



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

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Item 3 of the provisional agenda*

Asset recovery

Pakistan: draft resolution**

Establishment of a consultative group of experts on asset recovery

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

Bearing in mind that the return of assets is one of the main objectives and also a fundamental principle of the United Nations Convention against Corruption and that States parties to the Convention are obligated to afford one another the widest measures of cooperation and assistance in that regard,

Recalling its resolution 1/4, in which it established an interim open-ended intergovernmental working group to advise and assist it in the implementation of its mandate on the return of proceeds of corruption,

Seriously concerned about the difficulties faced by developing countries in recovering stolen assets kept outside their jurisdictions, and bearing in mind the importance of such assets to their development,

Stressing the importance for the States parties, whose national authorities are called upon to cooperate more closely in the implementation of the Convention, of exchanging information on their experiences and on the solutions they have adopted at the national level with a view to tracing financial flows linked to corruption, seizing assets derived from corruption and returning such assets,

1. *Welcomes* the report of the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 27 and 28 August 2007;¹

* CAC/COSP/2008/1.

** On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

¹ CAC/COSP/2008/4.



2. *Decides* that the Working Group shall continue its work to advise and assist the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of its mandate on the return of proceeds of corruption;

3. *Also decides* that the Working Group shall meet during the sessions of the Conference and, as appropriate, shall hold at least one intersessional meeting;

4. *Decides* to establish a consultative group of experts on asset recovery to make expertise available to States parties and the United Nations Office on Drugs and Crime in the area of asset recovery;

5. *Decides* that the terms of reference of the Consultative Group of Experts on Asset Recovery shall include the following:

(a) The Consultative Group will be composed of ten governmental experts who have proven expertise in asset recovery cases and who are from States parties and States signatories to the Convention;

(b) The experts will participate in the Consultative Group in their personal capacity and will abide by the principles of confidentiality, integrity and independence;

(c) Each regional group will nominate two experts for a term of four years; however, for the initial nomination, each regional group will nominate one expert for a term of two years and one expert for a term of four years;

(d) The Consultative Group will meet twice a year for a period of ten working days and, if necessary, it may request that an additional meeting be held to review requests from States parties;

(e) Between meetings, the experts of the Consultative Group will continue to consult with each other using electronic means;

(f) The Consultative Group may consult other experts to seek more specific expertise in cases of asset recovery, with the approval of States parties;

(g) The Consultative Group will prepare more detailed terms of reference to be approved by the Conference;

(h) The Consultative Group will report on its work to the Conference through the Open-ended Intergovernmental Working Group on Asset Recovery;

6. *Also decides* that the Consultative Group shall perform the following functions:

(a) Provide information and make available expertise to States parties, upon request, to advise them on specific aspects of their asset recovery efforts, including the drafting of requests for mutual legal assistance;

(b) Make expertise available to the United Nations Office on Drugs and Crime to help in the implementation of recommendations of the Working Group, in particular the recommendations on:²

² CAC/COSP/2008/4, paras. 36-38.

- (i) The establishment of a database containing national legislation on the implementation of asset recovery provisions of the Convention;
 - (ii) The analysis of legal and regulatory frameworks, the determination of basic evidentiary requirements under domestic law and the preparation of model provisions;
 - (iii) The preparation of a practical handbook for tracking the asset recovery process step by step, from detection to the return of assets;
- (c) Provide to the Conference, through the Working Group, recommendations on how to streamline the process of asset recovery;

7. *Requests* the United Nations Office on Drugs and Crime to assist the Consultative Group in the performance of its functions, including by providing interpretation services;

8. *Decides* that the Working Group shall submit reports on all its activities to the Conference;

9. *Requests* the Secretariat to assist the Working Group in the performance of its functions, including by providing interpretation services.
