



STATEMENT OF THE G-77 AND CHINA DURING THE CICP - AD HOC COMMITTEE FOR THE NEGOTIATION OF A CONVENTION AGAINST CORRUPTION, 6TH SESSION 21 JULY - 8 AUGUST 2003, DELIVERED BY H.E. AMBASSADOR FEDERICO ADOLFO URRUELA PRADO, PR OF GUATEMALA ON BEHALF OF H.E. AMBASSADOR ROBERTO ABDENUR, PR OF BRAZIL

Mr. Chairman,

1. I have the honour to speak on behalf of the Group of 77 and China. We are pleased to see you again presiding over the 6th session of our work in the Ad-hoc Committee for the Negotiation of a Convention against Corruption.

2. This meeting represents a defining moment in our common struggle against the scourge of corruption and, therefore, I would like to express our positive expectations on the conclusion of negotiations of the draft text in this Session.

3. We are pleased to note that the work of the Ad Hoc Committee is actually in an advanced stage, and we are confident that this Committee will successfully fulfill its mandate. In this regard the Group would like to assure you of its cooperation in arriving at a successful conclusion and its commitment to a comprehensive, strong and effective instrument.

4. As mentioned by the G-77 and China in the 5th Session of the Ad Hoc Committee, the Group would like to reiterate its commitment to the following principles, which we believe could serve as guidelines to an even more efficient work: (a) Parallel meetings should be avoided as much as possible; (b) When a contested article is being discussed in a working group, the plenary should not be in session, or should only be considering matters that are in principle agreed upon; (c) An open-minded flexible and balanced approach should be adopted regarding the discussion of chapters, that are closely interrelated, such as the ones on "definitions" and "criminalization", "preventive measures" and "monitoring mechanisms"; (d) Interpretation in all official languages must be provided for the consideration of all articles of the draft convention; (e) The documents produced should be carefully and timely translated into all official languages.

5. The Group would like to express its gratitude to you for providing the Committee with a general assessment of the current process of negotiations and the related outstanding matters. We are also grateful for the outcome of the two informal consultations convened by the respective Vice-Chairmen.

6. The Group still considers that the definition of public official should include a wide range of functionaries at all levels and branches of Government or any other person performing a public function even if contracted to perform such function.

7. The Group of 77 and China maintains its view that criminalization remains of fundamental importance. Therefore the Group calls for strong practical and clear provisions in this chapter to ensure the effectiveness of the Convention.

8. With respect to the provision on "illicit enrichment", the Group strongly supports the inclusion of an article that effectively criminalizes this conduct.

9. The Group also dedicates the utmost importance to the issue of "Return of Assets" to the country of origin, and considers it as an "inalienable right" and the logical outcome of a successful fight against corruption. Thus, the Group emphasizes the need for the Convention to establish effective international

provisions on seizure of assets that are product of corruption and their prompt return to the country of origin. The Group insists that the concept of sharing assets is in contravention with the spirit of the proposed convention and therefore could not support the inclusion of such concept in this convention. The Group also insists that the return of assets should not be subject to political conditionalities. The Group has in mind the various resolutions adopted by the United Nations and UNESCO in this respect.

10. The Group also stresses that an enhancement of international cooperation is of paramount importance. In this regard particularly provisions on extradition and mutual legal assistance should be strengthened as much as possible, and should be comprehensive, without leaving any gap. Therefore, no offences covered in this convention are to be treated as political offences. This Convention shall be considered the legal basis for extradition among Member States.

11. The Group highlights that the issue of Technical Assistance is an essential part of this Convention for developing countries, since it will facilitate the implementation of its provisions.

12. Finally, we maintain our opinion that the monitoring mechanism should not be intrusive in nature and should respect the sovereignty of States. In our view, the Conference of the State Parties could decide on its specific nature. I would like to mention that in the course of this session the Group of 77 and China will address specific chapters when appropriate.

Thank you, Mr. Chairman.