



STATEMENT OF THE G-77 AND CHINA DURING THE AD HOC COMMITTEE FOR THE NEGOTIATION OF A CONVENTION AGAINST CORRUPTION, 7TH SESSION 29 SEPTEMBER - 1 OCTOBER 2003, DELIVERED BY H.E. AMBASSADOR ROBERTO ABDENUR, PR OF BRAZIL

Mr. Chairman,

On behalf of the G-77 and China let me first express our deepest condolences and sympathy to the family and friends of our former Chairman of the Ad Hoc Committee, Ambassador Hector Charry Samper, former Ambassador and Permanent Representative of Colombia, who suddenly passed away on the 6th of September 2003. His able leadership, invaluable experience and diplomatic skills have provided an important contribution to our main task regarding the negotiation of a United Nations Convention against Corruption.

The Group is pleased to see you presiding over the 7th session of the Ad Hoc Committee and wishes you success in your endeavours. We are confident that your experience would lead us to a successful and fruitful conclusion of this session and of the Convention against Corruption.

Mr. Chairman,

We have achieved a lot during the previous six sessions and the Group wishes to acknowledge the spirit of consensus that has been exhibited by all delegations even in the face of difficult choices. The shape of the draft Convention is now clear. It is a Convention that is strong in preventive measures but could not in a mandatory manner criminalize all acts of corruption. We still have the opportunity to improve the shape of this Convention at this session. It is in this context that the G-77 and China would like to make some comments regarding outstanding issues as follows:

As we have stressed during the 6th session, the Group dedicates the utmost importance to the issue of "return of assets" to the country of origin, and in this regard we hope that these outstanding definitional issues such as "illicitly acquired assets", "recovery of assets" and "affected state party" will be settled in accordance with the agreements reached in Chapter V during the 6th session.

In the context of the debate on the definition of corruption, the Group feels that the Convention should provide for the possibility of application to all acts of corruption included in Chapter III as well as to such acts as States Parties may criminalize or may have criminalized.

Regarding article 4 on protection of sovereignty, the Group wishes to express its support to the maintenance of this important issue in the present Convention, as a means to protect countries against arbitrary acts. This is in accordance with a fundamental principle of international law and practice.

With respect to article 42, paragraph 3, the Group emphasizes the need for the Convention itself to regulate the administration and return by the competent authorities of frozen, seized or confiscated property, proceeds of corruption and their prompt return to the country of origin, especially in the light of what has been decided in the relevant provisions in Chapter V finalized in the last Session.

The Group also firmly believes that a solution based on consensus can be attained regarding article 53 paragraph 9, which is of extreme importance to developing nations which seek the widest possible measures of international cooperation in matters covered by the Convention, particularly the recovery of proceeds of corruption, even in the absence of dual criminality. The Group also would like to underline that the efforts

being made by the informal working group on this matter, chaired by Nigeria, as a good basis towards finding a possible solution to this matter which is generally acceptable to all States.

The Group notes that the 6th session agreed to delete the concept of sharing of assets from the old Article 61. In this light, the Group believes that the Consistency Group should examine Article 75 paragraph C to clarify any possible conflict with Article 61.

In the context of Article 78 the Group urges all States, including Federal States, to ensure that the Convention becomes applicable to all their Sub-States and territories.

The Group also takes this opportunity to encourage States to indicate their political commitment to the Convention by being represented at high political levels during the High-level Political Signing Conference of the United Nations Convention against Corruption, to be held in Merida, Mexico from 9-11 December 2003.

Thank you Mr. Chairman.