

**International Expert Meeting on the return of stolen assets –
“ADDIS II”
7-9 May 2019**

Venue: United Nations Conference Centre in Addis Ababa

A. Background

With the entry into force of the United Nations Convention against Corruption (the “Convention” or UNCAC), the international community has for the first time agreed on a comprehensive set of rules governing asset recovery. In particular, Chapter V of the Convention establishes the recovery and return of such assets as a “fundamental principle” of the Convention and stipulates that States parties shall afford one another the widest measure of cooperation and assistance in that regard (article 51). In its article 57, the Convention establishes for the first time that proceeds of embezzlement should be returned upon confiscation to the country of origin, whereas for the proceeds of other offences, a differentiating regime has been adopted taking into account damages, prior ownership and victims.¹

At the United Nations Sustainable Development Summit in 2015, States committed to significantly reduce, by 2030, illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime (Sustainable Development Goal (SDG) 16.4). States also committed to develop effective, accountable and transparent institutions at all levels (SDG 16.6), strengthen domestic resource mobilization (SDG 17.1) and mobilize additional financial resources for developing countries from multiple sources (SDG 17.3). Since the adoption of the SDGs, there has been broad consensus that returned assets play an important role towards the achievement of the SDGs.

As a result, anti-corruption measures generally, including the use of returned assets, have been high on the international agenda. For instance, the conclusions and recommendations of the 2017 Economic and Social Council Forum on Financing for Development follow up (“FfD Forum”) encouraged States to strengthen international cooperation on the recovery and return of stolen assets, recognized that asset return was

¹Different from UNCAC, the United Nations Convention against Transnational Organized Crime (UNTOC) establishes the principle of asset sharing and the restitution to victims. Based on UNTOC, UNODC developed a model agreement on international asset sharing which was endorsed by the UN Crime Commission in May 2005 and by the UN General Assembly in December 2005 (ECOSOC Resolution 2005/14: www.un.org/en/ecosoc/docs/2005/resolution%202005-14.pdf). This model on sharing confiscated proceeds of crime can be used by countries to strengthen international cooperation in the confiscation and disposal of the proceeds of crime covered by the UNTOC. However, it is not applicable to asset recovery under UNCAC.

a priority and supported “continued exchanges on the development of good practices on asset return”.²

More recently, the UN General Assembly’s Second Committee adopted a resolution on “Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development”³ welcoming the ongoing efforts of Member States to enhance knowledge and broaden understanding of the challenges and opportunities involved in international cooperation to combat illicit financial flows and strengthen good practices on assets return consistent with UNCAC so as to foster sustainable development.

The Conference of the States Parties (COSP) to the Convention adopted resolution 7/1 at its seventh session, encouraging States parties to make full use of the possibility of concluding agreements or mutually acceptable arrangements for the return and final disposal of confiscated property pursuant to article 57, paragraph 5, of UNCAC and to consider the SDGs in the use and management of recovered assets.

Progress has been made in this regard, including at previous expert meetings: An expert meeting on the management and disposal of recovered and returned stolen assets, including in support of sustainable development was held in Addis Ababa in February 2017 (Addis I). The meeting was convened by the Governments of Ethiopia and Switzerland and UNODC and brought together for the first time asset recovery practitioners and Financing for Development experts. Its discussions also took into account, inter alia, the outcomes of an international workshop held in Küsnacht, Switzerland, in October 2013. Participants at Addis I emphasized that returned assets needed to be safeguarded against being stolen again and used to support the national implementation of the SDGs. It was agreed that more work was required on best practices for asset return.

In addition, the Global Forum on Asset Recovery (GFAR) was held in Washington D.C. from 4 to 6 December 2017, co-hosted by the UK and the US and supported by the joint UNODC/World Bank Stolen Asset Recovery (StAR) Initiative. At this meeting, a group of requesting and requested States (Nigeria, Sri Lanka, Tunisia, Ukraine, the United Kingdom and the United States) adopted the GFAR principles for disposition and transfer of confiscated stolen assets in corruption cases. The GFAR principles address approaches and mechanisms for enhancing coordination and cooperation and for strengthening transparency and accountability of the processes involved in asset recovery.⁴

² See E/FFDF/2017/3, para. 10. The progress made on developing good practices on asset return to foster sustainable development was welcomed in the 2018 report, see E/FFDF/2018/3, para. 12.

³ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/222: paragraphs 4,

⁴ https://star.worldbank.org/sites/star/files/20171206_gfar_communique.pdf

Furthermore, the UNCAC Asset Recovery Working Group recommended that the Secretariat collect information on examples of how countries have worked together to ensure transparency and accountability in the return and disposal of confiscated proceeds of corruption.

B. Objectives of the meeting

The objective of the present expert meeting is to build upon the progress made during Addis I with the aim of developing good practices on asset return, taking into account, inter alia, UNCAC, the SDGs, and other processes and initiatives such as the GFAR principles. To this end, the expert meeting will analyse successful cases and identify trends and developments, thereby identifying common obstacles to international cooperation in the return of assets and innovative ways at overcoming them, including the available options for ensuring the return of assets in line with UNCAC. The meeting will also discuss ways to ensure transparency and accountability in the asset return process. The meeting will assess, based on past practices and lessons learned, whether a draft set of good practices on asset return can be developed. The outcome of the meeting will be presented to the Asset Recovery Working Group at its next meeting.

Common obstacles to international cooperation in the asset return process

International cooperation is essential for the successful completion of the process of asset recovery. However, obstacles to international cooperation frequently hamper the successful return of assets. A study prepared by the StAR Initiative, entitled “Barriers to Asset Recovery” identified three main categories of obstacles to asset recovery, namely, (a) General Barriers and Institutional Issues; (b) Legal Barriers and Requirements that Delay Assistance; and (c) Operational Barriers and Communication Issues.⁵

In this regard, the present expert meeting (“Addis II”) aims at identifying common obstacles to international cooperation in the “return phase” of the asset recovery process and identifying good practices for addressing these challenges. As a result, the expert meeting will complement other initiatives that focused on the challenges, obstacles or barriers related to the asset recovery process, such as the aforementioned StAR Initiative Study and the Lausanne Process.⁶

Draft set of good practices on asset return

Practitioners are frequently faced with having to choose the appropriate process for pursuing asset recovery when requesting the return of assets. Since the entry into force

⁵ [“Barriers to asset recovery: an analysis of the key barriers and recommendations for action”](#) by The World Bank/UNODC (2011)

⁶ Since 2001 Switzerland has regularly hosted seminars with the objective of improving international cooperation and coordination in the fight against funds illicitly acquired by politically exposed persons.

of the Convention, stolen assets have been returned in an important number of cases. In doing so, a diversity of approaches has been used to tackle the return and disposal of assets. Among them, returns on the basis of article 57 of the Convention, ad-hoc asset recovery agreements and settlements stand out. In particular, the conclusion of agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property (art. 57, para. 5 of the Convention) was used in several of these returns. At the same time, a number of returns were operationalized without any specific agreements, using only international cooperation as a basis.

The expert meeting aims to discuss the advantages and challenges related to each of these different options, the factors influencing the decision-making process in this regard, as well as the issue of transparency and accountability in the process. To inform the experts' deliberations, an analysis of trends in asset returns will be presented.⁷ The Working Group on Asset Recovery and the Conference of the States Parties to the Convention will be briefed on the outcome of the meeting.

⁷ This analysis will include an update to the findings of the Stolen Asset Recovery Initiative in this regard which were made available in its publication "Management of Returned Assets: Policy Considerations (2009)".

International Expert Meeting on the return of stolen assets – “ADDIS II”
Addis Ababa, United Nations Conference Centre, 7-9 May 2019

AGENDA

Tuesday, 7 May 2019	
08.30 – 09.00	Registration
09.00 – 09.45	<p>Opening</p> <ul style="list-style-type: none"> ▪ Welcome remarks by the Host ▪ Welcome remarks by H.E. Mr. Daniel Hunn, Ambassador of Switzerland to Ethiopia ▪ Welcome remarks by Ms. Brigitte Strobel-Shaw, UNODC <p>Tour de table</p> <ul style="list-style-type: none"> ▪ Introduction of participants and group photo
09.45 – 10:30	<p>Session I: State of Knowledge</p> <ul style="list-style-type: none"> ▪ UNCAC as framework for asset recovery; asset recovery-related information emanating from the Implementation Review Mechanism; Conference of the States Parties to the Convention, Asset Recovery Working Group <ul style="list-style-type: none"> ○ Felipe Falconi and Sophie Meingast, UNODC ▪ Addis Ababa Action Agenda, Financing for Development, Sustainable Development Goals, Progress made since Addis I <ul style="list-style-type: none"> ○ Elsa Gopala-Krishnan, StAR Initiative ▪ GFAR principles <ul style="list-style-type: none"> ○ Kellen McClure, Anti-Corruption Adviser, Bureau of International Narcotics and Law Enforcement Affairs, Department of State, United States of America <p>Moderator: Brigitte Strobel-Shaw, UNODC</p>
10:30 – 10:40	Coffee Break
10:40 – 12:00	<p>Session II: Asset recovery and international cooperation: obstacles and innovative ways of overcoming them</p> <ul style="list-style-type: none"> ▪ Common obstacles to asset recovery and international cooperation and how to overcome them <ul style="list-style-type: none"> ○ Eduarda Neto, Director, National Asset Recovery Office, Office of the

	<p>Attorney-General, Angola</p> <ul style="list-style-type: none"> ○ Jeffrey Simser, Legal Director, Ministry of the Attorney-General, Toronto, Canada <ul style="list-style-type: none"> ▪ Lausanne Guidelines <ul style="list-style-type: none"> ○ Shervin Majlessi, StAR Initiative <p>Moderator: Walter Reithebuch, Senior Policy Advisor - Anti-Corruption and Asset Recovery, Federal Department of Foreign Affairs, Switzerland</p> <p>Session notes: <i>This session will address the main challenges encountered when recovering assets, in particular through international cooperation, including the need to:</i></p> <ol style="list-style-type: none"> 1. Commence open dialogue on issues related to asset recovery and international cooperation at the earliest opportunity; and 2. Establish strong partnerships between transferring and receiving countries.
12:00 – 14:00	Lunch
14.00 – 15:30	<p>Session III: Options available for asset return</p> <ul style="list-style-type: none"> ▪ Presentation of different options available for asset return <ul style="list-style-type: none"> ○ Elsa Gopala-Krishnan, StAR Initiative ▪ Analysis of trends in the asset return process <ul style="list-style-type: none"> ○ Richard Messick, Consultant, UNODC ▪ Transparency and accountability in the asset recovery process <ul style="list-style-type: none"> ○ Paul Kadushi, Principal State Attorney, United Republic of Tanzania ○ Ladidi Bara’atu Mohammed, Assistant Director, Ministry of Justice, Nigeria; and Simon Kuersener, Task Force Asset Recovery, Switzerland ○ Indira Konjhodzic, Country Program Coordinator for Nigeria, World Bank <p>Moderator: Sophie Meingast, UNODC</p> <p>Session notes: <i>This session will cover the different avenues available for asset return and address the importance of taking into account the specificities of each case in selecting the appropriate avenue. The issue of transparency and accountability in the asset return process and the use of case-specific instruments will also be highlighted.</i></p>
15:30 – 15:40	Coffee Break
15.40 – 17:00	<p>Session IV: Asset recovery – innovative tools and possible contributions towards the Sustainable Development Goals</p>

	<ul style="list-style-type: none"> ○ Allan Edward Hernández Portillo, Deputy Attorney-General, Office of the Attorney-General, El Salvador ○ Shan Ao, Deputy Director, Department of Treaty and Law, Ministry of Foreign Affairs, China ○ Hazel Stevens, Illicit Finance Policy Lead, SOCnet, United Kingdom ○ Shane Nainappan, Senior Asset Recovery Specialist, International Centre for Asset Recovery <p>Moderator: Mohammed Moneer Wahba, Counsellor, Ministry of Foreign Affairs, Egypt</p> <p>Session notes: <i>This session will address how innovative tools can facilitate asset recovery and how asset recovery and asset return can contribute to work towards the achievement of the Sustainable Development Goals.</i></p>
--	--

Wednesday, 8 May 2019	
------------------------------	--

09.00 – 10.30	<p>Session V: Case examples and practical experiences</p> <p>Practical examples of cases in which different options were used (presentations by requesting and requested States, including, if applicable: vehicle used for return, management of returned assets, final use of returned assets, monitoring arrangements, destination of the income or other benefits derived from assets prior to the return etc.)</p> <ul style="list-style-type: none"> ○ Maryann Njau-Kimani, Senior Deputy Solicitor General, Office of the Attorney-General, Kenya; and Tom LeFeuvre, Ministry of Foreign Affairs, Jersey ○ Priscila de Castro Busnello, Head of the Division for Fight Against Corruption, Federal Police, Brazil ○ Oleksandr Skomarov, Deputy Chief of Detectives, National Anti-Corruption Bureau, Ukraine <p>Moderator: Shervin Majlessi, StAR Initiative</p> <p>Session notes: <i>This session will focus on the different avenues used for asset return in specific cases, highlighting how recovered assets were used for:</i></p> <ol style="list-style-type: none"> 1. <i>the benefit of the public harmed by the underlying corrupt conduct; and</i> 2. <i>combating corruption, repairing the damage done by corruption, and achieving the Sustainable Development Goals.</i> <p><i>Furthermore, the session will examine the methods used to:</i></p> <ol style="list-style-type: none"> 1. <i>ensure that recovered assets do not benefit persons involved in the commission of the underlying offence; and</i> 2. <i>promote the participation of individuals and groups outside the public sector, as</i>
---------------	--

	<i>appropriate.</i>
10:30 – 10:40	Coffee Break
10:40 – 12:00	<p>Session V: Case examples and practical experiences (<i>cont.</i>)</p> <ul style="list-style-type: none"> ○ Ana Teresa Revilla Vergara, Ministry of Foreign Affairs, Peru ○ Damirzhan Dauken, Prosecutor, Prosecutor-General’s Office, Kazakhstan ○ Teresa Turner-Jones, Senior Trial Attorney, Department of Justice, United States of America <p>Moderator: Shervin Majlessi, StAR Initiative</p>
12:00 – 14:00	Lunch
14:00 – 15:30	<p>Break-out groups: Towards good practices on asset return</p> <p><i>Session notes:</i> <i>The participants will be split into groups to review the outcome of the previous sessions in light of their experience. On this basis, participants will develop elements for good practices on asset return.</i></p>
15:30 – 15:40	Coffee Break
15:40 – 17:00	Break-out groups: Towards good practices on asset return (<i>cont.</i>)
Thursday, 9 May 2019	
09.00 – 10:30	<p>Session VI: Towards good practices on asset return</p> <p>Moderator: Brigitte Strobel-Shaw, UNODC</p> <p><i>Session notes:</i> <i>Presentation of outcome of group discussions and consolidation of results.</i></p>
10:30 – 10:40	Coffee Break
10.40 – 12.00	<p>Conclusion and way forward</p> <p><i>Session notes:</i> <i>This session will focus on areas that require further knowledge and capacity-building and suggest potential next steps.</i></p> <p>Closing remarks by Host</p>
12.00 – 13.00	Farewell Lunch