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Statement to the Opening Session
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Excellencies, Madam Deputy Secretary-General, Distinguished Delegates,
Ladies and Gentlemen,

Welcome to you all. We are honoured to have you with us in the third UN headquarters city.

Madame Frechette has set the tone for this Congress by indicating the seriousness of the issues we will discuss in the coming days against the background of a rapidly changing world. As she, pointed out, there is an urgency in our work.

Our task is to examine how, in the face of a globalized threat from organized crime, we can guarantee to the peoples of the world a life under the Rule of Law. I am not referring to an abstract concept. I mean the right to a life free of violence and intimidation -- the right to basic services on an equal footing with all other people - the right to freedom and dignity.

When we think of the Rule of Law, we tend to think of the institutions of the justice system -- laws, enforcement, courts, prisons. It is easy to see the rule of law simply as respect for these institutions -- abiding by the rules. This is the rule of law seen from the top down.

Yet it is much more. People choose to abide by the rules. Some of them also decide -- if they can get away with it - not to abide by the law. The rule of law must be seen as something broad -- a concept linked to the political culture. It goes beyond legislation. It reflects the social contract that binds state and society together.

Almost every schoolboy knows what democracy is, yet too few people understand the true meaning of the Rule of Law. There are more democracies in the world than ever and that is all to the good. Yet without the Rule of Law democracies, too, can be unjust.

Recent history is full of examples of well-entrenched ethnic, political or religious groups with automatic majorities ruling for decades over minorities, disregarding their rights. It is the Rule of Law, not majority-based democracy, that protects the weaker group, and the individual members of society - and the foreigners in their midst - against the vicissitudes of political life.

The Rule of Law constrains the power of those in power, whether they are democratically elected or not. The Rule of Law holds all, including the rulers, accountable to the law. If democracy means 'one person - one vote', the Rule of Law means 'one law for all - with nobody standing above the law'.

Most of us exercise our democratic right to vote - and to be voted for once every few years only. Yet the presence or absence of the Rule of Law is felt every day. Where it is securely in place, it makes for accountability and transparency of decision-making, for predictability of the political process.

The Rule of Law promotes a climate of human security and thereby goes well beyond mere rule by law.

There exists, in many societies, a 'security vacuum' which cannot be filled by economic and political measures alone. Without the strengthening - and in some cases - the rebuilding almost from scratch of the criminal justice system, there can be no human security. A stable society can only be guaranteed by a vigorous, well-funded criminal justice system.

The new frontier for the defence of our states and societies is, in many cases, no longer the state border. It is against crime in all its forms and manifestations, and especially against transnational organized crime, that we have to build new and better fences.

We are gathered here this week to help strengthen the Rule of Law in the world. Other international bodies deal with the global economy or with issues of war and peace. Our business is to help secure that justice is done in the world, that crime does not go unpunished, that it cannot hide behind international borders in safe havens.

Some -forms of crime have taken on such global dimensions that we must, as Madame Frechette stated, now think of global solutions.

Corruption is one of these. While it may have been largely a local affair in the past, it has now become global in nature. Private companies or individuals seek access to lucrative activities in faraway countries. They are prepared to pay for that access. The onset of global banking makes it no longer necessary for the money to be in the same place as the crime.

Especially worrisome are findings about the corruption of the criminal justice system itself. For example, in one country a 1998 survey found that 63 per cent of households had paid bribes to police. 50 per cent had bribed the courts. Interestingly, the average bribe paid to the courts was two-and-a-half times larger than a bribe of the police.

If the very institutions which exist to prevent corruption are themselves corrupt, we must indeed go back to the very basics. We must examine that pact which exists between the people and the state. The Rule of Law has been violated in its most sacred heart. It can take years to make the necessary changes, but they must be made if peace and prosperity are to prevail.

The recent preliminary decision to proceed with the drafting of a Convention against corruption is testimony to the magnitude of the problem. Recognition of this has generated the political will for decisive action.

You have also included time for discussions on community involvement in crime prevention. This is an area where we can be optimistic. We have a growing list of success stories to look at. Just a quick reference finds cases in South Africa, Tanzania and Cote d'Ivoire, in Norway, the United Kingdom, France and the Netherlands, in the United States, Canada, Brazil, Chile and New Zealand. And there are more.

Much remains to be done, however. Despite decreases in crime rates in some countries in the 1990s, we have still not erased the steep increases from the 1960s, 70s and 80s. And rates are now increasing dramatically in some cities in developing countries and countries in transition. Incarceration rates in a number of countries, including some industrialized countries, have also increased steeply in recent years.

These facts underline the need for preventive measures -- measures that will keep people from committing the crime and thus keep them out of prison. We urgently need to find all the success stories we can and to learn from them.

One of the workshops during the Congress will focus on women in the criminal justice system. It is important to ensure that women who commit crimes are treated humanely. Gender inequality in society at large is reflected -- perhaps magnified -- in the criminal justice system. Starting with crime prevention and going all the way through the functioning of the criminal justice system, we must remedy this.

One of the most important elements of the draft Convention is its attention to the situation of victims. In far too many countries, there are few if any safeguards for the rights of victims in criminal proceedings. Often the victim of a crime is victimized a second time in court. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was issued in 1985. This Congress offers an opportunity to examine progress made towards better protection of victims, an issue still very much neglected in some quarters.

A related issue is the protection of witnesses, also addressed in the draft Convention. We cannot tolerate that people have to risk their lives for speaking the truth. When there is an opportunity for witness intimidation, successful prosecution becomes difficult. Again, this is an area where best practices need to be identified and then disseminated.

One of the cross-cutting issues in transnational crime is moneylaundering. Those who profit from various forms of crime constantly try to "clean" their ill-gotten assets. Money-laundering is by no means a new form of crime, but it now thrives in the world of electronic banking. Such enormous amounts of money are involved -- the IMF mentions the staggering figure of 600 billion dollars per year -- that a reaction -is setting in. Just ten days ago, 36 offshore banking jurisdictions agreed to cooperate with the United Nations to bring their standards up to the international norm. There remain some 20 additional jurisdictions to reach with this new programme, called the Offshore Forum. Needless to say, not all money laundering uses offshore facilities. It is incumbent on every government to apply the existing standards. Dirty money should find no shelter anywhere.

It has been only five years since the 9th Congress met in Cairo. The degree of change in this short period is astounding. In 1995 the Internet was in its infancy as a tool for the general public. Electronic banking was just taking hold. Globalization was still in many ways only on the threshold. The international crime prevention institutions have also changed at a rapid pace. In 1995 the Commission on Crime Prevention and Criminal Justice was new. The Centre for International Crime Prevention had not been created. The decision to have a global Convention had not been taken.

We are entering a new millennium with new tools at our disposal, including a new Convention. These tools constitute a basis on which to build a forward-looking and pro-active strategy to counter the new challenges that face us.

Our goal is the Rule of Law. At the national level and at the global level.

I wish you every success.