



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

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Asset recovery

Joining forces for successful asset recovery

Background paper prepared by the Secretariat**

I. Introduction

1. Asset recovery is a highly dynamic area of international criminal law and international cooperation that is evolving at an increasingly fast pace. In the past few years, practitioners, policymakers and donors have focused their attention on some of the greatest challenges facing contemporary anti-corruption policy, such as preventing the transfer of proceeds of corruption abroad, addressing the specific challenges of large-scale corruption, fulfilling the legal and institutional requirements that allow for international cooperation in complex asset recovery cases and returning confiscated funds in an appropriate and transparent way. Asset recovery today not only figures prominently in anti-corruption policy but also holds great potential for the broader international development agenda. Successful asset recovery can bring vast amounts of wealth back to the countries of origin, among them developing countries in urgent need of such funds. In the long term, asset recovery helps requesting and requested States alike to strengthen their institutions and to build much-needed trust in transparent public finance management, government institutions and financial systems.

2. With the entry into force of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) in 2005, the international community has at its disposal for the first time an international framework to deal with those complex issues. Asset recovery is considered a fundamental principle of the Convention, with parties agreeing to afford one another the widest measure of

* CAC/COSP/2008/1.

** The submission of the present document was delayed because of consultations with the World Bank with which the United Nations Office on Drugs and Crime is undertaking the joint Stolen Asset Recovery (StAR) Initiative.



cooperation and assistance (art. 51). Chapter V of the Convention contains specific provisions for the various steps of an asset recovery case and is closely intertwined with other parts of the Convention, such as the provisions on the prevention of money-laundering and on international cooperation. Together, those provisions provide a unique and innovative framework for asset recovery. The steady increase in the number of States parties – as at 28 November 2007, there were 140 signatories and 104 parties to the Convention – demonstrates that the Convention enjoys strong political commitment among Governments. However, the value of chapter V will depend greatly on its full implementation. The self-assessment reports on the implementation of the Convention give a clear indication that much needs to be done in the implementation of chapter V (CAC/COSP/2008/2 and Add.1). Of the four chapters under review, chapter V has the lowest compliance rate (less than 50 per cent) and the highest percentage of parties unable to provide any information at all.

3. At its first session, held in Amman from 10 to 14 December 2006, the Conference of the States Parties to the United Nations Convention against Corruption decided to make asset recovery one of the priorities of its work. Pursuant to its resolution 1/4, the Conference established the Open-ended Intergovernmental Working Group on Asset Recovery to assist the Conference in the implementation of its mandate on asset recovery. The mandate given to the Working Group was to assist the Conference in developing cumulative knowledge and encouraging cooperation among relevant existing bilateral and multilateral initiatives, to facilitate the exchange of information among States by identifying and disseminating good practices, to help build confidence and encourage cooperation between requesting and requested States, to facilitate the exchange of ideas among States on the expeditious return of assets and to assist the Conference in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of the transfer of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery. In the same resolution, the Conference requested the United Nations Office on Drugs and Crime (UNODC) to consider innovative solutions to help States to build their capacity to prepare and respond to requests for mutual legal assistance in the area of asset recovery.

4. At its meeting held in Vienna on 27 and 28 August 2007, the Working Group had before it a background paper prepared by the Secretariat entitled “Innovative solutions to asset recovery” (CAC/COSP/WG.2/2007/2). The Working Group held an in-depth discussion of the issues pertaining to its mandate and made a number of recommendations (see the report on the meeting (CAC/COSP/2008/4)).

5. The purpose of the present background paper is to assist the Conference in its deliberations on the recommendations of the Working Group. It provides the Conference with an update on ongoing activities in the area of asset recovery and gives information on the state of debate on the issues raised by the Working Group.

II. Current initiatives in asset recovery

6. UNODC and the World Bank officially launched the Stolen Asset Recovery (StAR) Initiative¹ on 17 September 2007. Work under that joint initiative will include activities to promote the implementation of the Convention, assistance to developing countries in building capacity for mutual legal assistance and partnerships to share information and expertise. To further shape the work programme of the Initiative, a number of consultation missions to identify possible pilot countries and determine their needs and political commitment have been planned. An initial consultation mission has visited Indonesia. An appropriate joint funding vehicle will be established to provide assistance to States for asset recovery cases in various areas of anti-corruption policy. Other possible activities include the development of training tools, a library of good practices and a Web-based list of focal points. A workshop will be conducted in Bangkok in 2008 to take stock of progress in the work of the Initiative and to review the future course of action taking into account the results of the Conference at its second session.

7. To oversee the work of the Initiative, the two organizations are creating a joint StAR secretariat that will be housed in the offices of the World Bank in Washington, D.C., and will include World Bank and UNODC staff. The secretariat will coordinate all activities that fall under the StAR Initiative work programme, will act as a central point of contact for States seeking or receiving support and for donors providing voluntary contributions and will administer funds related to the StAR Initiative. The Conference will receive on a regular basis reports on progress in the implementation of the Initiative. To strengthen the collective effort, the Initiative will benefit from the advice and guidance of the “Friends of StAR”, a small group composed of influential, experienced individuals from developed and developing countries. The group will have an advocacy role in promoting the implementation of the asset recovery provisions of the Convention and cooperation between States on asset recovery.

8. The International Centre for Asset Recovery (ICAR) of the Basel Institute on Governance became operational in early 2007 and cooperates closely with UNODC, with which it recently concluded a memorandum of understanding. On 21 March and 14 May 2007, ICAR hosted two donor meetings for the exchange of views on ongoing and upcoming donor activities. ICAR and UNODC cooperated in the organization of a seminar, held on 15 and 16 May 2007, on implementing the asset recovery provisions of the Convention, the results of which were brought to the attention of the Working Group (CAC/COSP/WG.2/2007/2, para. 10). ICAR envisages the development and conduct, in close cooperation with UNODC, of training courses for practitioners on the practical work of tracing, confiscating and recovering the proceeds of corruption, money-laundering and related crimes. Each training course will be tailored to individual country needs and may include follow-up mentoring.

¹ United Nations Office on Drugs and Crime and World Bank, *Stolen Asset Recovery (StAR) Initiative: Challenges, Opportunities, and Action Plan* (Washington, D.C., World Bank, June 2007), available online at siteresources.worldbank.org/NEWS/Resources/Star-rep-full.pdf and www.unodc.org/pdf/Star_Report.pdf.

9. Established in April 2006, the International Association of Anti-Corruption Authorities (IAACA) held its first annual conference and general meeting in Beijing in October 2006, at which it adopted a declaration in which it invited the Conference to give high priority to the streamlining of the various initiatives on asset recovery, paying particular attention to the urgent need to build knowledge and strengthen capacity in that area. As part of the effort to promote technical assistance and information exchange on international cooperation in the fight against corruption, IAACA organized an anti-corruption seminar at different venues in China from 17 to 26 June 2007. At its second annual conference and general meeting, held in Nusa Dua, Indonesia, in November 2007, IAACA adopted a declaration that will be made available to the Conference at its second session. IAACA is keen to work with UNODC and other partners, such as ICAR, in the collection, preparation, management and dissemination of knowledge products and is currently engaged in consultations with UNODC to implement joint programmes in that crucial area.

10. The Commonwealth Working Group on Asset Repatriation was established in 2004 in order to maximize cooperation and assistance between Governments and to prepare a report with specific recommendations for the advancement of effective action in that area. The report was presented at the Meeting of Commonwealth Law Ministers and Senior Officials, held in Accra from 17 to 20 December 2005, and contained specific recommendations regarding national legislation and institutional reforms in Commonwealth countries. From 23 to 25 January 2007, the Commonwealth Secretariat conducted a training workshop in Abuja on asset recovery and international cooperation in anti-corruption investigations.

11. The U4 Anti-Corruption Resource Centre, established in 2003, assists donor practitioners in addressing corruption challenges and provides a platform for its partner agencies in Canada, Germany, the Netherlands, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland to share lessons learned and to facilitate cooperation. The Centre, operated by the Chr. Michelsen Institute of Bergen, Norway, devotes attention to asset recovery and published in February 2007 a brief entitled “The recovery of stolen assets: a fundamental principle of the UN Convention against Corruption”.²

12. The 28 member States of the Asian Development Bank (ADB) and Organization for Economic Cooperation and Development (OECD) Anti-Corruption Initiative for Asia and the Pacific have been engaged since 2005 in strengthening their frameworks for mutual legal assistance, extradition and asset recovery and in implementing the Convention and other anti-corruption instruments. In the period 2006-2007, the Initiative reviewed the countries’ frameworks and supported the provision of adequate powers of investigation and prosecution and the building of suitable institutions in the region. It has published two reports: one on denying

² Jack Smith, Mark Pieth and Guillermo Jorge, “The recovery of stolen assets: a fundamental principle of the UN Convention against Corruption”, *U4 Anti-Corruption Resource Centre Brief*, vol. 2, February 2007.

safe haven to corrupt individuals and the proceeds of corruption³ and one on mutual assistance, extradition and asset recovery.⁴

13. The Ministers of Justice and Home Affairs of the States forming the Group of Eight first raised the issue of asset recovery at their meeting held on 11 May 2004, subsequently supported by the Heads of State attending the Sea Island summit on 10 June 2004. They agreed, inter alia, that accelerated response teams and case-specific coordination task forces among the Group of Eight should be established and that asset recovery workshops would be held. Following the ministers' announcement, accelerated response teams were widely publicized and made available to States with pending high-level anti-corruption investigations; however, no Government has yet taken advantage of the offer. Case coordination within the Group of Eight has continued to be done on an ad hoc basis, as no new requests for assistance have been made since the ministers' declaration. According to the announcement, asset recovery workshops were held in Abuja in 2005 and in Miami, United States of America, in 2006. Two compilations of member State measures were carried out: one on enhanced due diligence for accounts of politically exposed persons and one on information on wire transfer originators. In 2005, the Group of Eight completed a set of principles and options for the disposition and transfer of confiscated proceeds of grand corruption and best practices for the administration of seized assets. A study on the recovery of assets illicitly acquired by officials who cannot be prosecuted was completed in 2007.⁵ At its summit held in Heiligendamm, Germany, from 6 to 8 June 2007, the Group of Eight reiterated its commitment to combat corruption worldwide by, inter alia, supporting the ratification and implementation of the Convention, ensuring that developing countries could access and develop technical expertise for asset recovery, developing measures to prevent individuals from gaining access to the fruits of their criminal activities and urging financial centres to implement the highest standards of transparency and exchange of information in the fight against money-laundering.

14. The Council of the European Union decided in December 2007 that each member State of the European Union should set up or designate a national asset recovery office for the purpose of tracing and identifying the proceeds of criminal activities and other crime-related property, and should ensure that those offices cooperate with each other by exchanging information both upon request and spontaneously. It stated that member States should ensure that those offices exchange best practices in methods for tracing and identifying proceeds from crime. That decision complements the Camden Asset Recovery Inter-Agency Network, an informal network of judicial and law enforcement expert practitioners for criminal asset tracing, freezing, seizure and confiscation that was established at The Hague in 2004 by Austria, Belgium, Germany, Ireland, the Netherlands and the

³ ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, *Denying Safe Havens to the Corrupt and the Proceeds of Corruption: Enhancing Asia-Pacific Cooperation on Mutual Legal Assistance, Extradition, and Return of the Proceeds of Corruption* (Manila, Asian Development Bank, 2006), available online at www.oecd.org/dataoecd/5/1/37574816.pdf.

⁴ United Nations Office on Drugs and Crime and World Bank, *Stolen Asset Recovery...*

⁵ Report to the G8 Justice and Home Affairs Ministers on Implementation of the 2004 Ministerial Declaration on Recovering the Proceeds of Corruption, available at the website of the Ministry of Justice of Germany (<http://www.bmj.bund.de>).

United Kingdom. The network currently has 45 members: 39 countries, States and jurisdictions and 6 international organizations.

15. In preparation for the second session of the Conference, the Corruption Eradication Commission (KPK) of Indonesia hosted a regional seminar, entitled “Making international anti-bribery standards operational: asset recovery and mutual legal assistance”, in Indonesia from 5 to 7 September 2007. The seminar addressed the legal and institutional challenges entailed in mutual legal assistance and asset recovery; the various paths for obtaining international legal assistance; challenges in the tracing, freezing, confiscation and repatriation of proceeds of corruption in requesting and requested States; lessons learned from case studies; and the needs and priorities of Asia and the Pacific.

III. Recommendations of the Working Group on Asset Recovery

16. The Conference gave the Working Group a comprehensive and ambitious mandate. The recommendations made by the Working Group cover all parts of that mandate, namely the development of cumulative knowledge, cooperation among relevant initiatives, the exchange of information between States and the exchange of ideas on the expeditious return of assets, including the building of trust between requesting and requested States, and the identification of capacity-building needs. The Working Group paid special attention to the practical and operational challenges of asset recovery, recommending the development of a number of tools that could make a difference in practitioners’ everyday work and thus help to make chapter V of the Convention an operational tool for the international community.

A. Enhancing cumulative knowledge

17. The Working Group recommended the establishment of a database containing national legislation on implementing the asset recovery provisions of the Convention; the database could also include the text of judicial decisions rendered in asset recovery cases and a compendium of all instances in which provisions of the Convention had been used in asset recovery proceedings (CAC/COSP/2008/4, para. 36). Given that asset recovery is a relatively recent area of international law and international cooperation, basic information such as applicable legislation and relevant case law is not yet systematically documented. A database collecting such information would provide a fast and reliable tool for practitioners who are confronted with an asset recovery case spanning various jurisdictions but are not necessarily experts in asset recovery or international cooperation. It would also provide a basis for comparative research on the relevant legislation and help to identify useful models beyond the limitations of national legal systems, thus offering valuable guidance for policymakers towards full implementation of chapter V of the Convention.

18. The Working Group highlighted that the database should be based on existing tools and data. In that regard, UNODC has collected information through the self-assessment checklist on the implementation of the Convention. Most of the States reporting full or partial implementation of relevant provisions cited, quoted, annexed or gave a description of applicable laws; some of them also cited relevant

case law (optional reporting requirement). Similarly, the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific has carried out research based on self-assessment reports and country reviews. In addition to the completion of a study on the frameworks and practices in 27 Asian and Pacific jurisdictions,⁶ a database has been established which, once fully operational, will show the full texts of legal instruments, treaties and legislation on mutual legal assistance in the region and with parties to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.⁷ IAACA has begun a compilation of anti-corruption laws, while the Commonwealth Working Group on Asset Repatriation has conducted extensive research on the systems of its member States, including systems of mutual legal assistance, extradition and asset recovery.⁸ ICAR is developing an online knowledge centre intended to assist practitioners with asset recovery cases and to offer access not only to training documentation, practical tools and research results but also to relevant legislation, international treaties, bilateral treaties, case law and contacts with national institutions or individuals responsible for mutual legal assistance and asset recovery. Those initiatives could provide important components of a comprehensive knowledge management and dissemination system such as recommended by the Working Group.

19. The Working Group recommended for consideration by the Conference means for gathering information on specific types of money-laundering cases related to corruption (CAC/COSP/2008/4, para. 41). Little knowledge is available on the methods of money-laundering used, especially in cases of grand corruption, owing to specificities and key differences compared with the general features of global money-laundering. It would be helpful to know more about the impact, both quantitative and qualitative, of the diversion of assets on economies, particularly in developing countries and countries with economies in transition, and on sustainable development. While it seems obvious that such relations exist, policymakers rely heavily on estimates and common sense rather than on concrete information. It should, however, be mentioned that asset recovery goes beyond grand corruption. In some countries, hundreds of small cases may have the same economic impact as a single, major case of high-level corruption in other jurisdictions. However, such cases may face different challenges regarding, inter alia, cost-benefit analyses and the financing of the proceedings. Attention should therefore be given to the question of whether the knowledge gained in grand corruption recoveries can be transferred to small cases. The Financial Action Task Force on Money Laundering and the Asia/Pacific Group on Money Laundering have started to make inroads by looking at the nexus between money-laundering and corruption and at some specific cases. UNODC provided substantive input to a draft paper that was presented to the Financial Action Task Force at its plenary meeting held in October 2007. That study covered the laundering mechanisms used for proceeds of corruption and the impact of corruption as a potential threat to the integrity of systems to counter

⁶ ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, *Mutual Legal Assistance, Extradition and Recovery of Proceeds of Corruption in Asia and the Pacific: Frameworks and Practices in 27 Asian and Pacific Jurisdictions* (Asian Development Bank and Organization for Economic Cooperation and Development, 2007), available online at the OECD website (www.oecd.org).

⁷ *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).

⁸ ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, *Denying Safe Havens...*

money-laundering and the financing of terrorism; 15 cases related to money-laundering or corruption were addressed.

20. Not specifically mentioned by the Working Group, but a part and result of the knowledge-building process, is the identification and thorough analysis of good practices. The next 5-10 years will be critical for the development of an in-depth understanding of the impact of the Convention and for identifying and thoroughly analysing good practices. The cases resolved during that time will provide a unique body of experience on how the Convention is evolving in practice. For that knowledge to be a practical tool for the international community, an open and active channel of systematic collection of experience and a collective analysis of successful action need to be put in place. The current debate already indicates some issues for a discussion on good practices: proactive investigations; reporting of suspicious activity; spontaneous disclosure of information; identification of politically exposed persons; thorough analysis of in rem confiscation; possibilities for and risks of procedural solutions to problems relating to the burden of proof; civil litigation and the use of information stemming from criminal proceedings in such litigation and vice versa; timing of restraint orders; handling of delays and lack of communication; case conferences and case coordination teams; competing claims; and the political dimensions of cases. Best practices should be identified and discussed at international events, such as meetings of the asset recovery focal points (see para. 23 below), and should be appropriately collected, managed, published and regularly updated.

B. Encouraging coordination among existing initiatives

21. The Working Group recommended preparing a synopsis of all the various initiatives on asset recovery (CAC/COSP/2008/4, para. 40), expanding on the information contained in the background paper prepared by the Secretariat on innovative solutions to asset recovery (CAC/COSP/WG.2/2007/2). The synopsis should include information on contact points, specialization and concrete areas of work. The Working Group agreed that such a synopsis would be useful when embarking on the operational aspects of asset recovery. Furthermore, it would enable institutions to exchange experiences and expertise and would ensure cooperation and complementarity among their initiatives. Given the complexity of asset recovery, the lack of accumulated knowledge in the area and the limited resources available, the success of asset recovery initiatives will depend to a great extent on effective cooperation and the alignment of efforts.

C. Expediting the exchange of information and building trust between requesting and requested States

22. The Working Group recommended close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units and regular meetings of such institutions at the national level (CAC/COSP/2008/4, para. 42). While fully respecting the role of the judiciary in international cooperation procedures to ensure accountability and due process, such cooperation can greatly contribute to timely and successful mutual legal assistance requests. It was emphasized that informal channels were needed at the national and international

levels for communication and cooperation, either prior to making a formal request for mutual legal assistance or in cases where no formal request was required. Such informal consultations have shown a positive effect as they ensure the correctness and comprehensiveness of requests and prevent delays in situations involving special time constraints; however, their success depends greatly on the level of trust among the responsible authorities.

23. The Working Group also recommended establishing a global network of focal points on asset confiscation and recovery and organizing annual meetings of those focal points (CAC/COSP/2008/4, paras. 45 and 46). A global network of national focal points could fulfil various needs: (a) it would provide asset recovery practitioners with a single contact point in another jurisdiction that is authorized to receive their requests or can otherwise guide them to the responsible institutions, thus supporting speedy action upon requests; (b) it would contribute to a relationship of trust among practitioners in different jurisdictions, which is essential for informal cooperation and the spontaneous disclosure of information; and (c) as the Working Group pointed out (CAC/COSP/2008/4, para. 46), the annual meetings of the network could provide a forum for peer training, exchange of knowledge, information-sharing and networking. UNODC is collecting information on the designated central authorities referred to in article 46 of the Convention, and the World Bank has expressed its intention to work on the establishment of the network of asset recovery focal points. Together, the two institutions can greatly advance the implementation of the relevant recommendations of the Working Group.

24. The Working Group noted the need to increase the responsibility of financial institutions and of the financial intelligence units overseeing them, including through introducing measures to prevent or deal with, as appropriate, failure to report threshold or suspicious transactions (CAC/COSP/2008/4, para. 43). That refers to the obligations that requested States undertake in implementing the Convention, namely to enable financial institutions to act swiftly on transactions without legal or economic reasons, to apply enhanced scrutiny on politically exposed persons and to make that information available to the responsible law enforcement authorities (art. 52). Furthermore, law enforcement authorities must be able to quickly analyse to what extent the information can be shared in response to a mutual legal assistance request or by spontaneous disclosure (art. 56), and financial intelligence units are to be established (art. 58). While articles 56 and 58 were not included in the self-assessment checklist, the implementation of article 52 (prevention and detection of transfers of proceeds of crime) gives an indication that much needs to be done in that sphere: only 27 per cent of the reporting States indicated full compliance with all provisions of article 52; 71 per cent reported partial compliance; and 2 per cent did not provide information.

D. Identifying capacity-building needs

25. The Working Group recognized the paramount importance of training and capacity-building in the area of international cooperation, particularly with regard to asset recovery (CAC/COSP/2008/4, para. 46). It is essential to note that capacity-building is an urgent need of both developing and developed countries inasmuch as asset recovery is a new issue for both. Multilateral institutions, such as the World Bank and UNODC (through their StAR Initiative) and ICAR, and some bilateral

institutions already offer training for various groups of practitioners. The Global Programme against Money-Laundering of UNODC is currently exploring the feasibility of a computer-based tool on asset forfeiture as an addition to the existing suite of anti-money-laundering training modules. Systematic needs assessments should be undertaken and should include both the short-term requirements (for instance, specific legal assistance) and the long-term policy and capacity-building requirements, including to improve cooperation between legal systems. Common needs assessment tools could ensure the consistency and coherence of those efforts. A compilation of those assessments would provide a comprehensive picture of the needs of requesting and requested States. The database of initiatives (see paras. 17 and 18 above) can then be assessed against those needs. The result would be a comprehensive matrix of needs and initiatives that will provide a sound basis for the dynamic adjustment of priorities.

E. Making chapter V operational by developing practical tools

26. The Working Group indicated that it would be useful to analyse legal and regulatory frameworks, determine basic evidentiary requirements under national law and prepare model provisions (CAC/COSP/2008/4, para. 37). The findings of the self-assessment reports fully confirm that recommendation: 83 per cent of the States reporting partial compliance or non-compliance with chapter V of the Convention requested technical assistance. The provision of legal advice (19 per cent), model legislation (18 per cent) and support in legislative drafting (17 per cent) were the forms of assistance most frequently requested. Model legislation is considered an especially useful tool as asset recovery is an innovative area. While model provisions should support the development of comprehensive strategies, it remains to be determined whether all provisions of chapter V lend themselves to the model legislation approach and which of them should receive priority. Model legislation must take into account different legal systems on the recipient side and on the requesting side – a diversity that is not sufficiently captured by the polarity of civil law and common law but depends on the inherent solutions of a legal system for complex cases. It is therefore essential that experts from all regions and legal systems cooperate in the preparation of such model provisions. From a methodological standpoint, the drafting of model provisions could be oriented towards the typical stages of an asset recovery case, seeking to answer the question of what kind of legislation would be needed to comply with the provisions of the Convention and to make asset recovery more successful. That methodology could be complemented by a systematic approach, drawing on a comparative analysis of past asset recovery cases, national legislation and the experience of UNODC with the elaboration of numerous model laws.

27. The Working Group recommended the development of different forfeiture models for further consideration by the Conference (CAC/COSP/2008/4, para. 37). The Convention does not only address conviction-based models, which follow either a value-based or an object-based approach. In article 54, subparagraph 1 (c), the States parties agreed to consider taking such measures as may be necessary to allow confiscation of property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases. Beyond criminal confiscation models, civil confiscation provides

an alternative in many cases. Those different models should be included in the model legislation on articles 53, 54 and 55 of the Convention.

28. The Working Group recommended as well that the Secretariat should draw up a practical handbook for asset recovery, tracking the asset recovery process step by step from detection to the return of the assets (CAC/COSP/2008/4, para. 38). Such a handbook would be a useful tool for practitioners when working on an asset recovery case, thus providing a valuable capacity-building resource. The handbook could also be used during training courses and other events to enhance a common understanding among practitioners from different jurisdictions. Developed in such a way as to complement the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*,⁹ the handbook should follow the chronological steps of a typical asset recovery case, devoting special attention to the many possible ways of tracing, identifying and locating funds, the requirements for freezing or seizure and the confiscation of funds. The handbook should focus on the practical and operational aspects of asset recovery, leave broad room for the discussion of specific or atypical scenarios and provide practitioners with best practices and lessons learned from past cases.

29. Lastly, the Working Group recommended expanding the UNODC Mutual Legal Assistance Request Writer Tool to include ways of appropriately formulating requests for asset recovery (CAC/COSP/2008/4, para. 39). The Mutual Legal Assistance Request Writer Tool is a software application that assists practitioners in drafting effective requests in order to receive more useful responses and streamline the process. The tool guides users step by step on how to write a request based on user input. It covers all standard types of mutual legal assistance derived from international best practice and works for requests to and from all jurisdictions. The tool gives details and full contact information on where to send the request in other States and includes links to useful legislation websites of other countries. Expanding the tool to cover the specifics of asset recovery would require a thorough analysis of evidentiary requirements and forfeiture models. The result could be enormously useful for practitioners, especially under the time constraints typical of asset recovery cases.

⁹ United Nations publication, Sales No. E.06.IV.16.