



STATEMENT OF THE G-77 AND CHINA AT THE FOURTEENTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE, 23-27 MAY 2005 DELIVERED BY H.E. AMBASSADOR VICTOR G. GARCIA III, PERMANENT REPRESENTATIVE OF THE PHILIPPINES

Mr. Chairman,

I have the honour to speak on behalf of the Group of 77 and China. I am pleased to convey to you our pleasure in seeing you presiding over the fourteenth Session of the Commission on Crime Prevention and Criminal Justice. The Group is confident of your ability to successfully conduct the activities of this Commission and I wish to assure you of the Group's support in the task ahead.

2. The G-77 and China appreciates the relevance of the topic selected for the thematic debate for this year's session of the Commission. The 14th session of the Commission has important items on its agenda. We would like to make our preliminary observations at this stage and shall make detailed interventions under other important agenda items.

3. The G-77 and China is of the view that the United Nations Congress remains a unique forum for the meeting and exchange of views on various fields of crime prevention and Criminal Justice. The Eleventh United Nations Congresses held in Bangkok, has provided valuable advice and suggestions to the United Nations and the Member States in formulating policies and strategies for crime prevention in different areas of criminal justice systems. Therefore the G-77 and China welcomes the Bangkok Declaration, and wishes to urge all Member States to implement its recommendations.

4. The G-77 and China strongly believes that the highest priority should be given to the effective implementation of the existing legal instruments. The Group attaches great importance to the commitments made in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the twenty-first century, which, acknowledged that comprehensive crime prevention strategies must address the root causes and risk factors related to crime. The Group is concerned about the lack of follow-up on the Action Plans for the implementation of the Vienna Declaration and stresses the need to strengthen these activities and to allocate adequate resources for it.

5. The Group is convinced that it is imperative that any effective crime prevention strategy should adequately address the root causes of crime including injustice, poverty, unemployment, marginalization of vulnerable people and lack of education.

Item 6. International Cooperation in combating transnational organized crime United Nations Convention against Corruption

Mr. Chairman,

1. The Group of 77 and China attaches great importance to the prevention and control of corruption, including, inter-alia, through effective measures for its detection, investigation and prosecution, as well as through fruitful international cooperation.

2. The G-77 and China is pleased to know that 118 States have signed to date the United Nations Convention against Corruption and that the number of its ratifications is growing progressively. We urge all countries that have not done so to ratify the United Nations Convention against Corruption. The Group is also encouraged by the measures implemented by the Secretariat to promote the wider signature and ratification of this instrument and prepare its future implementation. The vigour which marked the UNODC endeavours to promote the ratification and implementation of the TOC Convention or the international instruments on terrorism is also required in pursuing technical assistance activities in relation to the

Convention against Corruption.

3. The Group would like to request Member States to continue providing adequate human and financial resources to help the UNODC discharge the tasks requested for by resolutions approved last year on this matter, such as the preparation of legislative guides and related seminars and training courses in all regions.

4. The G-77 and China firmly believes that asset recovery is a fundamental principle of the Convention against Corruption. For that very reason, the Group emphasizes the importance of adopting measures to facilitate asset recovery through international cooperation. Also, for the Convention to achieve the required number of ratifications to enter into force, the G-77 and China calls upon Signatory States to extend mutual cooperation to discourage the continuation of transactions and transfers of assets originated through the Commission of corruption related crimes and to act in conformity with Chapter V of the Convention whenever such illicit assets are confiscated.

Model agreement on sharing confiscated proceeds of crime

Mr. Chairman,

5. The G-77 and China takes note of the negotiations that took place during the Intergovernmental Expert Group on the Draft Model Bilateral Agreement on Sharing of Confiscated Proceeds of Crime or Property under the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and considers it a positive contribution to international cooperation. Nevertheless, the Group considers that there is still much to be done in this area in reference to international judicial cooperation. The Group appreciates the support rendered by the Secretariat and the extrabudgetary contribution that made possible such meeting last January.

6. The Group stresses the need to continue the negotiations of the Draft Model Bilateral Agreement in a timely manner so as to reach a balanced and consensual text that addresses the concerns of all. In this respect, the Group highlights the importance of reflecting in the Draft Model Agreement the concept stated in Article 14.2 of TOC, by which priority consideration should be given to restitution over other asset sharing modalities.

7. The number of experts from developing countries that participated in the Intergovernmental Expert Group illustrates the importance that our governments attach to efforts to enhance the effectiveness of the aforementioned Conventions. In this context, the Group of 77 and China considers that States should provide cooperation on confiscation of proceeds of crime and property as a matter of commitment to deter and prosecute criminals rather than on the basis of an expectation to share any confiscated asset.

8. Also Mr. Chairman, the Group of 77 and China highlights that the Model Agreement should not prejudice the principles set forth in the United Nations Convention against Corruption or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention.

Fraud, the Criminal Misuse and Falsification of Identity and Related Crimes

Mr. Chairman,

9. The G-77 and China notes with appreciation the discussions held in the Intergovernmental Expert Group to Prepare a Study on Fraud, the Criminal Misuse, and Falsification of Identity Theft, held from 17 to 18 March 2005. In this regard, the Group would like to emphasize the importance of technical assistance and capacity building through international cooperation to combat document and identity fraud.

10. Furthermore, the Group of 77 is concerned that a limited number of developing countries were invited to participate in the deliberations of the Expert Group, and, the fact that the Expert Group has conducted its business without proportionate and balanced representation of the Member States. To some extent, this is stemming from the fact that, by nature, the Expert Group has not been an "open-ended" one.

11. The G-77 and China strongly believes that, in the future, establishment of any new expert group dealing with crime prevention and criminal justice issues should guarantee the proportionate and balanced representation of all interested Member States, so that the composition of the groups reflects an equitable geographical representation and a diversity of legal systems. Therefore, the Group is of the view that, as a solution, the two adjectives namely: "open-ended " and "intergovernmental" should be added to any given mandate resolution to ensure the balanced nature and composition of the Expert groups.

Illicit Trafficking in protected species of wild flora and fauna

Mr. Chairman,

12. The G-77 and China expresses its concern regarding the increased involvement of organized criminal groups in the theft of and kidnapping and illicit trafficking in protected species of wild flora and fauna. Reaffirming that States have sovereign rights over their own biological and genetic resources as well as their own cultural heritage and bearing in mind the relevant international legal instruments, such as the convention on "Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the Convention on International Trade in Endangered Species of Wild Fauna and Flora" and the "Convention on Biological Diversity", the Group wishes to underscore the need for enhanced international cooperation amongst Member States and competent entities of the United Nations system, in particular UNODC, to fight more effectively against these criminal activities.

Kidnapping

Mr. Chairman,

13. The G-77 and China is concerned with the rise of kidnapping in many places of the world. Due to the increasing evidence, in some countries, of links with transnational organized crime, terrorism and the international drug trafficking networks, the Group welcomes the efforts made by the UNODC in conjunction with a group of experts to create a manual of best practices against kidnapping. We hope it will constitute an important tool to law enforcement authorities around the globe in their fight against this hideous crime, in all of its forms.

14. The Group further believes that, effective implementation of the obligations set forth in existing international crime prevention instruments requires international cooperation, technical assistance and capacity-building. Therefore, the Group of 77 and China urges donor countries and financing institutions to make adequate regular voluntary contributions to enable developing countries and countries with economies in transition to become parties to and/or implement those treaties, namely TOC Convention and its three protocols, and Convention against Corruption.

Item 7. Strengthening international cooperation and technical assistance in preventing and combating terrorism

Mr. Chairman,

1. The Group of 77 and China strongly condemns terrorism in all its forms and manifestations and deeply emphasizes that enhancing dialogue among civilization, promoting tolerance, preventing the indiscriminate targeting of different religions and cultures and addressing development issues and unresolved conflicts will contribute to international cooperation, which is among the most important elements to combat terrorism.

2. The Group underscores the central role of the United Nations in fight against terrorism and also strongly believes that any measures taken to combat terrorism comply with all obligations of states under international law and should adopt such measures in conformity with the Charter of the United Nations and international law, in particular international human rights, refugee and humanitarian law.

3. The Group supports the ongoing negotiations in New York on the draft UN Comprehensive Convention on Terrorism, based on the determination of a universally accepted comprehensive definition of terrorism in

conformity with the UN Charter and relevant United Nations resolutions. The Group further welcomes the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which reinforces the existing arsenal of international instruments against terrorism.

4. The Group supports efforts to strengthen international cooperation in combating terrorism. The Group also wishes to underscore the need for enhanced international cooperation in combating terrorism, according to Security Council Resolution 1373 and other relevant resolutions.

5. It also wishes to stress the importance of finding a long-term and comprehensive strategy to prevent and eradicate terrorism. The Group further underscores the need for efforts to improve Inter-agency cooperation and capacity building, both at the national, regional and international levels in the fight against terrorism. Sufficient training and other forms of technical assistance, transfer of technology and also more adequate donor assistance to developing countries are needed to facilitate implementation of international instruments relating to terrorism. In this context, we urge the Terrorism Prevention Branch of UNODC within its mandate and on request of the Member States to continue to provide all necessary assistance and provision of expertise needed to build national capacities to implement the Conventions and Protocols relevant to terrorism.

6. The Group is convinced that it is imperative that any effective crime prevention strategy should adequately address the root causes and risk factors of crime such as, injustice, poverty, unemployment, marginalization of vulnerable people, lack of education, as well as double standards.

Item 8. Guidelines for child victims and witnesses of crime

Mr. Chairman,

1. The Group of 77 and China notes with appreciation the guidelines developed by the Intergovernmental Experts Group meeting on justice in matters involving child victims and witnesses of crime, held on the 15th and 16th of March 2005, based on resolution 2004/27 of the ECOSOC. The Group further wishes to request the Member States to consider the adoption of those guidelines during the 14th session of the CCPCJ.

2. In conclusion, Mr. Chairman, I would like to assure you that the Group would continue to provide its active support for successful conclusion of the 14th Session of the Commission.

I thank you Mr. Chairman.