized crime, white-collar crimes, bribery at the level of large companies and influential people, crimes related to the theft of rich antiquities, transparency, terrorism, violence, and drug crimes.

The conference paid special attention to the methods and means of confronting criminal and deviant phenomena related to the economic system of the state and its economic policy, and the forms of containing, treating, and preventing these phenomena, especially at a time when new data emerged resulting from the development of forms of crime in the world and its expansion.

The most important recommendations reached by the conference in this regard are the following:

1- Enact penal laws that ensure the punishment of violators of economic regulations and the rules of the economic policy of the state, and deter others from committing such violations.

2- Organizing and developing criminal justice agencies to rise to the level of the challenges facing them and assigning them a preventive and therapeutic role in this type of crime.

3- Evaluating the effectiveness of laws and criminal justice agencies from time to time in line with the rapid development of criminal means used by big companies, mafia, and influential people in committing new crimes.

4 - the use of all state agencies in the process of prevention of economic crimes, especially the media, culture, and education (Abboud, 1998, page 98).

Second: The Sixth United Nations Conference on Crime Prevention - Caracas 1980:

The Sixth United Nations Conference on Crime Prevention, held in Caracas (Venezuela) from August 25 to September 5, 1980 AD, paid special attention to violations and crimes resulting from economic activity, in general, and focused its studies on two topics:

1- Crimes of multinational corporations.

2- Crimes of those with economic and political influence (Abbas, 2007, page 120).

First: the crimes of the multinational companies:

A multinational company is a national company in origin. It begins by extending beyond borders across the world, starting from its main center in a specific country, to establish branches in other countries, or to merge with foreign companies existing in those countries. The reasons for expansion or merger are as follows:

1- Concentration in countries producing raw materials.

2- Expanding economic operations and investing the capital accumulated by the mother company in pursuit of profit and escaping from the economic recession in the center of the company.

3- Controlling the commercial market in the foreign country to sell its products there.

1- Tax evasion.

2- Supporting indebted companies that are on the brink of bankruptcy, and providing them with shares in exchange for buying shares from them at low prices.

3- Benefiting from the local legislations that are provided to foreign companies and the capitals coming from abroad, and the large facilities that they obtain.

The concentration of large companies in foreign countries has led to several negative aspects, which we can summarize as follows:

A- Interfering in local politics to obtain the greatest amount of privileges and to protect the existence of the confiscated or nationalized company. This interference opened the door to bribery and corruption of the consciences of officials and employees in the state where the company's branch is located.

B- Those companies entered the game of alliance and merger with local companies to achieve several goals, including getting rid of taxes, controlling supply and demand, and controlling prices.

C- Smuggling money outside the country, based on fictitious expenses paid to offices for technical studies, equipment, maintenance, and insurance, and these offices are affiliated with the parent companies, or their allies or mergers with them, and one of the reports prepared within the framework of the United Nations stated that billions of dollars fled from Developing countries under the guise of fictitious expenses mentioned by companies in their annual statements (Mustafa, 1990, page 319-324).

The world has been alerted to the danger of deviations and illegal acts committed by multinational companies, which prompted the Economic and Social Council of the United Nations, in its resolution No. (2721) dated 2/7/1972 AD, to request the Secretary-General of the United Nations to form a committee of economists in the world to study the conditions of multinational companies. And its role in the process of economic development in the world, especially in the third world (United Nations, 1974 and 1978 Report). In 1978, the Committee of Experts convened again and re-evaluated the conditions of multinational companies in the light of the proposals and recommendations they submitted from their first report, and concluded with a second report explaining the negative effects of these companies on the economic and political continuity in the world.

It proposes several measures at the international level to regulate its activity and reduce the negative aspects of this activity.

Second: Crimes of those with economic and political influence:

The aforementioned Sixth Conference of the United Nations was concerned with the crimes of those with economic and political influence, and these are of two types:

The first type: are businessmen who exercise their influence in cooperation with men of power.

The second type: is the men of power themselves who misuse their political and administrative positions and employ them for their interests.

The conference noted that these persons commit bribery, commission, and participation in organized crimes, such as trafficking in drugs, weapons, white slavery, and other forms of organized crime. To confront these crimes, the following proposals were presented to the conference:

A- The legal and judicial system in the world does not meet the urgent need to deal with such economic crimes that cause severe harm to citizens, as indicated by legal and financial problems that the current judicial system cannot confront, nor the laws in force. Therefore, specialized committees or bodies must be formed with the authority to confront these Crimes and take the necessary measures and decisions without adhering to the normal conditions in force Or criminal courts for traditional crimes.

B - A group of members participating in the conference thought that it is better to develop the current judicial apparatus.

C - Organizing seminars on economic crimes at the various local, regional, and international levels.

After the conference, a recommendation was made including the following:

1- Draw citizens' attention to the dangers resulting from harmful economic activities, given that their indifference helps spread such crimes and encourages their exploitation, impoverishment, and harm.

2- Developing the necessary plans to confront such crimes, and these plans include the following:

a- Take appropriate legislative and judicial measures.

b- Carrying out research, studies, and training at all local, regional, and international levels.

c- Supporting international cooperation in the field of combating economic crimes and assigning the United Nations to follow up on the development of general guidelines for the development of such crimes (United Nations, General Report, 1980).

Third: The Seventh United Nations Conference on Crime Prevention - Milan 1985:

The Seventh United Nations Conference on Crime Prevention, held in Milan (Italy) between August 26-September 16, 1985 AD, included the issue of economic crimes among its main topics as well. A suffix called for the necessity of establishing a just international economic order.

Therefore, the conference concluded with many recommendations in this field, the most important of which are summarized as follows:

1- Take the necessary legislative steps to reconsider the system of economic institutions

and work, and in a manner that provides adequate protection against economic crimes.

2- Establishing teams of specialists to prosecute violations and economic crimes.

3- Prosecuting perpetrators and accomplices in economic crimes before specialized courts.

4- Increasing penalties for perpetrators of economic and financial crimes, especially financial penalties, to deter them and others from committing such crimes.

The conference also paid special attention to the industrial sector, and the dangers that may be caused by deviating from its regulations on the individual and society, and recommended the necessity of enacting the necessary legislation to organize and control this sector.

It is noted from the topics, studies, and recommendations that occupied the Seventh United Nations Conference on Crime Prevention that economic security has become one of the priorities of the United Nations after it was revealed to it that it is an integral part of national security and international security at the same time, and the United Nations has directed to help work to provide this security Through its initiatives in various economic and legislative fields (Muhammad Fathi, 1410 AH, page 02).

Fourth: The United Nations Convention against Trafficking in Narcotic Drugs and Psychotropic Substances of 1988:

The United Nations issued an agreement related to combating illegal drug trafficking in 1988 AD, to which most countries joined. The United Nations program also strengthens the control of organized drug trafficking.

Where the problem of drug trafficking was considered one of the most serious problems facing humanity at present, and despite the international community's awareness of this danger and its relentless pursuit of cooperation to reduce its disadvantages by many legal and scientific means, the studies carried out by the committees of the United Nations General Assembly that preceded the issuance of The United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances in 1988 AD indicates that drug trafficking has become a global tragedy and that the global production of opium, cannabis, and coca exceeds several times the quantities consumed, and its sales proceeds in North America alone have increased to more than 100 billion US dollars annually, and the thorn has been strengthened Narcotics smuggling gangs with their organized cooperation with arms trafficking gangs and international terrorism (Muhammad Farouk, 2002, page 245).

There is no doubt that the aforementioned fact reveals the extent of the weakness of the effectiveness of control methods in achieving its goals, and the lack of adequacy of international cooperation in limiting the spread of the drug phenomenon, which requires finding out the reasons and obstacles that led to this

negative result and trying to develop appropriate solutions to treat it, as 106 countries signed it. It is the largest number of countries included in an international drug control agreement, which indicates the stability and solidity of international cooperation in this field. The most important of these principles are the following:

A- The obligation to criminalize all acts related to drug smuggling, participation in drug smuggling, or involvement in dealing with funds gained from drug trafficking.

B- Increasing the penalty for the crimes referred to in (a) if it is proved that the crime is linked to arms trafficking, terrorist operations, or all forms of organized crime.

C- The agreement specified the administrative and legal procedures that countries must take to exercise their competencies in investigating many smuggling crimes in the global seas through ships that fly their flags and acquire their nationality under their registration in them.

D- The agreement also provided for enabling countries to confiscate drugs and funds gained from trafficking in them, freeze the financial assets established from them, and direct these funds to finance control operations.

C- The agreement highlighted the need for countries to pay attention to examining requests for the extradition of drug offenders.

E- The agreement urged countries to cooperate in the field of providing legal and judicial assistance.

F- The agreement includes a provision on the need for countries to take the necessary measures to monitor their ports and free zones in a way that guarantees good and accurate inspection (Decree no. 2-55, 2002, the reservation ratification of the United Nations Convention against Transnational Organized Crime).

Fifth: The political statement and action plan to confront money laundering operations, which was approved at the twentieth special session of the United Nations General Assembly (New York 1998).

Sixth: Model legislation for money laundering, confiscation, and international cooperation in the field of crime products (Vienna 1999).

Seventh: The draft model law on the products of crime (Vienna 2000).

The latter two laws are within the framework of the global anti-money laundering program of the Office for Drug Control and Crime Prevention.

Eighth: The United Nations Convention against Transnational Organized Crime and its annexed protocols were ratified in (Palermo, Italy in December 2000).

This agreement is considered the most recent and optimal legal framework in the field of combating transnational organized crime as well as economic and financial crime at the international level.

That is why we find that this important agreement in combating crime of all kinds deals with adequate and detailed treatment, and for this reason it deserves to be reviewed extensively in its detail.

The reason for this is the seriousness of organized crime and its negative economic and social effects on countries, which made the latter cooperate to combat it by various legitimate means, and among these means are international agreements, including the United Nations Convention against Transnational Organized Crime, which came according to the decision of the United Nations General Assembly, session Fifty-fifth on November 15, 2000 AD, which was held due to the urgent need to strengthen international cooperation in combating and preventing criminal activities for greater effectiveness at the national, regional and international levels as the legal framework and successful tool for achieving international cooperation in combating organized crime in its various forms and this United Nations Convention identified three forms of international cooperation:

The first picture: is related to the legislative aspect.

The second picture: related to the judicial side.

The third picture: related to the executive side.

The first picture: Legislative measures: The United Nations Convention against Transnational Organized Crime obligated countries to introduce amendments to their domestic legislation by criminalizing organized crimes and confirming their jurisdiction over these crimes. On the other hand, it is necessary to define appropriate penalties for these crimes.

This agreement emphasized the need for its member states to commit to criminalizing organized criminal activities and the need to take the necessary measures to confirm their competence and jurisdiction over these crimes.

And the crimes covered by the United Nations Convention against Transnational Organized Crime, as it specified the crimes mentioned, which are:

1- Participation in an organized criminal association.

2- Laundering of the proceeds of crimes: it is intended to launder money obtained from committing crimes. Article 6 specifies the forms of criminalization in this case as follows:

1- Conversion or transfer of property, or disguising the unlawful source of such property, or assisting any person involved in the commission of the original part from which it came to evade legal liability.

2- Concealing or disguising the true nature of the property, its source, location, manner of disposition, movement, ownership, or rights related to it, knowing that they are proceeds of crime.

3- Participation in the commission of any of the acts referred to in this Article, or complicity or conspiracy to commit such acts.

4 - deals with incitement and assistance by any means and advice (Jaafar, 2005, page 260).

5- Corruption: The United Nations Convention against Organized Crime criminalizes corruption in Article (3) thereof.

6- Obstruction of justice: Article (23) includes forms of criminalization of obstruction of justice.

7- The principle of territoriality of the criminal text: it means that the national law is applied to every crime committed in the territory under the sovereignty of the state, whatever the nationality of the perpetrator, and the territory is that part of the globe over which the state exercises its sovereignty and it consists of the land territory and is defined by the political borders of the state, The maritime territory includes the territorial waters of the state and the air territory, which is the layers of the atmosphere above the land and sea regions of the state. Thus, the state parties must assert their jurisdiction over the crimes that occur in their territory, and the ship flying the flag of that state and the armed aircraft shall rule over the territory of the state according to the laws of that state at the time the crime was committed.

The most correct opinion in jurisprudence indicates that the place of the crime is the place where the criminal activity takes place, whether principally or consequentially, in which the criminal result occurred.

1- The principle of the personality of the criminal text.

2- The principle of universality of the text.

3- The principle of the specificity of the criminal text.

It also dealt with the most important penalties and measures emphasized by the Convention and judicial cooperation within the framework of the United Nations Convention against Organized Crime, and the fact that judicial cooperation is considered one of the most important forms of international cooperation in combating organized crime because it expresses the stage of reaching the universality of criminal or punitive law, and this judicial cooperation takes two basic forms, namely Extradition and mutual judicial assistance. Extradition is an acknowledgment of the extraterritorial power of criminal law. Mutual judicial assistance is considered a stage that allows the continuation of procedures and investigations outside the borders of the state, and these systems are necessary for international punitive cooperation that ensures the pursuit and arrest of criminals so that they do not benefit from their escape from the territory of the state in whose territory they committed their crimes. They are subject to the provisions of the internal law of the state and detailed procedures to be followed for the extradition of criminals. Mutual legal or judicial assistance is a manifestation of international cooperation between judicial bodies. It means that the judicial bodies in the first country ask the judicial body in the second country to carry out judicial procedures on its behalf, and countries respond to the request of the delegation even if there is no international agreement between them, in the application of the principle International courtesy and the principle of reciprocity However, the existence of an agreement supports the rogatory system and shows its limits (Abdullah, W.Y., page 84).

Convention also focused on The importance of cooperation between the executive authorities of countries in various fields in the technical field through the exchange of necessary information about organized crime as well as in the technical field, by cooperating in developing joint programs for workers in the field of combating organized crime. The agreement also focused on cooperation in the economic field with the assistance of member states, especially developing ones. Including in the fight against organized crime. The Convention also establishes for the state parties a mechanism to facilitate international cooperation in various fields following this agreement, especially the countries whose economies are going through a transitional phase, to help and motivate them to prevent and combat transnational organized crime and to grant financial assistance that helps them to implement the agreement. Donating this economic aid to the account designated for a mechanism the United Nations designated for this purpose, and countries can donate all or part of the proceeds of crimes and property or the equivalent of their confiscated value to the account designated by the United

Nations. In this, the state parties can resort to concluding bilateral agreements or Collective including how to provide material or financial assistance. The agreement emphasized z each state party must provide the Secretary-General of the United Nations with copies of its legislation and laws that implement this agreement, as well as copies of all changes it makes to its laws later in the implementation of the agreement.

Ninth: The United Nations Convention against Corruption, Merida, Mexico (December 2003): - All countries of the world agree on the need to combat corruption, this dangerous phenomenon that stands in the way of development, as well as spreading a state of despair and frustration among members of society. This agreement considered corruption a complex social and economic phenomenon that leaves behind Negative effects on all aspects of social life, affects investments, encourages the violation of the sanctity of the rule of law, human rights, and democratic practice, and opens the door to embezzlement and transfer of funds destined for development and basic services.

The United Nations Convention against Corruption 2003 is one of the most detailed conventions, as the agreement, consisting of (71) articles, includes a definition of patterns of practices that describe corruption and persons who meet the characteristics of public officials. The provisions of this agreement generally aim to:

1- Knowledge and development of procedures and tools for combating and controlling bribery.

2- Providing technical assistance to countries to strengthen their capabilities in the field of preventing and combating bribery.

3- Strengthening cooperation and coordination between international organizations that carry out antitrust activity and prepare anti-bribery programs at the international level.

4- Expansion of the intelligence information unit, judicial procedures, extradition, money recovery, training, and technical assistance (Muhammad Fathi, 1422 Ah, page 38-41).

Through what was mentioned in the third chapter of the Convention, which is concerned with criminalization and law enforcement, we find that the legislative framework for criminalizing punishment is characterized by several features, the most important of which are the following:

- The multiplicity of corruption crimes and the comprehensiveness of their legal structure: so that hardly an act of corruption is left un criminalized to the extent that it can be said that the matter is no longer related to a crime, but rather to a criminal idea that includes many forms such as bribery, embezzlement, abuse of jobs, illegal enrichment, laundering proceeds of crime and obstructing the conduct of Justice.

- The agreement includes forms of controversial crimes regarding the extent of their agreement with recognized legal principles, such as the crime of illicit enrichment because it violates the presumption of innocence and because it shifts the burden of proof, requiring the suspect or defendant to prove his innocence.

- The use of criminalizing certain acts or expanding the scope of criminalizing others, which in both cases was not firmly rooted in Arab legislation, such as criminalizing laundering proceeds of corruption and criminalizing obstruction of justice by granting legal protection to witnesses, experts, and judicial employees to the greatest extent possible.

- Criminalization of various acts and forms of corruption, so that it is not limited to acts of corruption that occur from public officials within the framework of government administration or the public sector, but rather includes the work of the judiciary in the private sector (Muhammad Al-Amin, 2007, page 143).

Globalization and its multiple mechanisms have had and will continue to have a direct negative impact on the escalation of the phenomenon of corruption in its various forms at the national, regional, and international levels, and it has facilitated the possibility of achieving wealth through illegal actions, and the phenomenon of corruption that was prevalent in a particular country or countries penetrated the international borders, taking advantage of the appropriate opportunities that make The possibilities of keeping the fruits of the criminal act outweigh the possibilities of deterrent punishment for it (Ahmed, 2008, page 47).

We conclude from this that corruption crimes are not like other crimes, because they have a special status as they are one of the most expressive types of crimes and are linked to certain political situations and a special social structure.

In terms of the political situation, corruption crimes, especially when it comes to (grand corruption), represent a direct reflection of the imbalance that afflicts the political system and the mechanisms used in producing decisions in this system (Daoud, 2004, page 26).

In many strategic sectors, the emerging global economy represents a complex global network of agreements concluded between companies, and the correlative nature of these irregularities increases the difficulty of all managers and public policymakers exercising control to a large extent, and globalization affects every problem and its solution. New global realities facilitate corruption, in addition to Working to expose it and curb it in other ways (Firas, 2010, page 78).

It has become clear that the United Nations has an active role in drafting conventions on combating economic and financial crime, and it has not underestimated this international crime.

Addressing the forms of crime in our modern era is one of the difficult and dangerous tasks, and thus the problem is raised to the challenge International Criminal Court, to adopt more effective procedures in this policy, because it requires strong coordination of legal and material means, to detect crimes.

The second requirement: Organization for Economic Co-operation and Development (O.C.D.E)

It is an international organization composed of a group of developed countries that accept the principles of democracy and a free market economy and of thirty member states. It was established in the year 1948 AD by the European Economic Cooperation Organization and was expanded to include non-European countries, and in the year 1960 AD it was reformed to be the Organization for Economic Cooperation and Development. The organization gives an opportunity that enables governments to compare policy experiences and search for answers to common problems, identify good practices, and coordinate domestic and international policies. It constitutes a forum for the pressure that can be a strong incentive to improve policies and implement them by enacting non-binding laws that can sometimes lead to binding treaties for exchanges. Among the governments involved in the organization is carried out through the flow of information and analyses provided by the General Secretariat in Paris. During the tenth decade of the twentieth century, the organization dealt with a range of economic, social, and environmental issues as well as contributing to deepening engagement with business circles, trade unions, and other representatives of civil society, for example, negotiations in the Organization for Economic Cooperation and Development in the field of tax and transfer pricing, and paved the way for treaties Bilateral taxation all over the world, and in the organization's endeavor to combat practices harmful to tax systems, it has made great efforts at the level of member states to eliminate tax irregularities harmful to the economy by correcting or

abolishing more than 30 tax systems (Patrick, 2000, page 26). The Organization for Economic Cooperation and Development initiates vigorous activities and efforts in the field of combating international economic and financial crime, and one of its most important endeavors is that its anti-corruption department supports the organization's work to combat corruption and bribery in various international commercial dealings.

The Convention on Combating Bribery of Foreign Public Officials was discussed under the supervision of the Organization for Economic Cooperation and Development in 1997, and it is the first agreement that obliges countries to bear responsibility for the corrupt actions committed by their citizens and companies in pursuit of projects or maintaining projects in other countries.

The signatory countries recognized the responsibility of developed countries to assist other countries in combating corruption and to prevent their companies from contributing to the creation of this problem. In addition, this agreement was the first agreement of its kind to establish a multilateral mechanism for mutual evaluation of control obligations to combat corruption. This mechanism has become appreciated by many and a model for international cooperation in that region, and the United States continues its activity with the rest of the Organization for Economic Cooperation and Development countries to correct weaknesses that appear in the field of commitment and to use tangible pressure on the signatories to the agreement to ensure that each country implements its new laws that criminalize Bribery of foreign public officials through companies in their territory (Organization for Economic Co-operation and Development (O.C.D.E)). We summarize very briefly the issues dealt with in this agreement, namely:

- 1- The relationship of bribery with foreign political parties.
- 2- Privileges promised or provided to a political figure abroad in anticipation of her assuming responsibility in her country.
- 3- Bribery of foreign public officials as a violation of anti-money laundering legislation.

The third requirement: Financial Action Task Force (FATE)

The Financial Action Task Force to Combat Money Laundering (FATE) is an intergovernmental and independent body whose objective is to prepare and develop strategies to combat money laundering at the national level and in the international arena.

Given the great damage to the financial system of the major industrial countries as a result of money laundering, which is the United States of America, Italy, France, Japan, the United Kingdom, Canada, and Germany, the heads of state and government of these countries and the Chairman of the European Communities Committee paid attention to the fifteenth annual economic summit held in Paris in June 1989 AD with the problem of money laundering, especially those derived from drug trafficking, and for that they formed a team of experts to consider it and this team was called (the task force (FATE) Financial Action). Combating money laundering, i.e. combating dealing with proceeds of crime to camouflage and conceal their illegal source. This policy also aims to prevent the return of these funds to their criminal owners and prevent their future use in criminal activities, as well as prevent them from polluting legitimate economic activities by penetrating them.

The Financial Action Task Force belongs to many different legal systems, but their cooperation is necessary to address the problem of money laundering and the development of a policy in this regard by experts in the legal, financial, and law enforcement aspects.

Countries other than the Big Seven joined this team, so the number of those who belong to it six years after its formation became 26 countries, and this team is the only international body that is based on money laundering in general, and whatever its source in the international community. 1990 Forty recommendations that its members must take into account when applying national measures in combating money laundering, whether on the national scale or in the international arena. This team has received broad governmental support and has worked with men from financial organizations, consultants, justice men, police, and government men. This team presents its efforts to the parliaments of the countries from which it is formed every year. It also makes remarkable progress every year. After it approved its forty recommendations in its first year and made a self-evaluation of these recommendations In its second year It asked its member states to provide him with the extent of their adherence to them.

Accordingly, the recommendations contain principles for action, and countries may implement them according to their special circumstances and within the framework of their constitutions. Therefore, they are general principles that did not go into detail. Therefore, they guarantee flexibility when applied by states. The measures stipulated in the recommendations are neither complicated nor difficult as long as there is the political will to apply them as well. They do not impede the freedom to engage in legitimate transactions or threaten economic growth.

However, these measures are essential to create an effective framework against money laundering. The forty recommendations include the following main points:

A- Criminalization of money laundering: The governments of (FATE) have previously criminalized money laundering acts as stipulated in the Vienna Convention against Trafficking in Narcotic Drugs and Psychotropic Substances by joining this convention and therefore urging countries to follow suit and provide in their national criminal legislation to expand the criminalization of drug laundering Money for all crimes for which criminals make a lot of money.

B- Lifting secrecy about the work of banks: to encourage cooperation between the enforcement agencies of laws and regulations on the one hand, and the financial institutions on the other hand, and with this cooperation we protect the financial institutions against any responsibility for disclosing information to the men of enforcement of laws and regulations and the authorized persons.

C- Reporting and reporting suspicious transactions: It is not enough for governments to combat money laundering, the private sector must also be placed on the front line.

D- Mutual assistance between countries in combating money laundering: Major money laundering operations are usually international, and if criminals cooperate in working together, it is more appropriate for countries to cooperate as well. FATE governments have decided to exchange information about suspicious deals.

In 2007 AD, the Financial Action Task Force for the Middle East and North Africa developed a report on applications on "Cross-border payment methods (existing and emerging) and the possibility of exploiting them in money laundering and terrorist financing operations." Traditional only, such as cheese, payment orders, bank checks, and travelers' checks, where the innovation of new payment methods based on the international information network (the Internet), wireless devices, or private networks is one of the most prominent global developments in the field of money transfer, transfer, and payment methods available for transferring and transferring the money that they get from Illegal sources to hide or disguise their nature, and terrorist financiers to extend and finance individuals and terrorist organizations, whether with legitimate or illegal funds, to assist them in carrying out terrorist acts. It was necessary to research and evaluate the risks associated with innovative methods of payment and transfer of funds across borders to identify the size of the risks associated with them in terms

of the possibility of Exploiting these methods, whether in money laundering or financing terrorism.

From this standpoint, the Financial Action Task Force for the Middle East and North Africa region put payment methods under consideration to determine the extent to which they can be exploited in money laundering and terrorist financing operations, as the first topic for applications to be studied by the group, based on Lebanon's proposal to study a project for applications on "cross-border payment methods (current) and emerging) and the possibility of exploiting them in money laundering and financing terrorism," which was approved by the second general meeting of the group.

The project leaders (Lebanon), in cooperation with the group's secretariat, prepared a special questionnaire aimed primarily at identifying the payment methods available in the region and assessing the risks associated with them through the exploitation of money launderers or terrorist financiers. This questionnaire included a group of cross-border payment methods For example, each country was allowed to add any other payment methods that apply to it (Muhammad Al-Ameen , 2002, page 150).

Therefore, the Financial Action Group paid great attention to the financial system, sensing the importance of cross-border payment methods and the size of the risks associated with the possibility of their exploitation, whether by money launderers or terrorist financiers.

THE SECOND TOPIC:

regional level

With the steady increase in the rate of crime and criminal organizations exploiting the flexible international climate to expand the scope of their criminal operations across borders - either directly through extending their international activity or indirectly through the proliferation of international networks of criminal organizations cooperating, it was necessary to think about evaluating the performance of International criminal justice agencies, creating specialized qualitative agencies, and raising the efficiency of agencies specialized in prosecuting crime. Transnational crime is still one of the topics for discussion in international and regional scientific forums, to reach a common understanding of this phenomenon and its characteristics, as a crime of multiple actors, committed by individuals belonging to a criminal group. beyond the borders of a single state.

This prompted the international community to search for new mechanisms that are compatible with their nature and to develop traditional means to ensure the solidarity of the efforts of states and their existing agencies with the task of combating crimes in general and organized crime in particular, to achieve the creation of more dynamic institutions, in response to the speed of their emergence and development. This is because the optimal fight against crime may go beyond traditional means to more daring means that support specialized official cooperation, whether bilateral or multilateral, so that it transcends the political and structural differences faced by governments, as the principle of sovereignty is still one of the fundamental principles, an active movement in the field of cooperation to confront The phenomenon of international economic crime, whether it is in Europe, America, Africa or Asia, and Europe is one of the most active continents in this field, perhaps because the effects and threats of this crime are strong and influential. The research was divided into three demands:

The first requirement: European continent

Extensive work is being carried out on the European continent in the field of confronting economic and financial crime at various levels, whether in the field of scientific research, legislation, prevention, or control, to the extent that clear European political features have emerged in the field of confronting economic and financial crime and crime in general, characterized by dynamism and tireless activity to combat it. Accordingly, the emergence of unified European bodies and agencies in recent years, such as the Eurogest.

After the signing of the Treaty of European Unity, the Maastricht Treaty in 1992 AD (it is the founding agreement for the European Union and the most important change in its history since the establishment of the European Community at the end of the fifties. It was agreed upon by the European Council in the Dutch city of Maastricht in December 1991 AD This treaty, which was signed on February 7, 1992 AD in Maastricht, entered into force on November 1, 1993 AD. The delay in its implementation is due to the delay in the Danes' acceptance of the treaty and its terms and due to a constitutional case against it that was instituted in Germany) (Muhyiddin, 2004, page 127). And the ease of movement it provided between European countries, which included the movement of people, goods, and services, and given the organized crime groups' exploitation of these facilities to increase their activities, European countries began an advanced and effective security cooperation represented in some decisions and agreements aimed at combating organized crime between European countries, the most important of which was what follows:

1- In 1995 AD, European countries signed an agreement according to which an office of the European Criminal Police (Europol) was established to replace the European Drug Police Unit that was established in 1993 AD and whose jurisdiction extended in addition to drugs, to include crimes of trafficking in nuclear radioactive materials, illegal immigration networks and smuggling of stolen cars And the crimes of trafficking in persons, and the European Police Office will cover the fight against terrorism in addition to the five crimes, and any other organized crimes that the European police want to combat, including economic and financial crimes, which is one of the most dangerous organized crimes (Muhyiddin, 2004, page 127).

In the year 1999 AD, the Urugust Commission was established, oriented to a decision taken by the European Council in October 1999 AD, and it consists of national public creators, judges, police officers, or equivalent competence far from each of the member states according to its legal systems (Theyab, 1999, page 65).

European countries took measures and procedures to confront and suppress economic and financial crimes without affecting their sovereignty in the judicial and police sectors:

First: Threats of economic and financial crime in Europe: The European Council was established in 1949. The European Council exercises its activities in combating organized crime through the European Committee on Crime Problems. The most important activities of the European Council in combating transnational organized crime and economic crime are as follows:

- The conclusion of an agreement to combat illegal drug trafficking by sea in 1995 AD, based on Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 AD (Financial Action Group for the Middle East and North Africa , 2010, page 02).

- In June 1996, the European Council, jointly with the Committee of the European Communities, implemented a project called (Octopus) to assess the situation in 16 countries of Central and Eastern Europe regarding legislation and practices against corruption and organized crime.

- In April 1997, a new committee of experts in criminal law was established, to study the features of organized crime, identify weaknesses in the tools of international cooperation, and propose new strategies.

The Committee of Ministers of the European Union countries made recommendation No. 11-2001 AD on September 19, 2001 AD within the

framework of meeting No. 765 of representatives of ministers of member states related to finding basic frameworks to combat organized crime. The committee states that the goal of the European Council is to achieve a stronger union among its members and it is aware of the necessity and importance And finding a unified criminal policy to combat organized crime, by defining legal means to make legislation more effective, and to tighten international cooperation in this field. The recommendation concludes that these crimes today represent a serious threat and challenge to European interests (G8 website). The central role played by the Council of Europe in confronting economic crime is well known in cooperation with other international institutions such as the Organizations for Economic Cooperation and Development (O.C.D.E), the World Bank of the European Union, the European Bank for Reconstruction and Development (BERD) and the United Nations.

Second: European measures to confront international economic and financial crime: Europeans have become aware that the crime that arises from business and the phenomenon of money laundering and bribery have taken dangerous dimensions that threaten Europe and the world as a whole, and this is what led the European Parliamentary Assembly to issue Recommendation 1147/1998 AD on business crime and its threat to Europe. It called for the following actions to be taken:

- 1- Criminalization of money laundering of serious crimes.
- 2- Criminalizing is the act of helping to belong to an association related to organized crime in the economic field.
- 3- Intensifying financial investigations into illegal funds.
- 4- Authorizing the confiscation, detention, or freezing of illegal funds.
- 5- Considering acts of non-reporting of suspicious transactions by financial or non-financial institutions an existing crime.
- 6- Adapting the national regulation and legislation with the requirements of international cooperation (Group of Countries Against Corruption (GRECO)).

The Parliamentary Assembly also called on the member states of the Council of Europe to sign and ratify international agreements and treaties, especially European ones, in the fields of:

- a- Extradition of criminals.
- b- Transfer of sentenced persons.

c- stock exchange crimes.

d- Money laundering (seizure and confiscation of proceeds of crime).

The Parliamentary Assembly intends to prepare new strategies to facilitate the coordination of various financial investigations against funds of organized crime in the economic field, and this is to create rapid legal mechanisms that enable the abolition of bank secrecy and intensify cooperation with the Organization for Economic Cooperation and Development and invite members to include the issue of organized crime and inequality in the economic field in the curricula School for secondary education (David, 2002, page 06).

Third: European legislation in the field of combating international economic and financial crime:

We mention the most important agreements and treaties that seek to combat economic and financial crime at the European level:

1- An agreement on financial operations (20/4/1989).

2- Money Laundering Agreement: Discovery, Seizure, and Confiscation of Crime Proceeds (8/11/1990).

3- European Council instructions related to the prevention of the use of the financial system for laundering Brussels Funds (10/6/1990 AD).

4- Treaty for the Protection of European Interests (26/7/1995 AD).

5- The Criminal Convention on Bribery (27/1/1999 AD).

6- The legislation establishing the office of M Anti-fraud (4/1999 AD).

7- The Cybercrime Convention (23/11/2001) (Al-Shahoud, Encyclopedia of Response to Contemporary Intellectual Doctrines 1-29, page 02).

The European Union has made combating terrorism one of the main elements in its political dialogue with regional groups and other countries. Participation and cooperation agreements and other foreign policy tools also include a special clause on combating terrorism. Italy has achieved a strong push in this direction, since its rotating presidency of the European Union in the year 2003 AD.

The second requirement: American continent

Various international organizations and bodies at the level of the American continent are doing work and activity to confront economic and financial crime on the national scene and between countries. The Organization of American States felt

the danger of money laundering from the political, economic, social, and ethical aspects. These regulations include money laundering crimes related to illegal drug trafficking and other serious crimes. Other serious offenses have been amended many times by a team of experts, the last of which was in October 1998 in Honduras and then in Guatemala in June 1999. It consists of 21 articles that include definitions such as confiscation terms. Freezing or detention and defining the person including the natural and legal person, companies, trade unions, and any group of persons, even if they do not have a legal personality, then defining other serious crimes. Then I mentioned the money laundering crimes, the jurisdiction and the concerned measures related to the funds, the proceeds of the crime, the tools and things used or intended to be used in the crime, then the confiscation of those funds and things without harming the rights of bona fide persons. Article (10) lists the financial institutions and their activities, including commercial banks, credit companies, loan associations, savings banks, industrial banks, and any institution that provides financial services (Geopolitical Observatory, website). Among these American organizations and bodies are:

First: Anti-money laundering commissions at the level of the American continent: Two regional commissions have been established to combat money laundering at the level of the American continent:

1- Financial Action Task Force of South America Against Money Laundering (GAFISUD)

This group appeared in the year 2000 AD, and it is composed of nine members, namely: Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru, and Uruguay, in addition to the Organization of American States, and observing members: Mexico, France, Portugal, Spain, and the United States.

The Financial Action Task Force of South America (GAFISUD) works on conceiving and developing a comprehensive strategy to combat money laundering within the framework of implementing the forty recommendations of the Financial Action Task Force, and seeks to intensify activity in the field of exchanging experiences and cooperation among its members in the areas of money laundering (Wikipedia, website).

2- The Financial Action Task Force for the Caribbean (GAFIC):

This group was established in 1990, and its headquarters are in Trinidad and Tobago. It includes 27 countries from the Caribbean archipelago, Central and South America. This group issued the 19 recommendations in Europe in June 1990 AD, and the Kengchon declaration on money laundering in Kengchun in

November 1992 AD.) to achieve an effective implementation of the nineteen recommendations to address, prevent or limit money laundering operations in the Caribbean, by implementing the following basic tasks:

a- Developing and consolidating the commitments of the Member States towards the issues of the Organization.

b- Checking the extent of conformity with the legislative and regulatory texts in the Member States.

c- Tracking the new methods used by the criminals of whitewashing and trying to reduce their effects.

d- Confronting various international issues related to the organization, which would leave potential effects on member countries (European Union, website).

Second: Fighting economic and financial crime in the United States of America for money laundering: When the United States of America enacted laws related to money laundering in 1986 AD, it aimed initially to address an internal issue mainly, but after this date, money laundering took on global dimensions by sweeping international financial transactions.

The Americans believe that confronting money launderers not only reduces the commission of economic and financial crimes, but also criminalizes criminals from the means of committing other serious crimes, because the crime of money laundering is of recent origin, as it is a phenomenon that is not considered as such, so that the term "money laundering" began as a term and a criminal phenomenon in the United States of America. In the period between 1920 AD-1930 AD, when the American security men used the term "money laundering" to denote what the mafia gangs were doing in terms of buying projects and stores with dirty money of illegal origin. It is a crime that began in the United States of America. Therefore, we see that success in confronting economic and financial crimes requires the following action:

A- Creating a legal and financial infrastructure, executive bodies to apply the law, regulatory oversight bodies, and judicial systems that communicate with each other, exchange information among themselves, and coordinate their work.

B- The participation of companies in the private and public sectors, especially financial services companies, in efforts to support the initiatives undertaken by the government to combat financial crimes.

C- Contribute to the activity of global and regional forums to exchange information and enhance cooperation to combat international economic and financial crime.

D- Take deterrent measures in this regard by increasing penalties, especially financial ones.

E - The necessity of issuing an international convention to combat this crime by criminalizing it.

H- Establishing a global agency or institution, which assumes responsibility for combating bleaching operations at the international level, and works to coordinate between different countries to achieve this.

G- Expansion of agreements on the extradition of criminals as an encouraging tool for combat (European Eurojust for Combating Economic Crime, website). It seems clear that the devices of the American continent are trying efforts to combat crime.

The third requirement: Asia and Africa

There are new plans to confront the threat of economic and financial crime in Asia and Africa, through which working groups and continental and regional bodies have been established to communicate and cooperate to confront the threat of this phenomenon. The two most important groups, for example, in the field of combating money laundering in the Asian and African continents are:

First: The Asian-Pacific Anti-Money Laundering Group:

Asia Pacific Group on Money Laundering (APG)

This body includes 26 member states and 13 observers, and among its members, it works in the areas of methods of combating the crime of laundering, applying the rules of legal and judicial assistance, confiscation, extradition, joint investigations about suspicious activities of capital movement, and inquiries about it. Members of this group meet annually to evaluate plans and study work strategies.

Second: The Eastern and Southern African Anti-Money Laundering Group:

Eastern and Southern Africa Anti-Money Laundering Group (EAAMLG)

This group of 11 countries plays a major role in combating economic and financial crime and implements recommendations. It also cooperates with other international organizations active in the same field. This organization was

established in the year 1999 AD in Barusha (Tanzania) to have regional jurisdiction in the eastern and southern Africa region in the field of combating crime. Money laundering according to recognized international patterns and trends (Korkis Daoud, 2004, page 113),

In 1996 AD, the Asian-European Bangkok Summit was held (March 1996 AD), which concluded the need for cooperation between Asian and European countries, and thus international efforts to combat many global negative phenomena represented in poverty, environmental protection, combating drug trafficking, money laundering and international crime (European Union Recommendation Resolution 1147 (1998), website). At the 43rd session of the Legal Consultative Organization for Asia and Africa, which was held in June 2004 in the city of Bali, Republic of Indonesia, a resolution (RES/43/SP/1) was adopted after extensive and in-depth consultations that took place during the special meeting on this subject, and the request was renewed to States Non-members of this Convention and its Protocol to study the issue of their accession to the United Nations Convention against International Organized Crime and the Additional Protocol on the Prevention, Suppression, and Punishment of Trafficking in Persons, Especially Women, and Children. These countries were also requested to inform the Legal Consultative Organization for Asia and Africa (AALCO) Of the legislation that it has on this subject, if any (Ala, website).

The decision also included directives to the Secretary-General of the organization to develop a model law in cooperation with member states stipulating that trafficking in persons is considered a criminal act, and to protect the victims of trafficking - before, during, and after - the implementation of this criminal act based on human rights orientations, with an aspiration to develop a solid plan of action to unify efforts In the field of combating trafficking in persons, especially women, and children (Shibli, 2007, page 98).

Conclusion:

Confronting international economic and financial crime requires sincere determination, starting from the individual and passing through governments and international private and governmental organizations. Needs extensive awareness and information for clarifying this epidemic and showing its negative effects on society as a whole, as well as fact-finding about the movements of the perpetrators of this dangerous crime and criminal organizations.

Many claims that international economic and financial crime is a quiet and hidden crime, and it does not leave victims like other crimes, but its impact

threatens the existence of states, and this is certainly compared to violent crime. We mentioned the annual losses caused by this crime, which belies this claim. Shouts have risen from here and there in various parts of the world, sounding alarms and warning of the escalation of international economic and financial crime, whether from (academic, judicial, or political) sides, and this is in The least in itself demonstrates and underscores the importance and seriousness of the matter.

Recommendations:

- 1- Paying attention to international cooperation and participating in its activities at the global, regional, or bilateral levels.
- 2- Putting tight controls in the face of any attempt to exploit the foreign investment program to export organized crime and its activities.
- 3- Paying attention to the awareness program, especially in the security institutions within the prevention program and in preparation for confrontation.
- 4- Introducing modern assistive technologies in financial activities.
- 5- Develop strict laws and regulations governing the activity of financial markets.

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