



STATEMENT OF THE G77 AND CHINA AT THE CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION AGAINST CORRUPTION 4TH SESSION, MARRAKESH, 24-28 OCTOBER 2011 DELIVERED BY H.E. AMBASSADOR ALI ASGHAR SOLTANIEH, PERMANENT REPRESENTATIVE OF IR OF IRAN

Mr. President,

1. I have the honor to speak on behalf of the Group of 77 and China. It is my pleasure to express our congratulations for your election to chair this important conference. I also wish to extend our heartfelt felicitations to the members of the Bureau. Let me also thank the Government of the Kingdom of Morocco to host this session in the beautiful city of Marrakech and for their warm hospitality and arrangements.

Mr. President,

2. The Group of G-77 and China takes note of the agenda of the Conference, which encompasses important elements towards full implementation of the Convention. The Group wishes a meaningful interaction on all agenda items, and assures of active contribution in the deliberations.

3. The Group takes also note with appreciation of the High Level Segment of the Conference and hopes that this will give a new impetus to the commitment of States Parties in further advancing the implementation of the Convention in accordance with national strategies and priorities, including progress towards achieving the Millennium Development Goals.

4. The Group emphasizes the relevance of the fight against corruption which represents a major obstacle for development and growth and by diverting the funds intended for improving the social and economic conditions of our societies. By removing this obstacle, developing countries are more likely to invest in their own development and make progress towards the achievement of the Millennium Development Goals, endeavor that requires a strong commitment from all us.

5. The Group takes note of the report by the Secretary General on the progress towards implementation of the Millennium Development Goals and emphasizes the need to reflect anti-corruption measures within the framework of technical assistance and international cooperation.

Mr. President,

6. Two years ago at the Third Conference in Doha, the Member States were able to arrive at a compromise and adopted the Terms of Reference for the review of Implementation of UNCAC. As we continue with the review process, we welcome the sharing of experiences in order that States Parties and the Secretariat could draw lessons for the working of Implementation Review Group. We also note that participation of a large number of State Parties from the first and second years of reviews have produced tangible and useful results, particularly for supporting their efforts in the implementation of the Convention. We are, however, equally, aware of some difficulties with the indicative timelines. We are confident that, as the review mechanism advances and States parties gain experience, timelines will be complied with more easily.

7. The Group of 77 and China also observes different interpretations of the Terms of Reference. The Group members express their willingness to engage constructively during this Conference in dealing with difficulties emerging from the application of the Terms of Reference and, at the same time, keeping the integrity of the Doha text.

8. In our efforts, we should keep in mind that the purpose of review mechanism is to assist State Parties in implementing the Convention. To that end, the Group wishes to emphasize that the Terms of Reference of the Mechanism should be fully and consistently respected throughout the review process. The Mechanism should be transparent, non-intrusive, impartial and should not produce any form of ranking.

9. The Group reiterates its position that the Mechanism should be funded from the regular budget of the United Nations in accordance with the terms of Reference. Therefore, the review mechanism requires funding to ensure its efficient, continued and impartial functioning.

10. We look forward towards presentation of the thematic reports on the first year review cycle during the Conference and request the Secretariat to finalize the thematic reports on the second year review cycle and present them at the Implementation Review Group meeting in 2012.

Mr. President,

11. The Group of 77 and China believes that technical assistance is a crosscutting issue throughout the Convention, and its provision is an essential part of its effective and efficient implementation. In this context, States Parties should afford one another the widest measure of technical assistance, especially for the benefit of developing countries and their efforts to implement the Convention. Assuring a sufficient and stable funding to the Conference and to the United Nations Office on Drugs and Crime is thus essential to promote programmes and projects which provide, at the request of the benefiting country, the proper technical assistance to implement the Convention.

12. The Group of 77 and China wishes to underscore the fact that the return of assets is a fundamental principle of UNCAC as stated in its Article 51, and States Parties are expected to afford one another the widest measure of cooperation and assistance in this regard. The Group notes with concern the continued absence of adequate knowledge and action to implement such cooperation and assistance. This poses a critical challenge to this Conference. The Open-Ended working group on Asset Recovery is a step in the right direction, which has among others facilitated an exchange of ideas among States on ways and means to expedite the return of stolen assets.

13. The G-77 and China welcomes the results of the meetings of the open-ended inter-governmental working group on Asset Recovery held in Vienna in 2010 and 2011, which inter-alia, invited States parties to prepare, by the fourth session of the Conference of the States Parties, for providing a forum for discussion on practical aspects of asset recovery, including challenges and good practices. The Group also welcomes the recommendation by the Working Group in August 2011 to renew its mandate until the sixth session of the Conference of the States Parties in 2015 and that a multi-year work plan be developed to structure its work. The Group requests the Conference to adopt that recommendation.

Mr. President,

14. The diversion of national wealth from public budgets and in particular its transfer abroad compromises the potential for the development of the country of origin. In this vein, the Group of 77 and China emphasizes that the repatriation of public assets is an international obligation according to the Convention and the asset has a legitimate owner, the country of origin. Therefore, the elimination of safe havens for stolen assets in the world is viewed as a high priority in the fight against corruption.

15. Obstacles faced in recovering stolen assets have shown that more needs to be done to streamline the process and facilitate requesting states in their efforts. The G-77 and China is of the view that technical assistance in preparing a case, enhanced capacity of the criminal justice system, as well as enhanced international commitment, mutual confidence and cooperation in facilitating asset recovery and eliminating safe havens for stolen assets are very important for the success of current and future efforts.

16. A major challenge in Asset Recovery is surmounting the bureaucratic procedures and legal barriers in the requested State. More agile and simpler procedures should thus be put in place, while safeguarding the due process of law.

Mr. President,

17. The Group wishes to re-emphasize the need for the effective implementation of the provisions of the asset recovery chapter of the Convention, in particular, the mechanism established in Article 57 for the return of assets. The Group is also aware that notwithstanding appropriate changes to domestic legal framework, the effective implementation of the Asset Recovery provisions depends, to a considerable extent, on the will of the requested State to cooperate. This often leads to prolonged period of delay and huge financial costs in repatriation. The Group, therefore, urges all States, in the spirit of the Convention, to facilitate the quick return of assets, to assist the requesting states in tracing, confiscation and recovery of assets and to minimize the costs for the requesting State.

18. The Group believes that international cooperation between law enforcement authorities is of absolute essence especially when a criminal network of corrupt officials in the country of origin and criminal network of financial experts in the country of destination are intertwined and have large profits in the business.

Mr. President,

19. The international cooperation is also a key element in the implementation of the Convention. The Group appeals to the Conference that in future session devote due attention to the chapter on international cooperation, in particular in areas of extradition, mutual legal assistance and enforcement of law, inter alia, by establishing an open ended intergovernmental working group on international cooperation.

20. The Group of 77 and China is convinced of the importance of developing and promoting effective policies and practices aimed at the prevention of corruption, including with the involvement of the public sector, the private sector and the participation of society in accordance with Chapter II of the Convention, taking into account that the success of prevention today represents the successful development of societies of integrity and a more effective fight against corruption in future. In this context, the Group looks forward to the continuation of the work of the working group on prevention, as it represents a significant platform for the exchange of information and experiences among States on measures and practices in this field. The Group recommends developing a multi-year work plan.

21. Finally, the Group looks forward towards the celebration in 2013 of the fifth Session of the Conference of the States Parties to the United Nations Convention Against Corruption, which will be held in the Republic of Panama.

I thank you, Mr. President.