

Speech by Head of the Delegation of the People's Republic of China,
Minister of Justice Gao Changli at the Tenth United Nations Congress on
the Prevention of Crime and the Treatment of Offenders on Agenda Item 4:

International Cooperation in Combating Transnational Crime: New Challenges in the Twenty-First Century

Vienna, 10-17 April 2000

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Vienna, April 14, 2000

Mr. Chairman,

I am very happy to have this opportunity to come to Vienna, a historic and beautiful city to hold discussions with state leaders, ministers and representatives of over 150 countries on the global strategy of crime prevention and criminal justice for the new century. First of all, please allow me to extend my sincere thanks to His Excellency Secretary General of the United Nations for his inviting me to this congress, and to the Government of Austria for its hosting this congress. I hope the common political commitment to be attained at this Congress, especially that achieved at this high-level meeting, will play a proper role for all countries of the world to deal with the challenges caused by crime and justice of the twenty-first century.

Mr. Chairman,

With the economic, political, cultural and social progress and development of the world, a new type of crime, transnational organized crime, has arisen and has been in increase all along, which has constituted a threat to all the countries of the world. Not only developed countries have paid a price, but developing countries, in recent years, have also suffered a lot from transnational crime. Each year, transnational crimes, such as large-scaled smuggling and abscond with state or collective-owned fund, have caused China huge economic losses. What is more, transnational organized crime has also done grave harm to the economic order, political stability and social development of all the world countries.

Mr. Chairman,

The reasons for transnational organized crime are complicated, which may involve the economic, political, cultural and social aspects of a country concerned. They may involve not only the market supply of the goods and

service furnished by the organized crime, but also the market demand of such service. Therefore, by striking alone this problem will never be able to be solved once and for all. The Chinese delegation holds that, the international community, including the United Nations and all member states, must further the study on transnational organized crime, and exercise effective prevention responding to different forms of transnational organized crime.

Mr. Chairman,

Since transnational organized crime has been getting more and more serious, it has become a common understanding that without thorough international co-operation we will not be able to cope with this challenge with success.

A sound domestic legal system on organized crime plays a role of basis for international co-operation. In recent years, China, as a member of the international community, has made many amendments to its criminal legislation. The new Criminal Law, which was revised in 1997, explicitly defines as criminal acts such common forms of organized crime as organizing and participating in a criminal group or money-laundering, which makes the law on organized crime more specific, more applicable and more effective.

Mr. Chairman,

The effective law enforcement holds the key to the successful control and prevention of transnational organized crime. Regarding law enforcement, China had already established special agencies to be responsible for the control and prevention of organized crime in the first half of the 1990s. In 1998, antismuggling police force was established, whose responsibilities are just to investigate and fight the criminal acts of smuggling and trafficking groups. In recent years, the Chinese law enforcement agencies have commenced a series of movements to fight criminal groups of nature similar to Mafia, to fight smuggling crime and economic crime, and have destroyed a number of violent criminal groups, economic criminal groups and smuggling groups. Remarkable achievements have been attained in these efforts.

Pragmatic international cooperation is an important step for effectively preventing and fighting transnational organized crime. For this purpose, China

has consolidated its cooperation with the international community. To date, China has signed with 31 countries 33 bilateral legal assistance treaties, of which 23 involve criminal matters. We have also signed extradition treaties with 11 countries and acceded to over 20 multilateral conventions relating to or including articles on mutual legal assistance. With those countries and international organizations which have treaties with us, China has conducted extensive cooperation including the exchange of criminal information, delivery of judicial documents, investigation and collection of evidence, repatriation and extradition of criminals, etc. With those which we have no treaties with, we have also carried out cooperation on case to case basis in the light of equity and reciprocity. All these mutual legal cooperation activities have witnessed quite efficient results in the fight against transnational crime.

Mr. Chairman,

In order to cope with the challenges of the ever-increasing transnational organized crime, since the World Ministerial Conference in Naples in 1994, the international community, especially the United Nations, have made a lot of efforts, including the elaboration of a United Nations Convention against Transnational Organized Crime and its three Protocols. The Chinese delegation would like to express its appreciation for all efforts and achievements that the United Nations and all member states have made.

Mr. Chairman,

The Convention against Transnational Organized Crime, which is now under elaboration, will play a very important role in further promoting international cooperation to combat and prevent transnational organized crime more effectively. Therefore, the Chinese delegation has all along participated in the drafting work in an active and pragmatic manner. We have attended all the relevant United Nations meetings and have made our own efforts for the drafting of the Convention. The Chinese Government supports the goal to finish the drafting work of the Convention within the year 2000. In order to achieve that goal, the Chinese delegation would now like to make a few comments as following concerning the Convention.

First, the scope of application of the Convention should be defined in a

reasonable manner. The Chinese delegation holds that the Convention is applicable only to crimes both of transnational and organized elements.

Secondly, the contents of the Convention should fully manifest the principle of state sovereignty, equality and mutual benefit; take into full account the general modes of combating transnational organized crime established in the existing conventions, and fundamental principles of extradition and legal assistance of various states; further strengthen the relevant stipulations of the existing international instruments as much as possible to **make the convention** more effective. Meanwhile, the Convention should also take into full consideration the different economic, political and cultural backgrounds and different legal systems of various countries and express the common need of the international community to make them instruments that can be universally accepted and acceded to by all countries.

Thirdly, in view of the imbalances in terms of economic and technological development among different countries, the Chinese delegation holds that the Convention should include the articles on providing technical assistance to developing countries in order to build up the capacities of these countries in their preventing and combating transnational organized crime and implementing the obligations of the Convention.

Fourthly, the Chinese delegation is of the view that, in future, the Convention when finalized should become the basis for conducting cooperation in extradition and legal assistance among all signatory countries so that the Convention can play its proper role in further strengthening international cooperation to combat transnational organized crime.

Mr. Chairman,

Held at the turning of centuries, the tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will adopt Vienna Declaration, which will be an expression of the member states' political will of preventing and controlling the ever-increasing crimes, especially transnational organized crime. The Chinese delegation supports the adoption of such a declaration. We hold that the contents of the declaration should take into consideration the differences of member states in economic, political, cultural and social aspects so that the declaration may function as a guiding paper for

the promotion of international cooperation in the field of crime prevention in the future.

Mr. Chairman,

To conclude my speech, I'd like to take this opportunity to reiterate that the Chinese government wishes to enhance its cooperation with all countries and international organizations concerned, and make contribution to the effective control and prevention of transnational organized crime.

Thank you!