



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

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## Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 25 and 26 August 2011

### I. Introduction

1. In its resolution 3/3, the Conference of the States Parties to the United Nations Convention against Corruption, welcoming the conclusions and recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/WG.2/2009/3) and noting with interest the background paper on the progress made on the implementation of those recommendations (CAC/COSP/2009/7), requested the Working Group to consider the existing and developing body of studies for the development of best practices in asset recovery, including but not limited to the studies of the Stolen Asset Recovery (StAR) Initiative.
2. Also in resolution 3/3, the Conference decided that the Working Group should continue its work to advise and assist the Conference in the implementation of its mandate on the return of the proceeds of corruption and should hold at least two meetings prior to the fourth session of the Conference, within existing resources.

### II. Conclusions and recommendations

3. The Working Group took note of the development by the StAR Initiative of its study on illicit enrichment and called upon States parties to provide comments and suggestions to the StAR Initiative by 30 September 2011, thus contributing to the finalization of the study.
4. The Working Group called upon States parties to afford one another the widest possible mutual legal assistance, especially for the benefit of developing countries and for facilitating the return of assets, and to enhance capacity for freezing, seizing and confiscating assets.
5. The Working Group stressed the importance of preparing States for the review of the implementation of chapter V in the second phase of the Implementation



Review Mechanism, to commence in 2015, and encouraged States parties to use the self-assessment checklist as a way to assess their efforts and identify further steps to be undertaken to implement chapter V of the Convention.

6. The Working Group expressed its appreciation for presentations of new legislation on asset recovery adopted by States parties in compliance with the Convention and recommended that the Secretariat strive at future sessions to foster such pragmatic approaches.

7. Highlighting the importance of learning from past experience, the Working Group requested the Secretariat to continue its work on collecting and systematizing information on asset recovery cases, as well as preparing an analytical study of such cases, building on the relevant experience of the Secretariat.

8. The Working Group called on States to provide information on cases, both successful and unsuccessful, to the Secretariat to strengthen its ability to carry out analytical work.

9. The Working Group noted the importance of providing a forum for discussing the practical aspects of asset recovery, including challenges and good practices. In that connection, the Working Group recommended that States parties prepare to conduct such discussions at the fourth session of the Conference.

10. The Working Group recommended that further discussion should take place at the fourth session of the Conference to determine the modalities for establishing a global network of asset recovery focal points, without duplication with respect to existing networks and in full recognition of the usefulness of such networks.

11. The Working Group requested the Secretariat to send another note verbale to Member States requesting those which had not yet done so to designate a central authority responsible for requests for mutual legal assistance in accordance with article 46, paragraph 13, of the Convention. A list of central authorities would be made available to the Conference.

12. The Working Group urged States parties that had not yet done so to designate and communicate to the Secretariat their asset recovery focal points.

13. The Working Group reaffirmed the relevance of its previous recommendations, took note of progress with regard to their implementation and requested the Secretariat to continue its practice of preparing regular reports on progress made in that respect.

14. The Working Group recommended that its mandate should be renewed until the sixth session of the Conference, to be held in 2015, and that a multi-year workplan should be developed to structure its work.

### **III. Organization of the meeting**

#### **A. Opening of the meeting**

15. The Open-ended Intergovernmental Working Group on Asset Recovery held a meeting in Vienna on 25 and 26 August 2011.

16. The meeting of the Working Group was opened by its Chair, who recalled the mandate of the Working Group and stressed the importance of the United Nations Convention against Corruption as the first international instrument that contained a chapter on asset recovery. He noted that recent political events had given a new dynamic to the asset recovery debate and that the issue of corruption had taken on great significance in various forums in addition to the bodies established under the Convention.

17. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) highlighted a series of activities that had been carried out to strengthen the international asset recovery agenda and drew attention to the contribution of UNODC. He made reference to the knowledge products prepared with the StAR Initiative and to the efforts directed at stepping up technical assistance. He stressed that asset recovery remained a challenging area, both in practical and political terms, and underlined the benefit of an analysis of past experiences drawn from both successful and unsuccessful asset recovery cases. He announced the launch of the Tools and Resources for Anti-Corruption Knowledge (TRACK) online repository on 1 September 2011 and stressed the potential advantages of the establishment of networks of both asset recovery focal points and central authorities for mutual legal assistance. The Director invited the Working Group to give consideration to the multi-year workplan proposed by the Secretariat.

18. The representative of the Islamic Republic of Iran, speaking on behalf of the Group of 77 and China, conveyed the Group's condolences to Argentina for the untimely demise of Ariel Walter González and recalled his important and valuable contribution to the work of intergovernmental bodies of the United Nations. He was joined by numerous speakers in expressing appreciation and recognition of the work of the late Argentine delegate. He stressed that the Group of 77 and China had taken note of the report on the meeting of the Working Group held in Vienna on 16 and 17 December 2010, at which it was reiterated that the return of assets was a fundamental principle of the Convention. The representative underlined the essential importance of international cooperation among law enforcement authorities. He noted that technical assistance in preparing a case, enhancement of the capacity of the criminal justice system and increased international commitment and mutual confidence in facilitating asset recovery were key to success. He called on States parties to afford one another the broadest measures of mutual legal assistance, especially for the benefit of developing countries. He urged all States parties to facilitate the return of assets and to enhance capacity for freezing, seizing and confiscating assets. Lastly, he stressed the importance of preparing States for the review of the implementation of chapter V in the second phase of the Implementation Review Mechanism, to commence in 2015.

19. Stressing the impact of money-laundering, in the light of the growth of the global economy, one speaker informed the Working Group about various actions undertaken to combat money-laundering, including through legislation, strengthening the capacity of authorities in charge of investigation, freezing and confiscating assets and reforming the judiciary with a view to enhancing its capacity and effectiveness.

## **B. Adoption of the agenda and organization of work**

20. On 25 August 2011, the Working Group adopted the following agenda:
  1. Organizational matters:
    - (a) Opening of the meeting;
    - (b) Adoption of the agenda and organization of work.
  2. Implementation of Conference resolution 3/3 and the recommendations of the Working Group.
  3. Asset recovery in practice: analysing asset recovery cases.
  4. Networks for effective asset recovery.
  5. Consideration of a multi-year workplan.
  6. Adoption of the report.

## **C. Attendance**

21. The following States parties to the Convention were represented at the meeting: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Liechtenstein, Malaysia, Mauritius, Mexico, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.
22. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.
23. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Ireland, Japan, Sudan and Syrian Arab Republic.
24. Oman, an observer State, was also represented.
25. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.
26. The following United Nations Secretariat units, institutes of the United Nations crime prevention and criminal justice programme network and specialized agencies in the United Nations system were represented by observers: Department of Peacekeeping Operations, Office of Internal Oversight Services, Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, United Nations Interregional

Crime and Justice Research Institute, Basel Institute on Governance, Korean Institute of Criminology, World Bank and World Intellectual Property Organization.

27. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Egmont Group of Financial Intelligence Units, European Police Office (Europol), Financial Action Task Force of South America against Money Laundering (GAFISUD), International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Organization for Migration, Organization for Economic Cooperation and Development and Organization for Security and Cooperation in Europe.

28. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

#### **IV. Implementation of Conference resolution 3/3 and of the recommendations of the Working Group**

29. The Chair opened consideration of agenda item 2. A representative of the Secretariat presented a background paper on progress made in the implementation of the recommendations of the Working Group (CAC/COSP/WG.2/2011/2). In the area of developing cumulative knowledge, he stressed the importance of the TRACK project and the UNODC legal library, which were Web-based tools for collecting, systematizing and disseminating legal knowledge on countering corruption and on asset recovery, and expanded on the publications of the StAR Initiative, their drafting process and their dissemination. He also made reference to the efforts of UNODC to implement the Working Group's recommendations to undertake an analytical compilation of asset recovery cases and to explore the feasibility of the preparation of model legal provisions related to asset recovery.

30. With respect to recommendations aimed at building confidence and trust, the representative of the Secretariat made reference to the database of asset recovery focal points compiled by the Secretariat and the compilation of a comprehensive list of central authorities responsible for mutual legal assistance designated by States parties. The representative presented the efforts of UNODC aimed at engaging with the private sector and encouraging its commitment to combating corruption. On technical assistance, training and capacity-building, the representative noted the forms of technical assistance and training provided by the Secretariat and the StAR Initiative. He also made reference to the new approach to training activities to be followed by the StAR Initiative in the future, which would prioritize addressing assistance needs in relation to specific asset recovery cases.

31. In the ensuing debate, speakers said that they attached great importance to and were deeply interested in the development of legal knowledge and related products. They stressed the positive impact of such products on the creation of a common legal background for practitioners. Speakers welcomed the involvement of a broad range of experts from different legal systems in the preparation of knowledge products and stressed the importance of ensuring that this practice was maintained in the future. It was further suggested by one speaker that the Working Group should be consulted on planning and research undertaken in relation to the preparation of future knowledge products.

32. Speakers expressed great interest in and support for the anticipated analytical study of asset recovery cases and noted that such a study should include data on both successful and unsuccessful attempts to recover the proceeds of corruption, as well as information on problems faced and lessons learned in the implementation of asset recovery and mutual legal assistance frameworks, particularly chapter V of the Convention against Corruption.

33. With respect to the development of model legal provisions, speakers stressed the need to take into account the diversity of legal systems of States that could make use of such a tool.

34. As in previous deliberations of the Working Group, several speakers underscored the importance of building trust and confidence between States requesting the recovery of assets and requested States. Recent events prompting an increase in requests for asset recovery related to cases of corruption had brought that issue to the fore, and disappointment was expressed by some speakers at the relatively low degree of cooperation that they had received. Political will was not always followed through on with actions and, in some cases, requests had met with outright refusal without further consideration. In that context, the view was expressed that progress in the implementation of the asset recovery provisions of the Convention was limited, including as a result of the disparity between the political will expressed by States parties and the actual administrative and legal requirements imposed by them. Speakers stressed that reluctance to cooperate by responding to requests for asset recovery requests did not correspond to the commitments made by States when agreeing on the text of the Convention.

35. Some speakers highlighted the importance of working with the private sector, in particular financial institutions, in the overall efforts to strengthen cooperation and achieve effective recovery of assets. They welcomed the efforts of the Secretariat towards that goal.

36. Several speakers welcomed the establishment of a database of asset recovery focal points and central authorities under the Convention as a means to encourage and enhance direct communication between officials of requesting and requested States. The importance of informal contacts with counterparts prior to the submission of official requests was regarded as a crucial element for successful asset recovery cooperation.

37. Several speakers said that they highly valued the work of the StAR Initiative; however, some drew attention to the need to study the possibility of launching other initiatives aimed at enhancing the effectiveness of the implementation of chapter V of the Convention. More specifically, one speaker commended the work undertaken by the StAR Initiative and its contribution to moving forward the asset recovery agenda. Another speaker stressed that technical assistance provided in the framework of the StAR Initiative was very beneficial, both in terms of enhancing skills and sharing experience. Nevertheless, speakers stressed the importance of diversifying activities in pursuit of the objective of promoting the full implementation of chapter V of the Convention, especially in view of the complexity of the chapter and the need for additional tools in anticipation of the review of implementation of that chapter. The importance of ensuring that requests for technical assistance were responded to was highlighted.

38. The Secretary of the Conference stressed the importance and the positive outcome of the partnership between the World Bank and UNODC under the StAR Initiative. He noted that the partnership had been developed in response to and in strict compliance with the mandates given by the Convention and the Conference and that it allowed for efficient action, optimum use of limited resources and leverage of expertise.

39. The observer for the World Bank presented an overview of the preliminary findings of the study on illicit enrichment. She indicated that the research had found that just over 40 countries had enacted illicit enrichment provisions, and that even fewer had actually prosecuted illicit enrichment cases. The study also found that countries often lacked skills and resources in the investigation and prosecution of illicit enrichment cases. It found that all States addressed asset recovery in their illicit enrichment provisions and that there was evidence of confiscation after conviction. The preliminary conclusions of the study indicated that the process did not violate due process and human rights and that the issue should be assessed holistically, while also looking at the criminal justice system of the country concerned. The study was distributed to the Working Group with the request to provide comments and suggestions by 30 September 2011.

40. The observer for the Office of the United Nations High Commissioner for Human Rights (OHCHR) underlined the detrimental impact of corruption, including illicit enrichment, on human rights. He recalled Human Rights Council resolution 7/11, which mandated the Office to extend its work in that regard, and indicated that the Office was in the process of preparing studies that addressed the negative impact of corruption on human rights. Acknowledging the contribution of OHCHR to the study of the StAR Initiative on illicit enrichment, he reiterated the Office's readiness to assist States, in cooperation with UNODC, the World Bank and the StAR Initiative. During the discussion on the matter, one speaker proposed that, given the detrimental effect of corruption from a human rights standpoint, the creation of an international anti-corruption court might be considered.

41. Some speakers welcomed the development of the study on illicit enrichment by the StAR Initiative, as mandated by the Working Group. Several speakers stressed that their States had adopted legal and other measures to enable the criminalization of illicit enrichment and the confiscation of relevant assets and to enhance international cooperation in that regard. It was suggested that a comparison between the declarations of assets of senior public officials and their real incomes might allow a State to confiscate illicit assets. Several speakers underlined that enabling the confiscation of assets without conviction on the basis of illicit enrichment might, in some cases, avoid the concerns related to human rights and due process violations and should be examined in the study.

42. Two speakers reported on legislation against illicit enrichment that had been enacted in their jurisdictions and requested that such legislation be reflected in the study. One speaker underlined that the criminal offence of illicit enrichment established in his country carried the sanction of a fine.

## V. Asset recovery in practice: analysing asset recovery cases

43. The observer for the World Bank presented Asset Recovery Watch, a database of asset recovery cases initiated and maintained by the StAR Initiative. The database was aimed at providing concrete examples to practitioners, thus helping to trigger collective mobilization to recover stolen assets. The database contained 75 cases from 52 jurisdictions, spanning from the early 1980s until the present. Information came exclusively from open and public sources and was featured in the database in original languages. The database would be updated regularly, would be accessible through the TRACK portal and would eventually be linked to the UNODC legal library. At the request of the Working Group, an overview of a recent study on lowering barriers to asset recovery, one of the StAR Initiative's products, was provided. The study identified difficulties faced by practitioners from requesting countries when requesting cooperation. The study grouped the barriers into two categories: legal and operational. A number of recommendations had been made accordingly, in such a way as to encourage States to look into the matter with a view to adjusting relevant domestic measures to, if not eliminate, at least lower barriers.

44. A representative of UNODC presented information to the Working Group, using the concrete example of a case contained in Asset Recovery Watch. The case involved several jurisdictions in locating assets and enabling their seizure and recovery. As a result, cash was recovered through criminal forfeiture procedures, the requesting State was a party in a civil action and non-conviction-based forfeiture was possible based on foreign judgements. Lessons learned from that case were underlined, including the importance of international cooperation, the use of multiple legal approaches in the same case and the benefit of implementing all the provisions of chapter V of the Convention.

45. The 2011 Asset Forfeiture Act of Mauritius was presented by the representative of Mauritius. The Act, which was drafted in broad consultation with law enforcement stakeholders, was adopted by that country's parliament in April 2011 and was aimed at enabling the forfeiture of the proceeds of crimes to compensate victims, whether the State or individuals were the victims. It contained provisions of both conviction-based and non-conviction-based forfeiture. The law also set up an enforcement authority, as well as a recovered assets fund into which forfeited assets could be placed.

46. In the ensuing discussion, speakers urged States parties to redouble their efforts to remove barriers to asset recovery, including by fully implementing chapter V of the Convention and applying it in practice. Speakers highlighted barriers experienced in cases in which their jurisdictions were involved, including legal requirements such as strict conditions for mutual legal assistance, e.g. those related to dual criminality. Capacity issues with regard to mutual legal assistance and asset tracing continued to be a major impediment to effective recovery. One speaker stressed the need to take into account both short-term cooperation on specific cases and long-term training needs. Banking secrecy or banking notification requirements with respect to ongoing inquiries still presented problems in asset recovery investigations. The lack of direct communication or trust among jurisdictions was highlighted repeatedly as a barrier to asset recovery, one which could be overcome by the establishment and strengthening of networks, joint case meetings and the strengthening of direct preliminary communication in mutual legal

assistance activities. Some speakers stressed that the complexity of asset recovery procedures resulted in high costs of legal representation. Misunderstandings with regard to legal systems presented operational barriers; in that regard, an honest broker could contribute to a common understanding of the requirements for mutual legal assistance between the parties.

47. Speakers expressed strong interest in strengthening analytical work on cases. They highlighted the need to collect and analyse both successful and unsuccessful cases, with a view to determining factors that contributed to successful cooperation. Some speakers noted with appreciation the work undertaken by the StAR Initiative and UNODC on the collection of cases. Speakers reiterated their request for an analytical study of cases, as well as for an exploration of the feasibility of using e-learning tools for asset recovery.

48. Several speakers highlighted that the Working Group should continue to discuss cases and new legislative developments. Cooperation with the private sector, especially with financial institutions, was specifically mentioned in that regard.

49. The issue of balancing confidentiality requirements with the interest in learning from past experience and analysing past cases was addressed. Information on cases submitted by States in the course of the delivery of technical assistance or through the self-assessment checklist was considered confidential unless otherwise specified by the State involved, so as to protect the interests of the countries involved and not to jeopardize ongoing cases. Speakers therefore urged States to share their experiences with both successful and unsuccessful cases. It was stressed that analytical work could be carried out in a meaningful manner without identifying individuals or jurisdictions involved, but that a critical mass of cases was needed.

50. The representative of Switzerland presented information and lessons learned from two asset recovery cases in which Switzerland was the requested State. He underlined the importance of good cooperation between the requested and the requesting States for setting up a team that would work together throughout the process of confiscation and recovery of stolen assets. He further updated the Working Group on the entry into force in February 2011 of the 2010 Restitution of Illicit Assets Act, which had been presented to the Working Group at its previous meeting. A subsidiary law which could be used only when actions under the Federal Act on International Mutual Assistance in Criminal Matters had failed, the Restitution of Illicit Assets Act was expected to provide an effective framework for providing mutual legal assistance in asset recovery cases. He reported that Swiss authorities had initiated the first confiscation proceedings under that law in a case in which mutual legal assistance had not been successful.

51. The observer for the Organization for Economic Cooperation and Development (OECD) provided an overview of OECD activities with regard to asset recovery, illicit financial flows and financial crime. He gave a briefing on the report entitled "Stolen asset recovery: progress report on asset recovery in 30 OECD countries between 2006-2009", which was to be launched at the Fourth High-level Forum on Aid Effectiveness, to be held in Busan, Republic of Korea, from 29 November to 1 December 2011. The report contained findings based on statistical data and information collected from 30 OECD member States, as well as recommendations for adopting and implementing comprehensive strategic policies

and effective measures in asset recovery and for strengthening the capacity of national authorities. With regard to the role of OECD in the area of tax administration in the fight against financial crime and corruption, the Group was informed about the OECD 2009 Recommendations on Tax Measures for Further Combating Bribery of Foreign Public Officials and the outcome of the Tax and Crime Conference, held in Oslo in March 2011, which called for increased cooperation among agencies in tackling financial crime domestically and internationally, with a particular focus on developing countries.

## **VI. Networks for effective asset recovery**

52. A representative of the Secretariat introduced a background paper entitled “Towards an effective asset recovery regime: networks” (CAC/COSP/WG.2/2011/3), which provided an overview of global and key regional networks and how they supported the asset recovery process, as well as an initial analysis of the composition of those networks. He noted that, while policy issues and cooperation prior to the submission of formal requests for mutual legal assistance were well covered at both the global and regional levels, only regional networks dealt with formal requests for mutual legal assistance. The specific analysis of the asset recovery focal points designated pursuant to the Convention revealed that 35 per cent of those focal points were also the central authorities notified in accordance with article 46, paragraph 13, of the Convention, 19 per cent were anti-corruption agencies, 16 per cent overlapped with StAR Initiative/INTERPOL focal points and the remaining 30 per cent came from a wide variety of agencies and ministries.

53. The observer for Europol provided the Working Group with an overview of Council of the European Union decision 2007/845/JHA concerning cooperation between asset recovery offices of the member States in the field of tracing and identification of proceeds from, or other property related to, crime. That decision required European Union member States to set up or designate one or two asset recovery offices for mutual cooperation and exchange of information and good practices and created a legal framework within the European Union for the Camden Assets Recovery Inter-Agency Network (CARIN). CARIN was aimed at increasing the effectiveness of its 58 members’ efforts on a multi-agency basis in depriving criminals of illicit profits; CARIN thus added an operational part to the legal framework of confiscation of proceeds of crime. The observer noted that the activities and successes of CARIN had inspired the establishment of other regional networks, such as the Asset Recovery Inter-Agency Network of Southern Africa and the Inter-Agency Asset Recovery Network of GAFISUD.

54. The observer for GAFISUD provided an overview of the work of the Inter-Agency Asset Recovery Network, which had been initiated in 2009 by GAFISUD, UNODC and the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States to enable and facilitate the informal exchange of information in order to improve asset recovery mechanisms. Twelve States had designated two representatives each to the Network, which was aimed at establishing a link between requesting authorities and the agencies or authorities able to access such information. Since October 2010, the Network had also provided a secure electronic platform.

55. The observer for the Egmont Group of Financial Intelligence Units presented an overview of the characteristics of the Egmont Group, which comprised 127 different jurisdictions as members and aspired to become global. Since its establishment in 1995, the Egmont Group had been a non-political, voluntary and international entity comprising operational financial intelligence units committed to providing a common forum for improving cooperation in the exchange of information to combat money-laundering and the financing of terrorism, for fostering the implementation of domestic programmes and for promoting the development of effective financial intelligence units. He also stressed the informal and purely voluntary character of the Egmont Group and the importance of the secure, confidential Egmont website for allowing the timely exchange of intelligence among members.

56. The observer for the World Bank presented the StAR Initiative/INTERPOL asset recovery focal points initiative, which consisted primarily of law enforcement officers and investigators with expertise in the area of asset recovery. She noted that the number of members had reached 85 in July 2011. She provided an account of the second meeting of the StAR Initiative/INTERPOL focal points, held in Lyon, France, in July 2011, which had been attended by over 100 participants from 52 countries. She stressed that the Lyon meeting had provided an opportunity for practitioners to make bilateral, confidential contacts and discuss asset recovery cases, which had proved beneficial to the development of ongoing cases.

57. In the ensuing discussion, speakers reiterated their support for the creation of a global network of asset recovery focal points, as reflected in Conference resolution 3/3 and the relevant recommendations of the Working Group. Informal contacts were considered paramount for successful international cooperation in asset recovery. All speakers recognized the usefulness of networks for building trust and confidence between requesting and requested States and collecting information at the stage before a formal request for mutual legal assistance was submitted, thus contributing to the success of such requests. It was agreed that the focal points cooperating in such networks should be specialized practitioners from law enforcement agencies and the judiciary with adequate experience and training.

58. Speakers welcomed the work undertaken to date to establish asset forfeiture and asset recovery networks. It was recognized that existing networks had different constituencies with regard to the institutions represented and different regional coverage. Further, they had different thematic scopes, as some were targeting the proceeds of corruption and some the proceeds of all crimes. It was further noted that certain existing networks provided their members with secure channels of information exchange, while others relied on established communication platforms. With regard to regional networks, the possibility of linking them to each other and to a possible future global network was mentioned. In the establishment of regional networks, the specificities of regions had to be taken into account, and it was emphasized that regional initiatives should also be duly taken into account. One speaker noted that the existence of diverse networks presented challenges for practitioners in finding the right counterparts and suggested that practitioners should be trained on the terms of reference and the use of such networks. Speakers agreed that duplication of efforts in the establishment of networks should be avoided. In that context, some speakers highlighted that the Financial Action Task Force on

Money Laundering and Financial Action Task Force-style regional bodies could assume jurisdiction over only their own members.

59. A number of speakers welcomed the StAR Initiative/INTERPOL asset recovery focal points initiative, and one speaker considered it sufficient as the global network of asset recovery focal points requested by the Conference in its resolution 3/3. Other speakers stressed that the network of global asset recovery focal points requested in Conference resolution 3/3 was still to be established and that the operational functioning of that network was still to be discussed. They further stressed that the mandate of the global network should be to assist in asset recovery as reflected in chapter V of the Convention and specifically in preparing high-quality requests for mutual legal assistance to that effect. The global network was to be established and administered under the auspices of the Secretariat and within the framework of the Conference. One speaker suggested setting up a meeting of the asset recovery focal points designated pursuant to Conference resolution 3/3 within the context of the Working Group.

60. Speakers urged States parties that had not yet done so to nominate their asset recovery focal points and their central authorities for mutual legal assistance pursuant to article 46, paragraph 13, of the Convention.

61. The Secretary, in his comments following the discussion, stressed the necessity of regularly updating the contact information of network members and highlighted some common characteristics of networks, including a strong attachment to the original sense of purpose and the original mandate, a strong sense of ownership and the importance of the routine developed. He also underscored the importance of accurately determining the scope of networks, as well as the lack of a network bringing together central authorities.

## **VII. Consideration of a multi-year workplan**

62. The Chair of the Working Group introduced the workplan contained in the background paper entitled “Preparing the ground for reviewing the asset recovery chapter: proposed multi-year workplan, 2011-2015” (CAC/COSP/WG.2/2011/4) and invited States to present their comments and suggestions thereon.

63. In the ensuing discussion, several speakers welcomed the development of knowledge products. Some stressed the need for additional knowledge products, such as an analytical study on successful and unsuccessful asset recovery cases, while underlining the importance of consultation with the Working Group and States parties on the knowledge products to be developed. Some speakers expressed their support for the development of draft model legislative provisions in the area of asset recovery. Further progress in establishing central authorities was also deemed necessary. Speakers welcomed the foreseen provision of case-related country assistance.

64. On a more general note, several speakers noted that the presented workplan focused on the projected activities of the Secretariat. They requested the preparation of a document on future work priorities of the Working Group. It was discussed whether the current workplan for the Secretariat should be further refined and updated, with the addition of concrete time frames and the programming of further

activities. In that context, some speakers requested that the workplan should reflect efforts aimed at improving the speed and efficiency of asset recovery procedures.

65. One representative noted the need to further elaborate on the content of the workplan submitted to the Working Group, which should also take into account budgetary implications. Some speakers further noted that activities included in the workplan such as synergies with other international organizations, case-related country assistance and participation in the development of the StAR Initiative/INTERPOL network of asset recovery focal points should continue to be discussed within the Working Group.

66. The Group decided that a workplan for the Working Group should be developed and submitted to the Conference at its fourth session. In that regard, speakers expressed the need for the Group to hold increasingly technical meetings focusing on specific issues such as challenges to legal cooperation, freezing of assets and practical cooperation in investigations. To facilitate the process of developing a workplan for the Group, it was concluded that the Chair of the Working Group would approach the regional groups with a request to submit relevant proposals by 1 October 2011. The Secretariat would compile the proposals into a document for consideration by the Conference.

67. Some speakers expressed the view that the mandate and role of the StAR Initiative should be clearly defined in order to ensure its alignment with the mandates of intergovernmental bodies established under the Convention. Some speakers further expressed concerns over the projected collaboration between the StAR Initiative and non-governmental organizations.

68. In response to the views expressed, the Secretary underlined the importance of the StAR Initiative under its current mandate and noted the usefulness of synergies with other international organizations.

## **VIII. Adoption of the report**

69. On 26 August 2011, the Working Group adopted the report on its meeting (CAC/COSP/WG.2/2011/L.1 and Add.1-3).

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