



# ELEVENTH UN CONGRESS ON CRIME PREVENTION AND CRIMINAL JUSTICE

*Bangkok, Thailand 18-25 April 2005*



Plenary  
1<sup>st</sup> Meeting (AM)

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## **ELEVENTH UN CRIME CONGRESS OPENS IN BANGKOK WITH FOCUS ON ORGANIZED CRIME, TERRORISM**

### **Elected President of Congress, Thai Justice Minister Stresses Need for International Community to Build New Security Consensus**

The Eleventh United Nations Congress on Crime Prevention and Criminal Justice was an opportunity for the international community to stand firmly united against the threats of crime, ensuring that distant threats did not become imminent, and that imminent threats did not actually become destructive, United Nations Secretary-General Kofi Annan said in a message to the opening meeting of the Congress.

In the message read out by the Secretary-General of the Congress, Antonio Maria Costa, Executive Director of United Nations Office on Drugs and Crime, Mr. Annan said organized crime was a leading threat to international peace and security in the twenty-first century, and the Crime Congress should serve as a reminder of how much more needed to be done to tackle that threat.

He said that, with the adoption of several major conventions and protocols in recent years, the United Nations had made important progress in building a framework of international standards and norms for the fight against organized crime and corruption. The global strategy must include universal ratification of the United Nations Convention against Transnational Organized Crime and its Protocols, the Convention against Corruption and the 12 universal counter-terrorism instruments.

At this morning's meeting, Suwat Liptapanlop, Minister of Justice of Thailand, was elected President of the Congress. In his statement, he stressed the utmost "importance" for the international community to undertake concerted action towards building a new security consensus, requiring a combination of actions such as a better international regulatory framework; adequate compliance of the international community to such a framework, improved cooperation among States, strong coordination among all national and international agencies involved, and above all, political willingness, commitment and determination in taking appropriate measures at the national and local levels.

He believed that under the main theme on "synergies and responses: strategic alliances in crime prevention and criminal justice", the programme of the Congress offered an opportunity for deliberation with a will to develop holistic strategies against crime.

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In his own opening statement, Mr. Costa said, “We live at a time of change.” Many of the changes were for the better, but new threats to societies had emerged. The Eleventh Congress, more so than earlier ones, imposed serious obligations on participants and should do more than just offer the opportunity to talk. In that regard, he proposed two challenges to the Congress. “Give yourselves the opportunity to invest in the two Conventions [the Transnational Organized Crime Convention and the Convention against Corruption] you have worked so hard to hammer out”, he said and, “Seek the inspiration to be creative regarding new legal instruments.”

He said the High-Level Panel, appointed by the United Nations Secretary-General, had identified transnational organized crime as one of the six major world threats. The Panel’s points had given the Congress the implicit mandate to start thinking what could be done about the risks posed by organized crime and terrorism.

The Transnational Organized Crime Convention and two of its Protocols had entered into force, and the Firearms Protocol was about to do so, he said. The Convention against Corruption would also enter into force soon. “But legal instruments are not just papers we discuss, agree upon, and then file in a library”, he said. The challenge for the next five years was their implementation. In order to succeed, further political and financial commitments were needed. Political support was necessary and without adequate financial support, the pace of progress realized thus far could not be sustained.

He asked the Congress to address the related matter of the link between crime and terrorism. “By fighting one evil, we fight the other as well. Furthermore, since these uncivil behaviours are conspiratorial in nature, I propose we equally conspire -- namely, we act together -- in opposing them”, he said.

A great deal of work had already been done towards a strong “Bangkok Declaration”, he said, but resolving remaining differences was going to require lots of work. However, the Congress’ recommendations should leave no doubt about how to proceed. “The threats are certainly there: if you fudge the answer I invite you to give, you will have to live with the consequences”.

The Congress elected by acclamation Fikrat Mammadov (Azerbaijan) as First Vice-President; Matti Joutsen (Finland) as Chairman of Committee I; Isskandar Ghattas (Egypt) as Chairperson of Committee II; and Eugenio Curia (Argentina) as Rapporteur-General.

Elected to the Congress’ General Committee were the following delegations: Algeria, Burkina Faso, Democratic Republic of the Congo, Egypt, Gambia, Malawi and Uganda (African Group); China, Indonesia, India, Iran, Pakistan and Republic of Korea (Asian States Group); Azerbaijan, Croatia and Czech Republic (Eastern European Group); and Australia, Austria, Canada, Italy, Finland and Norway (Western European and Other States Group).

The Congress then approved the report of the pre-Congress consultations (document A/CONF.23/L.1) as a basis for its organization of work. It also approved its Rules of Procedure and its provisional agenda and organization of work. It further appointed Benin, Bhutan, China, Ghana, Liechtenstein, Russian Federation, Trinidad and Tobago, United States and Uruguay to its Credentials Committee.

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At the outset of this morning's meeting, a minute of silence was observed to commemorate the deaths of Pope John Paul II and Prince Rainier of Monaco.

The representatives of Indonesia (on behalf of the "Group of 77" developing countries and China) and Egypt (on behalf of the African Group) also spoke.

The Plenary meeting of the Congress will reconvene at 3 p.m. to hear an address by the Crown Prince of Thailand and to continue its consideration of effective measures to combat transnational organized crime.

#### Opening Message from Secretary-General

Organized crime was a leading threat to international peace and security in the twenty-first century, Secretary-General Kofi Annan said, in a statement read out by the Secretary-General of the Congress, ANTONIO MARIA COSTA. The Congress should serve as a reminder of how much more needed to be done to tackle that threat.

With the adoption or entry into force of several major conventions and protocols in recent years, the United Nations had made important progress in building a framework of international standards and norms for the fight against organized crime and corruption. He said many of the States parties to those treaties had not implemented them adequately, however, sometimes because they lacked the capacity to do so. In his report for the upcoming high-level September summit, he called on all States to ratify and implement those conventions, while helping one another to strengthen their domestic criminal justice and rule-of-law systems. He also urged them to give adequate resources to the United Nations Office on Drugs and Crime for its key role in overseeing the implementation of the conventions.

He said the international community's global strategy must include universal ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocols, the Convention against Corruption and the 12 universal counter-terrorism instruments, with a view to ultimately achieving universal adherence and full compliance with those instruments. In that regard, States should take advantage of the Special Treaty Event during the High-level segment of the Congress and the Treaty Event that would held be during the General Assembly's sixtieth session to deposit instruments of ratification or accession.

Promoting the rule of law must include robust capacity-building mechanisms for rule-of-law assistance to post-conflict societies, where organized crime and its links to large-scale corruption were major impediments to reconstruction. That was why he intended to create a dedicated Rule of Law Assistance Unit, which would help national efforts to re-establish the rule of law in societies emerging from instability and war. The Congress was an opportunity for the international community to stand firmly united against the threats of crime -- ensuring that distant threats did not become imminent, and those that were imminent did not actually become destructive.

#### Election of President, Statement

The Congress elected by acclamation Suwat Liptapanlop, Minister of Justice of Thailand, as President of the Congress.

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In his opening remarks, Mr. SUWAT extended, on behalf of Thailand, the warmest welcome to delegates. As last week had been the festival of “Song-Kran”, the Thai New Year, he explained the tradition in the country to throw water on relatives and friends to show love and respect and to cool each other down during the hot summer season. He said that now there was not only hot weather in Bangkok, but also the hot issues of crime prevention and criminal justice, which required a more sophisticated response than throwing water on each other.

He said, so far, there had been 10 United Nations Congresses on the Prevention of Crime, organized every year. Those Congresses had formulated important policy options and normative standards applicable to all States. General Assembly resolutions had progressively found their way into the corpus of customary international law or had been incorporated into treaties such as the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the 2000 United Nations Convention against Transnational Organized Crime and the 2003 United Nations Convention against Corruption.

The Congress’ recommendations also had had an impact on the development of national criminal justice policies, strengthening of the notion of the rule of law and building a universal conscience of propriety, integrity and respect for common values, he said. The Eleventh Congress came at a crucial moment, when it was widely recognized that besides traditional threats to peace and security, new dangerous threats had emerged on a global scale which were interconnected and should no longer be seen in isolation from one another, in particular threats related to transnational organized crime, including drug trafficking, but also to corruption and terrorism.

It was, therefore, of utmost importance for the international community to undertake concerted action towards building a new security consensus. An effective response to the challenges required a combination of actions such as a better international regulatory framework; adequate compliance of the international community to such a framework, improved cooperation among States, strong coordination among all national and international agencies involved, and above all, political willingness, commitment and determination in taking appropriate measures at the national and local levels. He believed that under the main theme on “synergies and responses: strategic alliances in crime prevention and criminal justice”, the programme of the Congress offered an opportunity for deliberation with a will to develop holistic strategies against crime, he said.

#### Organizational Matters

The Congress then approved the report of the pre-Congress consultations (document A/CONF.23/L.1) as a basis for its organization of work.

Turning to the election of officers other than the President, the President of the Congress informed the meeting that there was general agreement to elect the following members to the General Committee of the Congress: Algeria, Burkina Faso, Democratic Republic of the Congo, Egypt, Gambia, Malawi and Uganda (African Group); China, Indonesia, India, Iran, Republic of Korea and Pakistan (Asian States Group); Azerbaijan, Croatia and Czech Republic (Eastern European Group); and Australia, Austria, Canada, Italy, Finland and Norway (Western European and Other States Group).

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The Congress then elected, by acclamation, Fikrat Mammadov (Azerbaijan) as First Vice-President; Matti Joutsen (Finland), Chairman of Committee I; Isskandar Ghattas (Egypt), Chairperson of Committee II; and Eugenio Curia (Argentina) as Rapporteur-General.

Eduardo Vetere, Executive Secretary of the Congress, then informed members of the proposed arrangements for the Congress' high-level segment, which would be held on the last three days of the Congress, namely Saturday, 23 April through Monday morning, 25 April.

The Congress also approved its Rules of Procedure, as contained in document A/CONF.203/2, and provisional agenda and organization of work (document A/CONF.203/1).

A Credentials Committee composed of Benin, Bhutan, China, Ghana, Liechtenstein, Russian Federation, Trinidad and Tobago, United States and Uruguay was then appointed.

Turning to the Congress' report, the President informed members that, in accordance with the practice followed by previous congresses, the report should consist of the Declaration on "Synergies and responses: strategic alliances in crime prevention and criminal justice", the conclusions and recommendations of the Eleventh Congress on the substantive items of its agenda and the outcome of the workshops.

He said the report should also contain the decisions of the Congress, a brief account of the events leading to the convening of the Congress, the proceedings, including a summary of the substantive work of the plenary and by the Committees, and a reportorial account of the action taken. The reports of the two Committees would be submitted for approval to the final session of the respective committee before adoption in plenary as part of the Congress' report.

#### Statement by Secretary-General of Congress

ANTONIO MARIA COSTA, Secretary-General of the Congress and Executive Director, United Nations Office on Drugs and Crime, said "We live at a time of change". Many of the changes were for the better, he said, and paid tribute especially to the political and economic improvement witnessed in Asia. At the same time, however, new threats to societies emerged and the risk that old threats might become ever more serious. He, therefore, welcomed the Secretary-General's message highlighting the importance of the Congress.

Welcoming a lively exchange of views during the Congress, he said the agenda was complex, as it mirrored the complicated realities in societies. He welcomed, in that regard, the non-governmental organizations, as they added a "special flavour, a spontaneous intuition and an important opportunity to confront views with governments and international officials".

He said this week was an important jubilee: half a century of deliberations on crime prevention and criminal justice. The Eleventh Congress, more so than earlier ones, imposed serious obligations on participants and should do more than just offer the opportunity to talk. That was the first challenge of Bangkok. During the Tenth Congress, held in Vienna five years ago, the international community was about to complete negotiations on the first United Nations Convention against Transnational Organized Crime and its Protocols and was ready to embark on

new negotiations on the first United Nations Convention against Corruption. Today, those instruments had been successfully completed.

The Transnational Organized Crime Convention and two of its Protocols had entered into force, and the Firearms Protocol was about to do so. The Convention against Corruption would also enter into force soon, he said. The current steady stream of ratifications was proof that promoting integrity was a priority for Member States. "But legal instruments are not just papers we discuss, agree upon, and then file in a library", he said. The challenge for the next five years was their implementation.

The monitoring mechanisms envisaged in the two Conventions reflected carefully balanced role for individual States and for the collective responsibility to make the world's system more secure. In order to succeed, further political and financial commitments were needed. Political support was necessary that would commit a growing number of countries to the Conventions.

Economic capital must also be invested, he continued. Decisions were needed regarding the regular budget of the United Nations to support crime prevention and criminal justice programmes, and regarding the voluntary contributions offered for technical assistance. The functioning of the Conferences of States Parties and the ability of many developing countries to fully implement the Conventions depended on the availability of resources. The UNODC was making major efforts in that regard, but without adequate financial support, the pace of progress realized thus far could not be sustained.

The High-Level Panel, appointed by the Secretary-General a year ago and so well-chaired by the former Prime Minister of the Host Country, had identified transnational organized crime as one of the six major world threats. The Panel's message was clear: "If governments choose to delay action, they shall face a threefold risk". The first risk was that threats thought to be remote could be at one's doorstep anytime. Threats that were believed to endanger only neighbours could become a menace for all. And finally, threats that were thought to be handled with ease were now at risk to spin out of control. The Panel's points had given the Congress the implicit mandate to start thinking what could be done about the risks posed by organized crime and terrorism.

Prominent on this week's agenda was the link between organized crime and terrorism, he said. The Secretary-General had recently added new dimensions to the fight against terrorism by proposing a strategy that challenged the international community to: agree on a definition of terrorism; agree on a comprehensive Convention; take decisive action; do so jointly; and show solidarity by extending technical assistance. He invited the Congress to second the Secretary-General's proposals and to implement the existing 12 instruments against terrorism.

He also asked the Congress to address the related matter of the link between crime and terrorism. "By fighting one evil, we fight the other as well. Furthermore, since these uncivil behaviours are conspiratorial in nature, I propose we equally conspire -- namely, we act together -- in opposing them", he said. "Whether we fight crime, or oppose corruption, or struggle against trafficking of people, or protect our societies against deadly terrorist attacks -- one particular goal stands out: the need to strengthen criminal justice systems the world over." Nations struggling to impose the rule of law, to build cultures that respect each other's rights, or promote good

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governance and administrative integrity required proper legislation, honest courts, skilled and aggressive prosecutors, and adequate detention facilities.

Over the next eight days, delegates would have opportunities to debate all those matters and summarize recommendations in a final document, as requested by General Assembly resolution 59/151, he said. A great deal of work had already been done towards a strong “Bangkok Declaration”. However, even a cursory look at the current draft and the comments received so far showed that considerably more effort was needed to produce a document that showed the way forward. That was the Bangkok meeting’s second challenge.

He understood there was division on whether the time was right to embark on new negotiations on emerging concerns, in particular on cyber crime and money-laundering. Resolving those differences was going to require lots of work. However, the Congress’ recommendations should leave no doubt about how to proceed. “The threats are certainly there: if you fudge the answer I invite you to give, you will have to live with the consequences”, he said, concluding, “Give yourselves the opportunity to invest in the two Conventions you have worked so hard to hammer out. That is the first challenge to Bangkok I propose. Seek the inspiration to be creative regarding new legal instruments. That is the second challenge to Bangkok I propose. Then, acting together, we will show that peace, security and development will prevail over crime, mal-governance and terrorism.”

#### Statements

THOMAS AQUINO SAMODRA SRIWIDJAJA (Indonesia), speaking on behalf of the “Group of 77” developing countries and China, assured the President of the Group’s support and thanked the Government of Thailand for hosting the important event. The Congress remained a unique forum for the exchange of views by governments, international organizations, non-governmental organizations and experts. Past congresses had provided valuable advice in formulating the policies and strategies for crime prevention in the different areas of criminal justice systems.

The present practice of holding the Congress should be continued, he said. The recommendations and conclusions made by the regional preparatory meetings should be reflected in the Congress’ outcome, and the Congress should provide advice to the Commission on Crime Prevention and Criminal Justice. He also recommended that “follow-up of the United Nations Congress” should be included as a separate agenda item in every annual session of the Commission.

He strongly believed that the highest priority should be given to the effective implementation of the already existing legal instruments. The Group attached great importance to the commitments made in the Vienna Declaration. It was concerned about the lack of follow-up to the Actions Plans for implementation of the Vienna Declaration and the allocation of adequate resources. Effective implementation of the obligations set forth in existing international crime prevention instruments required international cooperation, technical assistance and capacity-building. The Group, therefore, urged donor countries and financing institutions to make adequate regular voluntary contributions to enable developing countries and countries with economies in transition to become parties to and/or implement those treaties.

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He welcomed the signing of the United Nations Convention against Corruption and underscored the need for the Convention's speedy entry into force and subsequent implementation. Given the importance of asset recovery as an essential component of the Convention against Corruption, the Group would give highest priority to adopting the measures necessary to make asset recovery possible. He welcomed the Asset Recovery Initiative, launched on 9 December 2004 by the UNODC, which would assist developing countries and countries with economies in transition in building their capacities to recover assets, and called on donor countries and financing institutions to make voluntary contributions to facilitate the Initiative's effective implementation.

Regarding kidnapping, he noted with concern the risk of kidnapping in many areas of the world as a means of funding criminal organizations and terrorist activities. He urged the international community to enhance cooperation and take urgent measures to combat it in a resolute and coordinated manner. The Group was also concerned about the increased involvement of organized criminal groups in trafficking in looted, stolen or smuggled cultural property, as well as illicit trafficking in protected species of flora and fauna and their by-products. The Group, therefore, called upon Member States to continue adopting effective measures, strengthening their international cooperation and joining efforts with relevant regional and international organizations and networks in order to prevent, combat, punish and eradicate those forms of crime more effectively.

Concerning money-laundering, the Group called for the strengthening and expansion of the UNODC's activities under the Global Programme against money-laundering. An open-ended Expert Group should be established to examine the feasibility of an international convention for facilitating international cooperation in areas such as money-laundering, trafficking in and theft of cultural properties, kidnapping and cyber crime, under the aegis of the United Nations.

The Group wished to underscore the need for enhanced international cooperation in combating terrorism, according to Security Council resolution 1373 and other relevant resolutions, he said. He also stressed the importance of finding a long-term and comprehensive strategy to prevent and eradicate terrorism. The Group underscored the United Nations' central role in the fight against terrorism and supported ongoing negotiations in New York on the draft United Nations Comprehensive Convention on Terrorism based on the determination of a universally accepted comprehensive definition of terrorism in conformity with the United Nations Charter and relevant United Nations resolutions.

A broad and sustained strategy to combat terrorism must include increased inter-agency cooperation and capacity-building, both at the national, regional and international levels, he said. Training, technical assistance, technology transfer and more adequate donor assistance to developing countries were needed to facilitate implementation of international instruments relating to terrorism. In that connection, he urged the UNODC Terrorism Prevention Branch within its mandate to provide all necessary assistance and expertise to strengthen the rule of law and to build national capacities to implement the conventions and protocols relevant to terrorism. It was imperative, he added, that any effective crime prevention strategy adequately address the crime risk factors such as injustice, poverty, unemployment, marginalization of vulnerable people, lack of education and double standards.

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ISSKANDAR GHATTAS (Egypt), speaking on behalf of the Group of African States, associating itself with the statement on behalf of the Group of 77 and China, said that, since the Tenth Congress, the international community had witnessed significant events and developments in the area of crime prevention and criminal justice, including terrorist attacks, but also the conclusion of the two Conventions. The entry into force of the Convention on Transnational Organized Crime and its two Protocols was testimony to the usefulness of the Congress. He looked forward to early entry into force of the third protocol. The fight against organized crime, however, was just beginning, he said. He called upon the international community to provide African countries with the necessary technical assistance and expertise, not just to ratify but to effectively implement the Convention's provisions.

Welcoming the signing of the United Nations Convention against Corruption, he said the African Group was concerned that most ratifications had been by developing countries and that no developed country had, so far, ratified the Convention. He called on all countries, in particular the developing partners, to speed up their domestic mechanism for the ratification of the Convention.

He said organized criminal and terrorist groups threatened security on a large scale throughout the world. Africa could attest to that as the linkage between insecurity and the lack of development was more pronounced on the continent. In Africa, crime and drug problems were developmental issues that undermined democracy, governance and the rule of law. In that regard, he recalled that the Vienna Declaration on Crime and Justice had recognized that comprehensive crime prevention strategies must address the root causes of crime and victimization through social, economic, health, education and justice policies. In that context the African Group called on the international community to assist the continent in addressing the root causes of crime, in particular poverty.

Africa had been a victim of terrorism, he said. The fight against terrorism must include capacity-building at the national, regional and international levels to ensure implementation of the 12 international instruments relating to terrorism. He urged the Terrorism Prevention Branch of the UNODC to continue providing all necessary assistance to strengthen the rule of law and to build national capacities to implement the relevant Conventions and Protocols related to terrorism. He urged the international community to prevent Africa becoming a platform for international terrorism.

Although standards and norms had become indispensable tools in harmonizing legislation and the effective administration of justice, he stressed that application of standards and norms depended on factors related to sociocultural background, legal systems and stages of development. Previous congresses had galvanized the international community towards conclusion of crime-related conventions. He hoped the Eleventh Congress would make a pronouncement in favour of the drafting and conclusion of the Convention against Theft of and Trafficking in Cultural Property, the Convention against Cyber Crime, the Code of Conduct against Terrorism, and the Comprehensive Convention against Terrorism in all its ramifications.