



# Conference of the States Parties to the United Nations Convention against Corruption

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**Open-ended Intergovernmental Working  
Group on Asset Recovery**  
**Fifth Meeting**  
Vienna, 25 and 26 August 2011

## **Draft report**

### **I. Introduction**

1. In its resolutions 1/4 and 2/3, in which it established and continued the work of the Open-ended Intergovernmental Working Group on Asset Recovery, the Conference of the States Parties to the United Nations Convention against Corruption welcomed the conclusions and recommendations of the Working Group,<sup>1</sup> and noted with interest the background paper prepared by the Secretariat on the progress made on the implementation of those recommendations.<sup>2</sup>
2. In its resolution 3/3, the Conference requested the Working Group to consider the existing and developing body of studies for the development of best practices in asset recovery, including but not limited to, the studies of the Stolen Asset Recovery initiative.
3. Also in its resolution 3/3, the Conference decided that the Working Group shall continue its work to advise and assist the Conference in the implementation of its mandate on the return of the proceeds of corruption and shall hold at least two meetings prior to the fourth session of the Conference, within existing resources.

### **II. Organization of the meeting**

#### **A. Opening of the meeting**

4. The Open-ended Intergovernmental Working Group on Asset Recovery held its fifth meeting in Vienna on 25 and 26 August 2011.

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<sup>1</sup> CAC/COSP/WG.2/2009/3.

<sup>2</sup> CAC/COSP/2009/7.



5. The meeting of the Working Group was chaired by Eugenio Curia (Argentina). The Chair recalled the mandate of the Working Group, and stressed the importance of the United Nations Convention against Corruption as the first international instrument that contained a chapter on asset recovery. He noted that recent political events had given a new dynamic to the asset recovery debate, and that the issue of corruption had taken great significance in various fora in addition to the bodies established under the Convention against Corruption.
6. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) highlighted a series of activities that had been carried out to strengthen the international asset recovery agenda and the contribution of UNODC. He made reference to the knowledge products prepared with the Stolen Asset Recovery Initiative (StAR Initiative) and to the efforts directed to step up technical assistance. He stressed that asset recovery remained a challenging area both in practical and political terms, and underlined the benefit of an analysis of past experience drawn from both successful and unsuccessful asset recovery cases. He announced the launching of the “Tools and resources for Anti-Corruption Knowledge” (TRACK) on 1 September 2011, and stressed the potential advantages of the establishment of networks both of asset recovery focal points and central authorities for mutual legal assistance. Finally, the Director invited the Working Group to give consideration to the multi-year workplan proposed by the Secretariat.
7. In his statement, the representative of the Group of 77 and China conveyed the Group’s condolences to Argentina for the untimely demise of Mr. Ariel Walter González and recalled his important and valuable contribution to the work of intergovernmental bodies of the United Nations. He was joined by numerous speakers in expressing appreciation and recognition of the work of the late Argentinean delegate. He stressed that the Group of 77 and China had taken note of the report of the meeting of the fourth meeting of the Working Group on Asset Recovery held on 16 and 17 December 2010, which reiterated that the return of assets was a fundamental principle of the Convention. He underlined the essential importance of international cooperation between law enforcement authorities. He noted that technical assistance in preparing a case, enhancing capacity of the criminal justice system as well as increased international commitment and mutual confidence in facilitating asset recovery were key to success. He called on States parties to afford one another the widest measures of mutual legal assistance, especially for the benefit of developing countries. He urged all States parties to facilitate the return of assets, and to enhance capacity of freezing, seizing and confiscating assets. Finally, he stressed the importance of preparing States for the review of the implementation of chapter V in the second phase of the Review Mechanism, to commence in 2015.
8. Stressing the impact of money-laundering with the growth of the global economy, one speaker informed the Working Group on various actions undertaken to combat money-laundering, including through legislation, strengthening the capacity of authorities in charge of investigation, freezing and confiscation of assets, and reforming the judiciary with a view to enhancing its capacity and effectiveness.

## **B. Adoption of the agenda and organization of work**

9. On 25 August, the Working Group adopted the following agenda:
  1. Organizational matters:
    - (a) Opening of the meeting;
    - (b) Adoption of the agenda and organization of work.
  2. Implementation of resolution 3/3 of the Conference of the States Parties and of the recommendations of the Working Group.
  3. Asset recovery in practice: analysing asset recovery cases.
  4. Networks for effective asset recovery.
  5. Consideration of a multi-year workplan.
  6. Adoption of the report.

## **C. Attendance**

10. The following States parties to the Convention were represented at the meeting of the Working Group: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belgium, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Liechtenstein, Malaysia, Mauritius, Mexico, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Serbia, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.
11. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.
12. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Ireland, Japan, Sudan, Syrian Arab Republic.
13. The following observer State, was also represented: Oman.
14. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.
15. The following United Nations Secretariat Unit, institute of the United Nations Crime Prevention and Criminal Justice Programme network and specialized agencies of the United Nations system were represented by observers: Department of Peacekeeping Operations, Office of Internal Oversight Services, Office of the United Nations High Commissioner for Human Rights, United Nations High Commissioner for Refugees, United Nations Interregional Crime and Justice

Research Institute, Basel Institute on Governance, Korean Institute of Criminology, World Bank, World Intellectual Property Organization.

16. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Egmont Group Secretariat, European Law Enforcement Agency, Grupo de Acción Financiera de Sudamérica, International Anti-Corruption Academy, International Criminal Police Organization, International Organization for Migration, Organisation for Economic Cooperation and Development, Organization for Security and Cooperation in Europe.

17. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

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