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Macroeconomic policy questions: promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development

Draft resolution submitted by the Vice-Chair of the Committee, Vladamir Budhu (Trinidad and Tobago), on the basis of informal consultations on draft resolution [A/C.2/77/L.8](#)

Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming its resolution [70/1](#) of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business,

Reaffirming also its resolution [69/313](#) of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,



Reaffirming further the United Nations Convention against Corruption,¹ which is the most comprehensive and universal instrument on corruption, and recognizing the need for its effective implementation, to continue to promote its ratification or accession thereto, and its full support for the Mechanism for the Review of Implementation of the Convention,

Recalling its resolution [S-32/1](#) of 2 June 2021 containing the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, and recalling also the resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its ninth session, held in Sharm el-Sheikh, Egypt, from 13 to 17 December 2021,²

Reaffirming the United Nations Convention against Transnational Organized Crime,³

Recalling its resolutions [65/169](#) of 20 December 2010, [71/213](#) of 21 December 2016, [72/207](#) of 20 December 2017, [73/222](#) of 20 December 2018, [74/206](#) of 19 December 2019, [75/206](#) of 21 December 2020 and [76/196](#) of 17 December 2021,

Recalling also its resolutions [71/208](#) of 19 December 2016, [72/196](#) of 19 December 2017, [73/186](#) of 17 December 2018, [74/177](#) of 18 December 2019, [74/276](#) of 1 June 2020 and [75/194](#) of 16 December 2020,

Taking note of the 2022 report of the Inter-Agency Task Force on Financing for Development,⁴

Recognizing that making progress on reducing illicit financial flows as facilitated through strengthened international tax cooperation could contribute to domestic resource mobilization and the achievement of other goals and targets in the 2030 Agenda,

Recalling the report of the High-level Panel on Illicit Financial Flows from Africa and its relevant contributions in increasing knowledge of the sources of illicit financial flows, and reiterating its invitation to other regions to carry out similar exercises,

Recalling also the high-level meeting on international cooperation to combat illicit financial flows and strengthen good practices on assets return, convened by the President of the General Assembly at Headquarters on 16 May 2019, and taking note of the Chair’s summary,

Recalling further the focus on combating illicit financial flows at the High-level Dialogue on Financing for Development, held on 26 September 2019,

Recalling the policy recommendations of the Intergovernmental Group of Experts on Financing for Development of the United Nations Conference on Trade and Development,⁵ as well as the 2020 publication of the Conference on tackling illicit financial flows for sustainable development in Africa,⁶

Recalling also the report of the High-level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda,⁷ and

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² [CAC/COSP/2021/17](#), sect. I.

³ *Ibid.*, vol. 2225, No. 39574.

⁴ *Financing for Sustainable Development Report 2022* (United Nations publication, 2022).

⁵ See [TD/B/EFD/1/3](#).

⁶ *Economic Development in Africa Report 2020: Tackling Illicit Financial Flows for Sustainable Development in Africa* (United Nations publication, 2020).

⁷ [A/75/810/Rev.1](#), annex.

taking note of the recommendations by independent experts contained therein for further consideration, as appropriate,

Taking note of the conceptual framework for the statistical measurement of illicit financial flows of the United Nations Conference on Trade and Development and the United Nations Office on Drugs and Crime, and recognizing that it was endorsed by the Statistical Commission at its fifty-third session for global use as indicator 16.4.1 to measure illicit financial flows in the context of the 2030 Agenda for Sustainable Development and its indicator framework,

Reiterating its deep concern about the impact of illicit financial flows, in particular those caused by tax evasion, corruption and transnational organized crime, on the economic, social and political stability and development of societies, and especially on developing countries and their progress in financing the 2030 Agenda,

Noting with great concern the severe negative impact on human health, safety and well-being caused by the coronavirus disease (COVID-19) pandemic, as well as the severe disruption to societies and economies and the devastating impact on lives and livelihoods, and that the poorest and most vulnerable are the hardest hit by the pandemic, reaffirming the ambition to get back on track to achieve the Sustainable Development Goals by designing and implementing sustainable and inclusive recovery strategies to accelerate progress towards the full implementation of the 2030 Agenda for Sustainable Development and to help to reduce the risk of and build resilience to future shocks, crises and pandemics, including by strengthening health systems and achieving universal health coverage, and recognizing that equitable and timely access for all to safe, quality, effective and affordable COVID-19 vaccines, therapeutics and diagnostics are an essential part of a global response based on unity, solidarity, renewed multilateral cooperation and the principle of leaving no one behind,

Acknowledging that the COVID-19 pandemic has put a spotlight on the limitations of the Governments of developing countries to marshal resources in times of crisis, reiterating the need to enhance and strengthen effective domestic resource mobilization, including accountable and transparent public expenditure systems, and strengthen domestic regulatory and legal frameworks, as necessary, to more effectively counter the harm resulting from illicit financial flows, and that the harm done by such flows in straining the limited resources of developing countries evidently affects their ability to address the Sustainable Development Goal financing gap and to mobilize domestic resources for longer-term sustainable development, and recalling the meetings of discussion group VI of the informal process launched by the Secretary-General and the Governments of Canada and Jamaica on Financing for Development in the Era of COVID-19 and Beyond,

Encouraging Member States to use and strengthen appropriate focal points to facilitate information exchange among one another, acknowledging the Riyadh initiative for enhancing international anti-corruption law enforcement cooperation and its Global Operational Network of Anti-Corruption Law Enforcement Authorities, as well as existing agreements, formal forums or networks, including the International Criminal Police Organization (INTERPOL)/Stolen Asset Recovery (StAR) Initiative Global Focal Point Network on Asset Recovery,

Bearing in mind that there are different sources of illicit financial flows and that a separate analysis of each source is more beneficial in designing policy responses to prevent illicit financial flows,

Noting with appreciation the ongoing efforts by regional organizations and other relevant international forums to strengthen cooperation in preventing and combating illicit financial flows, as well as new initiatives taken by Governments and the private

sector to mobilize the financial sector in the collective fight against illicit financial flows,

Recognizing that combating illicit financial flows is an essential development challenge, noting that developing countries are particularly susceptible to the negative impact of illicit financial flows, and emphasizing that illicit financial flows reduce the availability of valuable resources for financing for development,

Recognizing also the importance of studying the potential relationship between combating illicit financial flows and attaining debt sustainability,

Recognizing further the challenge posed by the increasing scope and complexity of illicit financial flows, and recognizing also the need for the recovery and return of stolen assets in accordance with the Convention requires strengthened international cooperation,

Recognizing that numerous technical, legal and practical challenges are to be addressed in order to facilitate the repatriation of proceeds of crime to countries from where they were originally stolen,

Recognizing also that global knowledge of the importance of combating illicit financial flows and enhancing the return of assets is rapidly increasing, as is the political will to recover illicitly acquired assets by both requesting and requested States, and noting that, while many challenges remain unresolved, tackling them effectively requires a holistic approach that recognizes the different types of illicit financial flows and their impact on sustainable development,

Reaffirming the importance of chapter V of the United Nations Convention against Corruption, and underlining that the recovery and return of stolen assets pursuant to that chapter is a fundamental principle of the Convention,

Recognizing the work carried out by the Conference of the States Parties to the United Nations Convention against Corruption, and in particular its Open-ended Intergovernmental Working Group on Asset Recovery, to advance the full implementation of chapter V of the Convention,

Noting the efforts to promote the exchange of information and synergies between the open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption and the Working Group on International Cooperation established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Recalling the second International Expert Meeting on the Return of Stolen Assets, held in Addis Ababa from 7 to 9 May 2019,

Noting the holding of the second session of the Illicit Trade Forum, in Geneva on 6 and 7 September 2022, which highlighted the negative impact of illicit trade, including related illicit financial flows, on the implementation of the Sustainable Development Goals, revenue generation and economic activity,

Recalling further the work of the Platform for Collaboration on Tax, which is to intensify collaboration and coordination on tax issues between the United Nations, the International Monetary Fund, the World Bank Group and the Organisation for Economic Co-operation and Development, including on formalizing regular discussions among the four international organizations on the implementation of standards for international tax matters and on the strengthening of their ability to provide capacity-building support to developing countries,

Noting the ongoing efforts of the joint Organisation for Economic Co-operation and Development/United Nations Development Programme initiative, Tax Inspectors

Without Borders, to support developing countries through targeted tax audit assistance programmes,

Recognizing the important work undertaken by academia and civil society, including the International Centre for Asset Recovery and the U4 Anti-Corruption Resource Centre, in assisting Member States in understanding the challenges associated with the return of stolen assets under chapter V of the United Nations Convention against Corruption,

Noting the work of the 141 members of the Organisation for Economic Co-operation and Development/Group of 20 Inclusive Framework on Base Erosion and Profit Shifting, which provides a forum for collaboration for tackling tax avoidance, improving the coherence of international tax rules and ensuring a more transparent and fair tax environment,

Noting also international developments on the implementation of the 121 members Standard for Automatic Exchange of Financial Account Information in Tax Matters under a common reporting standard developed by the Organisation for Economic Co-operation and Development, have already committed to implementing by 2025, as well as the role of the 165 members of the Global Forum on Transparency and Exchange of Information for Tax Purposes, which enables cooperation on an equal footing,

Reiterating the pledge that no one will be left behind, reaffirming the recognition that the dignity of the human person is fundamental, and the wish to see the Goals and targets met for all nations and peoples and for all segments of society, and recommitting to endeavour to reach the furthest behind first,

1. *Acknowledges* that combating illicit financial flows contributes to domestic resource mobilization, which is essential to finance policies aiming to achieve the Sustainable Development Goals;

2. *Takes note* of the report of the Secretary-General;⁸

3. *Reiterates* its commitment to financial integrity for sustainable development, through national efforts and international cooperation to combat illicit financial flows and promote good practices on assets return to foster sustainable development, including through existing relevant international frameworks, such as the United Nations Convention Against Corruption, while noting the ongoing work of the United Nations Office on Drugs and Crime, the United Nations Conference on Trade and Development and the Group of 20;

4. *Reaffirms* its commitment to strive to eliminate safe havens that create incentives for the transfer abroad of stolen assets and illicit financial flows;

5. *Also reaffirms* its commitment to strengthen regulatory frameworks at all levels in accordance with international standards and to further increase the transparency and accountability of financial institutions and the corporate sector, as well as public administrations;

6. *Welcomes* the ongoing efforts of Member States to enhance knowledge and broaden understanding of the challenges and opportunities involved in international cooperation to combat illicit financial flows and strengthen good practices on assets recovery and return consistent with the United Nations Convention against Corruption so as to foster sustainable development;

⁸ A/77/304.

7. *Acknowledges* that combating illicit financial flows requires a range of actions that includes deterring, detecting, preventing and countering such flows in source, transit and destination countries;

8. *Also acknowledges* the need to combat illicit financial flows and strengthen good practices on assets return and recovery as one of the sources of financing for development in a broad range of areas, such as poverty eradication, food security, health, education, investment in social programmes or adaptation to climate change, and may contribute to improved sustainable development outcomes;

9. *Recognizes* that combating illicit financial flows requires a coordinated, whole-of-government approach and therefore encourages Member States to create domestic institutional mechanisms, including those related to digitalization or other appropriate measures to ensure information-sharing and whole-of-government coordination, in this regard invites those Member States willing to prepare integrated national financing frameworks to include plans for combating illicit financial flows, including data transfer and sharing, where appropriate, and requests the Inter-Agency Task Force on Financing for Development to explore recommendations to assist Member States in incorporating financial integrity actions into their financing frameworks;

10. *Notes* that international cooperation in combating illicit financial flows is a work in progress that must continue to be pursued, and encourages all countries to develop effective tools and create a policy environment for combating illicit financial flows, in accordance with the existing relevant international frameworks, including the United Nations Convention against Corruption;

11. *Recognizes* that measures aimed at combating illicit financial flows often require cross-border cooperation between law enforcement agencies and that, where requested, technical assistance can also contribute to better international cooperation, and encourages Member States, where applicable and subject to their domestic legal systems, and in line with their treaty obligations, to cooperate and exchange information and best practices in this regard;

12. *Encourages* countries and relevant multilateral and international organizations to continue and strengthen their efforts to provide, upon request, technical assistance and capacity-building assistance to developing countries, as well as to support African and other regional initiatives, to prevent, detect and combat illicit financial flows and to strengthen good practices on assets recovery and return to foster sustainable development in line with the 2030 Agenda;⁹

13. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and the Protocols thereto,¹⁰ and urges States Parties to those Conventions and Protocols to make efforts towards their effective implementation;

14. *Reaffirms* the need for Member States to effectively implement and enforce existing obligations under the United Nations Convention against Corruption, as a critical part of combating illicit financial flows;

15. *Stresses* that anti-corruption measures should be an integral part of national development policies and strategies and therefore invites countries developing integrated national financing frameworks to include anti-corruption components and standards, as appropriate, further stresses that all jurisdictions should consider undertaking further research, policy development and programming, as

⁹ Resolution 70/1.

¹⁰ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

appropriate, to address corruption, and decides to deter, detect, prevent and counter corruption, increase transparency and promote good governance;

16. *Encourages* closer public-private sector collaboration to better tackle corruption, and stresses that further research, policy development and programming should help in reaching this goal;

17. *Notes with concern* that proceeds emanating from offences established under the United Nations Convention against Corruption have yet to be disposed of in favour of the requesting States parties, their prior legitimate owners and victims of the crimes and decides to deter, detect, prevent, and counter corruption, increase transparency and promote good governance;

18. *Encourages* States parties to the United Nations Convention against Corruption to make full use of the asset recovery tools set forth in chapter V of the Convention, including mechanisms for the enforcement of foreign restraining and confiscation orders, as a means of significantly reducing the expenses that a State party may normally incur in pursuing asset recovery;

19. *Calls upon* all States parties to the United Nations Convention against Corruption, in particular requesting and requested States parties, to cooperate to recover the proceeds of crime as defined in the Convention, and to fulfil their obligation to ensure the return or disposal of such proceeds, in accordance with article 57 of the Convention, and invites States Parties to give consideration to allocating any recovered resources to finance the achievement of the Sustainable Development Goals and to strengthening the implementation of existing multilateral legal instruments for the purpose of asset recovery and return;

20. *Requests* the United Nations Office on Drugs and Crime, in coordination with the Stolen Asset Recovery Initiative, to continue to expand global knowledge and data collection on asset recovery and return by gathering and sharing information on challenges and good practices, as well as on volumes of assets frozen, seized, confiscated and returned in relation to corruption offences, and the number and types of cases, as appropriate, while ensuring the protection of personal data and privacy rights, drawing upon existing efforts, within existing resources;¹¹

21. *Stresses* that efforts in international tax cooperation should be universal in approach and scope and fully take into account the different needs and capacities of all countries, in particular the least developed countries, landlocked developing countries, small island developing States and African countries;

22. *Encourages* further efforts by relevant national and international actors to mitigate transfer pricing not in line with the arm's length principle and trade misinvoicing;

23. *Calls upon* all countries to work together to eliminate base erosion and profit shifting and to ensure that all companies, including multinationals, pay taxes to the Governments of countries where economic activity occurs and value is created, in accordance with national and international laws and policies;

24. *Also calls upon* all countries to cooperate, in accordance with applicable bilateral or multilateral agreements, in the areas of mutual legal assistance, administrative assistance and the exchange of information in tax matters, as well as the automatic exchange of financial account information;

25. *Invites* signatories to bilateral or multilateral tax transparency agreements to consider allowing information exchanged pursuant to those agreements to be used

¹¹ CAC/COSP/2021/17, sect I.A, resolution 9/2, para. 15.

where permitted under such agreements and when written consent is provided, having regard to confidentiality and domestic law limitations;

26. *Invites* the Economic and Social Council to update and strengthen the United Nations code of conduct on cooperation in combating international tax evasion¹² in response to new international agreements and to emphasize the importance of developing countries being able to benefit from international tax cooperation;

27. *Recognizes* the importance of the consideration of international tax cooperation at the United Nations, in that regard takes note with appreciation of the work of the Committee of Experts on International Cooperation in Tax Matters, and invites the Economic and Social Council to explore options to strengthen the role of the Committee while giving due consideration to the need for efforts in international tax cooperation to be universal in approach and scope;

28. *Takes note* of the ongoing work on the implementation of the Organisation for Economic Co-operation and Development/Group of 20 two-pillar solution to address the tax challenges arising from the digitalization of the economy, acknowledges the need for a careful analysis of the implications for developing countries, and encourages a special focus on their unique needs and capacities;

29. *Notes* the analysis, in the *Financing for Sustainable Development Report 2022*, the *Trade and Development Report 2021* of the United Nations Conference on Trade and Development and *World Economic Situation and Prospects 2022* of the Department of Economic and Social Affairs of the Secretariat, of the Organisation for Economic Co-operation and Development/Group of 20 two-pillar solution, and calls for inclusive discussions to address the uncertainties and implications for developing countries, including their capacity-building needs;

30. *Recalls* that new technologies can both increase efficiency in revenue collection and strengthen the efforts to combat illicit financial flows, expresses concern that virtual assets are being used for illicit activities, and in this regard encourages Member States and other relevant organizations to take measures in line with international standards, where applicable, to prevent and counter their illicit use;

31. *Notes* that various jurisdictions have introduced mechanisms to increase beneficial ownership transparency, including beneficial ownership registries of legal entities and legal arrangements, such as companies, trusts and limited liability partnerships, encourages all jurisdictions to consider establishing appropriate mechanisms through either a registry of beneficial ownership or an alternative mechanism, in line with domestic law and applicable international standards, and encourages Member States to facilitate the rapid, constructive and effective exchange of adequate and accurate beneficial ownership information;

32. *Notes* that a wide variety of individuals and entities are involved in the transactions that comprise an illicit financial flow, recognizes the need to consider appropriate business regulatory policies, taking into account national circumstances, and in this regard invites the Department of Economic and Social Affairs, the United Nations Office on Drugs and Crime and the United Nations Conference on Trade and Development to jointly prepare a global mapping of existing standards and guidelines, in consultation with all relevant stakeholders, taking into account national circumstances, and to submit these to the Economic and Social Council for intergovernmental discussion;

33. *Recognizes* the significant progress and availability of concepts and tested methods to measure illicit financial flows, notes the outcomes of pilot studies across

¹² Economic and Social Council resolution [2017/3](#).

three continents showing that measurement of these flows is possible, while challenging, and requires strengthened support, and calls for increased transparency and the strengthening of efforts to enhance the capacity of national authorities for data collection and analysis to combat illicit financial flows with more informed and targeted policy efforts, emphasizing the need to strengthen national capacity to measure illicit financial flows in the context of the 2030 Agenda for Sustainable Development and increase the exchange of data within national government institutions as well as from international institutions;

34. *Invites* the United Nations Office on Drugs and Crime and the United Nations Conference on Trade and Development as custodian agencies of Sustainable Development Goal indicator 16.4.1 on the total value of inward and outward illicit financial flows, in consultation with other institutions, to leverage and continue developing concepts and refine methods developed to date and to provide stronger support to national authorities, and invites all Member States to engage with the custodian agencies towards reporting data on the indicator;

35. *Invites* all institutions involved in measuring and reporting on illicit financial flows to use the statistical concepts and methods to estimate illicit financial flows, and encourages all Member States to report on Sustainable Development Goal indicator 16.4.1, using the methodology adopted by the Statistical Commission, and calls upon the United Nations system entities, international organizations and donors to work in coordination with the custodian agencies to train national statistical offices and other entities in charge of reporting on illicit financial flows on these agreed methods;

36. *Invites* the President of the General Assembly, the President of the Economic and Social Council and the Secretary-General to give appropriate consideration to the importance of combating illicit financial flows and strengthening good practices on assets return to foster sustainable development, calls upon the relevant organizations of the United Nations system, within their respective mandates and resources, to continue their consideration of the negative impact of illicit financial flows on financing the 2030 Agenda for Sustainable Development based on its indicator 16.4.1 and to coordinate their efforts to further explore policy responses to the phenomenon, and in this regard invites all other relevant international institutions to support these efforts, in accordance with their respective mandates;

37. *Reaffirms* the commitment at the very heart of the 2030 Agenda to leave no one behind and commit to taking more tangible steps to support people in vulnerable situations and the most vulnerable countries and to reach the furthest behind first;

38. *Calls upon* the Economic and Social Council to enhance, within existing mandates, policy recommendations for combating illicit financial flows, involving all the relevant institutions and using existing bodies, to review progress on financial integrity issues, to scale up efforts to provide data on indicator 16.4.1, as well as to foster the implementation of existing intergovernmental agreements to address illicit financial flows;

39. *Looks forward* to the inclusion, in the 2023 report of the Inter-Agency Task Force on Financing for Development, of an analysis of international cooperation to combat illicit financial flows and strengthen good practices on assets recovery and return to foster sustainable development, pursuant to the mandate of the Task Force, and also looks forward to the deliberations of the Economic and Social Council forum on financing for development follow-up on efforts to combat illicit financial flows;

40. *Requests* the Secretary-General to submit to the General Assembly at its seventy-eighth session a report, within existing resources, in relation to progress

made on combating illicit financial flows and the implementation of assets return and recovery based on existing mechanisms, and to elaborate on strengthening international coordination in this regard, and requests the United Nations Conference on Trade and Development and the United Nations Office on Drugs and Crime to inform the General Assembly at its seventy-eighth session about the implementation of the present resolution, through a dedicated section of the *Sustainable Development Goals Pulse* report, elaborating in particular on the progress in testing, refining and applying the methodology to report on indicator 16.4.1, and the need to combat illicit financial flows and recover and return stolen assets in line with commitments contained in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development¹³ and the 2030 Agenda for Sustainable Development, in the context of the COVID-19 pandemic;

41. *Decides* to include in the provisional agenda of its seventy-eighth session, under the item entitled “Macroeconomic policy questions”, the sub-item entitled “Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development”.

¹³ Resolution [69/313](#), annex.