



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

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Draft report

Addendum

III. Overview of progress made in the implementation of asset recovery mandates

1. The Secretariat provided an overview of the progress made in the implementation of the asset recovery mandates with reference to document CAC/COSP/WG.2/2013/3. With regard to the development of cumulative knowledge, various databases with asset recovery knowledge existed including the knowledge portal developed by UNODC known as TRACK and the Asset Recovery Watch developed by the StAR Initiative. Several knowledge products developed by StAR had been finalized, including a study on settlements and their impact on asset recovery to be presented during the fifth session of the Conference and the draft of the Asset Recovery Cases Digest which would be circulated for comments, as well as the Mutual Legal Assistance Request Writer Tool with asset recovery features. UNODC had revised the self-assessment checklist for chapters II and V.

2. A number of speakers emphasized progress made in the implementation of relevant provisions of the Convention, and reported on successful examples of asset recovery cases. Information on recent national reforms and initiatives and experience with regard to practical aspects of assets recovery was presented. A number of States parties reported on new innovative legislation and highlighted tools for enhancing inter-institutional and international cooperation. Many speakers made reference to their use of asset recovery networks and the role of their central authorities for mutual legal assistance.

3. A number of speakers considered that only limited recoveries had been achieved so far and addressed the importance of political will on both sides to overcome barriers to asset recovery. Among other challenges noted was the insufficient complementarities and understanding of the legal requirements of involved jurisdictions. In this context, speakers referred to the role of databases



which should contain up-to-date, accurate information on the legislation and requirements of States parties. The country guides developed by the Group of Eight and the Group of Twenty were considered useful tools for orientation. Some speakers thought that the requirements for mutual legal assistance in asset recovery could be further analysed with a view to their eventual harmonization.

4. Speakers stressed the importance of mutual trust and treating international cooperation partners in an equal and respectful manner. One speaker recommended to make use of mechanisms to share expenses in asset recovery cases.

5. Speakers also commended a number of important initiatives aimed at promoting international asset recovery efforts at regional level. In this context, the first Arab Forum on Asset Recovery organized by the State of Qatar in cooperation with the United States of America's presidency of the G8 and supported by the StAR Initiative was welcomed. Speakers informed the Group that the second Forum was scheduled to take place in October 2013.

IV. Forum for advancing practical aspects of asset recovery, including challenges and good practices

6. A representative of Switzerland presented a draft federal act on the freezing and restitution of assets of politically exposed persons obtained by unlawful means. He explained that the new act was intended to codify the existing practice and to complement the existing legal framework. He pointed out the innovative nature of the act which would send a clear signal about the will to fight the abuses of the country's financial centres.

7. A representative of Spain presented a white paper on best practices in asset recovery prepared by the "Centros de Excelencia en Recuperación de Activos y Formación" (CEART). The project was carried out in cooperation between academic institutions, EUROPOL and the Asset Recovery Offices of various European countries in a participatory process which made use of innovative technology such as cloud computing. As a result, capacity in the participating institutions was developed and best practices were identified.

8. Other speakers gave an overview of national anti-corruption strategies, legislative projects and recent experiences in asset recovery and money-laundering cases. Several speakers emphasised the challenges faced by asset recovery efforts and underlined the need for cooperation and trust-building. Further challenges identified were the complex nature of financial investigations and detailed requirements for the identification of banking information in some jurisdictions. It was noted that the Convention can serve as the legal basis for mutual legal assistance and States were encouraged to provide mutual legal assistance on this basis. Fast track seizure and freezing mechanisms were considered paramount for the success of asset recovery cases in the early stages. One speaker called for the development of specific rules that take into account countries in exceptional circumstances such as in situations of radical political change.

9. The coordinator of the Stolen Asset Recovery Initiative (StAR) explained that while StAR had previously concentrated on developing knowledge products, it was now taking stock of what had been done and the focus was shifting towards translation and dissemination of these products.