



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, 16–18 November 2020

Annotated provisional agenda

Provisional 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. Practical aspects of asset recovery, including trends, challenges and good practices.
4. Thematic discussions:
 - (a) Continuation of the discussion on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V;
 - (b) Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems.
5. Technical assistance.
6. Adoption of the report.

Annotations

1. Organizational matters (a) Opening of the meeting

The meeting of the Open-ended Intergovernmental Working Group on Asset Recovery will be opened on Monday, 16 November 2020, at 3 p.m., at the Vienna International Centre, M-Building, Plenary Room M. Subject to developments relating to the COVID-19 pandemic, it is currently planned that the meeting will be held in a hybrid format (in person and online).

* Reissued for technical reasons on 2 November 2020.



(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with resolution 8/9, entitled “Strengthening asset recovery to support the 2030 Agenda for Sustainable Development”, and resolution 8/1, entitled “Strengthening of international cooperation on asset recovery and of the administration of frozen, seized and confiscated assets”, and in line with the recommendations agreed on by the eighth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (see [CAC/COSP/EG.1/2019/4](#)). It was also prepared in accordance with the guidance contained in the workplan for the subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption, adopted by the Conference of the States Parties at its eighth session, and the subsequent recommendation of the Bureau of the Conference, in order to enable agenda items 2, 3, 4 and 5 to be considered jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting.

In its resolution 8/9, the Conference welcomed the outcome of meetings of the Open-ended Intergovernmental Working Group on Asset Recovery, and requested the Working Group to develop a new multi-year workplan to continue its analytical work during the period 2020–2021, designating specific agenda items to be discussed as the main topic for each meeting. The Working Group will have before it for its consideration and adoption a proposed workplan to structure its activities (see [CAC/COSP/WG.2/2020/2](#)).

Documentation

Note by the Secretariat on the proposed workplan of the Open-ended Intergovernmental Working Group on Asset Recovery, 2020–2021 ([CAC/COSP/WG.2/2020/2](#))

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

The mandate of the Working Group, as set out in Conference resolution 1/4, consists of the following functions:

- (a) Assisting the Conference in developing cumulative knowledge in the area of asset recovery;
- (b) Assisting the Conference in encouraging cooperation among relevant existing bilateral and multilateral initiatives, and contributing to the implementation of the related provisions of the Convention;
- (c) Facilitating the exchange of information by identifying good practices and disseminating them among States;
- (d) Building confidence and encouraging cooperation between requesting and requested States by bringing together relevant competent authorities and anti-corruption bodies and practitioners involved in asset recovery and the fight against corruption and by serving as a forum for them;
- (e) Facilitating the exchange of ideas among States on the expeditious return of assets;
- (f) Assisting the Conference in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of transfers of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery.

In its resolution 8/1, the Conference requested the Secretariat, within available resources, to provide assistance to the Open-ended Intergovernmental Working Group on Asset Recovery in the discharge of its functions, including through the provision of interpreting services in the six official languages of the United Nations.

This agenda item will be discussed together with item 4 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at a joint meeting.

Documentation

Note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2020/3)

3. Practical aspects of asset recovery, including trends, challenges and good practices

At its previous meetings, the Working Group noted the importance of providing a forum for discussing the practical aspects of asset recovery, including challenges and good practices. In addition, it expressed its appreciation for presentations on new legislation on asset recovery adopted by States parties in compliance with the Convention against Corruption and recommended that the secretariat strive, at future meetings, to foster such pragmatic approaches.

Furthermore, in its resolution 8/9, the Conference requested the Secretariat and invited the Stolen Asset Recovery Initiative to, inter alia, collect information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned; report on the findings to the Working Group and the Conference at their next sessions; and update the Asset Recovery Watch database.

States parties may wish to come prepared to discuss their good practices and are encouraged to share them with the secretariat in advance, together with relevant documentation, for dissemination on the relevant page of the United Nations Office on Drugs and Crime (UNODC) website.

To support the discussion under agenda item 3, the secretariat will brief the Working Group on the progress made by it and the Stolen Asset Recovery Initiative (StAR) in collecting information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned, pursuant to Conference resolution 8/9.

Agenda item 3 will be discussed together with item 4 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at a joint meeting.

Documentation

Note by the Secretariat on the collection of information from States Parties on international asset recovery, and reported challenges and barriers (CAC/COSP/WG.2/2020/4)

4. Thematic discussions

(a) Continuation of the discussion on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V (continuation of discussion)

At the thirteenth meeting of the Working Group, the Chair requested Group to continue its discussions on best practices for the identification and compensation of all different types of victims in accordance with the Convention, and on third-party challenges and their impact on asset recovery under chapter V, and for those discussions to be included on the agenda for the its fourteenth meeting.

To facilitate the Working Group's discussion of the matter, the secretariat will present a summary of the deliberations at the thirteenth meeting. States parties may wish to

bring to the discussion examples of asset recovery cases illustrating best practices with regard to the identification and compensation of all different types of victims in accordance with the Convention, and third-party challenges and their impact on asset recovery under chapter V.

(b) Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems

In its resolution 8/1, the Conference decided that the Working Group should continue its work by, inter alia, continuing its efforts to collect information on challenges and barriers that States parties face, as well as best practices in recovery and return of proceeds of crime, with a view to proposing possible recommendations for full and effective implementation of chapter V of the Convention.

In its resolution 8/9, the Conference requested the Secretariat to, inter alia, continue to collect information on the legal frameworks, legal procedures and judicial actions taken by States to recover proceeds of crime derived from offences established in accordance with the Convention; and collect information from States parties on the most common challenges in the judicial process with regard to asset recovery.

States parties may wish to bring to the discussion examples of their legal frameworks, legal procedures and judicial actions to recover proceeds of crime derived from offences established in accordance with the Convention; relevant challenges and barriers, including the most common challenges in the judicial process with regard to asset recovery; and best practices in the recovery and return of proceeds of crime. A number of challenges in legal procedures and judicial actions to recover assets were reported by States parties to the secretariat in response to the requests for information on international asset recovery cases (see CAC/COSP/WG.2/2020/4). Such challenges included the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems. To facilitate the Group's deliberations, a panel discussion on those issues will be organized.

Agenda item 4 will be discussed together with item 4 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at a joint meeting.

Documentation

Note by the Secretariat on the collection of information from States parties on international asset recovery, and reported challenges and barriers (CAC/COSP/WG.2/2020/4)

Background document prepared by the Secretariat on best practices for the identification and compensation of all different types of victims in accordance with the Convention, and third-party challenges and their impact on asset recovery under chapter V ([CAC/COSP/WG.2/2019/5](#))

Thematic report prepared by the Secretariat on the implementation of chapter V (Asset recovery) of the United Nations Convention against Corruption (CAC/COSP/IRG/2020/6)

5. Technical assistance

In its resolution 7/1, the Conference requested UNODC and invited the Stolen Asset Recovery (StAR) Initiative to continue to provide and develop capacity-building initiatives on asset recovery, including knowledge products and technical tools, upon request and subject to extrabudgetary resources, in response to technical assistance needs identified during country reviews.

In its resolution 8/9, the Conference requested the Secretariat and invited the StAR Initiative to collect information from States parties on the most common challenges in the judicial process with regard to asset recovery and provide an analytical report to guide technical assistance. The secretariat and the StAR Initiative will provide an oral update on technical assistance activities since the last meeting of the Working Group.

States parties may wish to come prepared to discuss their efforts relevant to capacity-building and technical assistance in the area of asset recovery, as well as to discuss their cooperation in that regard with the providers of technical assistance, including the StAR Initiative and UNODC.

To facilitate the Working Group's discussion of the matter, a panel on technical assistance in relation to articles pertaining to chapter V of the Convention will be organized.

Agenda item 5 will be discussed together with item 5 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at a joint meeting.

Documentation

Note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2020/3)

6. Adoption of the report

The Working Group is to adopt a report, most likely by means of a silence procedure, the draft of which will be prepared by the secretariat.

Annex

Proposed organization of work

| <i>Date and time</i> | <i>Agenda item</i> | <i>Title or description</i> |
|--|--------------------|--|
| Monday, 16 November 2020 | | |
| 3–5 p.m. | 1 | (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 ^a |
| Tuesday, 17 November 2020 | | |
| 11 a.m.–1 p.m. | 3 | Practical aspects of asset recovery, including trends, challenges and good practices ^a |
| 3–5 p.m. | 4 | Thematic discussions: ^a (a) Continuation of the discussion on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V (b) Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems |
| Wednesday, 18 November 2020 | | |
| 11 a.m.–1 p.m. | 5 | Technical assistance ^b |
| 3–5 p.m. | 5 | Technical assistance ^b |
| | 6 | Adoption of the report |

^a Agenda items 2, 3 and 4 will be discussed together with item 4 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at a joint meeting.

^b Agenda item 5 will be discussed together with item 5 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the ninth open-ended intergovernmental expert meeting to enhance international cooperation under Convention against Corruption at a joint meeting.