



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

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**Open-ended Intergovernmental  
Working Group on Asset Recovery**

Vienna, 27 and 28 August 2007

**Draft report**

*Chairman:* Dominika Krois (Poland)

**Addendum**

**III. Implementation of the mandate on asset recovery of the  
Conference of the States Parties to the United Nations  
Convention against Corruption**

**C. Facilitating the exchange of information between States, the  
exchange of ideas on the expeditious return of assets and  
identifying the capacity-building needs**

28. Several speakers highlighted the importance of national focal points for asset recovery, as they were considered particularly helpful in facilitating guidance and further contacts for requests within national systems. A number of speakers suggested the establishment of a network of focal points, which could be operational 24 hours a day. One speaker suggested increasing the number of liaison officers.

29. Several speakers underscored the importance of mutual legal assistance and suggested the adaptation of the UNODC mutual legal assistance request writer tool to the specificities of asset recovery. Complementing the discussion on practical guidelines, a number of speakers supported the development of a practical handbook or manual laying out the operational steps of asset recovery.

30. Several speakers felt that asset recovery was a costly exercise and unlikely to be successful without the involvement of experts from the private sector. While those speakers pointed out that simplifying overly complex legal procedures could help keep costs within reasonable limits, they were in agreement in their concern that Governments would not be able to achieve successful results in a short period of time. Those speakers supported the offering of assistance to requesting and requested States in order to provide them with the necessary expertise. One speaker



expressed concern about the extent of the involvement of the international community in actual cases.

31. Several speakers recognized the urgent need to provide training to personnel of the authorities responsible for asset recovery, especially in the tracing, seizure and confiscation of assets. Such training should also include information on the legal framework governing the management of the assets. One speaker suggested preparing a checklist on the costs and problems of the administration of seized property and educating the public on the use made of recovered assets.

#### **D. Building confidence and encouraging cooperation between requesting and requested States**

32. Several speakers elaborated on the need to build trust between the authorities of requesting and requested States. The above-mentioned network of focal points was considered helpful for building such trust. One speaker suggested creating a forum whereby the focal points could meet on a regular basis.

**E. [...]**

**F. [...]**

#### **IV. Conclusions and recommendations**

33. The Working Group recommended the establishment of a database containing domestic legislation on implementing the asset recovery provisions of the Convention against Corruption as a practical tool to be used in asset recovery cases. The Working Group noted that much of the information to be contained in that database was already being collected by UNODC through self-assessment reports and responses to the questionnaires on the United Nations Convention against Transnational Organized Crime. Additional information could be drawn from a number of national and multilateral sources, including the Asian Development Bank and Organization for Economic Cooperation and Development Anti-Corruption Initiative for Asia and the Pacific, the Commonwealth Secretariat and the International Centre for Asset Recovery of the Basel Institute on Governance. The database could also include the text of judicial decisions rendered in asset recovery cases and a compendium of all instances in which provisions of the Convention were used in asset recovery proceedings.

34. The Working Group indicated that it would be useful to analyse legal and regulatory frameworks, determine basic evidentiary requirements under domestic law and prepare model provisions. States parties should explore the possibility of going beyond implementation of the purely mandatory requirements of the Convention. In that context, a proposal to develop a non-conviction-based asset forfeiture model law was submitted for further consideration by the Conference of the States Parties.

35. There was general agreement that more guidance was needed on how to operationalize the asset recovery provisions of the Convention against Corruption.

In that connection, the Working Group considered recommending to the Conference of the States Parties, at its second session, the development of practical guidelines to assist States in recovering stolen assets. Those guidelines should assist in speeding up and simplifying international procedures. Furthermore, the Working Group discussed the feasibility of developing a model bilateral agreement on international cooperation for asset recovery, in accordance with article 59 of the Convention.

36. The Working Group recommended expanding the UNODC mutual legal assistance request writer tool to include ways of appropriately formulating requests for asset recovery.

37. The Working Group recommended preparing a synopsis of all the various initiatives on asset recovery, expanding on the information contained in document CAC/COSP/WG.2/2007/2 and including information on contact points, specialization and concrete areas of work. It was agreed that such a synopsis would be useful when embarking on the operational aspects of asset recovery.

38. The Working Group recommended that a practical handbook for asset recovery should be drawn up by the Secretariat, following the asset recovery process step by step from detection to the return of the assets.

39. The Working Group considered a variety of specific measures in the area of combating money-laundering that could be useful in preventing proceeds from being sent abroad and in the tracing, seizure, freezing and confiscation of stolen assets. One proposal involved gathering information on specific types of money-laundering cases related to corruption.

40. It was emphasized that there was a need for informal channels of communication and cooperation, either prior to making a formal request for mutual legal assistance or in cases where no formal request was required. In particular, the Working Group stressed the need to make effective use of cooperation with law enforcement agencies and financial intelligence units, while recognizing the role of the judiciary in international cooperation procedures to ensure accountability and due process. At the domestic level, the Working Group recommended close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units. Regular meetings could enhance possibilities for asset recovery.

41. The Working Group noted the need to increase the responsibility of financial institutions and the financial intelligence units overseeing them, including through introducing measures to prevent or deal with, as appropriate, failure to report threshold or suspicious transactions.

42. The Working Group highlighted the need for the fast-tracking of asset seizure, freezing and confiscation procedures. To the extent possible, States should act speedily on foreign requests for asset confiscation in order to prevent the assets from being transferred to another destination. At the same time, the Working Group emphasized the importance of respecting the rule of law in all asset recovery procedures.

43. The Working Group recommended to the Conference of the States Parties the establishment of a global network of focal points on asset confiscation and recovery, which should be operational 24 hours a day. The Working Group also suggested that administrative arrangements be explored for the management of such a network,

perhaps in the context of developing the partnership of UNODC with the World Bank and other organizations as appropriate.

44. The Working Group recognized the paramount importance of training and capacity-building in the area of international cooperation, particularly with regard to asset recovery. In that connection, the Working Group recommended the organization of annual meetings of asset recovery focal points, experts and competent authorities as a forum for peer training, exchange of knowledge, information-sharing and networking. It was agreed that such meetings would, at the same time, contribute to building a relationship of trust among practitioners.

45. A number of speakers expressed support for the proposal by the representative of Egypt on the establishment of a consultative mechanism (see para. 16 above). Other speakers expressed the view that, although the proposal was interesting, it required further thought. The representative of Egypt clarified that it was intended to be an initial proposal that could evolve based on feedback received from other delegations.

## **V. Adoption of the report of the Working Group**

46. On 28 August, the Working Group on Asset Recovery adopted the report on its first meeting (CAC/COSP/WG.2/2007/L.1 and Add.1).

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