



Guidelines for the Efficient Recovery of Stolen Assets

I Origins of the Lausanne Guidelines Process

The Lausanne process has emerged in 2001 from a Swiss initiative and aims at strengthening the cooperation and coordination between states in the field of asset recovery. The international expert seminars (Lausanne seminars) which are held in Lausanne are an important instrument in the fight against illicitly acquired assets of politically exposed persons. Participants from around 30 different jurisdictions and international organizations regularly discuss actual asset recovery challenges and ways to overcome them, transfer knowledge, create networks and take advantage of the opportunity to establish direct contacts to foreign ministries and judicial authorities of countries concerned. The Lausanne process encourages the spirit of partnership between requesting and requested states and strengthens a strategic and pro-active approach to asset recovery.

Since the political upheaval in the Arab World in 2011, the subject of illicitly acquired potentate funds has drawn worldwide attention. The sixth (2012) and seventh (2013) edition of the Lausanne seminars were thus devoted to recovering such funds. One of the main conclusions of the discussions was that states often have in place the necessary legal bases such as the UN Convention against Corruption (UNCAC), which has set down worldwide standards for the prevention of corruption and the restitution of illegally obtained assets.¹ However, to date only few of these assets have been returned to the countries of origin.² These facts highlight that the difficulties lie in the practical implementation, including discrepancies between different national legal systems, challenges for the efficient international coordination, limited experience of countries in political transition and issues related to international mutual legal assistance.

In this light, the idea of drawing up international good practices in the form of guidelines was born, providing requesting and requested states with specific guidance in the procedure of asset recovery and thus increasing the chances that stolen funds may be returned.

II Process and Outcome

The mandate to develop these guidelines stemmed from the UN General Assembly (A/RES/68/195) and the Conference of States Parties to the UNCAC (CoSP; CAC/COSP Res.5/3). Based on these two mandates, asset recovery experts from requested and requesting states and international organizations consolidated their knowledge into a set of ten guidelines. These were drawn up in close cooperation with the *International Centre for Asset Recovery of the Basel Institute on Governance* (ICAR)

¹ Signature and ratification status as of 12 December 2016: signatories: 140 / parties: 181.

² USD 5 billion according to World Bank estimates

and supported by the *World Bank/UNODC Stolen Asset Recovery Initiative* (StAR) in the framework of the eighth (2014) edition of the Lausanne seminars.

At its sixth session held in St. Petersburg in 2015, the CoSP renewed its encouragement for states to draw upon the guidelines and use them in their asset recovery efforts. Thereto, an operational paragraph was introduced into two resolutions on asset recovery by the Group of African States (CAC/COSP/2015/L.5/Rev.2) and the United States (CAC/COSP/2015/L.7/Rev.2) respectively:

[...] Encourages States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice and to continue to exchange their practical experiences and consolidate them into a non-binding, step by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of the relevant interested parties;

Subsequently, the ninth (2016) edition of the Lausanne seminars was dedicated to fulfil the UN mandate and participants developed the first part of the step-by-step guide by breaking down the guidelines into single steps of action allowing for an efficient practical application and intending to assist practitioners, policymakers and legislators to better plan each step of the process.

III Overall Goal of the Guidelines and the Way Forward

The next step of the Lausanne process is to consolidate the guidelines and the step-by-step guide into a living online tool. This work will be completed at the tenth edition of the Lausanne seminars (27.02-01.03.2017). On the basis of its global ownership, the tool shall be accessible to the entire asset recovery community, open for contributions (knowledge and experience) and flexible for new trends and improvements in the field of asset recovery. Its added value is that it bridges the technical with the strategic sphere and therefore going further than the existing legal and technical tools currently at disposal for practitioners. It is foreseen to officially introduce the online tool at the COSP to the UNCAC in 2017.

The Lausanne process will remain a platform for the discourse on asset recovery. Under the banner of partnership, the actors involved in the ongoing process are committed to strengthen universal standards and to promote a strategic and innovative approach to asset recovery.