



# 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, 14 and 15 May 2009

### Provisional agenda and annotations

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Implementation of the recommendations of the Working Group:
  - (a) Developing cumulative knowledge;
  - (b) Building confidence and trust;
  - (c) Technical assistance.
3. Adoption of the report of the Working Group on its meeting.

### Annotations

#### 1. Organizational matters

##### (a) Opening of the meeting

The meeting of the Open-ended Intergovernmental Working Group on Asset Recovery will be opened on Thursday, 14 May 2009, at 10 a.m.

##### (b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with resolution 2/3, entitled "Asset recovery", adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its second session, held in Nusa Dua, Indonesia, from 28 January to 1 February 2008.

The proposed organization of work (see annex) was prepared in accordance with that resolution in order to enable the Working Group to consider the agenda items within the time and conference services available.



The resources available will permit the holding of two plenary meetings each day with interpretation in the six official languages of the United Nations.

## **2. Implementation of the recommendations of the Working Group**

In its resolution 2/3, the Conference welcomed the report on the meeting of the Working Group held in Vienna on 27 and 28 August 2007 and decided that the Working Group should continue its work, according to its mandate as set out in Conference resolution 1/4, to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption, including the consideration of any further proposals, should the Working Group deem it appropriate.

The mandate of the Working Group as set out in Conference resolution 1/4 consisted of the following functions:

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

(b) To assist the Conference in encouraging cooperation among relevant existing bilateral and multilateral initiatives and to contribute to the implementation of the related provisions of the United Nations Convention against Corruption;

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

(d) To build confidence and encourage 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) To facilitate the exchange among States of ideas on the expeditious return of assets;

(f) To assist the Conference in identifying the capacity-building needs, including long-term needs, of States parties.

In its resolution 2/3, the Conference decided that the Working Group should continue its deliberations on the conclusions and recommendations contained in the report on its first meeting (CAC/COSP/2008/4) with a view to identifying ways and means of translating those conclusions and recommendations into concrete action.

In that resolution, the Conference also decided that the Working Group should hold at least two meetings prior to the third session of the Conference in order to perform its mandated task, within existing resources.

### **(a) Developing cumulative knowledge**

In its resolution 2/3, the Conference requested the Working Group to continue its deliberations with a view to further developing cumulative knowledge in the area of asset recovery, especially with regard to the implementation of chapter V, entitled "Asset recovery", of the Convention.

At its second meeting, held in Vienna on 25 and 26 September 2008, the Working Group gave high priority to the availability, creation and management of knowledge on asset recovery and welcomed the progress made by the Secretariat on the

envisaged comprehensive knowledge management centre. The Working Group recommended that such a tool should contain not only legislation but also analytical work, in particular for the better understanding of complex procedural requirements, and called upon States parties to regularly provide information, such as legislation and analytical documents, for the establishment and maintenance of the envisaged knowledge management centre.

Also at that meeting, the Working Group reconfirmed the recommendation to develop practical tools for asset recovery, in particular a practical step-by-step manual that should be tailored to the needs of practitioners in asset recovery cases and be used for capacity-building measures. The Working Group gave priority to exploring the expansion of the Mutual Legal Assistance Request Writer Tool and the further development of similar products.

**(b) Building confidence and trust**

In its resolution 2/3, the Conference decided that the Working Group should explore means of building confidence, facilitate the exchange of information and ideas on the expeditious return of assets among States and encourage cooperation between requesting and requested States.

To that end, at its second meeting, the Working Group:

(a) Highlighted the importance of the work on the establishment of a network of contact points for asset recovery, which would contribute to creating confidence and trust among requesting and requested States;

(b) Recommended exploring the feasibility of adopting a help desk approach for asset recovery to give advice at the initial stages of a case in an informal manner and refer requesters to counterparts who would be able to provide further assistance;

(c) Recommended strengthening the cooperation between financial intelligence units, anti-corruption authorities and national authorities responsible for mutual legal assistance, at both the national and international levels;

(d) Encouraged the establishment of a partnership with private sector entities in order to assist them in complying with their obligations under the Convention, facilitate mutual understanding and build confidence;

(e) Called upon the Conference to promote dialogue between requested and requesting States in order to promote political will and strengthen commitment to asset recovery.

**(c) Technical assistance**

In its resolution 2/3, the Conference requested the United Nations Office on Drugs and Crime and invited, as appropriate, other organizations to continue to support States in strengthening their capacities in all areas relevant to the successful recovery of assets, taking into account the conclusions and recommendations contained in the report of the meeting of the Working Group.

With a view to supporting States in strengthening their capacities for asset recovery, at its second meeting, the Working Group:

(a) Stressed the high demand for technical assistance for the implementation of chapter V of the Convention, especially for legal advisory services;

(b) Recommended exploring the selection of areas in which the preparation of models or best practice guides was feasible, such as for the restraint, freezing and confiscation of assets;

(c) Gave high priority to training and capacity-building, encouraging the carrying out of activities such as seminars and training courses and the exploration of innovative tools such as e-learning programmes.

#### **Documentation**

Background paper prepared by the Secretariat on asset recovery on the road to Doha: activities under the Stolen Asset Recovery initiative (CAC/COSP/WG.2/2009/2)

### **3. Adoption of the report of the Working Group on its meeting**

The Working Group is to adopt a report on its third meeting, the draft of which will be prepared by the Secretariat.

## Annex

### Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
<b>Thursday, 14 May</b>		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2 (a)	Implementation of the recommendations of the Working Group: developing cumulative knowledge
3-6 p.m.	2 (a)	Implementation of the recommendations of the Working Group: developing cumulative knowledge ( <i>continued</i> )
	2 (b)	Implementation of the recommendations of the Working Group: building confidence and trust
	<b>Friday, 15 May</b>	
10 a.m.-1 p.m.	2 (b)	Implementation of the recommendations of the Working Group: building confidence and trust ( <i>continued</i> )
3-6 p.m.	2 (c)	Implementation of the recommendations of the Working Group: technical assistance
	3	Adoption of the report