



STATEMENT OF THE G-77 AND CHINA AT 8TH SESSION OF THE CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (UNTOC-COP) 17-21 OCTOBER 2016 DELIVERED BY H.E. AMB. SIMON MADJUMO MARUTA PERMANENT REPRESENTATIVE OF NAMIBIA

Vienna, 17 October 2016

Madam President,

1. I have the honour to speak on behalf of the Group of 77 and China. It is my pleasure to express our sincere congratulations on your election as the Chair of this 8th Session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. I also wish to extend our heartfelt felicitations to the members of the Bureau for their election. Rest assured of our full support and cooperation for the successful conclusion of this Session.

2. Let me also take this opportunity to thank the outgoing President of the Conference, H.E. Ambassador Cristian Istrate, the Permanent Representative of Romania, for his leadership during the past two years. I would also like to felicitate the Members of the Bureau of the seventh session for their active role and commitment over the last two years.

3. The Group also wishes to thank the Secretariat for the well-organized preparation of this Conference and for making documents available in a timely manner.

Madam President,

4. The United Nations Convention against Transnational Organized Crime (UNTOC) and the protocols thereto constitute the main legal instruments available to the international community in the fight against the serious and the growing problem of transnational organized crime. In this regard, we take note with satisfaction of the increasing number of ratifications of the UNTOC and the Protocols thereto, which testify to the collective will and commitment of Member States to strengthen cooperation in addressing this scourge. And within the same vein, we highlight the ratification of the convention by Barbados, the Democratic People's Republic of Korea, Palestine and Samoa, members of the Group, since the last conference of parties in October 2014.

5. We also acknowledge the efforts made by the Parties in promoting the implementation of the Convention and its Protocols and encourage all Parties to continue to strengthen such efforts.

Madam President,

6. Despite the best efforts of all involved parties, The Conference at its previous sessions could not reach consensus to finalize the terms of reference or design a model for a review mechanism to assist the States Parties in effectively implementing the Convention.

7. We would also like to express the appreciation of the Group to the efforts made by H.E. Ambassador Hussam AL-Husseini, the Permanent Representative of Jordan, in leading the process aiming at achieving the goal of the review mechanism throughout the last year, especially with regard to the last meeting of the intergovernmental working group held in June 2016, and the results that came out from it, which represents an important step on the road of getting us closer to the possible adoption of the review mechanism, and

leading to this conference. We look forward to a balanced outcome of the consultations during the Conference towards the adoption of such review mechanism, taking into account the text of the resolution 5/5.

8. Within this context, and while taking into consideration the text of the report of the intergovernmental meeting in June, the Group wishes to reiterate its position regarding the following elements, which need to be preserved in the efforts to establish such review mechanism:-

First, any review mechanism shall be fully consistent with the Convention, as well as with the principles and characteristics set out by the Conference in its Resolution 5/5.

Second, the mechanism should be based on a peer review.

Third, the mechanism shall be transparent, efficient, non-intrusive, intergovernmental, inclusive and impartial.

Fourth, the review mechanism shall be a tool to assist States Parties in identifying and substantiating specific needs to promote and facilitate the provision of technical assistance in order to strengthen international cooperation. Therefore, funding for such technical assistance, being a core element of the review mechanism, needs to be incorporated in the funding structure of such mechanism.

Fifth, the core elements of the review mechanism should be funded from the regular budget of the United Nations.

Madam President,

9. There are other important issues included in the agenda, which are of high value to the Group. We wish to highlight the importance of the work done by the open-ended intergovernmental Working Groups on Trafficking in Persons, Smuggling of Migrants, Trafficking in Firearms, Technical Assistance, and International Cooperation. We look forward to the examination of the conclusions of these working groups by the Conference, and their adoption for further follow-up and implementation and appreciate the continuous assistance of the working groups to the conference.

10. We wish to underscore that the full and effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, necessitates continuous enhancing of the capacity of States Parties. Any strategy to combat trafficking in persons should be comprehensive and integrated, taking into account the dimensions of prevention and effective law enforcement against this crime, as well as assistance to the victims, especially for the groups in vulnerable situation. In this context, due attention must be given to issues relating to trafficking in Persons for the purpose of removal of organs, to strengthen international cooperation, and to address issues pertaining to supply and demand as well as awareness-raising.

11. In this connection, we welcome the conclusions of the sixth meeting of the Working Group on Trafficking in Persons held in November 2015, and encourage their implementation.

12. We also welcome the outcome of the third meeting of the Working Group on Smuggling of Migrants held in November 2015, and in this regard, we share the recommendation of the Working Group that State Parties to the Convention and the protocol thereto, that are countries of origin, transit and destination of smuggled migrants, are encouraged to enhance cooperation in a comprehensive manner to develop effective measures to prevent the smuggling of migrants, including unaccompanied migrant children and adolescents, while ensuring the protection of the rights of smuggled migrants, regardless of their immigration status, nationality, gender, ethnicity, age or religion. We would also like to stress the belief that the relief of the negative burdens and aspects related to the smuggling of migrants could be further achieved by undertaking to facilitate the process of legal migration, an aspect that had repeatedly proven beneficial to both countries of origin and destination.

13. We also welcome the work of the Working Group on firearms to advise and assist the conference in fulfilling its mandate in relation to the Protocol on manufacturing of and trafficking in firearms, their parts

and components and ammunition. We reaffirm our concerns about growing production, transport and trade of illegal weapons, their parts, components and ammunition as one of the various manifestations of transnational organized crime. Traffickers have developed global networks that should be addressed through international cooperation, including at regional level, and the provision of technical assistance to state parties to facilitate the effective implementation of the protocol at the national level. In this regard, the Group highlights the need to fully implement the marking and record keeping requirements of the firearms protocol, and to establish and maintain record keeping systems of firearms and, where appropriate and feasible, their parts and components and ammunition, for the purpose of facilitating their traceability and facilitating international cooperation for the detection, investigation and prosecution of criminal offenses involving firearms. The Group would also like to welcome the outcome of the fourth meeting of the working group on firearms, that took place in Vienna last may.

Madam President,

14. We would like to reiterate our particular concern over the trafficking of cultural property and related offences, including the growing involvement of organized criminal groups in all forms and aspects of such crimes, which continues to inflict increasing damage on the cultural heritage of our nations and thus, to our identities. In this regard, we welcome the adoption of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, which took place during the 23rd Session of the Commission on Crime Prevention and Criminal Justice in May 2014, and its further adoption and integration through the United Nations Economic and Social Council (July 2014) and the General Assembly (October 2014). We wish to underline that those Guidelines represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences. For this purpose, we fully support the adoption of these Guidelines by the General Assembly. We also request the Secretariat to report to the Conference on measures taken or needed for implementation of the recommendations made by the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance in their joint discussion on cultural property, held on 18 October 2012, which were endorsed by the Conference in its resolution 6/1.

15. We would also like to express our serious concern over cyber-crime including the recently emerging trends, such as the intrusion into the national databases and telecommunication systems. At the same time, we would highlight the need for enhanced international cooperation to effectively counter this challenge. In this light, we welcome the General Assembly resolution 65/230 and attach great importance to the work of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cyber-crime and its Comprehensive Study, that examined the problem at the national, sub-regional, regional and international levels. We call upon the Conference to take further steps, through the open-ended intergovernmental expert group, to continue examining the problem of cyber-crime and the responses to it, for enhanced international cooperation and the provision of technical assistance and to propose new national and international legal responses to tackle this problem, taking into account the above mentioned comprehensive study and the comments to it.

16. We would also like to underscore the importance of the challenges posed by emerging forms of crime, such as illegal mining in precious metals, smuggling of petroleum and its derivatives, wildlife and forest crimes and fisheries related crimes that have a significant impact on the environment and the development of the States. Although, environmental issues are dealt with in different intergovernmental forums, crimes related to the protection of the environment need to receive proper attention from this Conference while avoiding institutional overlap and duplication of work. And, in that sense, the Group recalls the central role of the Convention on international trade in endangered species. We look forward to a productive discussion that responds to the call of the Doha Declaration for Member States to adopt measures for preventing and addressing effectively cases of such emerging forms crime.

17. We urge Member States to continue the analysis and exchange of information and practices relating to evolving forms of transnational organized crime with varying impacts at the regional and global levels, with a view to more effectively preventing and countering crime and strengthening the rule of law.

Madam President,

18. The Group also welcomes the joint discussion and the meetings of the Working Groups on Technical Assistance and International Cooperation that will be held within the framework of this Conference, and looks forward to their recommendations. The Group is strongly convinced that a constructive approach by all Member States will provide this forum with the necessary tools to promote the practical application of this Convention. We are firmly convinced of the importance of, and the concrete role played by those two groups.

19. In this regard, the Group reaffirms the need for enhancing international cooperation, particularly in the area of exchange of information, extradition, confiscation, seizure and repatriation of proceeds of crime and mutual legal assistance, in accordance with domestic legislation, with the aim to contribute to countering the threats posed by transnational organized crime.

20. The Group also firmly believes that technical assistance is a key and crosscutting issue throughout the Convention, and its provision is an essential part of its effective and efficient implementation of the Convention. In this context, we would like to reemphasize that in order to promote the implementation of the UNTOC, the requesting State Parties should be provided with technical assistance including through the UNODC, especially for the benefit of developing countries. To this end, appropriate funding mechanisms need to be developed. The Group also highlights the value of the expertise existing in developing countries in combating transnational organized crime.

21. In this line, we highlight once more the importance of adequate financial and administrative support for full, efficient and effective implementation of the activities assigned to the UNODC. Additionally, assuring a sufficient and stable funding to the Conference and to UNODC is essential to promote programmes and projects which, at the request of the benefiting country, provides the proper technical assistance to implement the Convention. Therefore, we reiterate that the core activities of the Office should be funded from the regular budget.

Madam President,

22. The Group acknowledges the increasing links between transnational organized crime and other illicit activities; including drug related crime, corruption, money laundering and illicit financial flows, as well as the links that, in some cases, exist with terrorist crimes and their financing. Accordingly the Group reaffirms the need for enhanced bilateral, regional and international cooperation in the area of exchange of information, extradition and mutual legal assistance, in accordance with domestic legislation and with the aim to contributing to countering the threat posed by transnational organized crime.

23. On the particular issue of prevention of terrorism, and in order to face this challenge, the Group calls for strengthening international responses, in accordance with national legislation inter-alia, through more effective implementation and application of the Convention, as well as all applicable regional and international counter-terrorism legal instruments. We call upon requested Member States to continue to assist requesting Member States with technical assistance to build capacity and strengthen cooperation at sub-regional, regional and international levels, in order to effectively respond to the new strategies employed by terrorist organizations. The Group strongly reaffirms that terrorism cannot and should not be associated with any religion, civilization, nationality or ethnicity, and reiterates that all efforts to counter it should be in line with international law, in particular the Charter of the United Nations, international human rights law, refugee and humanitarian law.

24. The Group expresses its serious concern over any form of ranking of Member States for the purpose of International cooperation in criminal matters, including, inter alia, trafficking in persons, terrorism, financing, money laundering, trafficking in firearms, migrant smuggling and other forms of organized crime as well as corruption. In this sense, it calls upon all Member States as well as other relevant regional and international Organizations to avoid such rankings and unilateral actions and sanctions that might weaken the international cooperation framework and Member States capabilities to fight against such crimes.

Madam President,

25. The Group welcomes the fruitful deliberations and discussions that took place during the successful 13th Crime Congress on Crime Prevention and Criminal Justice that took place in Doha, Qatar, April 2015. The Group takes this opportunity to reaffirms its commitment towards the objectives set forth by the Doha Declaration. In this endeavour, capacity-building support and the provision of adequate, long-term, sustainable, effective and demand driven technical assistance are of high importance, in collaboration with UNODC as an essential partner for the achievement of the provisions of this Declaration. Accordingly, sufficient, stable and predictable funding is necessary. The Group also highlights the importance of international cooperation, including South-South and triangular cooperation, to enhance capabilities of Member States to implement crime prevention and criminal justice programs.

Madam President,

26. The Group acknowledges that sustainable development and the rule of law are strongly interrelated and mutually reinforcing. In this regard, the Group welcomes the adoption of the 2030 Agenda for Sustainable Development. Within this context, the Group emphasizes the need for the full and effective implementation of the sustainable development goals.

Madam President,

27. This Session of the Conference is timely for reassessing our work. It comes at a time in which our world faces various challenges that needs all of our efforts and collaboration to deal with. It also presents a renewed opportunity to readdress the issue of an effective review mechanism to the convention. We believe that the outcome of this meeting will pave the way for better global responses and concerted actions in countering the challenges in the years ahead as well as in effectively implementing the Convention and its Protocols thereto.

28. Finally, the Group wishes you and the members of the Bureau success in your work.

Thank you, Madam President.