



VIENNA CHAPTER

STATEMENT BY THE GROUP OF 77 AND CHINA DURING THE FIRST SESSION OF THE AD HOC COMMITTEE ON TRANSNATIONAL ORGANIZED CRIME, VIENNA 19-29 JANUARY 1999 DELIVERED BY H.E. AMBASSADOR YOGESH M. TIWARI, PERMANENT REPRESENTATIVE OF INDIA

Mr. Chairman,

I am making this statement on behalf of the Group of 77 and China.

The Group would like to felicitate you on your assumption of the chairmanship of this Ad hoc Committee and to assure you of its complete cooperation in the realization of our common objectives.

While the Group of 77 and China is in the process of coordinating its position on the various aspects of the Convention, at this stage, it would like to emphasize the following four points.

The elaboration of a Convention against Transnational Organized Crime and the appropriate associated Protocols would require a lengthy negotiating exercise. For the next two years the Committee would be meeting at regular intervals for a considerable period of time. This would place a heavy financial burden on the governments of the developing countries which many of us can ill-afford, particularly, now when our economies are passing through a difficult phase. Even at this opening session, many G-77 delegations particularly the LDCs are not represented by experts from their capitals which inhibits their participation in this highly technical and complex process. This situation detracts from the principle of universality which is essential for ensuring widespread acceptance of the Convention and its Protocols.

The Group of 77 and China would like to reiterate, in the strongest terms, its request that resources be made available to the Secretariat to enable expert level participation from all G-77 countries in the subsequent sessions of this Committee. Funding should be provided for at least one expert from our respective capitals, on request.

The Group of 77 and China is convinced that the developing countries need to be provided substantial long term assistance for implementing the obligations arising from the Convention and the Protocols. Criminal organizations, today, deploy the most sophisticated methods in carrying out their nefarious activities. This enables them to stay a step ahead of the law enforcement agencies. The Group of 77 and China is of the view that Article 21 on Training and Technical Assistance needs to be significantly strengthened in terms of providing resources, new technologies, training and research facilities to the developing countries. It is, therefore, proposed that a Special Technical Assistance Fund be set up for this purpose. The Group would table specific amendments to Article 21 at the 2nd session of the Committee. Mr. Chairman

The battle against organized crime will remain inconclusive if all forms and causes which give rise to such activity are not addressed. Criminal gangs thrive on the poverty of our nations which provides them the raw material for criminal action. It is instructive that trafficking in women and children as well as transportation of immigrants takes place from the poverty ridden countries to the more affluent ones. As long as deprivation and hunger continues to stalk our lands no amount of regulatory mechanisms will stem the tide of illegal immigration. It is necessary that steps be taken to strengthen international economic cooperation for fostering growth and development in the developing countries. The Group of 77 and China, therefore, suggests that a separate section on International Economic Cooperation for Sustainable Development be added to the text of the draft Convention. The Group will propose specific language for this section at the next meeting.

Finally, Mr. Chairman, while the member states of the Group of 77 and China are committed to participating constructively in the deliberations of the Committee, we do not favour the creation of a supra-national structure which would adversely affect our national jurisdictions and domestic legal systems.

Furthermore, the main objective and core premise of the convention and the protocols should be to promote international cooperation through partnership based on shared responsibility, and respect for principles of sovereignty, equal rights and non intervention. Thus, it is essential that this convention should be compatible with internal fundamental principles and should also strengthen the legal system of States.

In the fight against transnational organized crime, the G-77 and China declare that the measure to be adopted should guarantee the principle of due process, full right for a fair trial and other fundamental rights and procedural guarantees.

Mr. Chairman, as stated earlier, the Group would be tabling specific proposals to give concrete shape to these principles in the coming weeks. Thank you