



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
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Draft report

Addendum

V. Networks for effective asset recovery

1. A representative of the Secretariat introduced document CAC/COSP/WG.2/2011/3, entitled “Towards an effective asset recovery regime: networks”, which provides an overview of global and key regional networks and how they support the asset recovery process, as well as an initial analysis of the composition of these networks. He noted that while policy issues and cooperation prior to submission of formal mutual legal assistance requests were well covered at both the global and regional levels, only regional networks dealt with formal mutual legal assistance requests. The specific analysis of the asset recovery focal points designated under the United Nations Convention against Corruption revealed that 35 percent of these focal points were the also the central authorities notified in accordance with article 46 (13) of the Convention, 19 percent were anticorruption agencies, 16 percent overlapped with the StAR/INTERPOL focal points, and that the remaining 30 percent came from a wide variety of agencies and ministries.

2. A representative for the Europol Criminal Assets Bureau provided to the Working Group an overview of the recent European Union (EU) Council Decision on Asset Recovery Office(s) 2007/845/JHA. This decision required EU countries to set up or designate one or two asset recovery offices for mutual cooperation and exchange of information and good practices and created a legal framework within the EU for CARIN (Camden Asset Recovery Inter-agency Network). With 58 members, CARIN aimed at increasing the effectiveness of its members’ efforts on a multi-agency basis, in depriving criminals of their illicit profits, and adds an operational part to legal framework of confiscation of proceeds of crime. The representative noted that its activities and successes had inspired the establishment of other regional networks, such as ARINSA (Asset Recovery Inter-Agency



Network of Southern Africa) and RRAG (Red de la Recuperación de Activos de GAFISUD).

3. A representative for GAFISUD (Grupo de Acción Financiera de Sudamerica) provided an overview of the work of RRAG, a network initiated in 2009 by GAFISUD, UNODC and CIDAD/OAS to enable and facilitate the informal exchange of information in order to improve asset recovery mechanisms. 12 States had designated two representatives each to the RRAG. RRAG aimed at establishing a link between the requesting authority and the agency or authority able to access the information. Since October 2010, RRAG provided also a secure electronic platform.

4. A representative for the Egmont Group of Financial Intelligence Units (FIUs) presented an overview of the characteristics of the Egmont Group which comprised 127 different jurisdictions as members and aspired to become global. Since its establishment in 1995 the Egmont Group, had been a non-political, voluntary and international entity of operational FIUs committed to provide a common forum to improve cooperation in the effective exchange of information to combat money-laundering and terrorist financing, and foster the implementation of domestic programs and promoting the development of effective FIUs. He also stressed the informal and purely voluntary character of the Egmont Group and the importance of the secure, confidential Egmont website to allow timely exchange of intelligence between members.

5. A representative of the StAR Initiative presented the StAR/INTERPOL Asset Recovery Focal Points Initiative, which consisted primarily of law enforcement officers and investigators with expertise in the area of asset recovery. The representative noted that the number of members has reached 85 in July 2011. She further provided an account of the second meeting of the StAR/INTERPOL focal points in July 2011, in Lyon, France, attended by over 100 participants from 52 countries. The representative stressed that the Lyon meeting provided an opportunity to practitioners to have bilateral, confidential contacts and discuss asset recovery cases, which proved beneficial to the development of ongoing cases.

6. In the ensuing discussion, speakers reiterated their support for the creation of a global network of asset recovery focal points, as reflected in resolution 3/3 of the Conference of the States Parties and the relevant recommendations of the Working Group. Informal contacts were considered paramount for successful international cooperation in asset recovery. All speakers recognized the usefulness of networks for building trust and confidence between requesting and requested States, collecting information at the stage before a formal mutual legal assistance request was being submitted, thus contributing to successful mutual legal assistance requests. It was agreed that focal points cooperating in such networks should be specialized practitioners from law enforcement agencies and the judiciary with adequate experience and training.

7. Speakers welcomed the work undertaken to date to establish asset forfeiture and asset recovery networks. It was recognized that existing networks had different constituencies with regard to the represented institutions and different regional coverage. Further, they had different thematic scopes, as some were targeting the proceeds of corruption and some the proceeds of all crimes. It was further noted that certain existing networks provided their members with secure channels of

information exchange, while others relied on established communication platforms. With regard to regional networks, the possibility of linking them to each other and to a possible future global network was mentioned. In the establishment of regional networks, the specificities of States had to be taken into account and it was emphasized that not all regions may require regional networks. One speaker noted that the existence of diverse networks presented challenges for practitioners in finding the right counterparts and suggested that practitioners should be trained on the terms of reference and use of such networks. Speakers agreed that duplication of efforts in the establishment of networks should be avoided. In this context, one speaker highlighted that FATF and the FATF-style regional bodies could only assume jurisdiction over their members.

8. A number of speakers welcomed the StAR/Interpol Asset Recovery Initiative, and one speaker considered it sufficient as the global network of asset recovery focal points requested in resolution 3/3. Other speakers stressed that the global asset recovery focal point network under the UNCAC as requested by resolution 3/3 was still to be established and the operational functioning of this network was still to be discussed. They further stressed that the mandate of the global network should be to assist in asset recovery as reflected in chapter V of the Convention and specifically in preparing high-quality mutual legal assistance requests to this effect. The global network was to be established and administered under the auspices of the United Nations Secretariat and in the framework of the Conference of the States Parties to UNCAC. It was suggested to set up a meeting of the asset recovery focal points designated according to resolution 3/3 within the context of the Open-ended Intergovernmental Working Group on Asset Recovery.

9. Speakers urged States parties that have not yet done so to nominate their asset recovery focal points and their central authorities for mutual legal assistance as foreseen under article 46 paragraph 13 of the Convention.

VI. Consideration of a multi-year workplan

10. [...]

VII. Conclusions and recommendations

11. The Working Group took note of the development of the illicit enrichment study by the StAR Initiative, and called upon States parties to provide comments and suggestions to the StAR Initiative by 30 September 2011, thus contributing to the finalization of the study.

12. The Working Group called upon States parties to afford one another the widest possible mutual legal assistance, especially for the benefit of developing countries and to facilitate the return of assets, and to enhance capacity of freezing, seizing and confiscating assets.

13. The Working Group 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, and encouraged States parties to use the self-assessment

checklist as a way to assess their efforts and identify further steps to be undertaken to implement Chapter V of the Convention.

14. The Working Group appreciated presentations of new legislation on asset recovery adopted by States parties in compliance with the Convention and recommended that the Secretariat strive to foster further to reiterate such pragmatic approach at future sessions.

15. Highlighting the importance of learning from past experience, the Working Group requested the Secretariat to continue its work on collecting and systematizing asset recovery cases, as well as preparing an analytical study of such cases, building on relevant experience of the office.

16. The Working Group called on States to provide cases, both successful and unsuccessful, to the Secretariat to strengthen its ability to carry-out analytical work.

17. The Working Group noted the importance of providing a forum for discussions on cases. In this connection the Working Group recommended that States Parties prepare to conduct such discussions at the fourth session of the Conference of the States Parties.

18. Further discussion will be necessary at the 4th session of the Conference of the States Parties to the United Nations Convention against Corruption to determine the modalities for establishing a global network of UNCAC Asset Recovery Focal Points without duplications with existing networks and in full recognition of their usefulness.

19. The Working Group urged States Parties that have not yet done so to designate the asset recovery focal points and Central Authorities for mutual legal assistance.

20. [..]

VIII. Adoption of the report

21. On 26 August 2011, the Working Group adopted the report on its meeting (CAC/COSP/WG.2/2011/L.1 and Add.1-3).
