



ELEVENTH UN CONGRESS ON CRIME PREVENTION AND CRIMINAL JUSTICE

Bangkok, Thailand 18-25 April 2005



Plenary
2nd & 3rd Meetings (PM)

BKK/CP/07
18 April 2005

WELCOMING DELEGATES, CROWN PRINCE OF THAILAND HIGHLIGHTS NEED FOR EFFECTIVE COOPERATION AGAINST TRANSNATIONAL CRIME

Participants Also Call for Technical Assistance, Capacity-Building to Assist Developing Countries in Crime Prevention Efforts

Effective cooperation between nations in the prevention of crime and the development of criminal justice systems would benefit not only individual nations, but the international community as a whole, the Crown Prince Maha Vajiralongkorn of Thailand said in his welcoming address to the Eleventh United Nations Crime Congress this afternoon.

Delivering the address on behalf of King Bhumibol Adulyadej of Thailand at the ceremonial opening of the Congress, the Crown Prince, who was accompanied by his daughter, Princess Bajrakitiyabha, noted that, while the present world had progressed enormously in several ways, it had also given rise to many, increasingly complicated problems, including the problem of crime. Problems arising in one place would inevitably reverberate in others, forcing nations to cooperate closely, not only in finding solutions, but also in promoting peace and prosperity in all spheres of life. He was confident that the work of the Congress would contribute to the establishment of peace and true justice in the world community.

Welcoming the Crown Prince to the meeting, Antonio Maria Costa, Secretary-General of the Congress noted that, while crime, corruption and terrorism were not unique to the current age, globalization was, and one of its unintended consequences was that those threats could no longer be contained in a single country. In that regard, the Eleventh Congress was the right meeting, at the right time, in the right place, and for the right reason. At the right time, because the United Nations Secretary-General had called for reform, and the High-Level Panel's report on Threats, Challenges and Change had called for action. Given its unswerving commitment to combat narcotics trafficking and crime, Bangkok was the right place. But even that great city was not immune to the "onslaught of transnational organized crime".

The reason for the Congress was a compelling one, he said. During the last five years, Member States had worked to craft two Conventions as major weapons in the fight against organized crime and corruption. During the Congress, high-level representatives would have an opportunity to ratify the United Nations conventions and protocols and to see developed nations deliver on commitments to invest, assist and engage in the future of the developing world.

As the Congress began its consideration of effective measures to combat transnational organized crime, speakers stressed the importance of international cooperation, calling for technical

(more)

assistance and capacity-building to enable developing countries to implement the existing crime prevention instruments.

The United Nations should retain a central role in narrowing the existing gaps between words and actions, Indonesia's representative said. The Transnational Organized Crime Convention would constitute the necessary legal framework for international cooperation in combating such criminal activities as money-laundering, corruption and the close connection between transnational organized crime and international terrorism. There was an urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels.

Also emphasizing the need for cooperation, Sweden's representative said the big pieces of the normative framework to combat various transnational crimes were now in place. The adopted conventions, however, needed to be considered together with the United Nations framework on human rights, including the rule of law, an independent judiciary and the human rights of everyone, even those suspected of crimes. No individual State, or even subregional or regional organization, could eradicate organized crime, and neither could a normative framework in itself do so. Organized criminal groups were quick to exploit loopholes, and only concerted action at global, regional and national levels would bring progress.

Organized crime had not only individual victims, but national regional and global ones, the Executive Secretary of the Congress, Eduardo Vetere said in a presentation to the Congress. Organized crime posed a cumulative threat to peace, security and stability and impeded sustainable development and undermined the rule of law. The High-Level Panel on Threats, Challenges and Change had underlined that organized crime increased the risk of all other threats by creating opportunities for "uncivil society". The international community, as represented by the Congress, must face and respond to that very clear and present danger.

Also speaking this afternoon were the representatives of Thailand, El Salvador, and China.

The representative of Luxembourg, on behalf of the European Union, also made an opening statement.

The Congress will meet again Tuesday, 19 April, at 10 a.m. to continue its work.

Background

The Congress had before it a report of the Secretary-General on The state of crime and criminal justice worldwide (document A/Conf.203/3), which contains a description of crime trends and developments since the Tenth Congress, held in Vienna in 2000. Preliminary findings from the Eighth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems are presented, as well as information from the global programmes of the United Nations Office on Drugs and Crime (UNODC) and from the International Crime Victim Survey.

The report states that, since the Tenth Congress in 2000, there have been dramatic changes in the global crime picture. Security has become a major concern since the 11 September 2001 terrorist attacks, and the fight against international terrorism has been placed high on the political

(more)

agenda in a number of countries. The priorities of international crime prevention have also shifted from traditional crime concerns to terrorism, transnational organized crime, corruption, trafficking in human beings and money-laundering. The General Assembly has adopted two major conventions: the United Nations Convention against Transnational Organized crime with its three Protocols; and the United Nations Convention against Corruption. It has also adopted a number of binding resolutions against terrorism.

An analysis of the relationship between crime and development suggests that developing countries may be more vulnerable than others to corruption, trafficking in persons and organized crime, according to the report. Changes over the last five years also point to a major reconceptualization of the approach to crime prevention, which has been limited mostly to urban or conventional crime. Awareness of the dimensions of crime is the basis for the development of any crime prevention strategy.

Through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, the UNODC collects data on the incidence of reported crime. The results of the eight surveys carried out so far provide an overview of the trends and interrelationships of various parts of the criminal justice system to promote informed decision-making at the national and international levels. The International Crime Victim Survey, carried out by the United Nations Interregional Crime and Justice Research Institute, is aimed at enhancing public and political awareness in the area of crime prevention.

On the basis of those two main sources of data, further work is being done on the development of indicators and indexes that may help in the measurement of crime phenomena and in identifying conditions that may be conducive to crime or likely to prevent crime. The report offers statistical analysis and comparisons of specific categories of crime (homicide, assault and rape, property crime and drug-related offences) by region, based on the two surveys.

The analysis presented in the report confirms the urgent need to develop mechanisms for the collection and analysis of not only data on “new” non-conventional crime, but also for a more solid and better-quality database on conventional crime. No effective crime prevention initiative can be put in place in the absence of adequate and relevant information, the report states. The problem is particularly noticeable in developing countries.

Results of the Victim Survey show that a good performance by the police may generate more accurate statistics, which may give false impressions regarding crime levels. It is, therefore, important to integrate different sources of information, such as police statistics and victim surveys, in order to get a more complete picture of the crime situations. Results from both police records and other survey data indicate a high level of violent crime in Africa and the Americas. Victim surveys also show that property crime is prevalent in Africa, although that is not reflected in police statistics.

The report also concludes that, during the period 1995-2002, the overall increase of 12 per cent in police-recorded crime was matched by a corresponding increase in the incarceration rate. There was an increase in drug-related crime and robbery, but intentional homicide declined by 19 per cent. It appears, therefore, that the increase in violence was limited to property-related violent crime (robberies).

(more)

According to the findings of the United Nations Survey, it appears that the increase in drug-related crime was reflected throughout criminal justice systems and resulted in more arrests and convictions. Drug-related crime, therefore, emerges as one of the major problems to be dealt with from the point of view of crime prevention.

The Congress also had before it a report of the Secretary-General of the Congress on Fifty years of United Nations congresses on crime prevention and criminal justice: past accomplishments and future prospects (document A/CONF.203/15). United Nations Crime Congresses have been held every year since 1955. The first Congress, held in 1955 Geneva, focused predominantly on the treatment of juvenile delinquents and prisoners. The issues discussed at the Tenth Congress, held in Vienna in April 2000, included international cooperation in combating transnational organized crime, combating corruption and effective crime prevention. The Vienna Declaration set out an international agenda in crime prevention and criminal justice at the beginning of the new millennium. Capturing the essence of the work carried out over many years, it also set out specific key commitments for the future work of the United Nations Crime Prevention and Criminal Justice Programme and of Governments.

Describing the impact of the United Nations Congresses, the report notes that the congresses have managed to develop material that may be regarded as “legislative”, in the sense that it sets out normative standards applicable to all States. Most of the material is “soft law”, contained in resolutions of the relevant United Nations bodies. Increasingly, however, some of the material is being incorporated into treaty language or finding its way into the corpus of customary international law. While not a complete “code” of recommended practices, the instruments represent areas on which it was possible to gain a wide degree of consensus at a particular time. And while there are some overlaps, their impact in the development of criminal justice, the strengthening of the notion of the rule of law, and, more generally, a universal conscience of propriety, liberty and respect for common values is unquestionable.

Some of the United Nations standards and norms have had a significant impact on the development of international principles -- binding or non-binding -- for action at the national and regional levels, the report continues. Non-governmental organizations regularly invoke relevant instruments in their work, for example, in relation to prison conditions. The crime prevention instruments have proved useful in feeding discussion about general standards developed in other parts of the United Nations system, and there is increasing relationship between the standards and norms developed by the United Nations congresses and by the human rights treaty bodies.

There is no doubt, the report adds, that much progress had been made. The scene has changed dramatically with the successful conclusion of the United Nations Convention against Transnational Organized Crime and its Protocols, and to the United Nations Convention against Corruption. The Organized Crime Convention and its Protocols represent an opportunity and a challenge. The opportunity lies in their high level of quality, the consensus they embody and the political commitment they manifest. They are key components of a framework that was lacking and a benchmark that States can use to chart a course in the direction of addressing pressing needs in a coordinated and concerted manner.

Reforming the rule of law and re-establishing criminal justice systems have become even more essential to post-conflict societies, the report says. Fostering respect of the rule of law

(more)

becomes an investment not only in the development of countries, but also in peace and security for the international community as a whole. While there has been considerable evolution in the concept of the rule of law in recent years, there has been little progress in understanding the key role that criminal justice has in strengthening the rule of law. Criminal justice is the “soft underbelly” of the rule of law. The time has come to invest in strengthening institutions of the criminal justice system and to do so in an integrated and sustained manner as part and parcel of both the international community’s development and security agendas.

Building or strengthening the criminal justice system is a prerequisite to effective international cooperation, the report adds. The United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption constitute the framework for such cooperation in some of the most important areas where collective action is necessary. The first steps towards implementing the United Nations Convention against Transnational Organized Crime have now been taken. In the case of the United Nations Convention against Corruption, the present lack of balance in the group of parties is unfortunate, while still understandable. The strength of both conventions lies in their ability to acquire quickly the broadest possible participation.

Consolidating the successes of the last 50 years is both prudent and necessary, the report concludes. Such a course of action, however, must not stand in the way of developing a common vision for the future. Much work remains to be done and more challenges are emerging daily. The Eleventh Congress offers a unique opportunity for all of the issues to be discussed and appropriate advice to emerge for the Commission on Crime Prevention and Criminal Justice to exercise its mandated role.

Also before the Congress was a working paper prepared by the Secretariat on Effective measures to combat transnational organized crime (document A/CONF.203/4). According to that report, organize crime has evolved rapidly over the last decade, propelled by new markets, facilitated by new communication technologies, and pressured by law enforcement strikes. Organized crime has not really expanded into developing countries and countries with economies in transition, but in a number of countries a nexus has emerged between organized crime, corruption and terrorism. A new generation of organized criminal groups is emerging from States embroiled in or emerging from protracted conflict.

According to the report, criminal organizations have expanded into a wide variety of illicit activities over the last decade, such as into the areas of fraud and trafficking in persons, firearms, cultural objects and natural resources. They have also been responsible for an upsurge in cases of kidnapping.

There have also been important shifts in organizations structures and approaches of organized criminal groups. Instead of large, hierarchical organizations, they are now likely to be small groups or networks of individuals with specific skills. There has been an explosion of complex networks of criminal organizations, spanning many countries that outsource some components of their activities. The current nature of organized crime requires a global response, through increased international cooperation with, as primary international instruments, the United Nations Convention against Transnational organized Crime and the United Nations Convention against Corruption.

(more)

The key challenge now to the international community is to ensure the effective implementation of the Organized Crime Convention and its protocols. The 2004 Conference of Parties to the Convention endorsed a work plan for its second session in the following three thematic fields: basic adaptation of national legislation in accordance with the Convention and its Protocols; criminalization legislation and difficulties encountered in implementation of the instruments; and international cooperation and technical assistance to overcome difficulties in implementation the Convention and its Protocols.

The report covers key areas of illicit trafficking and the role of organized crime therein and their countermeasures (shown in parentheses) including: trafficking in persons (Trafficking in Persons Protocol); smuggling of migrants (Migrants Protocol); trafficking in firearms (three processes are under way in the United Nations: the Firearms Protocol; an international instrument to identify and trace illicit small arms and light weapons; and one aimed at controlling brokering in small arms and light weapons); use of and trafficking in explosives; trafficking in human organs (Guiding Principles on Human Organ Transplantation; Optional Protocol to the Convention on the Rights of the Child and Trafficking in Persons Protocol).

The report further covers kidnapping, trafficking in endangered species, illegal logging, trafficking in ozone-depleting substances, illicit trade in hazardous waste and trafficking in cultural property.

According to the report, the global reach of the Internet and other advances in technology have dramatically reduced the importance to organized criminal groups of physical boundaries. Advances in technology have made criminal organization more flexible and dynamic and have also resulted in new opportunities for organized criminal activity. The impact of identity theft upon business in many countries is now substantial. The reliance of the global financial system on high-technology communication systems makes it vulnerable to attack by those who wish to disrupt it. Criminal groups attack the websites of web retailers and Internet payment systems, extorting payment to make the attacks cease.

The report goes on to say that conflicts, as well as civil and political strife, are closely linked to the formation and growth of criminal networks. Local warlords plunder entire regions and trade in weapons, drugs and local primary resources. Illicit trafficking in natural resources, including petroleum, timber, diamonds and other minerals, is not only a result of destabilization, but also triggers and finances deadly conflicts. Organized criminal groups take advantage of institutional deficiencies in conflict and post-conflict situations to engage in large-scale trafficking operations, particularly in persons. In most post-conflict situations, the growth of organized crime constitutes a challenge to the development of reformed institutions such as the police and the judiciary, and poses a serious obstacle to achieving stable, more prosperous societies.

It is, therefore, essential to accord high priority to measures to counter operations of organized criminal groups as part of overall efforts to re-establish the rule of law. More focus is also required on the development of local specialized investigative skills to counter organized crime in post-conflict societies. Those issues should be considered in the early stages of emergency reconstruction.

(more)

The report makes a number of recommendations that the Congress may wish to consider, including:

-- Ratifying or acceding to the United Nations Convention against Transnational Organized Crime and its Protocols, as well as to the United Nations Convention against Corruption, and reviewing national legislation with a view to implementing those instruments;

-- Investing in strengthening skills and capacity of criminal justice agencies; and

-- Providing technical assistance to member States, upon request, by the United Nations.

The report also recommends that the Conference of the Parties to the Convention against Transnational Organized Crime and the future Conference of the States Parties to the Convention against Corruption should be provided with the necessary support.

Before the Congress were also the Secretary-General's report entitled In larger freedom: towards development, security and human rights for all (document A/59/2005) and a note by the Secretary-General transmitting the report of the High-Level Panel on Threats, Challenges and Change, entitled A more secure world: our shared responsibility (document A/59/565), both of which have been summarized on the website of the United Nations (www.un.org).

Welcoming Address by Congress Secretary-General

ANTONIO MARIA COSTA, Secretary-General of the Congress, welcomed the Crown Prince Maha Vajiralongkorn of Thailand and his daughter, Princess Bajrakitiyabha, and thanked them, on behalf of the United Nations Secretary-General and the United Nations Office on Drugs and Crime (UNODC), for the generous hospitality extended to the Organization. He said crime, corruption and terrorism were not unique to the current age, but globalization was, and one of its unintended consequences was that those threats could no longer be confined to a single country. The Eleventh Congress was the right meeting, at the right time, in the right place, and for the right reason.

He said that today, transnational organized crime, corruption and terrorism posed a threat. Nobody could deny that. Billions of dollars disappeared annually into an underground economy. In some places even national sovereignty and democracy was at risk. No society, no nation and no institution was invulnerable to crime or immune to corruption and no nation was safe from terrorism.

The meeting was at the right time, he said, because the United Nations Secretary-General had called for reform, and the High-Level Panel's report on Threats, Challenges and Change called for action now. In September the sixtieth anniversary of the United Nations would be celebrated, and progress made toward realizing the Millennium Development Goals would be reviewed. The Congress was, therefore, not an isolated event, but part of a larger strategy that would spark the imagination and involvement of Member States.

Bangkok was the right place, he said. Its commitment to combat narcotics trafficking and crime was unwavering. But even the great city was not immune to the "onslaught of transnational

(more)

organized crime”, he continued. Wedged between South and East Asia, with a well-developed transport and communications infrastructure, the kingdom could easily be attacked. Narcotics trafficking, small-arms trade, extortion, child pornography and human trafficking -- all that was the work of criminal gangs determined to abuse the hospitality and culture of the rich and ancient land.

The reason for the Congress was a compelling one: during the last five years, Member States had worked to craft two Conventions as a major weapon in the fight against organized crime and corruption re-continued. During the Congress, high-level representatives would have an opportunity to ratify the United Nations Conventions and Protocols and to see developed nations deliver on commitments to invest, assist and engage in the future of the developing world.

In closing, Mr. Costa conveyed special thanks to the Royal Family, the Minister of Justice and the Government and People of the Kingdom of Thailand for hosting the Congress. “We know what a challenge it has been, given the tsunami that hit a few months ago, a tragedy which took the lives of so many Thai friends”, he said.

Welcoming Address by Crown Prince

Crown Prince MAHA VAJIRALONGKORN of Thailand welcomed, on behalf of the Thai people, all delegates of the Member States and hoped all would have a pleasant stay. While the present world had progressed enormously in several ways, it had also given rise to many, increasingly complicated problems, including the problem of crime. Problems arising in any one place must inevitably reverberate in effects in other places, near and far, forcing nations to cooperate closely, not only in the prevention and attempted solution of problems but also in the promotion of progress and prosperity in all spheres of life. In that regard, effective cooperation among United Nations Member States in the prevention of crime, as well as in the development of the criminal justice system, was extremely valuable and worthwhile, providing a way for nations to cooperate positively, with results that would benefit not only individual countries but the international community as a whole.

He said he was fully confident that participants’ absolute determination, application of full knowledge and ability would become major forces in the Congress’ great success, with a resulting increase in peace, happiness and true justice for the world community. In the name of His Majesty the King, he brought good wishes that the meeting would proceed satisfactorily and that all who had gathered would meet with personal success and happiness.

PAUL FABER (Luxembourg), speaking on behalf of the European Union and associated States, said the intensification of international criminal contacts and the establishment of transnational criminal networks required a dynamic and coordinated response by national and supranational institutions. Fragmentation, lack of coordination and legislative differences among States facilitated and encouraged organized crime activities.

The role the United Nations had to play in the fight against transnational organized crime was of crucial importance, he said. In that context, the Union appreciated the significant contribution which had been made over the last years by both the United Nations Office on Drugs and Crime and the Commission on Crime Prevention and Criminal Justice as one of its governing

(more)

bodies. The coming into force of the Convention against Transnational Organized Crime and two of its Protocols represented a major achievement.

The Union took the threat posed by transnational organized crime very seriously, both at the internal and international level, he said. A central objective of the Union was to provide its citizens with a high level of safety within an area of freedom, security and justice, by developing common action among Member States in the fields of police and judicial cooperation. Having considered terrorism a high priority, the Union had elaborated a comprehensive strategy, including both preventive and coercive elements to tackle the phenomenon. In that context, the Union placed good governance, human rights and civil society's role among the most important preventive measures in the fight against terrorism, and highlighted the importance of fully respecting human rights in its counter-terrorism policy.

He said crucial attention should be paid regarding the victims of terrorism. In that spirit, he condemned terrorism in all its forms and strongly shared the perception that terrorist acts were under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature. Terrorism ran counter to the very values on which the United Nations was founded. The issue of terrorism financing had been addressed since 2001, and the Union had adopted measures to counter money-laundering, including freezing, seizing and confiscating assets, taking into account that the international criminal and terrorist channels used for financing were often identical. The international community's principal reaction to terrorist attacks was through the United Nations. The Union acknowledged the central role played by the Organization in the global response to terrorism and fully supported the efforts toward the conclusion of a United Nations global convention on terrorism.

He noted that corruption severely undermined the rule of law and good governance. It corroded both rich and poor countries, deterring trade and investment, undermining competitiveness and impairing poverty reduction. In that context, the Union welcomed the opening for signature of the United Nations Convention against Corruption of December 2003. He attached great importance to combating corruption both in the public and private sector. The rapid growth of economic and financial crime posed significant challenges to the international community, including finding mechanisms in which appropriate regulations and safeguards could be put in place to prevent its occurrence without unnecessarily disrupting legal commercial activities. Given that such crimes were likely to span national borders, effective control and prevention measures must rely on much higher levels of cooperation between States than was currently the case.

One of the motivations for cross-border crime was to achieve in financial gain, and money-laundering was at the very heart of organized crime, he said. In that context, he encouraged States to take into account the importance of international regulations in the field. The width and seriousness of financial criminality had produced a series of Union initiatives aimed at building an overall strategic approach in the field of combating fraud and fraudulent behaviours. Over the last decades a large number of international recommendations had been adopted in the field of crime prevention and criminal justice. Standards and norms had contributed considerably to the common international appreciation of the criminal law and had a significant role to play in the global effort to effectively address both crime prevention and criminal justice issues.

(more)

Measures to Combat Transnational Organized Crime

After having shown a short movie on transnational organized crime, EDUARDO VETERE, Executive Secretary of the Congress, said organized crime did not only have individual victims, but national regional and global ones. It posed a cumulative threat to peace, security and stability and impeded sustainable development and undermined the rule of law. It posed a particular danger to States and regions in conflict and post-conflict situations and to developing countries and those with economies in transition. The peril was enhanced by the access to and use of technology by organized criminal groups.

He said the High-Level Panel on Threats, Challenges and Change had underlined that organized crime increased the risk of all other threats by creating opportunities for “uncivil society”. It had noted that a key trend regarding transnational organized crime was its growing diversity, flexibility, low visibility and longevity. The international community, as represented by the Congress, must face and respond to that very clear and present danger.

Success was possible, he said. In recent years, there had been remarkable achievement in the fight against transnational organized crime at the national and international levels with the rapid negotiation and coming into force of the Palermo Convention and two of its three protocols. He hoped that the entry into force of the third Protocol would follow soon. The speedy action by the international community was evidence of the recognition of the peril and a reflection of the commitment to work together to combat it.

Using a Power Point presentation on treaty ratification status -- which showed that the Transnational Organized Crime Convention had been ratified by 103 countries, the Trafficking Protocol by 82, the Migrants Protocol by 71 and the Firearms Protocol by 39 States -- he said that, while good progress had been made, more needed to be done. The Congress might want to emphasize, as a matter of priority, the need for those States that had not yet done so to ratify or accede to the Convention and its Protocols. There was an equal need for its effective and full implementation. The Congress might also wish to make recommendations on technical assistance and support to UNODC programmes on Convention implementation and the enhancement of criminal justice systems.

One of the areas in which the Congress could provide timely and useful input to the Conference of Parties to the Convention concerned the development and use of the Conference of Parties as an implementation mechanism for the Convention and its Protocols. The Congress also provided a valuable opportunity to discuss current and emerging issues related to transnational organized crime. “We must not fail those who have been victimized or those who could become tomorrow’s victims. We need this Congress to adopt clear and forceful recommendations in support of building a comprehensive and successful global response to transnational organized crime”, he said in conclusion.

KAMPREE KAOCHARERN, Attorney General of Thailand, said transnational organized crime had long been treated as the international community’s common enemy. Seeking effective measures to combat transnational organized crime was a never-ending story. The most effective measure to combat transnational organized crime was the establishing and maintaining capacity-building for law enforcement and criminal justice systems. As part of its capacity-building effort,

(more)

Thailand had modernized certain domestic laws in line with the Convention against Transnational Organized Crime. International and regional cooperation was one of the most effective measures for combating transnational organized crime. The Association of Southeast Asian Nations (ASEAN), of which Thailand was a member, had already expressed its commitment to taking a comprehensive and coordinated approach to combat transnational crime and to strengthen the exchange of information and intelligence. At the international level, Thailand had long complied with requests to provide mutual legal assistance and to extradite those accused in criminal cases.

The Congress was an important gathering of law enforcement, justice officials and related experts, he said. It also provided a good opportunity for the world community to strengthen its common resolve to fight criminals. In that connection, it was important to recognize the serious threat and harmful consequences of illicit activities of transnational organized crime, in particular drug trafficking and trafficking in persons. An efficient mechanism to facilitate the exchange of information and best practices should be encouraged at both the domestic and international levels. Modern technology should be used along with special investigative techniques, such as electronic surveillance and controlled delivery to enhance law enforcement capacity. Cooperation between States was key to combating criminal organizations. Such cooperation should be enhanced, in particular by establishing communication among law enforcement and justice officials.

SAMODRA SRIWIDJAJA (Indonesia) said his country was deeply concerned at the increasing nature of transnational organized crime and its affect on security, peace and stability of countries, regions and overall well-being of the international community. The Transnational Organized Crime Convention would be the necessary legal framework for international cooperation in combating such criminal activities as money-laundering, corruption, illicit trafficking in endangered flora and fauna, and offences against cultural heritage, as well as addressing the close connection between transnational organized crime and international terrorism. Indonesia had signed the Convention and its two Protocols in Palermo in 2000, and the draft law on their ratification was to be submitted to Parliament for endorsement.

He said that, within the regional framework, the ASEAN countries and China had made a joint declaration on cooperation in the field of non-traditional security issues such as illicit trafficking of drugs, people-smuggling, corruption, sea piracy, terrorism, arms smuggling, money-laundering and international economic financial crime. In November 2004, his country had signed the "Treaty on Mutual Legal Assistance in Criminal Matters. Indonesia and Australia also contributed to the regional international efforts in combating trafficking in persons by conducting the regional conferences known as the "Bali Process".

He said the Transnational Organized Crime Convention stipulated a broad scope of application in promoting cooperation to prevent and combat transnational organized crime. Such an understanding should include the need to address other crimes in an integrated manner, such as illegal logging, smuggling of goods, illegal trafficking of hazardous waste, illegal fishing activities, sea piracy and present dangers to the maritime security and environment. There was an urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels. International cooperation should underscore the importance of technical assistance and capacity-building to enable countries, in particular developing countries, to implement the existing crime prevention instruments. The United Nations should retain a central role in narrowing the existing gaps between words and actions.

(more)

BYRON LARIOS (El Salvador) said his country had ratified the United Nations Convention against Transnational Organized Crime, its three Protocols, as well as the United Nations Convention against Corruption. Given the challenges of the twenty-first century, his country had been working to fulfil its commitments under the Vienna Declaration, including measures against trafficking in persons, the smuggling of migrants, terrorism and money-laundering. Most such crimes were defined in various articles of El Salvador's criminal code. El Salvador had programmes for training judges and law enforcement officers.

He said El Salvador was also maintaining a database within the national police force on the trends and geographic scope of criminal organized crimes. The data base would lead to the better investigation of such groups. Illicit trafficking was also addressed by the criminal code and the law on terrorism was currently under review. The Ministry of Government was also reviewing secondary legislation to ensure better victim protection. The country was also moving forward on presenting proposals to establish offences regarding computer-based crimes. International assistance was needed to effectively respond to the challenge of transnational organized crime.

BOULIN PENDERGARD (Sweden) said that organized crime occurred nowadays on such a scale that fundamental structures in many States were affected, especially those in conflict or post-conflict situations. Through money-laundering, the illicit gains from organized crime were invested into the legitimate economy, thereby distorting the market. Through corruption and bribery, democratic institutions were undermined. The big pieces of the normative framework to combat various transnational crimes were now in place. The adopted conventions needed to be considered together with the United Nations framework on human rights, including the rule of law, an independent judiciary and the human rights of everyone, including those suspected of crimes. She hoped that the abolition of capital punishment would soon be realized in every country.

She said no individual State, or even subregional or regional organization, could eradicate organized crime, and neither could a normative framework in itself do so. Only concerted action at global, regional and national levels would bring progress, as organized criminal groups were quick to exploit loopholes. Insufficient cooperation among States was, therefore, a matter of growing concern. More than 50 years ago, the Council of Europe had started to create a still functioning general framework for judicial cooperation on judicial matters. The Nordic cooperation and cooperation within the Baltic Sea States Organization had been further expanded. Global conventions on combating crimes offered the basic norms and structures for judicial cooperation. Improvements in the existence and functioning of central authorities and in mutual legal assistance were necessary.

There was a need to act against the weak coordination among international agencies, she said. However, the interrelated problems of combating transnational organized crime were not often addressed through the necessary coherent and integrated strategy, but rather in a fragmented and purely oral approach. Highlighting the proposal by the Panel that the United Nations should establish a robust and well-defined mechanism for assistance in order to develop better State capacity to address transnational organized crime, she said one could take a broader approach. An integrated assistance programme could be considered in the area of rule of law, crime prevention and cooperation on criminal matters of a transnational character.

(more)

KANG YU (China) said that, in today's world, the growth and spread of international organized crime posed a threat to the foundation of the economic system and also a challenge to development and human rights. The damages caused by transnational organized crime had already exceeded that of some wars and the international community was obliged to take measures to combat it. No single country or region acting alone could successfully combat transnational organized crime, and the establishment of a cooperation mechanism on national, regional and international levels was key. At the national level, the elaboration and improvement of legislation was necessary. Universal implementation of the Transnational Organized Crime Convention was the best approach to taking coordinated action, and countries that had not yet done so should accede to the Convention as soon as possible.

At the regional level, countries close to one another were often confronted with similar problems concerning transnational organized crime, he continued. Regional cooperation mechanisms should, therefore, be an important approach to fighting organized crime. At the international level, the United Nations Office on Drugs and Crime had a central role to play in coordinating the fight against transnational organized crime. It was important to establish a global mechanism for cooperation to combat the transnational organized crime and provide necessary training and assistance to countries.

He said China always attached great importance to the prevention of and fight against transnational organized crime. In 1997, it had produced a new criminal law which had established some transnational organized crimes as offences. His country also participated in international and regional cooperation. It had ratified the Convention against Transnational Organized Crime and Corruption. It had signed 71 treaties on mutual assistance and acceded to some 20 international conventions that contained provisions for cooperation in legal matters. It had carried out broad cooperation in criminal matters, such as sharing of evidence and repatriation of offenders. The rapid development of information technology had given rise a new form of transnational organized crime, which needed to be addressed through coordinated measures by all countries.

* * * * *