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Wolosky, Lee S. (TNT)

From: Wolosky, Lee S. (TNT)
Sent: Thursday, June 08, 2000 6:16 PM
To: Orfini, Michael H. (VP)
Cc: Clarke, Richard A. (TNT); @CRIME; @RUSSIA - Russia/Ukraine
Subject: US v Lazarenko; related issues [CONFIDENTIAL]

Mike,

As we discussed, a federal grand jury in the Northern District of California has handed up a seemingly solid indictment against Pavel Lazarenko, the former Prime Minister of Ukraine. The indictment charges Lazarenko with one charge of conspiracy to commit money laundering, seven counts of money laundering and 23 charges of transportation of stolen property. Here is some further detail on the case against Lazarenko and related issues.

The indictment alleges, among other things, that Lazarenko extorted payments from individuals and corporations as a condition of doing business in Ukraine. With the assistance of a co-conspirator and former advisor, Lazarenko allegedly set up bank accounts in Switzerland and other countries into which he deposited money that he had extorted. Finally, according to the indictment, Lazarenko transferred approximately \$114 million that he had corruptly and fraudulently received into bank accounts in the United States (including accounts at Merrill Lynch, Bank of America, Fleet and Hambrecht & Quist, among other places), and laundered over \$20 million through bank accounts in the United States.

There are indications that the scope of Lazarenko's fraud may vastly exceed the sums contained in the indictment. A large sum of money appears to have been extorted or siphoned from Ukrainian agricultural enterprises and from United Energy Systems of Ukraine (UESU). Much of the money ended up in, or passed through, jurisdictions such as Nauru and Antigua.

Prior to the indictment, Lazarenko was being held in federal custody without bail on a Swiss complaint for extradition. (He has in fact been held since February 1999 after being detained at Kennedy Airport for visa irregularities). We expect an arraignment on charges in the indictment next Tuesday; the next court date in the extradition proceedings is a July 24 hearing. He remains in federal custody.

This is the first significant US prosecution of a senior foreign government official involving overseas graft and corruption. It is the result of a two-year investigation by the FBI and Criminal Investigative Division of the IRS. Several factors distinguish this case from others like it: (i) Open use of the US banking system; (2) Physical presence of the defendant in the United States; (3) A strong, engaged and appropriately senior point of contact at the Ukrainian Procuracy (which led to effective cooperation with Ukrainian law enforcement and is, as you probably know, something we lack in Russia); and (4) Good US-based informants [redacted] (b)(7)d [redacted]

Dick raised issues related to item (3) – the lack of effective law enforcement engagement with Russia -- at today's SCG. This is obviously an issue of critical importance to the Bilateral Commission. I am forwarding under separate cover, either tonight or tomorrow, a Summary of Conclusions from the SCG meeting.

Regards,

Lee

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PER E.O. 13526
2012-1026-17 (1.06)
2/27/2017 KBH

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enhancing case work -
FBI/DOJ → not reflected
here / a lot more big
love

DIPLOMATIC STRATEGY: RUSSIAN CRIME AND CORRUPTION

Objective

Obtain Russian cooperation in an expanded fight against Russian crime and corruption.

The Problem

Along with the positive and historic opportunities created by the collapse of the former Soviet Union, a vacuum of legitimate authority developed that has led to a rapid increase in criminal activity in the New Independent States (NIS) as well as new types of criminal activity. The transition to a market economy has provided opportunities for economic crime that outpace the development of adequate regulating and enforcement institutions.

The potential impact of crime and corruption on the transformation of Russia and the NIS is great. It undercuts the development of fledgling democratic and market economic institutions. Crime and corruption contributes to social instability. It discourages needed foreign investment. Most worrisome is the potential for the citizenry of Russia and the other NIS to equate crime and corruption with the emergence of democratic and economic reform.

Organized and transnational crime emanating from Russia and the other NIS also has the potential to affect U.S. and other western interests. Russian and former Soviet Union organized crime groups are gaining a foothold in the United States, engaging in a range of activities from drug trafficking and money laundering to prostitution and racketeering. Their techniques are increasingly violent and require an increasing amount of U.S. law enforcement resources to respond. Expanded illicit narcotics markets and routes are increasing the vitality of the trade and undercutting interdiction efforts and recent gains made elsewhere against money laundering and the export of precursor chemicals. Most ominous, there is the very real possibility that NIS organized crime could become involved in weapons-grade nuclear materials smuggling.

Drugs → S. Ivanov/
demand reduction
HHS - min. of
Health

LE or Health
issue

Health Comm
LEWG

MLAT
heavy
next
wk.

Things go
to us not
Sergei
meeting

↓
export controls
- make prod.

- money
transfer
systems
Key

arms
trafficking

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Money Laundering Law
- Long, Ross v. etc.
- Nov. 98 Lyon mtg.
- other multilateral?

⇒ An operational life component
Call DOJ

The magnitude of the Russian crime and corruption problem dictates that the United States respond quickly and decisively on the diplomatic, law enforcement, and intelligence fronts. As we proceed, we will need to be ever mindful of the reported penetration by Russian organized crime at all levels of the security and law enforcement agencies, and to choose our interlocutors carefully. Encouraging institutional reform will be of critical importance in overcoming this type of corruption.

The Initial U.S. Response

In 1994, the Clinton administration formed a policy steering group composed of the U.S. diplomatic, intelligence, and law enforcement communities to address the growing problem of Russian- and NIS-generated crime, and in September 1994 at the Washington Summit Presidents Clinton and Yeltsin committed their two countries to cooperate on joint efforts to combat crime. The program that the United States developed was four-pronged:

- We expanded U.S. rule of law programs and placed a new emphasis on assisting Russia and the other NIS with criminal justice reform;
- We provided law enforcement training which promotes the concepts of human rights and professional integrity;
- We promoted case work between U.S. and Russian law enforcement counterpart agencies; and
- We worked to institutionalize our cooperation with Russia and the NIS through the negotiation of law enforcement agreements that allow us to share information and cooperate in investigations, prosecutions, and the prevention of crime according to international standards.

Initially, our joint efforts emphasized criminal matters. Corruption was not addressed directly as a matter of U.S. policy because of the highly negative reaction of Russia and other states to such discussions and our greater need at the time to "get our foot in the door" with these states on criminal matters.

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The preliminary stage of our anti-crime program has been completed, and working-level relationships with our Russian counterparts have been established. To strengthen Russian domestic support for reforms, to improve the investment climate, and to become an integrated member of global economic and security systems, Russia needs to move more decisively against organized crime and pervasive corruption. To encourage this result, our cooperation with the Russian government in fighting organized crime moved to an expanded, second phase. This phase also includes direct anti-corruption efforts because of the change in the readiness of the Russian public and government to address the issue of corruption.

Phase II Diplomatic Strategy

In September 1998 at their Moscow meeting, Presidents Clinton and Yeltsin called for the creation of a bilateral law enforcement working group to provide high-level policy oversight and coordination of joint U.S.-Russian law enforcement activities and to serve as an ongoing forum or communications channel that would allow both sides to raise issues of concern related to crime and corruption in a timely and efficient manner. The multidisciplinary, interagency U.S.-Russia Law Enforcement Working Group (LEWG) that resulted became part of the U.S.-Russia Joint Commission in December 1998, with its inaugural meeting held in Moscow in May 1999. The LEWG has four priority subgroups: legal sector reform; anti-money laundering; anti-corruption; and mutual legal assistance.

On the diplomatic front, the Administration through the LEWG should continue to pursue nine main tracks during this second phase of the anti-crime effort: 1) seeking Russian cooperation in support of key priorities; 2) increasing U.S. engagement with Russian political leaders on crime and narcotics issues to keep up the public pressure in Russia for action and to encourage Russia to become an equal player on the anti-crime front; 3) forging a more active role for Russia in multilateral anti-crime and anti-narcotics efforts; 4) encouraging the involvement of NGOs in Russia on anti-crime issues; (5) strengthening political will in the rest of the NIS to take appropriate steps against crime; (6) enlisting European and other key allies to work with the

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U.S. in combatting Russian and NIS crime; (7) engaging in public diplomacy to counter organized crime; (8) facilitating operational-level law enforcement efforts; and (9) encouraging systemic change in Russia to lessen the incidence of corruption and its impact on society, reform movements, economic growth, and investment climates. Specific actions should include:

Seeking Russian Cooperation on Key Priorities

- Emphasize to the Russians that the United States is prepared to advocate Russia's admission to the Financial Action Task Force (FATF) if Russia takes steps towards implementation of the 40 FATF recommendations, including, among other actions, passage of a money laundering law.
- Execute a phased approach towards the conclusion of law enforcement agreements and treaties. Push for approval by the Senate and Duma of the Mutual Legal Assistance Treaty (MLAT) signed in June 1999. Consider negotiation of an Extradition Treaty (Russian request) at a later date once a track record of cooperation under the MLAT is achieved and if Russia's legal infrastructure and human rights situation indicate.
- Explore what actions the Russian government could take in Russia simultaneously with any potential actions taken by the United States against Russian organized crime targets, possibly to include IEEPA actions.
- Encourage the Russians to enact domestic implementing legislation in support of the three UN Drug Control Conventions and to implement the three-year \$15 million antidrug program adopted in 1995, but not yet started.

Increasing U.S. Engagement with Russian Political Leaders

- ✓ • Insert anti-crime statements as a matter of course in Summit joint statements and press remarks made by the two Presidents.
- ✓ • Continue to use the Joint Commission as an avenue to resolve specific crime problems involving U.S. interests (e.g., commercial crime) and to advocate institution-building and the passage of key pieces of legislation.

- Establish a sustained dialogue with key anti-crime and anti-drug officials in the new Putin administration, including bilateral exchanges on specific OC groups. ✓
- Assist Russian regulatory and enforcement officials in institution-building.
- Use the occasion of leadership and committee-level delegation visits from the Duma and the Federation Council to push for passage of key anti-crime and economic legislation.

Enhancing Russia's Role in Multilateral Organizations

- Elicit Russian support for G-8, UN, COE, OECD, and OSCE initiatives, including initiatives relating to intellectual property rights (IPR), alien smuggling and counterfeiting; border security; high tech crime; money laundering; and narcotics trafficking; and other follow-on projects in support of the G-8 40 recommendations.
- Elicit Russian support for completion of the UN Transnational Organized Crime Convention and followon UN Corruption instrument.
- Elicit Russian support for the implementation of specific activities under the Citizens Security Declaration of the UN Crime Commission.
- Elicit Russian support as a co-sponsor of the UN Declaration on Corruption and Bribery in Transnational Commercial Activities.
- Seek Russia's support for implementation of the 1988 UN Convention to be the central focus of the June 1998 Special UN Session on Drug Control.
- Elicit Russian support to counter an effort by some UN members to seek UN approval for government-sponsored programs which provide heroin to addicts.
- Urge Russian support for implementation of an antidrug assistance program for Russia sponsored by the UN Drug Control Program (UNDCP).

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- Seek Russian cooperation in multilateral efforts to control chemical precursors used to produce illicit drugs.
- Explore whether the OSCE could be a useful forum for promoting selected anti-crime measures (e.g., border control).
- Explore whether the NATO Special Committee should expand ad hoc consultations with Russia to include cooperation in the fields of counternarcotics and other anti-crime activities.

Developing Russian NGOs

- Engage Russian NGOs to encourage their involvement in anti-crime and anti-narcotics activities.

Building Political Will in the Rest of the NIS

- Intensify contacts with the political leadership in other NIS countries on anti-crime and anti-narcotics activities, especially efforts to improve border control; transparency in the financial sector; strengthening institutions against corruption; and combatting transnational criminal organizations.

Enlisting Support of Third Countries

- Directly engage with third countries which have substantial equities or interest in Russian and NIS crime issues, such as Germany, the United Kingdom, Poland, Sweden, Finland, Italy, Cyprus, Austria and Israel, to develop strategies with them that effectively combat the influence of Russian and NIS criminal activity in their countries, in their financial systems, and at their ports of entry and borders. ✓

Engaging in Public Diplomacy

- Explore options for working with the media, American business, NGOs, and NIS governments, as appropriate, to heighten awareness of organized crime activities.

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- 7 -

Visa
Scams
State/CA
Dip. Security

Facilitating Operational-level Law Enforcement Efforts

- Identify known or suspected organized crime figures, groups, and affiliated businesses both in the U.S. and overseas through the Russian Business Investigative Initiative (RBII) and TIPOFF programs. Strengthen RBII and TIPOFF programs as effective means of watch listing suspected criminals and advising responsible officials when criminals are spotted by consular officers at posts abroad or at ports of entry.
- Provide timely information and investigative support to consulates to enable them to recognize visa applicants that are involved with NIS organized crime.
- Exchange information with domestic and foreign law enforcement agencies that have a mutual interest with the U.S. Government pertaining to the targets identified through the RBII and TIPOFF programs.
- Investigate and seek criminal prosecutions against applicants, persons, and businesses that are involved in organized business fraud.
- Strengthen the visa denial system as a powerful counter crime tool. Curb the expansion of Russian organized crime into the United States by denying visas to individuals identified as OC figures or representatives with OC interests. ✓
- Continue to send a strong signal worldwide message that the USG is determined to maintain the integrity of the U.S. visa and visa issuing process.
- Seek criminal prosecution of organized crime groups and individuals, both U.S. and foreign based, who attempt to manipulate the visa issuance process through fraud or to use U.S. visas to facilitate other criminal acts.
- Strengthen U.S.-Russian mutual legal assistance by providing education programs for Russian law enforcement officials on the mutual legal assistance process and

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seeking senior and consistent Russian central authority point of contact for current MLAA and future MLAT (once ratified) cases.

Encouraging systemic change to lessen the incidence of corruption and its impact

- See separate document.

Attachment 1 contains a summary report of the May 2000 U.S.-Russia Law Enforcement Working Group meeting that includes specific priority actions to be carried out in the near-term. Attachment 2 provides an overview of U.S. assistance programs in support of this strategy. Attachment 3 details an anti-corruption strategy.

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- Next LOWG -
~ Jan or Feb.

- next Tues. Henry on
MLAT -
SFK

DIPLOMATIC STRATEGY: UKRAINIAN CRIME AND CORRUPTION

OBJECTIVE

Obtain Ukrainian cooperation in an expanded fight against Ukrainian crime and corruption.

BACKGROUND

Organized crime and corruption have gained major footholds in Ukraine since the fall of the Soviet Union. Despite positive rhetoric on the part of Ukrainian officials about the need to fight crime and corruption, there has been little real progress and bilateral and multilateral cooperation to date has been weak, with a few exceptions. The question of Ukrainian commitment to address these problems remains open.

MEANS

At the June 2000 Summit in Kiev, the United States and Ukraine signed a joint statement setting forth a program for cooperation against organized crime and corruption. The program will be implemented through the bilateral Law Enforcement Working Group that reports to the U.S.-Ukraine Binational Commission. The U.S. side will assess progress under the action plan every six months and based upon that assessment will determine whether additional resources and activities are worthwhile.

The June 2000 joint statement and the more detailed U.S. plan of action are attached. Operational efforts will mirror those proposed under the Russian crime and corruption strategy.

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- FATF
- WB energy reforming laws
- include in laws commitment
to fight
Action Plan?
successful w/ash/tra

DIPLOMATIC STRATEGY: UKRAINIAN ORGANIZED CRIME

OBJECTIVE

To Obtain information...

To determine Ukrainian commitment to work with the United States, other countries, and international organizations to address organized crime and corruption.

BACKGROUND

Organized crime and corruption have gained major footholds in Ukraine since the fall of the Soviet Union. Despite positive rhetoric on the part of Ukrainian officials about the need to fight crime and corruption, there has been little real progress and bilateral and multilateral cooperation to date has been weak, with a few exceptions.

largely TA,
but also
some operational -
see 3, 8

The question of Ukrainian commitment to address these problems remains open.

MEANS

At the June 2000 Summit in Kiev, the United States and Ukraine signed a joint statement setting forth a program for cooperation against organized crime and corruption. The program will be implemented through the bilateral Law Enforcement Working Group that reports to the U.S.-Ukraine Binational Commission. The U.S. side will assess progress under the action plan every six months and based upon that assessment will determine whether additional resources and activities are worthwhile.

The June 2000 joint statement and the more detailed U.S. plan of action are attached.

Coordinate w/ OVP

1996

Update Docs

Rec'd latest report

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DIPLOMATIC STRATEGY: RUSSIAN ORGANIZED CRIME

Objective

Obtain Russian cooperation in an expanded fight against Russian organized crime.

Why just diplomatic? Should be l/c, intel -> interagency

Why just int?

The Problem

Along with the positive and historic opportunities created by the collapse of the former Soviet Union, a vacuum of legitimate authority developed that has led to a rapid increase in criminal activity in the New Independent States (NIS) as well as new types of criminal activity. The transition to a market economy has provided opportunities for economic crime that outpace the development of adequate regulating and enforcement institutions.

Operational / see "priority actions" for central report

MUD Issue

The potential impact of crime, and especially organized crime, on the transformation of Russia and the NIS is great. It undercuts the development of fledgling democratic and market economic institutions. Crime contributes to social instability. It discourages needed foreign investment. Most worrisome is the potential for the citizenry of Russia and the other NIS to equate crime with the emergence of democratic and economic reform.

does not reflect strategies for dealing w/ the lessons of our experience w/ respect to general non-cooperation of issue of mutual l/c w/ Russia

Organized and transnational crime emanating from Russia and the other NIS also has the potential to affect U.S. and other western interests. Russian and former Soviet Union organized crime groups are gaining a foothold in the United States, engaging in a range of activities from drug trafficking and money laundering to prostitution and racketeering. Their techniques are increasingly violent and require an increasing amount of U.S. law enforcement resources to respond. Expanded illicit narcotics markets and routes are increasing the vitality of the trade and undercutting interdiction efforts and recent gains made elsewhere against money laundering and the export of precursor chemicals. Most ominous, there is the very real possibility that NIS organized crime could become involved in weapons-grade nuclear materials smuggling.

Line Control Authority

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The magnitude of the Russian organized crime problem dictates that the United States respond quickly and decisively on the diplomatic, law enforcement, and intelligence fronts.

The Initial U.S. Response

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- We expanded U.S. rule of law programs and placed a new emphasis on assisting Russia and the other NIS with criminal justice reform;
- We provided law enforcement training which promotes the concepts of human rights and professional integrity;
- We promoted case work between U.S. and Russian law enforcement counterpart agencies; and
- We worked to institutionalize our cooperation with Russia and the NIS through the negotiation of law enforcement agreements that allow us to share information and cooperate in investigations, prosecutions, and the prevention of crime according to internationally accepted standards.

The preliminary stage of our anti-crime program has been completed, and working-level relationships with our Russian counterparts have been established. To strengthen Russian domestic support for reforms, to improve the investment climate, and to become an integrated member of global economic and security systems, Russia needs to move more decisively against organized crime and pervasive corruption. To encourage this result, our cooperation with the Russian government in fighting organized crime moved to an expanded, second phase.

Phase II Diplomatic Strategy

In September 1998 at their Moscow meeting, Presidents Clinton and Yeltsin called for the creation of a bilateral law enforcement working group to provide high-level policy oversight and coordination of joint U.S.-Russian law enforcement activities and to serve as an ongoing forum or communications channel that would allow both sides to raise issues of concern related to crime and corruption in a timely and efficient manner. The multidisciplinary, interagency U.S.-Russia Law Enforcement Working Group (LEWG) that resulted became part of the U.S.-Russia Joint Commission in December 1998, with its inaugural meeting held in Moscow in May 1999. The LEWG has four priority subgroups: legal sector reform; anti-money laundering; anti-corruption; and mutual legal assistance.

On the diplomatic front, the Administration through the LEWG should continue to pursue seven main tracks during this second phase of the anti-crime effort: 1) seeking Russian cooperation in support of key priorities; 2) increasing U.S. engagement with Russian political leaders on crime and narcotics issues to keep up the public pressure in Russia for action and to encourage Russia to become an equal player on the anti-crime front; 3) forging a more active role for Russia in multilateral anti-crime and anti-narcotics efforts; 4) encouraging the involvement of NGOs in Russia on anti-crime issues; (5) strengthening political will in the rest of the NIS to take appropriate steps against crime; (6) enlisting European and other key allies to work with the U.S. in combatting Russian and NIS crime; and (7) engaging in public diplomacy to counter organized crime. Specific actions should include:

Seeking Russian Cooperation on Key Priorities

- Emphasize to the Russians that the United States is prepared to advocate Russia's admission to the Financial Action Task Force (FATF) if Russia takes steps towards implementation of the 40 FATF recommendations, including, among other actions, passage of a money laundering law.

Consistent w/ intl standards

Effective implementation of MLAA → severe
cooperation w/RT existing requests for assistance

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- Execute a phased approach towards the conclusion of law enforcement agreements and treaties. Push for approval by the Senate and Duma of the Mutual Legal Assistance Treaty (MLAT) signed in June 1999. Consider negotiation of an Extradition Treaty (Russian request) at a later date once a track record of cooperation under the MLAT is achieved and if Russia's legal infrastructure and human rights situation indicate.
- Explore what actions the Russian government could take in Russia simultaneously with any potential actions taken by the United States against Russian organized crime targets, possibly to include IEEPA actions.
- Encourage the Russians to enact domestic implementing legislation in support of the three UN Drug Control Conventions and to implement the three-year \$15 million antidrug program adopted in 1995, but not yet started.

Increasing U.S. Engagement with Russian Political Leaders

- Insert anti-crime statements as a matter of course in Summit joint statements and press remarks made by the two Presidents.
- Continue to use the Joint Commission channel as an avenue to resolve specific crime problems involving U.S. interests (e.g., commercial crime) and to advocate institution-building and the passage of key pieces of legislation. *Implementation problems.*
- Establish a sustained dialogue with key anti-crime and anti-drug officials in the new Putin administration, including bilateral exchanges on specific OC groups.
- Assist Russian regulatory and enforcement officials in institution-building.
- Use the occasion of leadership and committee-level delegation visits from the Duma and the Federation Council to push for passage of key anti-crime and economic legislation.

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Enhancing Russia's Role in Multilateral Organizations

- Elicit Russian support for G-8, UN, COE, OECD, and OSCE initiatives, including initiatives relating to intellectual property rights (IPR), alien smuggling and counterfeiting; border security; high tech crime; money laundering; and narcotics trafficking; and other follow-on projects in support of the G-8 40 recommendations. *trafficking in persons*
- Elicit Russian support for completion of the UN Transnational Organized Crime Convention and followon UN Corruption instrument. *?*
- Elicit Russian support for the implementation of specific activities under the Citizens Security Declaration of the UN Crime Commission.
- Elicit Russian support as a co-sponsor of the UN Declaration on Corruption and Bribery in Transnational Commercial Activities.
- Seek Russia's support for implementation of the 1988 UN Convention to be the central focus of the June 1998 Special UN Session on Drug Control.
- Elicit Russian support to counter an effort by some UN members to seek UN approval for government-sponsored programs which provide heroin to addicts.
- Urge Russian support for implementation of an antidrug assistance program for Russia sponsored by the UN Drug Control Program (UNDCP).
- Seek Russian cooperation in multilateral efforts to control chemical precursors used to produce illicit drugs.
- Explore whether the OSCE could be a useful forum for promoting selected anti-crime measures (e.g., border control).

- Explore whether the NATO Special Committee should expand ad hoc consultations with Russia to include cooperation in the fields of counternarcotics and other anti-crime activities.

Developing Russian NGOs

- Engage Russian NGOs to encourage their involvement in anti-crime and anti-narcotics activities.

Building Political Will in the Rest of the NIS

- Intensify contacts with the political leadership in other NIS countries on anti-crime and anti-narcotics activities, especially efforts to improve border control; transparency in the financial sector; strengthening institutions against corruption; and combatting transnational criminal organizations.

Enlisting Support of Third Countries

- Directly engage with third countries which have substantial equities or interest in Russian and NIS crime issues, such as Germany, the United Kingdom, Poland, Sweden, Finland, Italy, Cyprus, Austria and Israel, to develop strategies with them that effectively combat the influence of Russian and NIS criminal activity in their countries, in their financial systems, and at their ports of entry and borders.

Engaging in Public Diplomacy

- Explore options for working with the media, American business, NGOs, and NIS governments, as appropriate, to heighten awareness of organized crime activities.

The attached summary report of the May 2000 U.S.-Russia Law Enforcement Working Group meeting includes specific priority actions to be carried out in the near-term.