The International Trends of Asset Recovery

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Definition

• International Asset Recovery
  – Any effort by governments to repatriate the proceeds of corruption hidden in foreign jurisdictions.

• Asset Recovery (UNCAC: United Nations Convention Against Corruption)
  – Recover the proceeds of corruption
    • Asset confiscation
    • Asset forfeiture
Size of Transnational Organised Crime
East Asia and the Pacific

<table>
<thead>
<tr>
<th>Activity</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counterfeit Goods (EAP to Europe and US)</td>
<td>$24.4 bn</td>
</tr>
<tr>
<td>Illegal wood products from EAP</td>
<td>$17 bn</td>
</tr>
<tr>
<td>Heroin within EAP</td>
<td>$16.3 bn</td>
</tr>
<tr>
<td>Methamphetamine within EAP</td>
<td>$15 bn</td>
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<td>Fraudulent medicines (EAP to SEA and Africa)</td>
<td>$5 bn</td>
</tr>
<tr>
<td>Illegal e-waste to EAP</td>
<td>$3.75 bn</td>
</tr>
<tr>
<td>Illegal wildlife in EAP</td>
<td>$2.5 bn</td>
</tr>
<tr>
<td>Migrant smuggling (E and SE Asia to Europe and US)</td>
<td>$1.55 bn</td>
</tr>
<tr>
<td>Migrant smuggling (GMS to Thailand)</td>
<td>$600 m</td>
</tr>
<tr>
<td>Sex trafficking (GMS to Thailand and Cambodia)</td>
<td>$23 m</td>
</tr>
<tr>
<td>Migrant smuggling (S and W Asia to Australia and Canada)</td>
<td>$97.3 m</td>
</tr>
<tr>
<td>Illegal ODS to EAP</td>
<td>$220 m</td>
</tr>
<tr>
<td>Labour trafficking (GMS to Thailand)</td>
<td>$33 m</td>
</tr>
</tbody>
</table>

Total US$ 90 billion (exceeding the GDP of several states)
Common Procedure

Tracing → Freezing → Confiscation → Repatriation
Current Challenges

- Lack of political will to enforce recoveries
- Lack of funding
- Lack of sufficient information
- Slow response (reluctance?) from requested countries
- Lack of technical capacity
- Lack of Remedial Procedures
Informal network of judicial and law enforcement practitioners, who are experts in the field of asset tracing, freezing, seizure and confiscations

[ Current Networks ]
• CARIN (Camden Asset Recovery Inter-agency Network, 2004)
• ARINSA (Southern Africa, 2009)
• RRAG (Red de Recuperación de Activos de GAFISUD, 2010)

[ Asia – Pacific ]
• ARIN-AP (Asia and the Pacific) initiative - supported by UNODC HQ (GPML) and ROSEAP
CARIN
Camden Asset Recovery Interagency Network

- Established in 2004
- 64 members and observers
- Structure
  - two contacts from each member jurisdiction or organization
  - Steering Group (9 members)
  - Presidency: annual
  - Secretariat: Europol
Good Example: CARIN

- Asset Tracing request from Austria to UK
  - ML Investigation Austria
  - €23 ($31) Million in Liechtenstein
  - UK Resident

- Asset Tracing & Freezing Request
  - from UK Police in London to France
  - Successful freezing on ‘day of action’

Europol ‘Operation Smoke’ – Asset Tracing Request from UK Customs via Europol and Interpol 16 jurisdictions worldwide. Looking for $17.5 million
Established on 24 March 2009 in Pretoria, SA
- with help of UNODC, CARIN, National Prosecuting Authority (NPA) South Africa

10 countries from the eastern and southern African region

ARINSA Secretariat based in NPA of South Africa
RRAG
Financial Action Task Force of South America Asset Recovery Interagency Network

- Established in 2010, Argentina as GAFISUD’s asset recovery network (Red de Recuperación de Activos de GAFISUD)
  - GAFISUD (Grupo de Acción Financiera de Sudamérica): FATF-style regional body in South America (2000)

- 12 countries from the South American region

- RRAG Secretariat based in GAFISUD secretariat office (Argentina) / RRAG electronic platform located in Costa Rica’s FIU
ARIN-AP initiative

- **ARIN-ASEAN**
  - UNODC (GPML) concept note to support establishment of ASEAN based ARIN, in September 2010
  - Following a meeting of APG/ASEAN members as part of the annual Technical Assistance & Training Forum

- **ARIN-EAP**
  - UNODC ROSEAP involved
  - presented in 2011 APG workshop, 2012 IAACA seminar, 2012 IAP meeting
ARIN-AP

Asset Recovery
Inter-agency Network
of Asia-Pacific

- proposed by Korean SPO
in Regional CARIN Style Networks
Secretariats’ Meeting
in the Hague, November 2011

- Supported by Australia /Indonesia
Function

- To promote **exchange of information and best practice**
- To establish itself as **center of information and expertise**
- To promote training for **capacity building**
- To act as an **advisory group**
- To **cooperate** with private sector
International legal cooperation
The importance of strengthening regional framework

• Resolution 19/7: “Strengthening of regional networks for international cooperation in criminal matters”

In order to adequately combat serious crime at the global level, international legal cooperation among the members of the various existing networks should be promoted……

“1. Urges Member States participating in networks for legal cooperation to strengthen international cooperation in criminal matters and the coordination among such networks;

Res. 19/7, adopted at the 19th CCPCJ
Thank you.

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