



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

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## Working Group on Asset Recovery

### 11th meeting

Vienna, 24-25 August 2017

## Report on the meeting of the Working Group on Asset Recovery held in Vienna on 24 and 25 August 2017

### I. Introduction

1. In its resolutions 1/4, 2/3, 3/3, 4/4, 5/3, 6/2 and 6/3, the Conference of the States Parties to the United Nations Convention against Corruption established and continued the work of the open-ended intergovernmental Working Group on Asset Recovery.
2. In addition, in its resolution 6/2, the Conference directed the Working Group to (a) initiate the process of identifying best practices for identifying victims of corruption and the parameters for compensation; (b) initiate the process of identifying best practices and developing guidelines for proactive and timely sharing of information to enable States parties to take appropriate action, in accordance with article 56 of the Convention; (c) collect information, with the support of the Secretariat, regarding States parties' use of settlements and other alternative mechanisms and analyse the factors that influence the differences between the amounts realized in settlements and other alternative legal mechanisms and the amounts returned to affected States, with a view to considering the feasibility of developing guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties and effective return; and (d) report its findings on each of these matters to the Conference of the States Parties at its next session, with the support of the Secretariat.

### II. Organization of the meeting

#### A. Opening of the meeting

3. The Working Group on Asset Recovery held its eleventh meeting in Vienna on 24 and 25 August 2017.
4. The meeting of the Working Group was chaired by Friedrich Däuble (Germany). In opening the meeting, the Chair recalled the mandate of the Working Group and referred to resolution 6/2, on facilitating international cooperation in asset recovery and the return of proceeds of crime, and resolution 6/3, on fostering effective asset recovery, adopted by the Conference at its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015.



5. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime welcomed Japan as the most recent State party to the Convention. He made reference to the adoption of the Sustainable Development Goals which created new momentum for asset recovery, and briefed the Group on recent developments. Networks of practitioners for asset recovery had been strengthened and new ones had been formed, in particular ARIN-CARIB (Asset Recovery Inter-Agency Network for the Caribbean) that had been inaugurated in early 2017. While important challenges remained, a number of activities and initiatives were undertaken to address them. UNODC's work on the management and disposal of seized and confiscated assets continued, with a view to identifying good practices. The second cycle of the Implementation Review Mechanism provided an opportunity to States parties to thoroughly review their legal and institutional frameworks for asset recovery and request technical assistance to address their needs. UNODC, especially through the Stolen Asset Recovery (StAR) Initiative, in partnership with the World Bank, provided technical assistance in all regions, and the Director expressed the readiness of the Office to continue assisting States parties in the full implementation of Chapter V of the Convention.

6. The Secretary of the Working Group introduced the topics for the Group's thematic discussions: Proactive and timely sharing of information, in accordance with article 56 of the Convention and good practices for identifying victims of corruption and the parameters for compensating them, including as part of the disposal of recovered assets. He provided an overview of the documentation prepared to support the discussion. The Secretary noted that asset recovery continued to be high on the political agenda and had gained new momentum, especially following the adoption of the Sustainable Development Goals and the Addis Ababa Action Agenda. Asset recovery was therefore being discussed in a number of international forums and several United Nations bodies, such as the General Assembly and the Human Rights Council. The Secretary urged States parties to strive for consistency and coordination in these discussions by recalling the unique character of the Convention as the only legally binding international instrument against corruption and the authoritative international legal framework for asset recovery.

7. The representative of Angola, speaking on behalf of the African Group, highlighted asset recovery as a fundamental pillar of the Convention and attached great importance to the unconditional return of assets to the countries of origin in accordance with the Convention, in particular in light of the right to development. The speaker welcomed recent international events on asset recovery and the fight against illicit financial flows and recalled the Addis Ababa Action Agenda. Making reference to the mandates given by the Conference in its Resolution 6/2, he highlighted that in the context of settlements and other alternative mechanisms, the development of guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties and effective return would assist States parties in their efforts. He expressed the serious concern of the Group about the weaknesses of international cooperation and information-sharing as well as continuing barriers to asset recovery at the technical and political levels. He called upon all requested States parties to commit political will and reform national systems with a view to supporting the recovery and swift return of stolen assets and highlighted the need to provide technical assistance for requesting States.

8. The representative of the European Union highlighted the importance of a sound national confiscation policy for the functioning of international asset recovery. He expressed support for the Addis Ababa Action Agenda and highlighted that returned assets should be used in a transparent manner and contribute to sustainable development. He made reference to the Fourth Anti-Money-Laundering Directive of the European Union, the Confiscation Directive and a new legislative proposal by the European Commission on the mutual recognition between Member States of freezing and confiscation orders. He informed the Group that the possibility of a further legal instrument is being considered to broaden the scope for accessing centralized bank and payment account registers, including by anti-corruption agencies and asset

recovery offices. The speaker also made reference to the Council of the European Union Resolution on a model agreement for setting up joint investigation teams and the initiative on practical guidelines for efficient asset recovery. At the operational level, the European Commission facilitated the cooperation between the States members of the European Union by supporting the European Union Asset Recovery Offices Platform with the EUROPOL SIENA Secure message system, and the Camden Asset Recovery Inter-Agency Network.

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

9. On 24 August 2017, 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. Overview of progress made in the implementation of asset recovery mandates.
  3. Forum for advancing practical aspects of asset recovery, including challenges and good practices.
  4. Thematic discussions:
    - (a) Proactive and timely sharing of information, in accordance with article 56 of the Convention;
    - (b) Good practices for identifying victims of corruption and the parameters for compensating them, including as part of the disposal of recovered assets.
  5. Forum for discussions on capacity-building and technical assistance.
  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, Algeria, Angola, Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Malaysia, Mauritius, Mexico, Morocco, Myanmar, Namibia, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Switzerland, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and 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 United Nations programmes and funds, institutes of the United Nations Crime Prevention and Criminal Justice Programme Network and specialized agencies of the United Nations system were represented by observers: United Nations Environment Programme, United Nations Interregional Crime and Justice Research Institute and the World Bank.

13. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Commonwealth of Independent States, International Anti-Corruption Academy, International Criminal Police Organization, International Institute for Democracy and Electoral Assistance.

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