



**INTERVENTION**

**BY**

**ADV. PRIYA BISESWAR**

**AT THE JOINT SESSIONS OF THE 12TH RESUMED IMPLEMENTATION  
REVIEW GROUP AND THE 15<sup>TH</sup> WORKING GROUP ON ASSET RECOVERY**

**06-10 September 2021**

**Vienna**

**Chairperson,  
Executive Director of the United Nations Office on Drugs and Crime,  
Distinguished delegates,  
Ladies and Gentlemen,**

I would like to express my Government's sincere appreciation to the Secretariat for its efforts in preparing for this Session.

My delegation equally welcomes the holding of the 12<sup>th</sup> Resumed Session of Implementation Review Group jointly with the 15<sup>th</sup> Session of the Working Group on Asset Recovery in light of the challenges identified during the review process of Chapter V of the United Nations Convention against Corruption, (UNCAC) such as the complex mutual legal assistance procedures, lack of mechanisms to recognise foreign title over stolen assets, non-recognition of confiscation, freezing and disposal of assets to its rightful owners, amongst others.

**Chairperson,**

South Africa has been consistent in calling for the unconditional return of stolen assets to their country of origin. To this end, we are encouraged by the adoption of the Kyoto Declaration by the 14<sup>th</sup> United Nations Crime Congress which expressly prohibits member states from unilaterally imposing conditions on returned assets. We concur with the position outlined in above-mentioned Declaration that returned assets should be used in line with domestic laws, taking into account national priorities, with a view to achieving the 2030 Agenda for Sustainable Development

In keeping with Chapter V, Articles 52 and 53 of the UNCAC, the Republic of South Africa continues to reap the benefit of implementing the Financial Intelligence Centre Act, (Act 38 of 2001) in the area of identification of proceeds of crime and other unlawful activities with a view to combating money laundering and deprive criminal of the proceeds of illicit activities.

## **Chairperson,**

As encapsulated in the Declaration by the Thirty Second United Nations' General Assembly Special Session on Corruption, (UNGASS on Corruption), the return of stolen or illicitly acquired assets to their rightful owners is a fundamental principle of UNCAC. It is for this reason, therefore, that member states are obliged to extend to one another the greatest measure of cooperation to achieve this objective.

We are pleased with the progress made by International Criminal Police Organization (INTERPOL), the Stolen Asset Recovery (StAR) Initiative, amongst others, in facilitating the detection, confiscation, preservation, and ultimate return of stolen assets to their country of origin or rightful owners.

In collaboration with the UNODC's Regional Office for Eastern and Southern Africa, my Government is actively engaged in the Asset Recovery Inter-Agency Network for Southern Africa, (ARINSA) to eliminate all safe havens in the region. We are grateful to the outstanding work done by Working Group on Asset Recovery and request UN member states to ensure that adequate funding is allocated to this working group to enable it to achieve its mandate.

In conclusion Chair, allow me to reiterate South Africa's unwavering commitment to the implementation of the provisions of the UNCAC as supplemented by the various political commitments as part of the country's international obligation in the fight against transnational organized crime as common and shared responsibility of all member states.

My delegation look forward to the constructive engagement of member states during the upcoming 9<sup>th</sup> Session of the Conference of the States Parties to the United Nations Convention against Corruption scheduled for 13 – 17 December 2021, Sharm El Sheikh, Egypt.

I thank you