



**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, 29-30 August 2013

Provisional agenda and annotations

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Overview of progress made in the implementation of asset recovery mandates.
3. Forum for advancing practical aspects of asset recovery, including challenges and good practices.
4. Forum for updates on and developments relating to thematic discussions of the previous session.
5. Thematic discussions:
 - (a) Thematic discussion on article 56 (Special cooperation), article 58 (Financial intelligence unit) and other relevant articles of the Convention;
 - (b) Thematic discussion on cooperation in freezing and seizure: article 54 (Mechanisms for recovery of property through international cooperation in confiscation), article 55 (International cooperation for purposes of confiscation) and other relevant articles of the Convention.
6. Forum for discussions on capacity-building and technical assistance.
7. Adoption of the report.



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, 29 August 2013, 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 and the report of the Working Group at its sixth meeting, held in Vienna on 30 and 31 August 2012 (CAC/COSP/WG.2/2012/4), 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. Overview of progress made in the implementation of asset recovery mandates

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 contributing 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.

Documentation

Note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2013/3)

3. Forum for advancing practical aspects of asset recovery, including challenges and good practices

At its previous meetings, 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 on new legislation on asset recovery adopted by States parties in compliance with the Convention and recommended that the Secretariat strive, at future meetings, to foster such pragmatic approaches.

4. Forum for updates on and developments relating to thematic discussions of the previous session

During the previous session, the Working Group held a thematic discussion on cooperation in confiscation, in particular on article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation) of the Convention. The discussion addressed, inter alia, the creation of dedicated units for asset recovery, non-conviction-based confiscation and spontaneous disclosure of information on assets by the States in which the assets are located.

Under the agenda item, updates on a broad range of legislative and practical developments with regard to international cooperation in confiscation are invited.

5. Thematic discussions

(a) Thematic discussion on article 56 (Special cooperation), article 58 (Financial intelligence unit) and other relevant articles of the Convention

The main topics of the discussion on article 56 will be good practices and examples of legislation allowing for spontaneous disclosure of information on proceeds of offences to other States parties and cooperation between financial intelligence units and investigative authorities. With respect to article 58, the discussion will address the role of financial intelligence units in processing and disseminating financial information, including suspicious transaction reports.

The discussion on articles 56 and 58 will commence with a panel discussion.

(b) Thematic discussion on cooperation in freezing and seizure: article 54 (Mechanisms for recovery of property through international cooperation in confiscation), article 55 (International cooperation for purposes of confiscation) and other relevant articles of the Convention

Topics to be discussed will include challenges and good practices in identifying the location and estimated value of property and in obtaining bank account numbers in advance, good practices relating to seizure and restraint of assets for a time period sufficient to preserve assets while foreign proceedings are pending, and how requesting and requested States parties can jointly ensure that the condition of “reasonable basis” (art. 54, para. 2 (a)) is satisfied. Further topics may include

examples of requirements relating to property designation in requests, how to meet such requests and how to simplify legal procedures and prevent the abuse of those procedures.

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

Documentation

Discussion guide for the thematic discussion on article 56 (Special cooperation) and article 58 (Financial intelligence unit); on article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation); and on other relevant articles of the Convention (CAC/COSP/WG.2/2013/2)

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.

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, 29 August		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Overview of progress made in the implementation of asset recovery mandates
	3	Forum for advancing practical aspects of asset recovery, including challenges and good practices
3 p.m.-6 p.m.	4	Forum for updates on and developments relating to thematic discussions of the previous session
	5 (a)	Thematic discussion on article 56 (Special cooperation), article 58 (Financial intelligence unit) and other relevant articles of the Convention
Friday, 30 August		
10 a.m.-1 p.m.	5 (b)	Thematic discussion on cooperation in freezing and seizure: article 54 (Mechanisms for recovery of property through international cooperation in confiscation), article 55 (International cooperation for purposes of confiscation) and other relevant articles of the Convention
3 p.m.-6 p.m.	6	Forum for discussions on capacity-building and technical assistance
	7	Adoption of the report