



# 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, 6–10 September 2021

### Draft report

#### Addendum

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

1. A representative of the Secretariat provided an update in relation to the revised draft non-binding guidelines on the timely sharing of information in accordance with article 56 of the Convention and on improving communication and coordination between various asset recovery practitioner networks. He noted that the Secretariat had received comments on the document from 14 States parties. On the basis of those comments, the Secretariat had submitted a revised version of the draft non-binding guidelines ([CAC/COSP/WG.2/2021/3](#)). The representative highlighted that the revised draft non-binding guidelines sought to maintain a balance between respect for domestic legislation and international standards.

2. The speaker informed the Working Group that, in their comments, States parties had noted that the principles and procedures outlined in the draft guidelines should not be interpreted as imposing more stringent requirements than those established in the existing domestic rules of States parties on spontaneous sharing of information. In addition, some States parties had stressed the importance of networks of practitioners and of ensuring data security in that regard. Some States parties had provided suggestions in relation to the language used, namely, regarding the level of obligation stipulated in the draft non-binding guidelines. In that respect, the representative of the Secretariat stressed that the guidelines were intended to be a compilation of non-binding principles that States parties could consider taking into account rather than requirements for mandatory implementation. Finally, he stressed the role of the new Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) as a potential channel for putting those non-binding guidelines into effective practice.

3. A representative of the joint UNODC/World Bank Stolen Asset Recovery (StAR) Initiative presented an update on the progress made in collecting information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention. She indicated that, since the previous update ([CAC/COSP/WG.2/2020/4](#)), presented at the fourteenth meeting of the Working Group, in November 2020, nine additional responses had been received, bringing the total to 78 responses, with a significant number of States in the process of finalizing their responses regarding completed or ongoing international asset



recovery cases. On the basis of an analysis of the responses received to date, she informed the Working Group that 58 respondents had reported involvement in at least one international asset freeze, confiscation or asset return related to a corruption offence. The analysis of the 351 asset recovery cases reported also supported earlier findings, including the conclusion that asset recovery was more frequent than the handful of extensively published case studies might suggest. In addition, she noted that the responses showed the challenges faced by States in collecting information about corruption cases that involved an international asset recovery element. In concluding, she informed the Working Group that the Secretariat and the StAR Initiative would continue to collect responses from States parties, and that a further analysis of the responses would be made available in a report of the StAR Initiative in 2021 and would be used to update the Initiative's Asset Recovery Watch database.

4. Referring to the ongoing challenges in the recovery of assets, speakers reiterated their commitment to the implementation of chapter V of the Convention and welcomed the preparation of the non-binding guidelines. One speaker reiterated his country's proposal for the development of a dedicated international instrument on asset recovery under the auspices of the United Nations to complement the Convention and proposed that an analytical note be prepared on the most common challenges in asset recovery. He also stressed that the draft non-binding guidelines could benefit from the results of the second review cycle of the Implementation Review Mechanism.

5. Some speakers informed the Working Group of successful asset returns in their experience as both requesting and requested States and shared information on recent developments in the building of effective asset recovery frameworks. They also underscored the importance of domestic and international cooperation and coordination as crucial elements for asset recovery, as well as the added value that asset recovery networks offered in that regard. One speaker expressed the view that simplifying national procedures for asset recovery could facilitate international cooperation, thereby contributing to successful asset returns.

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