

中英文对照  
Chinese-English

# 联合国反腐败公约 及相关法律文件

The United Nations Convention Against Corruption  
and Other Relevant Legal Documents

外交部条约法律司 编译



法律出版社  
LAW PRESS CHINA

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## 编辑说明

2003年10月31日,联合国大会通过了《联合国反腐败公约》,这是通过国际合作打击腐败的首部国际法律文件,受到国际社会高度重视。在不到两个月的时间里,已有95个国家签署了公约。这既显示了各国致力于通过国际合作共同预防和打击腐败的政治意愿,也表明公约对国际反腐败斗争具有重要意义。

党中央和国务院高度重视我国的反腐败工作。为了加强反腐败的国际合作,我国政府派出代表团参加了公约谈判的全过程,对公约谈判的完成做出了积极贡献。2003年12月10日,外交部副部长张业遂代表我国政府签署了公约。

为便于我国立法、司法和相关政府部门以及学术单位研究公约,我们编译出版了这本《联合国反腐败公约及相关法律文件》。我们在本书中除收录公约文本、注释文件及联合国大会相关决议外,还编译了一些区域性反腐败法律文书,希望这些文件对研究公约、理解公约相关条款有所帮助。此外,为便于查阅并完整理解相关条款,我们还收录了所有文件的英文本,以供参考。

陈佩洁、田立晓、孙劲、胡斌、田妮、郭阳、周露露、刘小燕、肖丽等同志参加了本书的编译,田立晓、孙劲、刘小燕还承担了本书的统稿工作。在此对他们表示感谢。本书得以迅速出版得到法律出版社的大力支持和协助,谨致谢忱。

由于时间较紧,且编译水平有限,不妥之处,敬请广大读者批评指正。

编 者

二〇〇四年一月九日

# 在《联合国反腐败公约》 高级别政治签署会议上的发言

中国政府代表、外交部副部长 张业遂

(2003年12月10日,梅里达)

主席先生,

首先,我代表中国代表团祝贺您当选本次会议主席。我相信,在您的主持下,本次会议将取得圆满成功。我也愿借此机会对墨西哥政府为主办本次会议所做的努力,以及为各国代表团所做的周到安排表示感谢。

主席先生,

中国政府高兴地看到,经过各国两年多的努力,《联合国反腐败公约》顺利完成起草并由联合国大会通过,现已由本次会议开放签署。这是国际合作打击跨国腐败犯罪的一个里程碑。中国代表团对公约的诞生和会议的召开表示热烈祝贺。

腐败是人类社会经济和政治生活中的一颗毒瘤,它危害国家稳定,损害社会正义,严重威胁社会安定和可持续发展。

展。腐败资金的外逃使一国资源受到侵占,并使该国的经济发展受到破坏。腐败问题已经成为影响世界各国政治、经济和社会的跨国现象,只有充分而全面的国际合作才能对腐败予以有效控制和惩治。

正是基于这一认识,中国政府支持制定《联合国反腐败公约》这项重要的反腐败国际法律文书,并本着真诚合作、实事求是的精神参加了公约谈判的全过程,为公约的制定做出了积极贡献。

中国政府一贯重视反腐败。我们按照标本兼治、综合治理的方针,本着民主、公开、公平、公正的原则,采取立法、司法、执法措施预防和打击腐败并取得明显成效。在立法方面,中国正在建立和完善以教育、监督、制度并重的反腐败法律体系。在司法方面,中国司法机关加强对腐败案件的查处力度,对贪污腐败案件依法进行侦查、起诉和审判。在执法方面,各级政府部门普遍建立起公务人员行为规范,加强对官员依法行政和廉洁自律的约束。此外,中国的政府部门和执法机关鼓励并接受社会公众和舆论监督,建立了公众举报制度,加强社会公众参与反腐败斗争。现在,中国已经形成立法、司法、行政机关共同配合,政府、社会、个人共同参与的反腐败格局和良好氛围。中国政府愿意在预防和打击腐败方面加强与各国和国际组织的合作。

主席先生,

《联合国反腐败公约》是第一项全球性反腐败法律文书,形成了全球打击跨国腐败的共同接受的准则,确立了被转移他国的腐败资产返还的原则,并首次在国际一级建立

了预防和打击腐败并加强国际合作的机制。随着公约的问世,我们有理由相信,公约将为国际反腐败事业奠定坚实的法律基础,并将促进各国开展反腐败国际合作。当然,公约能否在反腐败方面真正发挥它应有的作用,关键取决于公约各项规定能否得到切实履行。中国政府认为以下四个方面对于公约的履行具有特别重要的意义:

第一,缔约国应在相互尊重主权和平等互利基础上显示真诚合作的政治意愿;

第二,缔约国应在司法协助、引渡、追回与返还腐败资产等方面开展有效的国际合作;

第三,缔约国应在预防腐败犯罪、追查和发现腐败资产转移方面积极交流与分享经验、信息和资料;

第四,应加强发展中国家在预防和打击腐败方面的能力建设并特别注重向发展中国家和经济转型国家提供技术和财政援助。

我们高兴地看到,本届会议期间将举行四次圆桌会议,讨论预防措施、社会参与、公约实施中的各国立法以及国际金融体系中的反腐败措施等问题。我们希望本次高级别政治签署会议能够促成公约的早日生效和切实履行。

主席先生,

各国代表聚会梅里达,参加此次签署会议,将再次向全世界发出明确的信号:国际社会不允许腐败现象破坏我们健全的肌体,不允许腐败现象损害国家、社会和人民的利益。

今天,在《联合国反腐败公约》开放签署的时刻,我将代

表中国政府签署公约。我愿在此重申,中国政府反腐败的决心是坚定的,加强反腐败国际合作的立场是明确的,我们愿与国际社会共同努力,为促进中国和世界各国的经济社会发展创造良好的环境,为促进人类文明的进步做出贡献!

谢谢!



# **Statement at High-level Political Conference for the Purpose of Signing the United Nations Convention Against Corruption**

*( Vice Foreign Minister H. E. Zhang Yesui of the People's  
Republic of China , Merida , 10 December 2003 )*

## **Mr. President,**

First of all, on behalf of the Chinese delegation, I wish to congratulate you on your election as the President of this Conference. I am confident that under your able steering, this Conference will be a complete success. I also wish to take this opportunity to express our thanks to the Mexican Government for what it has done to make this Conference possible and its thoughtful arrangements for all the delegations.

## **Mr. President,**

The Chinese Government is delighted to note that thanks to the efforts by all countries in the past two years or so, the *UN Convention Against Corruption* has been successfully drafted by the AD Hoc Committee and adopted by the UN General Assembly and is now open for signature at this Conference. This is a milestone in international cooperation against transnational offences of corruption. The Chinese delegation wishes to extend our warm congratulations on the Convention's coming into being and the convocation of this

Conference.

Corruption is an ulcer in the economic and political life of human society. It threatens national stability, undermines social justice and severely endangers social tranquility and sustainable development. State resources are eroded and economic development is disrupted when and where the flight of proceeds of corruption occurs. Corruption has become a cross-boundary problem affecting the political, economic and social life of every country in the world. It can only be effectively contained and punished through adequate and comprehensive international cooperation.

It is out of such consideration that the Chinese Government has been supportive of formulating this important international legal instrument against corruption, the *UN Convention Against Corruption*, and has participated in the whole process of negotiations in a sincere, cooperative and realistic spirit, thus positively contributing to the formation of the Convention.

The Chinese Government has always attached importance to fighting corruption. In accordance with the policy of addressing both symptoms and root causes with a coordinated approach and under the principles of democracy, openness, fairness and justice, we have taken legislative, judicial and law enforcement measures to prevent and combat corruption and have achieved marked results. On the legislative front, China is now developing and improving an anti-corruption legal system that attaches equal weight to education, supervision and institution-building. On the judicial front, the Chinese judicial authorities are intensifying efforts to tackle corruption cases as such cases are investigated, prosecuted and adjudicated according to law. On the law enforcement front, codes of conduct for public services have been set up at all levels of government departments to oblige

government officials to do better in administrating public affairs according to law, practicing self-discipline and preserving integrity and honesty. Besides, the Chinese Government and law enforcement agencies welcome and subject themselves to supervision from the community and public opinion. A public reporting system has been put in place to broaden public participation in the fight against corruption. At present, the anti-corruption campaign in China is featured with synergy among the legislative, judicial and administrative bodies and joint participation by the government, society and individuals. The Chinese Government is ready to enter into closer cooperation with other countries and international organizations to prevent and crack down upon corruption.

**Mr. President,**

The *UN Convention Against Corruption* is the first global legal instrument against corruption. It provides universally accepted norms for tackling transnational corruption, establishes the principle of returning the transferred proceeds of corruption to the original State Party, and, for the first time, sets up the mechanism at the international level to prevent and fight corruption and enhance international cooperation. With the Convention coming into being, we have every reason to be confident that the Convention will lay a solid legal foundation for the international efforts to combat corruption and promote international cooperation in this field. On the other hand, for the Convention to truly play its due role in countering corruption, the key point is that all its provisions must be implemented in good faith. The Chinese Government believes that the following four aspects are of particular importance for the implementation of the Convention.

First, States Parties to the Convention must show their political will for sincere cooperation on the basis of mutual respect for sovereignty, equality and mutual benefit;

Second, States Parties must conduct effective international cooperation in legal assistance, repatriation, recovery and return of the proceeds of corruption;

Third, States Parties must exchange and share experience, information and data on preventing acts of corruption, tracing and detecting transfers of proceeds of corruption; and

Fourth, more efforts must be taken to help developing countries build their capacities of preventing and fighting corruption. Special attention must be paid to providing technical and financial assistance to developing and transitional economies.

We are glad to see that on the sidelines of the Conference, four roundtable meetings will be held to discuss issues such as preventive measures, social participation, country legislative measures to implement the Convention and measures to fight corruption in international financial systems. We hope that this Conference will facilitate the early entry into force and earnest implementation of the Convention.

**Mr. President,**

By having delegates from different countries gathered here in Merida for this Conference for the Purpose of Signing the *UN Convention Against Corruption*, a clear signal is sent to the entire world once again, that is, the international community will not allow corruption to undermine our sound social fabric, nor will it allow corruption to damage the interests of states, societies and peoples.

Today, as the *UN Convention Against Corruption* is open for signature, I will sign the Convention on behalf of the Chinese Government. I wish to reaffirm the strong resolve of the Chinese

Government to fight corruption and our commitment to step up international anti-corruption cooperation. We are ready to work with the rest of the international community to create a sound environment in favor of the economic and social development of China and all the other countries and contribute to the advancement of human civilization.

Thank you.

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