

4 June 2018

English only

---

**Open-ended Intergovernmental Working  
Group on Asset Recovery**

**Twelfth session**

Vienna, 6 and 7 June 2018

**No Safe Haven to Stolen Assets — Ten Recommendations on  
Asset Recovery**

**Conference room paper  
submitted by the Government of China<sup>1</sup>**

---

<sup>1</sup> The document has been reproduced in the present conference room paper in the form in which it was received. Available at [http://mddb.apec.org/Documents/2018/ACT/ACT-NET-WKSP/18\\_act-net\\_wksp1\\_summary.pdf](http://mddb.apec.org/Documents/2018/ACT/ACT-NET-WKSP/18_act-net_wksp1_summary.pdf)



## **No Safe Haven to Stolen Assets — Ten Recommendations on Asset Recovery**

Based on discussion at APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) Training Workshop on Asset Recovery (Bangkok, Thailand, 20–22 March 2018).

The Central Commission for Discipline Inspection/the Ministry of Supervision of China, the National Anti-Corruption Commission of Thailand, and the Regional Office for Southeast Asia and the Pacific of the United Nations Office on Drugs and Crime co-hosted the APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) Training Workshop on Asset Recovery on 20–22 March, 2018 in Bangkok of Thailand. The workshop, a step to implement APEC leaders' anti-corruption commitment including the Beijing Declaration against Corruption, represented the first capacity building activity dedicated to asset recovery among APEC economies, focusing on technical issues in the key aspects of asset recovery, from tracing, freezing, seizure, confiscation to return. Thirty experts lectured at the workshop while over 100 participants representing 21 APEC economies, Switzerland, seven international organizations, legal professionals, and relevant academia participated.

The workshop reiterated the importance of global, regional and bilateral asset recovery cooperation, shared best practices, analyzed past lessons and discussed the way forward. It has been widely recognized that flow of proceeds of corruption disturbs international economic and financial order as well as undermines rule of law and social justice. However, the lack of technical skills and problems in international cooperation still pose as major hindrances to effective recovery of proceeds of corruption. This training workshop provided an opportunity of capacity-building, as well as a platform for exchange and discussion among APEC economies and beyond. As a result of the workshop, ten recommendations aimed at enhancing asset recovery cooperation among APEC economies and based on the principles of “zero-tolerance in attitude to corruption, zero loopholes in mechanism for asset recovery and zero obstacles to cooperation”, have been proposed as follows:

### **I. Commitment**

1. APEC members shall reiterate the political commitment to denying safe haven to corruption, especially proceeds of corruption, and promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption and in particular in asset recovery based on mutual respect and trust.
2. APEC members shall fully implement the requirements of the United Nations Convention against Corruption (UNCAC) and make full use of its international cooperation and asset recovery provisions, as well as of law enforcement networks such as APEC ACT-NET, and shall consider, where appropriate, concluding bilateral mutual legal assistance treaties to further facilitate asset recovery cooperation.
3. APEC members shall bear in mind that the return of assets is a fundamental principle of UNCAC and afford one another the widest measure of cooperation and assistance in investigation, prosecution and judicial proceedings in relation to corruption offences, as well as with regard to the return of assets derived from such offences.

### **II. Cooperation**

4. APEC members shall be aware of the importance of information sharing and exchange, especially financial information, to asset recovery cooperation, and strive to enhance financial information sharing and anti-money-laundering cooperation by

such means as setting up a regional financial information sharing mechanism. APEC members shall, in consistence with their domestic law and international standards, prevent the transfer of proceeds of corruption, including by identifying suspicious financial transactions through effective due diligence practices, and proactively share financial information relating to corruption offences without prior request in order to enable investigation and prosecution of such offences and subsequent international cooperation where appropriate.

5. APEC members shall recognize the importance of domestic coordination as well as comprehensive international cooperation mechanisms, including direct contacts, through which relevant authorities in charge of international cooperation, including financial intelligence, law enforcement and judicial authorities, can effectively collaborate with each other for timely and effective identification, tracing, freezing and seizure of proceeds of corruption.

6. APEC members shall, in accordance with the requirements of UNCAC and consistent with applicable domestic legal requirements, give effect to freezing and seizing and confiscation court orders issued in requesting jurisdictions and where appropriate consider taking additional flexible measures including criminal, civil and administrative to confiscate and recover proceeds of corruption.

7. APEC members shall proactively use UNCAC as a legal basis for mutual legal assistance and asset recovery and, where appropriate, consider concluding agreements or mutually acceptable arrangements for the return and final disposal of confiscated assets in line with this Convention, with the aim to return the proceeds of corruption to their legitimate owners consistent with the principle of non-interference in the domestic affairs of other States.

### **III. Capacity-Building**

8. APEC members shall exchange best practices and information on successful cases of cooperation and asset recovery between them, and provide regular education and training to asset recovery practitioners.

9. APEC members shall encourage country-specific studies and seek to adopt and share guidelines, procedures and guides on mutual legal assistance, asset recovery and other forms of international cooperation to facilitate return and disposal of assets.

10. APEC members shall recognize the important role the international organizations and initiatives, such as UNODC, the World Bank/UNODC Stolen Asset Recovery Initiative (StAR) and International Centre for Asset Recovery (ICAR), play in the asset recovery area, in particular as providers of relevant technical assistance, and shall strengthen cooperation with them, so as to bring their expertise and resources into full use, particularly, for the purposes of capacity-building and technical assistance.