



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, 16-17 December 2010

Provisional agenda and annotations

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Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the Open-ended Intergovernmental Working Group on Asset Recovery will be opened on Thursday, 16 December 2010, at 10 a.m.

(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with resolution 3/3, entitled "Asset recovery", adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its third session, held in Doha from 9 to 13 November 2009.

The proposed organization of work (see annex) was prepared in accordance with Conference resolution 3/3 to enable the Working Group to consider the agenda items within the time and according to the conference services available.



The resources available will permit the holding of two plenary meetings each day with interpretation in the six official languages of the United Nations.

2. Implementation of resolution 3/3 of the Conference of the States Parties and of the recommendations of the Working Group since its first meeting

In its resolution 3/3, the Conference decided that the Working Group should continue its work to advise and assist the Conference in the implementation of its mandate on the return of the proceeds of corruption. The Conference further decided that the Working Group should hold at least two meetings prior to the fourth session of the Conference, within existing resources.

The mandate of the Working Group, as set out in Conference resolution 1/4, consists of the following functions:

(a) To assist the Conference in developing cumulative knowledge in the area of asset recovery;

(b) To assist the Conference in encouraging cooperation among relevant existing bilateral and multilateral initiatives and to contribute to the implementation of the related provisions of the Convention;

(c) To facilitate the exchange of information among States by identifying good practices and disseminating them among States;

(d) To build confidence and encourage cooperation between requesting and requested States by bringing together relevant competent authorities and anti-corruption bodies and practitioners involved in asset recovery and the fight against corruption and by serving as a forum for them;

(e) To facilitate the exchange of ideas among States on the expeditious return of assets;

(f) To assist the Conference in identifying the capacity-building needs, including long-term needs, of States parties.

3. Working towards a global network on asset recovery: thematic discussion

In its resolution 3/3, the Conference encouraged States parties to promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery as focal points to assist their counterparts in effectively meeting requirements for formal mutual legal assistance. The Conference encouraged those focal points and other relevant experts to come together, at the regional level or according to theme, to promote communication, coordination and the development of best practices, including by taking advantage of existing networks¹ to avoid duplication. The Conference further

¹ Including, but not limited to, the Camden Assets Recovery Inter-Agency Network, the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States, the Lausanne process, the Red Iberoamericana de Cooperación Jurídica Internacional, the International Centre for Asset Recovery, the European Judicial Network, the Rede de Cooperação Jurídica e Judiciária Internacional dos Países de Língua Portuguesa, the Global Legal Information Network and other similar networks.

called on all States parties that had not yet done so to promptly designate a central authority responsible for requests for mutual legal assistance and to notify the Secretary-General of the designated central authority, as required by article 46, paragraph 13, of the Convention.

At its third meeting, held in Vienna on 14 and 15 May 2009, the Working Group recommended that the United Nations Office on Drugs and Crime explore how the database of asset-recovery focal points could be amended to make it possible to ascertain the contact details of persons in other jurisdictions. It further encouraged the establishment of close links between asset-recovery focal points and regional anti-corruption networks such as the Arab Anti-Corruption and Integrity Network. It was proposed that global and regional networks might be useful in providing practitioners with legislation, data and case law.

At its second meeting, held in Vienna on 25 and 26 December 2008, the Working Group highlighted the importance of the work on the establishment of a network of contact points for asset recovery. While the Conference and the Working Group were seen as serving as a platform for the exchange of knowledge and experience, a network of focal points could provide further opportunities for dialogue, which were deemed essential. Such a network would thus contribute to creating confidence and trust between requesting and requested States, which were necessary prerequisites for successful cooperation. The Working Group highlighted that the full cooperation of States and international organizations was essential for the establishment and maintenance of such a network. The Working Group further recommended exploring the feasibility of adopting a help-desk approach. Help desks for asset recovery could give advice informally at the initial stages of a case and refer requesters to counterparts who would be able to provide further assistance.

The debate on the implementation of those recommendations will be introduced by a panel discussion in which representatives of various networks will take part.

4. Financial investigations and asset-tracing: thematic discussion

In its resolution 3/3, the Conference encouraged States parties to remove additional barriers to asset recovery by ensuring that financial institutions adopt and implement effective standards of customer due diligence and the identification of beneficial ownership and by establishing effective procedures for financial disclosure. It further urged States parties to promote the use of modern information and communications technologies to expedite asset-recovery operations.

At its second meeting, held in Vienna on 25 and 26 December 2008, the Working Group recommended that work on the preventive measures set forth in chapter V of the Convention be encouraged and that emphasis be placed on effective financial investigations.

The debate on the implementation of those recommendations will be introduced by a panel discussion.

5. Future priorities

A discussion will be held on further steps to be taken towards full implementation of the recommendations of the Working Group and on possible future priorities in advising and assisting the Conference in the implementation of its mandates on the

return of proceeds of corruption (Conference resolution 1/4). Particularly in preparation for the review of the implementation of chapter V of the Convention in the next review cycle, scheduled to commence in 2015, the Working Group may wish to discuss how it sees its role in support of the full implementation of chapter V.

6. Adoption of the report

The Working Group is to adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Documentation

Background paper prepared by the Secretariat on the implementation of the recommendations of the Working Group towards effective action in asset recovery (CAC/COSP/WG.2/2010/2)

Background paper prepared by the Secretariat on strengthening networks and developing innovative tools for practitioners in asset recovery (CAC/COSP/WG.2/2010/3)

Annex

Proposed organization of work

| <i>Date and time</i> | <i>Agenda item</i> | <i>Title or description</i> |
|------------------------------|--------------------|--|
| Thursday, 16 December | | |
| 10 a.m.-1 p.m. | 1 (a) | Opening of the meeting |
| | 1 (b) | Adoption of the agenda and organization of work |
| | 2 | Implementation of the recommendations of the Working Group since its first meeting |
| 3-6 p.m. | 3 | Working towards a global network on asset recovery: thematic discussion |
| | | |
| Friday, 17 December | | |
| 10 a.m.-1 p.m. | 4 | Financial investigations and asset-tracing: thematic discussion |
| 3-5 p.m. | 5 | Future priorities |
| 5-6 p.m. | 6 | Adoption of the report |