

## Legislation Improvement

Presently, offenders who commit the violent crime have benefited from money or properties obtained from the offenses via money laundering. In addition, money laundering enables them to use these money or properties to commit later other crimes. This situation has caused problems for law enforcement authorities. Existing laws are not sufficient to suppress either money laundering or illegal use for crime relating money and properties. To eliminate this vicious circle of crimes, the measures to effectively control money laundering must be established.

The Royal Thai Government by ONCB submitted the bill to the Parliament to enact the Money Laundering Control Act. Though, the enactment was in a lot of processes, the Parliament has approved the law on March 19, 1999 and the law has been enforced since August 20, 1999.

Many obvious reasons to enact money laundering control measures are to stop criminals from achieving the benefits of money laundering specifically to stop them from enjoying the personal benefits of their profits, to prevent them from reinvesting their funds in future criminal activities, to avoid the damaging of country's financial reputation and institutions, to provide law enforcement to detect criminal activities through the audit trail and to provide an evidential link for prosecution purposes between criminal offenders and major organizers.

Money laundering is most often described as "the turing of dirty money into clean money". The key elements of this definition include the diversion of illicit cash to a less suspicious form, so that the real

source or ownership is concealed and a legitimate source is created. The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 definition applies specifically to the proceeds of drugs trafficking. In turn, Thailand has moved to extend the definition of money laundering to proceeds of other serious criminal activities including prostitution, public fraud through loans, cheating and fraud through financial institutions, corruption, extortion or blackmail by criminal organizations and customs evasion.

The act has been enforced on which the authorities will be placed in a position to carry out generally the civil law examinations. The act will also make it possible to confiscate larger amounts of drug profiles and other crimes as well as reduce the requirements for evidence. Due to the Act on Measures for the Suppression of Offenders in Offense Relating to Narcotics BE. 2534 (1991), it is often difficult to provide the evidence required under this law to identify exact offense from which the assets found in the offender's possession derived.



A significant aspect of the agreement is the criminalization of money laundering. One of the most principal agreement is the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 which requires signatories to criminalize the laundering of drug proceeds and to include numerous new legal provisions to strengthen the international war against drugs. It also demands that requests for legal aid and the implementation of foreign ordinances concerning forfeiture ordinances concerning forfeiture or seizure in connection with drug crimes be granted, or that the country being asked to provide assistance to develop and implement its own seizure and forfeiture ordinances.

The Royal Thai Government will ratify and implement the Convention as quickly as possible. The legal adaptations are necessary

thus the convention can be fully implemented in Thailand and in cooperation with other countries. In addition to the amendments to the narcotic laws which are already enumerated, new provisions are to be introduced concerning compensation in cases involving international administrative and legal assistance in general.

Moreover, law enforcement initiatives include an international cooperation by affording the widest range of possible assistance to other countries in money laundering investigation and prosecutions and the use of mutual assistance in criminal matters. This has resulted in the negotiation of a wide international network of bilateral Mutual Legal Assistance Treaties (MLATS) formalizing the methods by which one country may assist another in investigations, prosecutions and confiscation.