



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

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## Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 25 and 26 August 2011

### I. Introduction

1. In its resolutions 1/4 and 2/3, in which it established and continued the work of the Open-ended Intergovernmental Working Group on Asset Recovery, the Conference of the States Parties to the United Nations Convention against Corruption welcomed the conclusions and recommendations of the Working Group,<sup>1</sup> and noted with interest the background paper prepared by the Secretariat on the progress made on the implementation of those recommendations.<sup>2</sup>
2. In its resolution 3/3, the Conference requested the Working Group to consider the existing and developing body of studies for the development of best practices in asset recovery, including but not limited to, the studies of the Stolen Asset Recovery initiative.
3. Also in its resolution 3/3, the Conference decided that the Working Group shall continue its work to advise and assist the Conference in the implementation of its mandate on the return of the proceeds of corruption and shall hold at least two meetings prior to the fourth session of the Conference, within existing resources.

### II. Conclusions and recommendations

4. The Working Group took note of the development of the illicit enrichment study by the StAR Initiative, and called upon States parties to provide comments and suggestions to the StAR Initiative by 30 September 2011, thus contributing to the finalization of the study.

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<sup>1</sup> CAC/COSP/WG.2/2009/3.

<sup>2</sup> CAC/COSP/2009/7.

5. The Working Group called upon States parties to afford one another the widest possible mutual legal assistance, especially for the benefit of developing countries and to facilitate the return of assets, and to enhance capacity of freezing, seizing and confiscating assets.
6. The Working Group stressed the importance of preparing States for the review of the implementation of chapter V in the second phase of the Review Mechanism, to commence in 2015, and encouraged States parties to use the self-assessment checklist as a way to assess their efforts and identify further steps to be undertaken to implement Chapter V of the Convention.
7. The Working Group appreciated presentations of new legislation on asset recovery adopted by States parties in compliance with the Convention and recommended that the Secretariat strive to foster further to reiterate such pragmatic approach at future sessions.
8. Highlighting the importance of learning from past experience, the Working Group requested the Secretariat to continue its work on collecting and systematizing asset recovery cases, as well as preparing an analytical study of such cases, building on relevant experience of the office.
9. The Working Group called on States to provide cases, both successful and unsuccessful, to the Secretariat to strengthen its ability to carry-out analytical work.
10. The Working Group noted the importance of providing a forum for discussions on practical aspects of asset recovery, including challenges and good practices. In this connection the Working Group recommended that States Parties prepare to conduct such discussions at the fourth session of the Conference of the States Parties.
11. The Working Group recommended that further discussion take place at the 4th session of the Conference of the States Parties to the United Nations Convention against Corruption to determine the modalities for establishing a global network of UNCAC Asset Recovery Focal Points without duplication with existing networks and in full recognition of their usefulness.
12. The Working Group requested the Secretariat to send another note verbale to Member States requesting those that had not yet done so to designate a central authority responsible for requests for mutual legal assistance in accordance with article 46, paragraph 13, of the Convention. A list of central authorities would be made available to the Conference.
13. The Working Group urged States Parties that had not yet done so to designate and communicate to the Secretariat the asset recovery focal points.
14. The Working Group reaffirmed the relevance of its previous recommendations and took note of progress with regard to their implementation and requested the Secretariat to continue its practice of preparing regular reports on progress made in this respect.
15. The Working Group recommended that its mandate be renewed until the sixth session of the Conference of the States Parties to take place in 2015 and that a multi-year work plan be developed to structure its work.

### **III. Organization of the meeting**

#### **A. Opening of the meeting**

16. The Open-ended Intergovernmental Working Group on Asset Recovery held its fifth meeting in Vienna on 25 and 26 August 2011.

17. The meeting of the Working Group was chaired by Eugenio Curia (Argentina). The Chair recalled the mandate of the Working Group, and stressed the importance of the United Nations Convention against Corruption as the first international instrument that contained a chapter on asset recovery. He noted that recent political events had given a new dynamic to the asset recovery debate, and that the issue of corruption had taken great significance in various fora in addition to the bodies established under the Convention against Corruption.

18. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) highlighted a series of activities that had been carried out to strengthen the international asset recovery agenda and the contribution of UNODC. He made reference to the knowledge products prepared with the Stolen Asset Recovery Initiative (StAR Initiative) and to the efforts directed to step up technical assistance. He stressed that asset recovery remained a challenging area both in practical and political terms, and underlined the benefit of an analysis of past experience drawn from both successful and unsuccessful asset recovery cases. He announced the launching of the “Tools and resources for Anti-Corruption Knowledge” (TRACK) on 1 September 2011, and stressed the potential advantages of the establishment of networks both of asset recovery focal points and central authorities for mutual legal assistance. Finally, the Director invited the Working Group to give consideration to the multi-year workplan proposed by the Secretariat.

19. In his statement, the representative of the Group of 77 and China conveyed the Group’s condolences to Argentina for the untimely demise of Mr. Ariel Walter González and recalled his important and valuable contribution to the work of intergovernmental bodies of the United Nations. He was joined by numerous speakers in expressing appreciation and recognition of the work of the late Argentinean delegate. He stressed that the Group of 77 and China had taken note of the report of the meeting of the fourth meeting of the Working Group on Asset Recovery held on 16 and 17 December 2010, which reiterated that the return of assets was a fundamental principle of the Convention. He underlined the essential importance of international cooperation between law enforcement authorities. He noted that technical assistance in preparing a case, enhancing capacity of the criminal justice system as well as increased international commitment and mutual confidence in facilitating asset recovery were key to success. He called on States parties to afford one another the widest measures of mutual legal assistance, especially for the benefit of developing countries. He urged all States parties to facilitate the return of assets, and to enhance capacity of freezing, seizing and confiscating assets. Finally, he stressed the importance of preparing States for the review of the implementation of chapter V in the second phase of the Review Mechanism, to commence in 2015.

20. Stressing the impact of money-laundering with the growth of the global economy, one speaker informed the Working Group on various actions undertaken to combat money-laundering, including through legislation, strengthening the capacity of authorities in charge of investigation, freezing and confiscation of assets, and reforming the judiciary with a view to enhancing its capacity and effectiveness.

## **B. Adoption of the agenda and organization of work**

21. On 25 August, the Working Group adopted the following agenda:

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Implementation of resolution 3/3 of the Conference of the States Parties and of the recommendations of the Working Group.
3. Asset recovery in practice: analysing asset recovery cases.
4. Networks for effective asset recovery.
5. Consideration of a multi-year workplan.
6. Adoption of the report.

## **C. Attendance**

22. The following States parties to the Convention were represented at the meeting of the Working Group: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Liechtenstein, Malaysia, Mauritius, Mexico, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Serbia, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

23. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

24. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Ireland, Japan, Sudan, Syrian Arab Republic.

25. The following observer State, was also represented: Oman.

26. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.

27. The following United Nations Secretariat Unit, institute of the United Nations Crime Prevention and Criminal Justice Programme network and specialized agencies of the United Nations system were represented by observers: Department of Peacekeeping Operations, Office of Internal Oversight Services, Office of the United Nations High Commissioner for Human Rights, United Nations High Commissioner for Refugees, United Nations Interregional Crime and Justice Research Institute, Basel Institute on Governance, Korean Institute of Criminology, World Bank, World Intellectual Property Organization.

28. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Egmont Group Secretariat, European Law Enforcement Agency, Grupo de Acción Financiera de Sudamérica, International Anti-Corruption Academy, International Criminal Police Organization, International Organization for Migration, Organisation for Economic Cooperation and Development, Organization for Security and Cooperation in Europe.

29. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

#### **IV. Implementation of resolution 3/3 of the Conference and of the recommendations of the Working Group**

30. The Chair opened the consideration of item 2 of the agenda. A representative of the Secretariat presented document CAC/COSP/WG.2/2011/2 on the status of implementation of recommendations of the Working Group on asset recovery and the Conference of the States Parties, highlighting progress made and major developments. In the area of developing cumulative knowledge, he stressed the importance of TRACK and the UNODC Legal Library, which are web-based tools collecting, systematizing and disseminating legal knowledge on anti-corruption and asset recovery, and expanded on the publications of the StAR Initiative, their drafting process and their dissemination. He also made reference to the efforts of UNODC to implement the Working Group's recommendations to undertake an analytical compilation of asset recovery cases and to explore the feasibility of the preparation of model legal provisions related to asset recovery.

31. With respect to recommendations aimed at building confidence and trust, the representative of the Secretariat made reference to the database of asset recovery focal points compiled by the Secretariat and the compilation of a comprehensive list of central authorities responsible for Mutual Legal Assistance designated by States parties. The representative presented the efforts of UNODC with a view to engaging with the private sector and encouraging its commitment to combat corruption. On technical assistance, training and capacity-building, the representative noted the forms of technical assistance and training provided by the secretariat and the StAR Initiative. He also made reference to the new approach to training activities to be followed by the StAR Initiative in the future, which would prioritize addressing assistance needs in relation to specific asset recovery cases.

32. In the ensuing debate, speakers attached great importance and interest in the development of legal knowledge and related products and stressed their positive impact in the creation of a common legal background for practitioners. Speakers welcomed the involvement of a broad range of experts from different legal systems

in the preparation of knowledge products, and stressed the importance of ensuring that this practice was maintained in the future. It was further suggested by one speaker that the Working Group be consulted on planning and research undertaken in relation to the preparation of future knowledge products.

33. Speakers expressed great interest in and support to the anticipated analytical study of asset recovery cases and noted that such a study should include data on both successful and unsuccessful attempts to recover proceeds of corruption, problems faced and lessons learnt in the implementation of asset recovery and mutual legal assistance frameworks, particularly chapter V of the UNCAC.

34. With respect to the development of model legal provisions, speakers stressed the need to take into account the diversity of legal systems of States that could make use of such a tool.

35. Several speakers underscored the importance of building trust and confidence between States requesting the recovery of assets and requested States as in previous deliberations of the Working Group. Recent events prompting an increase of requests for asset recovery related to cases of corruption brought this issue to the fore and disappointment was expressed by some speakers at the relatively low degree of cooperation they had received. Political will was not always followed through with actions and, in some cases, requests had met with outright refusal without further consideration. In that context, the view was expressed that progress in the implementation of the asset recovery provisions of the United Nations Convention against Corruption was limited, including due to the disparity between the political will expressed by States Parties and the actual administrative and legal requirements imposed by them. Speakers stressed that reluctance to cooperate and respond to asset recovery requests did not correspond to the commitments made by States when agreeing on the text of the Convention against Corruption.

36. Some speakers highlighted the importance to associate with the private sector, and in particular financial institutions, in the overall efforts to strengthen cooperation and achieve effective recovery of assets, and welcomed the efforts of the secretariat towards this goal.

37. Several speakers welcomed the establishment of a database of asset recovery focal points and central authorities under the UNCAC, as a means to encourage and enhance direct communication between officials of requesting and requested States. The importance of informal contacts with counterparts prior to the submission of official requests was regarded as a crucial element for successful asset recovery cooperation.

38. A number of delegations highly valued the work of the StAR Initiative. However, some delegations drew attention to the need to study the possibility of launching other initiatives geared to enhancing the effectiveness of the implementation of chapter V of the Convention. More specifically, one speaker commended the work undertaken by the StAR Initiative and its contribution to moving forward the asset recovery agenda. Another speaker stressed that technical assistance provided in the framework of the StAR Initiative was very beneficial, both in terms of enhancing skills and sharing experience. This notwithstanding, speakers stressed the importance of diversifying activities in pursuit of the objective of promoting the full implementation of chapter V of the Convention, especially in view of the complexity of the chapter and the need for additional tools in

anticipation of the review of implementation of chapter V of the Convention. The importance of ensuring that technical assistance requests are responded to was highlighted.

39. The Secretary of the Conference of the States Parties stressed the importance and positive outcome of the partnership between the World Bank and UNODC under the StAR Initiative. He further noted that this partnership was developed in response to and strict compliance with the mandates given by the Convention and the Conference of the States Parties, and that it allowed for efficient action, optimum use of limited resources and leverage of expertise.

40. A representative of the StAR Initiative presented an overview of the preliminary findings of the study on illicit enrichment. She indicated that the research found that just over 40 countries had enacted illicit enrichment provisions, and that even fewer countries had actually prosecuted illicit enrichment. It further found that countries often lacked skills and resources in the investigation and prosecution of illicit enrichment. The study found that all countries addressed asset recovery in their illicit enrichment provisions, and there was evidence of confiscation after conviction. The preliminary conclusions of the study indicated that the process did not violate due process and human rights and that the issue should be assessed holistically, also looking at the criminal justice system of the country. The study was distributed to the Group with the request to provide comments and suggestions by 30 September 2011.

41. A representative for the United Nations Office of the High Commissioner on Human Rights (OHCHR) underlined the detrimental impact of corruption, including illicit enrichment, on human rights. He recalled the resolution of the Human Rights Council 7/11 which mandated the Office to extend its work in this regard, and indicated that the Office was in the process of preparing studies that addressed the negative impact of corruption on human rights. Acknowledging OHCHR's contribution in the study of the StAR Initiative on illicit enrichment, he reiterated the Office's readiness to assist countries, in cooperation with UNODC, World Bank and StAR Initiative. During the discussion on the matter, one speaker proposed, that given the detrimental effect of corruption from a human rights standpoint, the creation of an international anti-corruption court could be envisaged.

42. Some speakers welcomed the development of the illicit enrichment study by the StAR Initiative, as mandated by the Working Group. Several speakers stressed that their countries had adopted legal and other measures to enable the criminalization of illicit enrichment and the confiscation of relevant assets, and to enhance international cooperation in this regard. It was suggested that a comparison between the declaration of assets of senior public officials and their real income might allow a country to confiscate illicit assets. Several speakers underlined that enabling confiscation of assets without conviction on the basis of illicit enrichment may in some cases, avoid the concerns related to human rights and due process violations, and should be examined in the study.

43. Two speakers reported on legislation on illicit enrichment enacted in their jurisdictions and requested that it be reflected in the study. One delegation highlighted that the criminal offence on illicit enrichment established in its country carried the sanction of a fine.

## V. Asset recovery in practice: analysing asset recovery cases

44. A representative of the StAR Initiative presented **Asset Recovery Watch**, a database of asset recovery cases initiated and maintained by the StAR Initiative. The database aimed at providing concrete examples to practitioners, thus helping trigger collective mobilization to recover stolen assets. The database contained 75 cases from 52 jurisdictions and spanning from the early 1980s till present. Information came exclusively from open and public sources, and was featured in the database in original languages. The database would be updated regularly, and be accessible through the UNODC TRACK and eventually linked to the Legal Library. At the request of the Group, an overview of a recent study on “Lowering Barriers to Asset Recovery” — one of the StAR Initiative’s products — was provided. The study identified difficulties faced by the practitioners from requesting countries when requesting cooperation. The study grouped the barriers in two categories, i.e. legal and operational barriers. A number of recommendations had been made accordingly, in a way to encourage States to look into the matter with a view to adjusting relevant domestic measures to, if not eliminate, at least lower barriers.

45. A representative of UNODC presented information to the Working Group on a concrete example of a case contained in the Asset Recovery Watch. The case involved several jurisdictions to locate assets and enable their seizure and recovery. As a result, cash was recovered through criminal forfeiture procedures, the requesting State was a party in a civil action, and non-conviction based forfeiture was possible based on foreign judgments. Lessons learned from this case were underlined, inter alia, the importance of international cooperation, the use of multiple legal approaches in one case, and the benefit of implementing all the provisions of Chapter V of the Convention.

46. The 2011 Asset Forfeiture Act of Mauritius was presented by the representative of the Office of the Director of Public Prosecutions of Mauritius. The Dangerous Drugs Act, which was drafted in broad consultation with law enforcement stakeholders, was adopted by Parliament in April 2001. The new law (2011 Asset Forfeiture Act) aimed at enabling the forfeiture of proceeds of crimes to compensate victims, whether it was the State or an individual. It contained provisions of both conviction-based and non-conviction based forfeiture. The law also set up an enforcement authority, as well as a recovered assets fund where forfeited assets could be placed.

47. In the ensuing discussion, speakers urged States Parties to redouble their efforts to remove barriers to asset recovery, including by fully implementing Chapter V of the Convention and applying it in practice. Speakers highlighted barriers experienced in cases in which their jurisdictions were involved. These included legal requirements such as strict conditions to mutual legal assistance, including related to dual criminality. Capacity issues with regard to mutual legal assistance and asset tracing continued to be an important impediment to effective recovery. One speaker stressed the need to take into account both short-term cooperation on specific cases and long-term training needs. Banking secrecy or banking notification requirements on ongoing inquiries still presented problems in asset recovery investigations. The lack of direct communication or trust between jurisdictions was highlighted repeatedly as a barrier to asset recovery, which could be overcome by the establishment and strengthening of networks, joint case

meetings and the strengthening of direct pre-mutual legal assistance communication. Some speakers stressed that the complexity of asset recovery procedures resulted in high costs of legal representation. Misunderstandings on legal systems presented operational barriers; in this regard, an honest broker could contribute to a common understanding of the requirements for mutual legal assistance between the Parties.

48. Speakers stressed strong interest in strengthening analytical work on cases. They highlighted the need to collect and analyze both successful as well as unsuccessful cases with a view to determining factors contributing to successful cooperation. Some speakers noted with appreciation the work undertaken by StAR and UNODC on the collection of cases. Speakers reiterated their request for an analytical study of cases, as well as for exploring the feasibility of e-learning tools on asset recovery.

49. Several speakers highlighted that the Working Group should continue to discuss cases and new legislative developments. Cooperation with the private sector, especially with financial institutions, was specifically mentioned in this regard.

50. The issue of balancing confidentiality requirements with the interest in learning from past experience and analyzing past cases was addressed. Information on cases submitted by States in the course of technical assistance delivery or through the self-assessment checklist were considered confidential unless otherwise specified by the involved State, with a view to protecting the interests of the countries involved and so as not to jeopardize ongoing cases. Speakers therefore urged States to share case experience, both on successful and unsuccessful cases. It was stressed that analytical work could be carried out in a meaningful manner without identifying individuals or jurisdictions involved, but that a critical mass of cases was needed.

51. The representative of Switzerland presented information and lessons learned from two asset recovery cases where Switzerland was the requested State. He underlined the importance of good cooperation between the requesting and requested States for setting up a determined team which would work together throughout the process of confiscation and recovery of stolen assets. He further updated the Group on the entry into force in February 2011 of the 2010 Return of Illicit Assets Act, which had been presented to the Working Group at its fourth session. Being a subsidiary law which could be used only when actions under the Mutual Legal Assistance Act had failed, the Return of Illicit Assets Act was expected to provide an effective framework for mutual legal assistance cases in asset recovery. He reported that Swiss authorities had initiated the first confiscation proceedings under this law in a case where mutual legal assistance had not been successful.

52. The representatives from the Organisation for Economic Cooperation and Development (OECD) provided an overview of activities of their Organization with regard to asset recovery, illicit financial flows and financial crime. They briefed about the report entitled "Stolen Asset Recovery: Progress Report on Asset Recovery in 30 OECD Countries between 2006-2009", to be launched at the OECD Fourth High Level Forum on Aid Effectiveness to be held from 29 November to 1 December 2011 in Busan, Korea. The report contained findings based on statistical data and information collected from 30 OECD countries, as well as recommendations for adopting and implementing comprehensive strategic policies

and effective measures in asset recovery, and to strengthening the capacity of national authorities. With regard to the role of OECD in the area of tax administration in the fight against financial crime and corruption, the Group was informed about the OECD 2009 Recommendations on Tax Measures for Further Combating Bribery of Foreign Public Officials and the outcome of the Working Group that the Tax and Crime Conference, held in Oslo in March 2011, which called for increased cooperation between agencies in tackling financial crime domestically and internationally with particular focus on developing countries.

## **VI. Networks for effective asset recovery**

53. A representative of the Secretariat introduced document CAC/COSP/WG.2/2011/3, entitled “Towards an effective asset recovery regime: networks”, which provides an overview of global and key regional networks and how they support the asset recovery process, as well as an initial analysis of the composition of these networks. He noted that while policy issues and cooperation prior to submission of formal mutual legal assistance requests were well covered at both the global and regional levels, only regional networks dealt with formal mutual legal assistance requests. The specific analysis of the asset recovery focal points designated under the United Nations Convention against Corruption revealed that 35 percent of these focal points were the also the central authorities notified in accordance with article 46 (13) of the Convention, 19 percent were anticorruption agencies, 16 percent overlapped with the StAR/INTERPOL focal points, and that the remaining 30 percent came from a wide variety of agencies and ministries.

54. A representative for the Europol Criminal Assets Bureau provided to the Working Group an overview of the recent European Union (EU) Council Decision on Asset Recovery Office(s) 2007/845/JHA. This decision required EU countries to set up or designate one or two asset recovery offices for mutual cooperation and exchange of information and good practices and created a legal framework within the EU for CARIN (Camden Asset Recovery Inter-agency Network). With 58 members, CARIN aimed at increasing the effectiveness of its members’ efforts on a multi-agency basis, in depriving criminals of their illicit profits, and adds an operational part to legal framework of confiscation of proceeds of crime. The representative noted that its activities and successes had inspired the establishment of other regional networks, such as ARINSA (Asset Recovery Inter-Agency Network of Southern Africa) and RRAG (Red de la Recuperación de Activos de GAFISUD).

55. A representative for GAFISUD (Grupo de Acción Financiera de Sudamerica) provided an overview of the work of RRAG, a network initiated in 2009 by GAFISUD, UNODC and CIDAD/OAS to enable and facilitate the informal exchange of information in order to improve asset recovery mechanisms. 12 States had designated two representatives each to the RRAG. RRAG aimed at establishing a link between the requesting authority and the agency or authority able to access the information. Since October 2010, RRAG provided also a secure electronic platform.

56. A representative for the Egmont Group of Financial Intelligence Units (FIUs) presented an overview of the characteristics of the Egmont Group which comprised 127 different jurisdictions as members and aspired to become global. Since its

establishment in 1995 the Egmont Group, it had been a non-political, voluntary and international entity of operational FIUs committed to provide a common forum to improve cooperation in the effective exchange of information to combat money-laundering and terrorist financing, and foster the implementation of domestic programs and promoting the development of effective FIUs. He also stressed the informal and purely voluntary character of the Egmont Group and the importance of the secure, confidential Egmont website to allow timely exchange of intelligence between members.

57. A representative of the StAR Initiative presented the StAR/INTERPOL Asset Recovery Focal Points Initiative, which consisted primarily of law enforcement officers and investigators with expertise in the area of asset recovery. The representative noted that the number of members has reached 85 in July 2011. She further provided an account of the second meeting of the StAR/INTERPOL focal points in July 2011, in Lyon, France, attended by over 100 participants from 52 countries. The representative stressed that the Lyon meeting provided an opportunity to practitioners to have bilateral, confidential contacts and discuss asset recovery cases, which proved beneficial to the development of ongoing cases.

58. In the ensuing discussion, speakers reiterated their support for the creation of a global network of asset recovery focal points, as reflected in resolution 3/3 of the Conference of the States Parties and the relevant recommendations of the Working Group. Informal contacts were considered paramount for successful international cooperation in asset recovery. All speakers recognized the usefulness of networks for building trust and confidence between requesting and requested States, collecting information at the stage before a formal mutual legal assistance request was being submitted, thus contributing to successful mutual legal assistance requests. It was agreed that focal points cooperating in such networks should be specialized practitioners from law enforcement agencies and the judiciary with adequate experience and training.

59. Speakers welcomed the work undertaken to date to establish asset forfeiture and asset recovery networks. It was recognized that existing networks had different constituencies with regard to the represented institutions and different regional coverage. Further, they had different thematic scopes, as some were targeting the proceeds of corruption and some the proceeds of all crimes. It was further noted that certain existing networks provided their members with secure channels of information exchange, while others relied on established communication platforms. With regard to regional networks, the possibility of linking them to each other and to a possible future global network was mentioned. In the establishment of regional networks, the specificities of regions had to be taken into account and it was emphasized that regional initiatives should be duly taken into account. One speaker noted that the existence of diverse networks presented challenges for practitioners in finding the right counterparts and suggested that practitioners should be trained on the terms of reference and use of such networks. Speakers agreed that duplication of efforts in the establishment of networks should be avoided. In this context, some speakers highlighted that FATF and the FATF-style regional bodies could only assume jurisdiction over their members.

60. A number of speakers welcomed the StAR/Interpol Asset Recovery Initiative, and one speaker considered it sufficient as the global network of asset recovery focal points requested in resolution 3/3. Other speakers stressed that the global asset

recovery focal point network under the UNCAC as requested by resolution 3/3 was still to be established and the operational functioning of this network was still to be discussed. They further stressed that the mandate of the global network should be to assist in asset recovery as reflected in chapter V of the Convention and specifically in preparing high-quality mutual legal assistance requests to this effect. The global network was to be established and administered under the auspices of the United Nations Secretariat and in the framework of the Conference of the States Parties to UNCAC. One speaker suggested to set up a meeting of the asset recovery focal points designated according to resolution 3/3 within the context of the Open-ended Intergovernmental Working Group on Asset Recovery.

61. Speakers urged States parties that have not yet done so to nominate their asset recovery focal points and their central authorities for mutual legal assistance as foreseen under article 46 paragraph 13 of the Convention.

62. The Secretary of the Conference of the States Parties, in his comments following the discussion, stressed the necessity of regular updating of contact information of network members and highlighted some common characteristics of networks, including a strong attachment to the original sense of purpose and the original mandate, a strong sense of ownership, and the importance of the routine developed. The Secretary further underscored the importance of accurately determining the scope of networks, as well as the lack of a network bringing together central authorities.

## **VII. Consideration of a multi-year work plan**

63. The Chair of the Working Group introduced the work plan contained in document CAC/COSP/WG.2/2011/4, entitled “Preparing the ground for reviewing the asset recovery chapter: proposed multi-year work plan, 2011-2015” and invited the States to present their comments and suggestions thereon.

64. In the ensuing discussion, several speakers welcomed the development of knowledge products. Some stressed the need for additional knowledge products, such as an analytical study on successful and unsuccessful asset recovery cases, while underlining the importance of consultation with the Working Group and States parties on the knowledge products to be developed. Some speakers supported the development of draft model legislative provisions in the area of asset recovery. Further progress in establishing central authorities was also deemed necessary. The foreseen provision of case-related country assistance was welcomed by States.

65. On a more general note, several speakers noted that the presented work plan focused on projected activities of the Secretariat and requested that a document on future work priorities of the Working Group be prepared. It was discussed whether the current work plan for the Secretariat should be further refined and updated, with addition of concrete timeframes and the programming of further activities. In this context, some speakers requested that the work plan should reflect efforts aimed at improving speed and efficiency of asset recovery procedures.

66. One State noted the need to further elaborate on the content of the work plan submitted to the Working Group which should also take into account budgetary implications. Some speakers further noted that activities included in the work plan

such as synergies with other international organizations, case-related country assistance and participation in the development of the StAR-INTERPOL Focal Points Network should be continuously discussed within the Working Group.

67. The Group decided that a complementary work plan for the Working Group should be developed and submitted to the Conference of the States Parties at its fourth session. In this regard, speakers expressed the need for the Group to hold increasingly technical meetings focusing on specific issues such as challenges to legal cooperation, freezing of assets, practical investigation cooperation was underscored. To facilitate the process of developing a workplan for the Group, it was concluded that the Chairman of the Working Group would approach the Regional Groups with a request to submit relevant proposals until 1 October 2011. The Secretariat would compile the proposals in a working document for the consideration of the Conference of the States Parties at its fourth session.

68. Some speakers expressed the view that the mandate and role of the StAR initiative should be clearly defined in order to ensure its alignment with the mandates of intergovernmental bodies established under the Convention. Some speakers further expressed concerns over the projected collaboration between the StAR initiative and non-governmental organizations.

69. In response to the views expressed, the Secretary underlined the importance of the StAR initiative in its current mandate, and noted the usefulness of synergies with other international organizations.

### **VIII. Adoption of the report**

70. On 26 August 2011, the Working Group adopted the report on its meeting (CAC/COSP/WG.2/2011/L.1 and Add.1-3).