



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

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## Implementation Review Group

### Tenth session

Vienna, 27–29 May 2019

## Draft report

### VIII. Technical Assistance

1. At its meetings held jointly with the Working Group on Asset Recovery on 29 May 2019, the Implementation Review Group considered item 4 of its agenda entitled “Technical assistance” as well as item 5 of the agenda of the Working Group on Asset Recovery entitled “Forum for discussions on capacity-building and technical assistance”. The joint meetings were held in line with resolution 6/1 of the Conference, in which the Secretariat was requested to structure the provisional agendas of the Implementation Review Group and the other subsidiary bodies established by the Conference in such a way as to avoid duplication of discussions, while respecting their mandate and pursuant to the workplan agreed for 2017–2019.<sup>1</sup>

2. A representative of the secretariat (F), in presenting the Note of the secretariat entitled Technical assistance in support of the implementation of the United Nations Convention against Corruption, including analysis of technical assistance needs emerging from the country reviews [[CAC/COSP/IRG/2019/5](#)], provided an overview of the technical assistance needs that had been identified in the executive summaries of the 20 reviews that have been published during the Implementation Review Mechanism’s second cycle. The continued importance of the provision of technical assistance to support the efforts of States parties to implement the recommendations of the reviews was stressed. The representative of the secretariat further described a number of regional initiatives including in Eastern Africa and South-East Asia that had been established to harness regional solutions to shared challenges, e.g. in the areas of the protection of reporting persons, public procurement and financial investigations. The representative also noted that UNODC had started working on the gender dimensions of corruption.

3. A representative of the joint World Bank and UNODC Stolen Asset Recovery (StAR) Initiative provided an oral update on the technical assistance and capacity-building provided under the StAR Initiative. The StAR coordinator explained that the Initiative worked in the three areas of country engagements, policy influence and partnerships, and knowledge and innovation. He gave an overview of technical assistance provided during 2018 and outlined how, over the past year, 22 countries had received assistance through the StAR Initiative, twelve countries received

<sup>1</sup> Information on the panel on technical assistance required and technical assistance provided in relation to the management of frozen, seized and confiscated assets, which were held during the joint meetings of the two Working Groups, is contained in the report of the thirteenth session of the Working Group on Asset Recovery.



technical assistance on legislative reform, two countries adopted new laws or amendments related to asset recovery with support from StAR, 14 countries received StAR support to improve domestic coordination processes for asset recovery and more than 850 people were trained on the provisions of the Convention. Speakers referred to specific country examples of different types of technical assistance provided and highlighted its work on policy influence and partnership, including support to regional asset recovery regional networks and developing a new global directory of asset recovery networks.

4. The StAR coordinator further elaborated on the Initiative's work on knowledge and innovation, including by updating the database of asset recovery cases and beneficial ownership guides. He highlighted forthcoming studies on using insolvency procedures for asset recovery, and collection of the data on volumes of assets frozen, confiscated and recovered in international corruption cases.

5. To facilitate the Group's discussion and in line with the thematic focus of the tenth session, a panel was organized on technical assistance required and technical assistance provided in relation to chapter V of the Convention.

6. A panellist from Kyrgyzstan presented a successful case of asset recovery his country had recently experienced. He described the various challenges that his country had faced, including gaps in his country's technical capacity and the lack of working contacts with foreign counterparts. One particular challenge mentioned was the long duration of asset recovery cases. The assets in question had been embezzled by high ranking officials and a criminal circle closely connected to the former president of the country. As a result of successful cooperation, the assets had been confiscated by a United States court and approved for return. The panellist, mentioned in particular, the positive role of the StAR Initiative that had provided important assistance to Kyrgyzstan in its efforts to recover the assets, including by facilitating initial discussions with relevant United States authorities. He also noted that during the recent years the asset recovery framework of this country significantly improved.

7. A panellist from the United States noted the successful bilateral cooperation between her country and Kyrgyzstan in this case. It was highlighted that the United States authorities, particularly, the experts of the Kleptocracy Asset Recovery Initiative of the United States Department of Justice assisted in the investigation linking these funds to the corruption offences in Kyrgyzstan. After the corresponding court decision, approximately 4.6 million US dollars in confiscated funds were transferred to the Government of Kyrgyzstan. The panellist highlighted that the return arrangement was in line with paragraph 5 of article 57 of the Convention. She also noted that the repatriated assets would be used for the benefit of the Kyrgyz people, in line with the principles of transparency and accountability, with a focus on social projects and anti-corruption and transparency.

8. A representative of the StAR Initiative described the technical assistance that had been provided to Kyrgyzstan. The assistance consisted of both facilitating the initial contacts between the authorities of Kyrgyzstan and foreign jurisdictions and providing capacity-building. The assistance programme had also been instrumental in strengthening bilateral cooperation between the authorities in the requested and requesting States. Training had also been provided through the StAR Initiative on financial investigation and mutual legal assistance requests' preparation, including by considering the requirements of the United States. for incoming mutual legal assistance requests.

9. During the ensuing discussion, several speakers underscored that technical assistance, information exchange and cooperation were crucial elements in enabling States to implement the Convention successfully. Several speakers highlighted how the Implementation Review Mechanism allowed for the identification of technical assistance needs that would enable States to meet global standards. Such needs and gaps could be identified when acting as a reviewing State party as well as through a State's national implementation review. Technical assistance providers were urged to take into account existing resources and documentation and to collaborate with

UNODC in addressing the needs emanating from country reviews conducted under the Implementation Review Mechanism.

10. A number of speakers noted how technical assistance should go beyond capacity-building to longer term and institutional support, such as support in forensic, digital investigations and mentoring programmes. Other speakers explained that the outcomes of their reviews had served as a basis for national action plans and roadmaps. Several speakers made reference to assistance received and provided bilaterally as well as through other organisations. One speaker described how, following the receipt of technical assistance from development partners as well as from international organisations, his country was able to deliver technical assistance. Another speaker noted that the benefits of engaging regional organisations, such as the African Union, ECOWAS and the Maghreb Union, in the provision of technical assistance.

11. The high level of demand for technical assistance in relation to chapter V, in particular for legal advisory services and custom-tailored approaches, was highlighted.

12. Many speakers noted how the Convention, through its articles 53 and 57, facilitated asset recovery and asset return. Several speakers underscored the obligation to return stolen assets established by paragraph 3 of article 57 of the Convention. Some speakers highlighted the usefulness of concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property in accordance with paragraph 5 of article 57 of the Convention. In this regard, some speakers highlighted the need for additional guidance on the implementation of this provision and, in particular, requested that the Working Group on Asset Recovery further examine the implementation and interpretation of this provision.

13. One speaker recommended that the secretariat continue collecting practices, in particular in relation to article 57 of the Convention, and that, on the basis of that data, examine common trends for the purpose of considering future action.

14. With regard to enhancing international cooperation for asset recovery, many speakers emphasized the importance of good communication and collaboration. A relationship of trust between the requesting and requested States was essential to achieve successes in mutual legal assistance. In addition to bilateral communication through various channels including face-to-face communication, speakers highlighted the usefulness of regional and multilateral fora and networks to establish and continue communication between States parties.

15. Several speakers highlighted the role of StAR in this regard, which had been helpful in building bridges to facilitate partnership and close cooperation between States parties. A number of speakers supported the Initiative's efforts to collect data on volumes of assets frozen, confiscated and recovered in international corruption cases and called on other States to make such data available. Speakers further noted that specialized domestic institutions for asset return were considered useful, as was effective domestic inter-agency coordination and the sharing of domestic requirements with requesting States parties.

16. One speaker noted, in reference to case-by-case arrangements, that they were complementary in cases where no general standardized agreements existed. He also noted that this course of action should not be highlighted as the way forward and that article 57 contained provisions, which allowed States to take action without using case-by-case arrangements. Moreover, he noted such arrangements may give rise to special terms and conditions for the return and eventual use of assets and highlighted the need to develop standardized guidelines on how to proceed when such arrangements did not exist. The speaker requested the secretariat to present ideas in this regard to the Working Group at its next session.

17. Some speakers referred to the important role played by the civil society in their countries in ensuring the transparent return of assets.

## **IX. Adoption of the report**

18. On 29 May 2019, the Implementation Review Group adopted the report on its tenth session ([CAC/COSP/IRG/2019/L.1](#), [CAC/COSP/IRG/2019/L.1/Add.1](#), [CAC/COSP/IRG/2019/L.1/Add.2](#), [CAC/COSP/IRG/2019/L.1/Add.3](#), [CAC/COSP/IRG/2019/L.1/Add.4](#) and [CAC/COSP/IRG/2019/L.1/Add.5](#)).

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