

KEYNOTE ADDRESS FOR IAP CONFERENCE IN KIEV

On behalf of Antonio Maria Costa (UNODC Executive Director) and Mr. Gary Lewis (UNODC/RCEAP Representative) I would like to express UNODC's gratitude to the Ukrainian authorities, Mr. Francois Falletti (President of the International Association of Prosecutors) and the organizers for inviting us to this annual Conference

It is the second time for UNODC to present the "Towards AsiaJust" programme before IAP Representatives, the first time being before Mr. Nick Cowdery and Josaia Naigulova on the occasion of the establishment of Pacific Prosecutors association in Brisbane in July 2009. UNODC would like to thank them both for the exceptional support they showed on that occasion.

I also would like to mention the role of the Korean SPO and KIC. Both have already expressed and shown their support to the "Towards AsiaJust" programme and we are very grateful to them.

Within the 10 minutes which have exceptionally been allocated to UNODC to speak in the plenary session, I will try to briefly present to the distinguished audience the genesis of the "Towards Asia Just" programme.

As some of you may know, UNODC is changing its way of operating. While addressing the same global issues under its mandates - Drugs, TOC, Corruption and Terrorism - the organization is implementing a perceptible shift from mere advocacy for ratification of UN Conventions and related technical assistance workshops to a more operational role where practitioners are recommended to comply with the provisions contained in the Conventions. Thus, the requesting member States may be offered assistance by UNODC to address TOC in a more regional approach through the development of trust and mutual confidence and, where necessary, to conduct joint operations (mixed investigative teams, joint database, exchange of information, MLA, extradition)

Within that institutional UN evolution the Bangkok Regional Centre has the privilege to be one of UNODC's pilot centre of excellence. In that context, the RC was given the privilege to be tasked with the responsibility to build a different type of Regional Programme Framework (the 4 years' regional programme framework) based on prior assessments of both the political will and structural capacities of the countries in the region to receive calibrated technical assistance.

In this context, the mandate given to the RC was clearly to “think outside the box” but, of course, within UNODC legal framework and in the areas under its guardianship.

It is in that context that the concept of “Towards AsiaJust” emerged.

The long presence of the Regional Centre in our region, East Asia and the Pacific, where different legal systems and cultures co-exist have led us to conclude that those systems have more similarities than differences. Nonetheless, all countries are facing the same threats and weaknesses: organized networks of criminals confronting investigators who are not organized, prosecutorial and justice systems operating independently within the same country and trapped within borders.

Assessments, conducted after each and every mission by colleagues and myself, have revealed that in order to respond to transnational organized crime in South East Asia and the Pacific, we need to increase the partnership between the ASEAN countries and that “it takes a network to defeat a network”.

UNODC and ASEAN’s priorities to address transnational crime are well aligned and we believe

in our office that joint projects and programmes should be implemented in order to fight TOC effectively.

This is in line with the Memorandum of Understanding signed between the ASEAN Secretariat and UNODC in 2003, which calls for the identification and development of joint technical co-operation projects and programmes. Moreover, such an approach would vastly increase synergies and complementarities and could be operational in a broader environment.

Hence came the idea of developing through “Towards AsiaJust” the concept of a Transnational Organized Justice in response to Transnational Organized Crime.

This is the objective and scope of “Towards AsiaJust” that, even though its components are different we decided to name after EuroJust, thus paying tribute to “precursors” who had come with a similar innovative approach before. The basic idea linking those different endeavors was the concept of the “Autonomy of international criminal investigations”.

To move from concept to operational mechanisms States have to accept to put aside to some extent the notion of sovereignty in its narrow sense. Indeed what is the best interest for a State: to

preserve sovereignty or to prevent threats against the State, the people and the property?

But we must also admit that we, members of the prosecutor service and the judiciary, have on many occasions been too shy, too hesitant or too narrow minded – I let you choose the appropriate word – to conduct international investigations.

As you will see from my colleague Mr. Joonmyung Lee's presentation "Towards AsiaJust" does not intend to be a mere copy of EuroJust. First of all, it is clearly meant for Asia and Pacific countries and designed after careful needs-assessment. Secondly, the concept is broader and will not limit activities to a partnership with Prosecutors' networks even though it is one of the strong pillars of the programme. It will, for instance, incorporate a research dimension which will seek to compare the systems in place in the region in a historical and cultural perspective in order to identify gaps and develop remedies. Similarly, technical notions such as the notion of criminal liability will be tackled in order to find mechanisms which will legally allow the States to arrest the most dangerous criminals who do not commit any material act themselves and therefore escape prosecution while they are the leaders of the criminal organizations.

Finally, we would like to emphasize the fact that "Towards AsiaJust" does not create a new layer of

agencies but tries to bring together, through an operational and evidence based approach, the most efficient players involved in fighting organized crime.

UNODC is probably the right agency to take the lead because it is a neutral organization with a technical and normative mandate to support UN member States' fight against crime, drugs and terrorism in all its manifestations. It is also staffed with specialized experts such as senior persecutors, judges, lawyers, police officers and has a long presence in the region (38 Years)

Indeed "Towards AsiaJust" has a final wishful objective which is to establish a permanent structure whose charter and organizational mechanisms still have to be defined.

However, this is where probably the role of UNODC has to stop. This relates to the expression of the Sovereignty of the States in the region that have the sole decision on that matter.

This is the reason why the programme that my colleague is now going to present to you has been named: "**Towards** AsiaJust" meaning clearly that UNODC's role cannot go beyond the "Towards".

However, with your guidance and your support we could possibly start thinking of a “Towards WorldJust” programme which could be initiated under the two blue flags of the IAP and UNODC.

Thank you to all of you.

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