

Mr. Vice President of Colombia,
Excellencies,
Distinguished delegates,
Ladies and Gentlemen,

I am extremely honoured and happy to address today this important Congress on behalf of the Government of Romania.

First of all, allow me to express how pleased I am to see you, Honourable Vice President of Colombia, Mr. Gustavo Bell Lemus, presiding over the High Level segment of the Tenth Congress.

I also wish to salute the President of the Congress, Honourable Minister of Justice, Mr. Penuell Mpapa Maduna, as well as the members of the General Committee of the Congress.

I take this opportunity to extend my warm congratulations and gratitude to the Government of Austria for the kind hospitality and for the excellent organisation of the Congress.

Ladies and Gentlemen,

The general topic of the Congress, "Crime and justice: meeting the challenges of the Twenty-first Century", is offering us a programme that the international community, facing the challenges of the new century, is called to establish through the most efficient, modern and rapid ways.

Romania recognises the United Nations objectives in the field of crime prevention and criminal justice - especially the decrease of the criminality rate, the strengthening of law enforcement efficiency in justice administration, and the safeguard of human rights and fundamental freedom.

In that respect, Romania is undertaking responsibilities regarding the enforcement of a just, moral, fair and efficient justice system and is searching the most adequate methods.

This is feasible, first of all, by promoting the Rule of Law.

It is necessary to emphasise the new elements that the Congress is bringing into discussions, and which are shared by the participants, concerning the definition of the Rule of Law, especially in connection with the penal justice systems.

The Rule of Law - seen not only as a legal concept, but also as a cultural and social one - has the tendency to closely follow the social progress and to create the premises that the social evolution does not overpass the law and the case law.

Within the context, a special attention is given to the safeguard of the independence of judges and other law enforcement officials from the influences of those who have the political and economical power, as well as to the professional training of judges, prosecutors and policemen.

The way of solving the sensitive problem in the relation between the strengthening of the Rule of Law and the efficiency of the penal justice system, on one hand, and the respect of human rights, on the other hand, gives a special orientation to the penal justice reform who must achieve a viable balance between the human rights protection and the fight against criminality.

The practice has confirmed that it is easy to draft legislation but is a difficult and of long-standing demarche to reform institutions, deep in their substance.

The law respect is depending on what is often understood by legitimacy of law, which means, in a cumulative way, legitimacy of legislative power, legitimacy of juridical norms, legitimacy of law enforcement and legitimacy of legislative and judicial procedures.

Among the important dangers, which are threatening the Rule of Law, the organised transnational crime is becoming more and more diversified and world wide and therefore more worrying.

The consequences of the social danger for the Rule of Law - in the field of penal justice - make necessary the modernisation of the fight mechanisms against transnational criminality, as well as the improvement of the national legislation.

In that respect, allow me to share with you a short summary of a large and important draft with the significant title "Law for the acceleration of the justice reform", elaborated by the Ministry of Justice. The draft is containing some sections concerning the criminal justice reform. An important place is reserved to the improving and the amending of the Penal Code and the Penal Procedure Code with new institutions such as: the penal liability of moral persons, the penal liability for deeds of corruption perpetrated by international officials, international judges and members of general assemblies of international organisations, the undercover agents, the protection of witnesses, the alternatives to the imprisonment penalty, the judge with responsibilities for the prosecution.

Likewise, new drafts of law (law on the prevention and punishment of corruption deeds; law on combating drug smuggling and consumption), have established special and modern ways of enquiry of different forms of organised crime.

Other drafts of law have created the national premises for the application of international conventions ratified by Romania (law on extradition, law on mutual assistance on criminal matters, law on transfer of convicted persons).

The Romanian Government is paying a special attention to the implementation of the international commitments assumed by Romania in its capacity of Member State of the United Nations and the Council of Europe, as well as associated country, in view of accession to the European Union.

In that respect, allow me to express the full support of my country to the statement made by the Portuguese Presidency of the European Union, concerning the necessity of taking stock of the current situation in the criminal justice field, and to recognise the need of strengthening the international cooperation in finding the best solutions with a view to fighting criminality in its new forms of manifestation.

The international co-operation and the approximation of inner legislation are part of the National Accession Programme to the European Union, approved by the Romanian Government.

The high determination of Romania to play an active role within the efforts to fight organised crime, made by the international community, can be deduced from some undertaken actions, such as:

- participating in the negotiations of the new Convention against transnational organised crime and its protocols, under the auspices of the United Nations;
- hosting the Bucharest Regional Conference of Central and East European Countries on fighting corruption, at the end of last March; the Conference was designed to continue the work of the Global Forum held in Washington D.C. on February 1999 in furthering co-operation among nations on fighting corruption, and concentrated on the issue of corruption among justice and security officials. The Conference was also meant to realise a bridge between the Global Forum held in Washington D.C. and the Global Forum fighting corruption to be held in the Hague, in 2001, by emphasising the deep interest of the countries from the region in encouraging international co-operation in fighting corruption;
- establishing in Bucharest of a Regional Centre for fighting transnational criminality;
- ratification and signature of important international conventions in the field.

Criminal justice was considered, till recently, a mere national problem. Today, the criminal justice worth almost nothing if it doesn't take into account the new transnational organised dimension of crime.

For that reason, I am strongly convinced that the national and especially the international strategy to be followed, by promoting the international co-operation, in order to produce results, must reach some precise objectives:

- to be approached by an multidisciplinary and global way which implies the use of all branches of law and of all segments of juridical, social and media environments;
- to be flexible by realising a progressive integration of the international regulations in the inner legislation of each state;
- to create follow-up mechanisms, meant to increase the confidence in the viability of the actions undertaken against corruption;
- to ensure the complementarity between actions and mechanisms created under the auspices of various international bodies.

Before concluding my intervention, I would like to express the whole readiness of my country to undertake any necessary steps in order to support and put into practice the Vienna Political Declaration, which in our opinion is a programmatic document of the Congress.

No doubt that the power of having achieved the objectives enshrined in the Declaration - and especially the urgent conclusion of the Convention against transnational organised crime and its protocols - is depending on our political will of having them realised.

I strongly believe that the commitment undertaken by the international community to fight criminality has no alternative.

I thank you for your attention.