



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

Distr.: Limited
18 December 2019

Original: English

Eighth session

Abu Dhabi, 16–20 December 2019

Draft report

Rapporteur: Germán Andrés Calderón Velásquez (Colombia)

Addendum

IV. Asset recovery and international cooperation

1. At its 7th meeting, on 18 December 2019, the Conference of the States Parties to the United Nations Convention against Corruption considered agenda items 5, entitled “Asset recovery”, and 6, entitled “International cooperation”.

2. The President of the Conference chaired the debate. In his introductory remarks, he recalled Conference resolutions 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”, 6/2, entitled “Facilitating international cooperation in asset recovery and the return of proceeds of crime”, 6/3, entitled “Fostering effective asset recovery”, and 7/1, entitled “Strengthening mutual legal assistance for international cooperation and asset recovery”.

3. A representative of the Secretariat provided an update on the activities carried out in the area of asset recovery. He made reference to the thematic report on the implementation of chapter V of the United Nations Convention against Corruption ([CAC/COSP/2019/10](#)) and introduced a note 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](#)). Reference was also made to the draft non-binding guidelines on the timely sharing of information in accordance with article 56 of the Convention and improving communication and coordination between various asset recovery practitioner networks ([CAC/COSP/WG.2/2019/4](#)) and to a background document on the same topic ([CAC/COSP/WG.2/2018/5](#)). In addition, the representative provided information on the successive iterations of the draft non-binding guidelines on the management of frozen, seized and confiscated assets ([CAC/COSP/WG.2/2018/3](#), [CAC/COSP/WG.2/2019/3](#) and [CAC/COSP/2019/16](#)). He further updated the Conference on the work related to the identification of good practices on the management and disposal of recovered and returned stolen assets in support of sustainable development ([CAC/COSP/2019/CRP.3](#)) and the activities of two expert group meetings on corruption involving vast quantities of assets ([CAC/COSP/2019/13](#)). In addition, he referred to the study of issues related to beneficial ownership identification and highlighted the importance of collecting information on the volume of assets seized, confiscated and returned or disposed of by States.



4. A representative of the Stolen Asset Recovery (StAR) Initiative reported that the Initiative continued to support international efforts on asset recovery through a combination of country engagements, policy influence and support for partnerships among practitioners at the regional and global levels, and by advancing knowledge and innovation on asset recovery. In addition to holding the first meeting of the Global Forum on Asset Recovery, which had taken place after the previous session of the Conference and focused on Nigeria, Sri Lanka, Tunisia and Ukraine, the StAR Initiative responded annually to the needs of some 20 countries across five continents, including by means of several new country engagements each year. These engagements included training law enforcement and prosecutors in financial investigations, helping countries to introduce new legislation in order to ensure that relevant officials declared their assets and, most importantly, forging new relationships between requesting and requested States. The StAR Initiative had also developed new knowledge products, including a publication on financial intelligence units working with law enforcement authorities and prosecutors, an overview and global directory of asset recovery networks, a short overview of electronic filing of asset declarations and, most recently, a report entitled *Going for Broke: Insolvency Tools to Support Cross-Border Asset Recovery in Corruption Cases*. The representative also referred to a forthcoming study on international asset recovery efforts in corruption cases, the aim of which was to collect data on global progress in international efforts to recover and return proceeds of corruption in a systematic and internationally comparable way. A questionnaire designed to solicit such data was distributed to the States parties. The representative called upon States parties to assist in completing the study. Finally, he referred to a recent external review of the StAR Initiative, which had confirmed the relevance of the Initiative mission and recommended its extension until 2030, to coincide with the target date for achieving the 2030 Agenda for Sustainable Development.

5. A representative of the Secretariat provided an update on the implementation of the recommendations related to international cooperation contained in resolution 7/1, as well as the outcomes of the open-ended intergovernmental expert meetings to enhance international cooperation under the Convention held at the sixth and seventh sessions. She introduced the note by the Secretariat on progress on the activities of the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention ([CAC/COSP/2019/7](#)), and referred to the note by the Secretariat on international cooperation in civil and administrative proceedings for the detection of offences established in accordance with the Convention ([CAC/COSP/2019/7/Add.1](#)). She also provided an update on the online directory of competent national authorities under the Convention and its data migration to the online portal known as SHERLOC (Sharing Electronic Resources and Laws on Crime). With regard to the analysis of technical assistance needs in the area of international cooperation, the speaker made reference to the note by the Secretariat issued under agenda item 3 on the analysis of technical assistance needs emerging from country reviews and assistance delivered during the first review cycle ([CAC/COSP/2019/14](#)).

6. In the ensuing discussion, several speakers noted the important role of the Open-ended Intergovernmental Working Group on Asset Recovery in providing a unique platform for engaging in a constructive dialogue to achieve the aims of chapter V of the Convention. Speakers highlighted that asset recovery was a fundamental principle of the Convention and called upon States parties to implement chapter V effectively and strengthen international cooperation in that area.

7. Several speakers stressed the need to continue to share good practices, knowledge and experiences. Several speakers also emphasized the importance of building trust and confidence, developing cumulative knowledge, maintaining dialogue and overcoming differences among legal systems. The second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption was praised as an opportunity for facilitating the exchange of

relevant information and identifying good practices and existing challenges, and as a catalyst for taking further action to improve asset recovery frameworks.

8. Speakers informed the Conference about recent national reforms aimed at strengthening the legislative and institutional framework in their countries to improve the national capacity to recover the proceeds of crime and provide effective and timely assistance to other States in asset recovery. Such reforms included the adoption of new laws or amendments to existing laws, the establishment of dedicated asset recovery bodies, the development of handbooks and manuals for national and foreign practitioners, and the introduction of value-based, extended and non-conviction-based confiscation systems. Several speakers reported on instances in which their countries had used the Convention as the legal basis for requesting and providing mutual legal assistance in the context of investigations, prosecutions and extraditions.

9. Several speakers noted the importance of implementing comprehensive national reforms to limit opportunities for criminals to conceal the proceeds of acts of corruption committed in a different country.

10. Speakers highlighted common obstacles to asset recovery, including differences in the legal systems of requesting and requested countries, as well as practical difficulties relating to the identification, tracing, freezing, seizure and confiscation of assets, dual criminality and statutes of limitation. Limited resources, limited capacity of practitioners and a lack of political will and financial resources were also noted as challenges. Speakers also gave examples of specific cases when international cooperation had successfully led to the return of proceeds, including under the framework of the Convention. Other international initiatives in that area were mentioned as having contributed to successful cooperation in some cases.

11. Some speakers noted the importance of technical assistance provided by the Office on Drugs and Crime (UNODC), including through the StAR Initiative and individual donor countries, in strengthening the capacity of States in the field of asset recovery.

12. Several speakers highlighted that the final disposal of proceeds in the country of origin was a sovereign right of that country and that no conditions should be attached by the requested States to the return of assets.

13. One speaker, while emphasizing the importance of promoting transparency and accountability in asset return, noted the side event organized on the margins of a meeting of the Group of 20 anti-corruption working group, held in October 2019, on best practices in promoting transparency and accountability in asset return. The speaker also supported the collection of information and data on the volume of assets recovered through the StAR Initiative.

14. Another speaker highlighted the support of his country for the work and recommendations of the Working Group on Asset Recovery. He also outlined the importance of the draft non-binding guidelines on the timely sharing of information in accordance with article 56 of the Convention and of improving communication and coordination between various asset recovery practitioner networks. The speaker supported the continued collection of information on the volume of recovered assets based on the questionnaire prepared by the StAR Initiative and highlighted the importance of collecting information in the course of the review of the implementation of chapter V of the Convention. He stated that the information thus collected could be used to further develop the draft non-binding guidelines on the management of frozen, seized and confiscated assets.

15. The representative of the International Criminal Police Organization (INTERPOL) briefed the Conference on a number of regional and global activities undertaken by his organization to increase the capacity and skills of practitioners engaged in asset recovery, such as the Global Focal Point Platform, which was aimed at supporting the capacities of law enforcement agencies in the area of money-laundering, financial crimes and asset recovery.

16. With regard to international cooperation, several speakers reported on recent national reforms aimed at implementing the provisions of the Convention relating to international cooperation, including the adoption or amendment of relevant laws, the establishment of dedicated offices for international cooperation and the strengthening of authorities with mandates relevant to international cooperation. The importance of the country reviews undertaken under the Implementation Review Mechanism in the development of those reforms was underlined.

17. Several speakers referred to measures taken to enhance international cooperation and strengthen cooperation in practice, including measures to avoid requests being returned owing to non-material or technical deficiencies, increasing formal and informal consultations and information exchange among competent authorities, enhancing human and material resources and executing requests on the basis of the Convention. Other measures included relaxing strict dual criminality requirements, publishing information on refusals, making efforts to conclude additional treaties and cooperation agreements, establishing dedicated authorities for international cooperation and enhancing inter-agency coordination at the national level.

18. It was noted that some countries had relied on the Convention to facilitate mutual legal assistance and extradition, either as the sole legal basis or in conjunction with regional or bilateral treaties.

19. Speakers underlined the importance of, and challenges to, international cooperation in criminal matters and encouraged States parties to continue to implement chapter IV of the Convention and grant one another the widest measure of assistance. Speakers referred to the value of the provisions of the Convention relating to international cooperation in furthering national anti-corruption efforts and establishing a mechanism for overcoming differences among legal systems. The need to ensure the timeliness of responses and consider deadlines proposed by requesting States parties, in accordance with the Convention, was highlighted.

20. In this context, some speakers noted the importance of sharing experiences and specialized knowledge, building capacity and providing technical assistance, including for reaching the Sustainable Development Goals.

21. The important role of the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention was referred to as a platform for the exchange of experiences, information and best practices and for establishing direct links among national competent authorities.

22. One speaker noted that the thematic focus of the expert meeting was substantially similar to that of the Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime and that efforts should continue to enhance coordination in the work of the two bodies. This could be done by having the two bodies take note of their respective activities, with the primary mechanism for developing policies on international cooperation in criminal matters falling under the auspices of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, while allowing the expert meeting to focus on areas of its specialized competences under the United Nations Convention against Corruption, such as asset recovery.

23. One speaker noted with appreciation the efforts of the secretariat to merge the online directory of competent national authorities under the United Nations Convention against Corruption under the UNODC SHERLOC portal, as this provided to practitioners a single access point to information. States parties were encouraged to provide and regularly update the information in the directory.