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**Southeast European Regional Cooperation
in the fight against corruption and transborder crime**

Statement by Mr. Flavius Baias

State Secretary

Justice Ministry of Romania

**GLOBAL FORUM ON FIGHTING CORRUPTION
SAFEGUARDING INTEGRITY
AMONG JUSTICE AND SECURITY OFFICIALS**

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Born on September 30th, 1961, in Brasov

1981-1985: University of Bucharest, Faculty of Law

Post-graduate studies:

- Post-graduate courses in the Law of International Trade at the Faculty of Law of the University of Bucharest in the academic year 1988/1989;
- Ph.D. in Civil Law, University of Bucharest, with the thesis – “Simulation in Romanian Civil Law”;
- Summer courses at the International Faculty of Comparative Law Strasbourg, 1990;
- EU Law and Human Rights courses held by the European Law Academy, Florence, 10-28 June 1991;
- Probation period in the “Carbonnier, Lamaze, Rasle” attorneys’ office, Paris, 25 October – 24 December 1992;
- Property Law courses held by the American Bar Association and “Jagiellon” University, Cracow, 17-26 June 1993;
- Program for the practical study of the American law system organized by the American Bar Association and the Attorneys’ International Academy 5 September – 4 October 1994, in Albuquerque, New Mexic.

Professional experience:

- 1 September 1985 – 1 December 1987: Bucharest Bar;
- 1 December 1987 – 15 January 1990 judge at the Buftea Court of 1st Instance, Ilfov County;
- 15 January 1990 – 1 July 1990: researcher at the Legal Research Institute of the Romanian Academy;
- 1 July 1990 – 1 March 1991: Diplomat, Ministry of Foreign Affairs;
- 1 March 1991 – present: Assistant – Professor, then Lecturer at the University of Bucharest, Faculty of Law, Civil Law Department; subject-matters – Civil Law (Rights in Real Estate General Theory of Obligations) and Family Law;
- 1 October 1995 – 20 January 1997: Deputy Dean of the same Faculty
- May 1996 – Visiting Professor at the Faculty of Law of the University of Paris “Pantheon-Sorbonne”;
- 1 March 1991 – 20 January 1997: attorney at law in the Bucharest Bar and (since February 1994) member of the Bucharest Bar Association;
- 20 January 1997 – 12 February 1998: Director General in the Ministry of Justice;
- 12 February 1998 – today – Secretary of State at the Ministry of Justice.

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French and English

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SECI Bucharest Regional Center for Cooperation against corruption and transborder crime

Executive Summary

While acting resolutely at national and local level, Romania has championed the idea of a regional approach, in Southeastern Europe and beyond, to the fight against corruption and other borderless flaws of the modern world.

With consistent U.S. support Romania succeeded to build consensus among many Southeast European countries that there is a need for an operational center to facilitate concrete joint action in the fight against transborder crime, corruption included.

The South-East European Cooperative Initiative (SECI) provided the framework for refining the idea. SECI, an American inspired initiative, supported by European Union member-states, the European Commission, the UN European Economic Commission and International Financial Institutions, offered the unique advantage of engaging both governments and private businesses and interests in joint undertakings.

SECI participants are currently negotiating a multilateral Agreement for the set up of a Regional Center for the fight against transborder crime in Bucharest. The Center will be multinationally staffed and operated. It will promote:

- the sharing of information on cross-border traffic;
- the harmonisation among the SECI countries of the rules and practice regarding legitimate cross-border trade, in line with European Union relevant regulations;
- the creation of computer link-ups among services concerned with cross-border crime, to speed up the information flow and enhance capabilities to process relevant information;
- the coordination of programs to combat cross-border crime and its effects in Southeastern Europe.

The project of setting up the Bucharest Regional Center for the fight against cross-border crime is a bold undertaking. On the basis of experience gained in operating the center, similar other regional cooperative structures could be imagined, as instruments in the fight against trans-national flaws.

SECI Bucharest Regional Center for Cooperation against corruption and transborder crime

In the process of Romania's transition to the market economy, and organization of all State structures based on the principles of the rule of law, the phenomenon of corruption has increased significantly involving agents from various fields of economic and social life. At the same time, awareness has raised with regard to the concrete social and economic danger that corruption poses, and its potential to considerably damage the public patrimony, the banking and financial system, and eventually the overall economy.

Concern for finding the adequate means to prevent and fight corruption and organized criminality has turned into an energetic and positive approach especially due to the intervention and firm stance taken by the President of the country. At present, the fight against corruption constitute a priority objective of the governing coalition.

Romania has taken and tries to implement, at national level, necessary measures to limit this phenomenon. Efforts are focussed on finalizing the appropriate legislative framework, as well as on creating the operational structures able to respond to the expansion of these flaws.

Recently, the President of Romania promulgated a law on the prevention and sanction of money laundering. The anticorruption law, the law on the fight against organized crime and the law on the fight against illegal drugs' traffic are currently debated in the Romanian Parliament, to be adopted shortly.

However, given the evolution of the society towards structures open to the free traffic of persons, goods and capitals, there is a need to draft and enforce strategies in which international co-operation in the field of prevention and fight against corruption and organized crime is a prerequisite.

Like many other democracies, Romania has realised that legislation and its due enforcement at national level may not be enough to overcome such inter-twined borderless phenomena as corruption, organized crime, narco-traffic, proliferation and smuggling of weapons. The Romanian leadership believes that these flaws can be addressed effectively only by a multi-pronged approach, at local, national, regional and, possibly, global level. The Government of Romania has acted on this belief and looked for imaginative ways to speed up multilateral cooperation in addressing corruption and the related phenomena.

The numerous existing regional cooperative structures in Central and Southeastern Europe, in which Romania takes part, have offered potentially good frameworks for cooperation against corruption and organized crime.

In the framework of the Central-European Initiative, the Interior Ministers of the Member States have adopted a "Declaration on organized crime" (Trieste, 9-10 October). The Declaration aims to support the approximation of the relevant legislation and facilitate the quick exchange of information. The document provides for the set up of an Working Group of the Central-European Initiative which will focus on the extremely complex aspects of the fight against organized crime.

At the same time, in the framework of the trilateral co-operation Romania-Turkey-Bulgaria, "The Co-operation Agreement among the Governments of the three countries on the fight against terrorism, corruption, illegal traffic of drugs and psychotropic substances and money laundering" was signed.

Romania, Greece and Bulgaria have agreed, at Delphi (October 3-4, 1998), to promote the co-operation in the fight against organized crime, international terrorism, traffic of drugs and psychotropic substances, weapons and radioactive metals, money laundering and other non-conventional risks towards the security.

The success of the international co-operation also depends upon transparency, that is the knowledge of each country's legal means which at the disposal of the organs involved in this fight, the possibility to access the relevant information they possess. At the same time, the efficient fight against the cross-border criminality depends upon the active and pertinent information exchange among the customs agents, police agents and magistrates.

The reasons briefly underlined motivated the proposal of Romania presented in the framework of the Southeast European Cooperative Initiative, to create the Regional Center for co-operation in the field of the prevention and fight against organized crime and corruption.

The proposal had a rapid positive evolution. Several meetings were held, with the aim of preparing and adopting the Legal Framework based on which one can accomplish the information exchange in the field of cross-border criminality.

With the support of the State Department of the United States of America a draft of the Multinational Agreement for the information exchange was prepared. In addition Romanian experts have elaborated the first draft of the Chart of Organization and Operation of the SECI Regional Center for the fight against corruption and organized crime.

After one round of negotiations, which took place on September 16-17, 1998, in Bucharest, the experts from five countries sealed the "Cooperation Agreement for the prevention and fight against cross-border criminality. (the Republic of Moldova, Turkey, Bulgaria, the Former Yugoslav Republic of Macedonia and Romania). At the next round of negotiations, in Bucharest, Albania also initialed the agreement.

It is highly likely that at the meeting scheduled for the beginning of March, the representatives of the SECI States will be prepared for final negotiations and will be authorized to initial the Agreement and the Chart.

The implementation strategy of the agreements is focused on the creation of the working group made up of representatives of services involved in the prevention and fight against the cross-border criminality. A common information system will be created. In the meantime the multinationally staffed center will facilitate the analysis of relevant information, the training of agency personnel, and the co-ordination of the programs of the fight against criminality.

One has to follow the objective of the facility and control of the legality of the border traffic at the same time with the development of programs of fight against criminality specific to this region.

In the following stage, one tends to the extension of the preoccupations in the sense of covering a criminological area greater than the cross-border one and at the global approach of corruption and organized crime.

The center will be able to invite criminological studies and grounds based on their results, models projects and strategies of preventing and fighting the criminality taking into account the economic stage of development of the participant countries and of specific modalities of the aims in the field of corruption and organized crime.

The Bucharest Center will grant to the participating states technical support and expertise in solving concrete cases of corruption and organized crime.

The Bucharest Regional Center for the fight against transborder crime will be inaugurated in fall 1999. For Romania the Center represents an additional significant contribution to good neighborly relations in Southeastern Europe, to enhancing the spirit of cooperation in the region, to setting the basis for a region-wide effective effort against corruption and organised crime, and not least, to the future development and social stability of participating states. It is the expectation of all those engaged in this multinational effort that the Bucharest Center will make a difference in the lives of the peoples of the region and in the activity of private businesses.