

TELEGRAM

Foreign Service of the
United States of America

INCOMING

AMEMBASSY BRASILIA

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FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA IMMEDIATE 1760

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JUL 30 1976

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LIMITED OFFICIAL USE STATE 189070

FOL TEL SENT ACTION SECSTATE INFO USUN NEW YORK FROM
DTD 29 JUL 1976 QTE

LIMITED OFFICIAL USE GENEVA 6092

E.O. 11652: N/A
TAGS: ECOSOC EGEN
SUBJECT 61ST ECOSOC - ITEM 13 - ILLICIT PAYMENTS

REF: A. GENEVA 6072 AND BOND/FELDMAN TELECON B. STATE 187041

1. WE ARE OFFICIALLY SUBMITTING THE US TEXT JULY 29 PURSUANT TO
REFTELS.

2. G-77 MET AT LENGTH ON THIS SUBJECT MORNING OF JULY 29 AND
PRODUCED AN INFORMAL PAPER (GIVEN US IN CONFIDENCE) EMBODYING
THEIR PROPOSED AMENDMENTS TO OUR DRAFT. ORIGIN AND RATIONALE
OF THESE AMENDMENTS -- AND ABOVE ALL HOW HARD THEY MAY BE -- IS
STILL UNKNOWN. WE SHALL HAVE TO PROBE. A CONTACT GROUP IS
POSSIBLE TODAY.

3. FOLLOWING IS INFORMAL G-77 TEXT EMBODYING AMENDMENTS:

BEGIN TEXT

RECALLING GENERAL ASSEMBLY RESOLUTION 3514 (XXX) WHICH, INTER
ALIA, CONDEMNED ALL CORRUPT PRACTICES, INCLUDING BRIBERY, BY
TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND
OTHERS INVOLVED, IN VIOLATION OF THE LAWS AND REGULATIONS OF
HOST COUNTRIES, AND CALLED UPON ALL GOVERNMENTS TO EXCHANGE
INFORMATION AND FOR HOME GOVERNMENTS TO COOPERATE WITH HOST
GOVERNMENTS TO PREVENT CORRUPT PRACTICES, INCLUDING BRIBERY;

NOTING THE DECISIONS OF THE COMMISSION ON TRANSNATIONAL COR-
PORATIONS AT ITS 2ND SESSION TO FORWARD TO THE ECONOMIC AND SOCIAL
COUNCIL A PROPOSAL FOR AN INTERNATIONAL AGREEMENT WITH THE AIM
OF ELIMINATING ALL FORMS OF CORRUPT PRACTICES IN INTERNATIONAL
COMMERCIAL TRANSACTIONS;

NOTING FURTHER THE COMMISSION'S RECOMMENDATION THAT THE
COUNCIL CONSIDER THE MATTER OF CORRUPT PRACTICES ON A PRIORITY
BASIS AND TAKE APPROPRIATE ACTION AT ITS SIXTY-FIRST SESSION,

REAFFIRMING THE INALIENABLE RIGHT OF EACH STATE TO EXERCISE
FULL AND PERMANENT SOVEREIGNTY OVER ITS NATURAL RESOURCES,

1. DECIDES:

(A) TO ESTABLISH AN AD HOC INTERGOVERNMENTAL WORKING GROU
TO CONDUCT AN EXAMINATION OF THE PROBLEM OF CORRUPT PRACTICES IN
INTERNATIONAL COMMERCIAL TRANSACTIONS BY TRANSNATIONAL AND
OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED,
INCLUDING THE FEASIBILITY OF HAVING THE MATTER REGULATED BY AN
INTERNATIONAL AGREEMENT AIMED AT ELIMINATING
SUCH PRACTICES;

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(B) THAT THE AD HOC WORKING GROUP SHALL BE COMPOSED OF 18 MEMBERS SELECTED ON THE BASIS OF EQUITABLE GEOGRAPHICAL DISTRIBUTION;

(C) THAT THE AD HOC WORKING GROUP SHALL MEET IN 1976 AND AS NECESSARY IN 1977, THE SESSIONS TO BE OF SUFFICIENT DURATION TO PERMIT COMPLETION OF ITS TASK;

2. REQUESTS UNITED NATIONS AGENCIES AND BODIES, ESPECIALLY UNCITRAL, TO RENDER SUCH ASSISTANCE TO THE AD HOC WORKING GROUP AS IT MAY REQUEST;

3. REAFFIRMS THAT THE FORMULATION OF A CODE OF CONDUCT BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE GIVEN THE HIGHEST PRIORITY AND THAT CONSIDERATION OF AND ACTION BY THE COUNCIL IN THE MATTER OF CORRUPT PRACTICES SHALL IN NO WAY INTERFERE WITH OR DELAY THAT PRIORITY;

4. DECIDES FURTHER THAT THE AD HOC WORKING GROUP SHOULD SUBMIT A REPORT TO THE COUNCIL AT ITS SIXTY-THIRD SESSION CONTAINING THE RESULTS OF ITS WORK PURSUANT TO PARAGRAPH 1(A) ABOVE.

END TEXT ABRAMS UNQTE KISSINGER

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