



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

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Open-ended Intergovernmental Working Group on Asset Recovery

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Draft report

Addendum

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

1. A representative of the Secretariat provided an overview of the progress made in the implementation of asset recovery mandates by highlighting some of the ongoing work, as described in the document entitled “Progress report on the implementation of the activities of the Open-ended Intergovernmental Working Group on Asset Recovery” ([CAC/COSP/WG.2/2021/2](#)).
2. It was noted that, in line with its mandate, the Working Group focused on three main objectives: (a) developing cumulative knowledge; (b) building confidence and trust between requesting and requested States; and (c) technical assistance, training and capacity-building.
3. With regard to the development of cumulative knowledge, it was highlighted that UNODC continued to work on new knowledge products, including a publication on asset return entitled “Important questions for asset return”. In December 2020, the StAR Initiative had launched the second edition of the *Asset Recovery Handbook: A Guide for Practitioners*. Furthermore, in January 2021, the StAR Initiative had launched its new website, an online portal that provides access to information on the Initiative, its work and its achievements. UNODC and the StAR Initiative continued their active support for regional networks engaged in asset recovery. It was also highlighted that UNODC, including through the StAR Initiative, continued to regularly respond to technical assistance requests by States parties in order to strengthen their capacity in implementing chapter V of the Convention.
4. Speakers welcomed the progress report on the implementation of the activities of the Working Group and expressed appreciation for the work conducted by the Secretariat in implementing the mandates derived from resolution 8/9 of the Conference of the States Parties to the Convention.
5. Several speakers highlighted the importance of asset recovery and noted that many challenges remained, especially in view of the circumstances arising from the COVID-19 pandemic, including evidentiary requirements, complicated mutual legal assistance procedures, the lack of uniform understanding of the provisions of the Convention, the high cost of initiating legal proceedings in foreign countries, the high



percentage of assets retained by requested States parties and the conditional restitution of stolen assets.

6. Speakers identified possible solutions, such as the use of non-trial resolutions and settlements in the recovery of assets, the proactive sharing of information in accordance with article 56 of the Convention, strong partnerships between requesting and requested States, the sharing of global knowledge and data to facilitate asset recovery and the effective implementation of the commitments specifically related to asset recovery contained in the political declaration adopted by the General Assembly at its special session against corruption, held in June 2021. One speaker called for the implementation of the recommendations of the High-level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda in support of asset recovery.

7. Many speakers stressed that asset recovery must be based on the principles of transparency, accountability and integrity and must be conducted in a manner conducive to the achievement of the Sustainable Development Goals. One speaker called upon States parties to enhance asset recovery by building their commitment to timely cooperation for asset recovery, simplifying relevant procedures and minimizing legal and administrative costs in order to maximize the amount of compensation that could reach requesting States. Another speaker underscored the importance of respecting due process and the role of specialized units, joint investigative teams and networks of prosecutors and law enforcement agencies in recovering assets effectively. Another speaker noted that electronic means of information-sharing should be encouraged and that the necessary tools should be put in place to that end.

8. Several speakers informed the Group about initiatives to improve asset recovery in their jurisdictions. Such initiatives included efforts to improve their legal frameworks on the mutual recognition of freezing and confiscation orders and on non-conviction-based confiscation, the introduction of plea bargaining and the recovery of assets without resorting to criminal prosecution and trials.

9. One speaker highlighted the vital role played by effective asset recovery in tackling corruption and the importance of refraining from imposing unilateral conditions on the recovery of assets. She noted that the national authorities in her country actively engaged with international and regional networks on asset recovery and encouraged States parties to allocate the financial resources necessary for the Group to implement its mandates.

10. Speakers stressed the importance of the technical assistance provided by UNODC and the StAR Initiative to improve national capacities in asset recovery.
