



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, 11-12 September 2014

Annotated provisional agenda

Provisional agenda

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 - (b) Thematic discussion on article 53 (Measures for direct recovery of property) 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, 11 September 2014, 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 5/3, entitled “Facilitating international cooperation in asset recovery”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fifth session, held in Panama City from 25 to 29 November 2013.

The proposed organization of work (see annex) was prepared in accordance with Conference resolution 5/3 and the report on the sixth meeting of the Working Group, 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 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 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.2/2014/3)

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.

States parties may wish to come prepared to discuss their good practices and are encouraged to share them with the Secretariat in advance together with relevant documentation for dissemination on the relevant page of the United Nations Office on Drugs and Crime (UNODC) website.

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

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

During the previous session, the Working Group held thematic discussions on article 56 (Special cooperation) and article 58 (Financial intelligence unit), and on cooperation in freezing and seizure pursuant to article 54 (Mechanisms for recovery of property through international cooperation in confiscation) and article 55 (International cooperation for purposes of confiscation).

The discussions addressed, inter alia, the importance of spontaneous transmission of information, international exchange of information through financial intelligence units, cooperation networks, and challenges in the freezing and seizure of assets. Tools such as the country-specific guides by the Group of Eight and the Group of Twenty were also mentioned. The possibility of developing standardized procedures was discussed, as well as the possibility of enhancing cooperation by having a better mutual understanding of existing requirements within the framework of the Convention.

Under the agenda item, participants are invited to provide updates on a broad range of legislative and practical developments with regard to these issues.

5. Thematic discussions

(a) Thematic discussion on article 52 (Prevention and detection of transfers of proceeds of crime) and other relevant articles of the Convention

It is suggested that participants present and discuss legislative initiatives and concrete measures to ensure that financial institutions adopt and implement effective customer due diligence measures, measures for the identification of beneficial ownership, and measures for the identification and enhanced scrutiny of assets belonging to individuals who have been entrusted with prominent public functions and to their family members and close associates. Measures discussed could include the establishment of national or central registries of bank accounts and other public registries (company registries, land registries, etc.), especially those permitting electronic searches. Further, the discussion could address good practices in notifications under article 52, paragraphs 2 and 5, and examples of effective financial disclosure systems for public officials and ways to manage those systems.

(b) Thematic discussion on article 53 (Measures for direct recovery of property) and other relevant articles of the Convention

Topics to be discussed may include the possibility of States parties initiating civil action in the courts of other States parties, and the sharing of recent experience with the payment of compensation or damages to States parties affected by corruption offences, including experience with the issue of the difficulties of calculating damage in the context of payment of compensation to States parties.

The thematic discussions on articles 52 and 53 will commence with a panel discussion.

Documentation

Discussion guide for the thematic discussions on article 52 (Prevention and detection of transfers of proceeds of crime) and other relevant articles of the Convention, and on article 53 (Measures for direct recovery of property) and other relevant articles of the Convention (CAC/COSP/WG.2/2014/2)

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.

In its resolution 5/3, the Conference urged States parties to ensure that their anti-corruption authorities or other relevant bodies were trained sufficiently and on a regular basis and had the requisite authority, legislative and otherwise, to identify, trace, freeze and confiscate corruption proceeds, including in terms of access to the financial and other information necessary to do so. The Conference also encouraged requested States and assistance partners to work with requesting States to identify asset-recovery-related capacity-building needs of requesting States and, to the extent possible, to prioritize the needs to be met, stressing specific, practical efforts.

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, 11 September		
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) and (b)	Thematic discussions on article 52 (Prevention and detection of transfers of proceeds of crime) and on article 53 (Measures for direct recovery of property), and other relevant articles of the Convention
Friday, 12 September		
10 a.m.-1 p.m.	5 (a) and (b)	Thematic discussions on article 52 (Prevention and detection of transfers of proceeds of crime) and on article 53 (Measures for direct recovery of property), and other relevant articles of the Convention (<i>continued</i>)
3 p.m.-6 p.m.	6	Forum for discussions on capacity-building and technical assistance
	7	Adoption of the report