



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, 16–18 November 2020

Item 1 (b) of the provisional agenda*

**Organizational matters: adoption of
the agenda and organization of work**

Proposed workplan of the Open-ended Intergovernmental Working Group on Asset Recovery, 2020–2021

Note by the Secretariat

1. The mandate of the Working Group, as set out in resolution 1/4 of the Conference of the States Parties to the United Nations Convention against Corruption, consists of the following functions:

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

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

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

(d) Building confidence and encouraging 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) Facilitating the exchange of ideas among States on the expeditious return of assets;

(f) Assisting the Conference in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of transfers of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery.

2. In paragraph 22 of its resolution 8/9, the Conference welcomed the outcome of meetings of the Open-ended Intergovernmental Working Group on Asset Recovery, and requested it to develop a new multi-year workplan to continue its analytical work during the period 2020–2021, designating specific agenda items to be discussed as the main topic for each meeting.

* CAC/COSP/WG.2/2020/1.



3. In paragraph 12 of the same resolution, the Conference requested the Secretariat and invited the Stolen Asset Recovery Initiative, subject to the availability of extrabudgetary resources, to:

(a) Continue to provide States parties with information and knowledge products relevant to the implementation of chapter V of the Convention;

(b) Collect information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned; report on the findings to the Open-ended Intergovernmental Working Group on Asset Recovery and the Conference at their next sessions, and update the Asset Recovery Watch database;

(c) Continue to maintain and update the database, particularly in relation to alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, and to provide regular updates to the Open-ended Intergovernmental Working Group on Asset Recovery;

(d) Study how the use of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, taking into account relevant existing information provided, could further promote the effective application of chapter V of the Convention;

(e) In consultation with States parties, and taking into account, inter alia, the information gathered during the first and second review cycles of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and by panels and studies, to continue to collect information on the legal frameworks, legal procedures and judicial actions taken by States to recover proceeds of crime derived from offences established in accordance with the Convention;

(f) Collect information from States parties on the most common challenges in the judicial process with regard to asset recovery, and provide an analytical report to guide technical assistance.

4. In paragraph 15 of the same resolution, the Conference directed the Open-ended Intergovernmental Working Group on Asset Recovery to:

(a) Continue to collect information, with the support of the Secretariat, regarding the use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law, and analyse the factors that influence the differences between the amounts realized in alternative legal mechanisms and non-trial resolutions, including settlements that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law and the amounts returned to affected States, with a view to considering the feasibility of developing guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties;

(b) Collect information on challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54, paragraph 1 (c) of the Convention;

(c) Report its findings on each of these matters to the Conference of the States Parties at its next session, with the support of the Secretariat.

5. In paragraph 19 of the same resolution, the Conference directed the Working Group, with the assistance of the Secretariat, to sustain the process of identifying best practices and developing guidelines for proactive and timely sharing of information, in accordance with article 56 of the Convention.

6. In paragraph 11 of resolution 8/1, the Conference welcomed the study prepared by the Secretariat entitled *Effective Management and Disposal of Seized and*

Confiscated Assets, and decided that the Working Group should continue its work by, inter alia:

(a) Continuing to collect information on best practices from States parties, with a view to completing the draft non-binding guidelines on the management of frozen, seized and confiscated assets and updating the study entitled *Effective Management and Disposal of Seized and Confiscated Assets*;

(b) Continuing its efforts to collect information on challenges and barriers that States parties face, as well as best practices in recovery and return of proceeds of crime, with a view to proposing possible recommendations for the full and effective implementation of chapter V of the Convention;

(c) Continuing to provide reports to the Conference on its activities.

7. At the thirteenth meeting of the Working Group, the Chair requested the Group to continue its discussions on best practices for the identification and compensation of all different types of victims in accordance with the Convention, and on third-party challenges and their impact on asset recovery under chapter V, and for those discussions to be included on the agenda for the fourteenth meeting (CAC/COSP/WG.2/2019/6, para. 63).

8. The Working Group will hold two intersessional meetings in the period 2020–2021. In connection with the topics included in resolutions 8/9 and 8/1 and the request to continue the thematic discussion arising from the thirteenth meeting, the secretariat prepared a workplan to structure the work of the Working Group during that period. As requested by the secretariat, the proposed workplan takes into account synergies with other intergovernmental bodies, in particular the Implementation Review Group, which oversees the review of implementation of chapter V of the Convention during the second cycle of the Implementation Review Mechanism, and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.

9. In line with past practice, it is proposed that standing items be included on the agenda of the Working Group to provide opportunities for discussion on the progress made in the implementation of mandates in the area of asset recovery, including the new mandates referred to in paragraphs 2 to 6 above, practical aspects of asset recovery, including trends, challenges and good practices and collection of information from States parties on international asset recovery cases, and technical assistance. In addition, the thematic discussion would focus on specific areas in line with the mandates contained in resolutions 8/9 and 8/1.

10. The secretariat will also continue its analytical work to support the activities of the Working Group in line with the new mandates, including on the topics not addressed in the thematic discussions, and will provide corresponding detailed written updates on that work in the progress reports on the implementation of the mandates and inputs during the meetings of the Working Group.

11. The proposed workplan for the meetings of the Working Group for 2020–2021, as outlined below, has been prepared taking into account the available information and work carried out in the thematic areas to be covered during the period.

Provisional agenda for the fourteenth meeting (2020)

Standing items

- Overview of progress made in the implementation of asset recovery mandates, including presentation of finalized knowledge products.
- Practical aspects of asset recovery, including trends, challenges and good practices.
- Technical assistance.

Thematic discussions

- Continuation of the discussion on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V.
- Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems.

Provisional agenda for the fifteenth meeting (2021)

Standing items

- Overview of progress made in the implementation of asset recovery mandates, including presentation of finalized knowledge products.
- Practical aspects of asset recovery, including trends, challenges and good practices.
- Technical assistance.

Thematic discussions

- The use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention.
 - Challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54. 1 (c) of the Convention.
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