



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, 30-31 August 2012

Provisional agenda and annotations

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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, 30 August 2012, 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 4/4, entitled "International cooperation in asset recovery", adopted by the



Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011.

The proposed organization of work (see annex) was prepared in accordance with Conference resolution 4/4 to enable the Working Group to consider the agenda items within the time and according to the 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. Presentation of the proposed multi-year workplan for the activities of the Working Group, covering the period 2012-2015

At its first session, the Conference adopted resolution 1/4, in which it decided to establish the Open-ended Intergovernmental Working Group on Asset Recovery. The Working Group was set up in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption.

At its second, third and fourth sessions, the Conference decided that the Working Group should hold at least two meetings prior to the subsequent session of the Conference in order to perform its mandated tasks, within existing resources. Four meetings of the Working Group will take place during the period 2012-2015.

In its resolution 4/4, the Conference requested the Working Group to prepare the agenda for the multi-year workplan to be implemented until 2015. In addition, at its 2010 and 2011 meetings, the Working Group recommended that a multi-year workplan be developed to guide its future activities.

The Group will have before it a note by the Secretariat building on proposals submitted by States parties and containing a workplan for the activities of the Working Group, covering the period 2012-2015.

Documentation

Note by the Secretariat on a proposed multi-year workplan for the activities of the Open-ended Intergovernmental Working Group on Asset Recovery, covering the period 2012-2015 (CAC/COSP/WG.2/2012/2)

3. Overview of progress made in the implementation of Conference resolution 4/4 and the recommendations of the Working Group

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

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

(b) Assisting the Conference in encouraging cooperation among relevant existing bilateral and multilateral initiatives and to contribute to the implementation of the related provisions of the Convention;

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

(d) Building confidence and encouraging 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) Facilitating the exchange of ideas among States on the expeditious return of assets;

(f) Assisting the Conference in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of transfers of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery.

The Group will have before it a note by the Secretariat on the implementation of asset recovery mandates.

Documentation

Note by the Secretariat on strengthening international asset recovery efforts: progress report on the implementation of asset recovery mandates (CAC/COSP/WG.2/2012/3)

4. Thematic discussion on cooperation in confiscation: article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation)

Under the proposed multi-year workplan for the activities of the Working Group, covering the period 2012-2015, the thematic discussion held during each meeting will focus on specific articles of chapter V of the Convention. Pending the adoption of the workplan, it is proposed to include a thematic discussion on article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation) in the 2012 meeting of the Working Group.

Related topics for discussion could include good practices for domestic coordination on asset recovery procedures, including the creation of dedicated units and/or the appointment of specialized staff.

The use of networks for international cooperation in confiscation and the creation of a global network of asset recovery focal points could be further points for discussion. In that regard, in its resolution 4/4, the Conference decided that the Working Group should continue to consider the issue of establishing a global network of United Nations Convention against Corruption asset recovery focal points as a network of practitioners, without duplicating existing networks, to facilitate more effective cooperation, in particular mutual legal assistance, on cases relating to asset recovery.

The discussion on articles 54 and 55 will commence with a panel discussion.

5. Forum for discussions on practical aspects of asset recovery, including challenges and good practices

At its 2011 meeting, the Working Group noted the importance of providing a forum for discussing the practical aspects of asset recovery, including challenges and good

practices. In addition, it 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 strove, at future meetings, to foster such pragmatic approaches.

The discussion on practical aspects of asset recovery will commence with a panel discussion.

6. Forum for discussions on capacity-building and technical assistance

In its resolution 4/4, the Conference urged States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture in accordance with domestic law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request. In addition, it encouraged the further development of initiatives to provide assistance in asset recovery cases at the request of States parties.

At its 2011 meeting, the Working Group called upon States parties to enhance capacity for freezing, seizing and confiscating assets.

The discussion on capacity-building and technical assistance will commence with a panel discussion.

7. Adoption of the report

The Working Group is to adopt a report on its 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>
Thursday, 30 August		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Presentation of the proposed multi-year workplan for the activities of the Working Group, covering the period 2012-2015
3 p.m.-6 p.m.	3	Overview of progress made in the implementation of Conference resolution 4/4 and the recommendations of the Working Group
	4	Thematic discussion on cooperation in confiscation: article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation)
Friday, 31 August		
10 a.m.-1 p.m.	4	Thematic discussion on cooperation in confiscation: article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation) (<i>continued</i>)
	5	Forum for discussions on practical aspects of asset recovery, including challenges and good practices
3 p.m.-6 p.m.	6	Forum for discussions on capacity-building and technical assistance
	7	Adoption of the report