



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

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## Working Group on Asset Recovery

Vienna, 25 and 26 August 2016

### Annotated provisional agenda

#### Provisional agenda

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. Thematic discussions:
  - (a) Thematic discussion on States parties' use of settlements and other alternative mechanisms;
  - (b) Thematic discussion on good practices for identifying victims of corruption and parameters for their compensation.
5. Forum for discussions on capacity-building and technical assistance.
6. Adoption of the report.

#### Annotations

1. **Organizational matters**
  - (a) **Opening of the meeting**

The meeting of the Working Group on Asset Recovery will be opened on Thursday, 25 August 2016, 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 6/2, entitled “Facilitating international cooperation in asset recovery and the return of proceeds of crime”, and resolution 6/3 entitled “Fostering effective asset recovery” adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015, 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.

In its resolutions 6/2 and 6/3 the Conference requested the Secretariat, within existing resources, to assist the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations.

**Documentation**

Note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2016/3)

**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.

#### **4. Thematic discussions**

##### **(a) Thematic discussion on States parties' use of settlements and other alternative mechanisms**

In its resolution 6/2 the Conference directed the Working Group to collect information, with the support of the Secretariat, regarding States parties' use of settlements and other alternative mechanisms and analyse the factors that influence the differences between the amounts realized in settlements and other alternative legal mechanisms and the amounts returned to affected States, with a view to considering the feasibility of developing guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties and effective return.

In its resolution 6/3 the Conference encouraged States parties to make widely available information on their legal frameworks and procedures, including those used in settlements and alternative legal mechanisms, in a practical guide or other format designed to facilitate use by other States, and to consider, where appropriate, the publication of that information in other languages.

The thematic discussion may include the following topics: States parties' use of settlements and other alternative mechanisms and their use for purposes of asset recovery, available guidelines on the relevant processes and ways to facilitate a more coordinated and transparent approach to cooperation among affected States parties and effective return.

The thematic discussion will commence with a panel discussion.

##### **Documentation**

Paper prepared by the Secretariat on settlements and other alternative mechanisms and their implications for the recovery and return of stolen assets (CAC/COSP/WG.2/2016/2)

##### **(b) Thematic discussion on good practices for identifying victims of corruption and parameters for their compensation**

In its resolution 6/2 the Conference directed the Working Group to initiate the process of identifying best practices for identifying victims of corruption and the parameters for compensation.

The thematic discussion may include the following topics: processes used for identifying victims of corruption, locus standi of victims, the nature of legal proceedings used to compensate victims, parameters of compensation and their significance for asset recovery, and challenges and good practices in compensating victims.

## **Documentation**

Paper prepared by the Secretariat on good practices for identifying victims of corruption and the parameters for their compensation (CAC/COSP/WG.2/2016/CRP.1)

### **5. Forum for discussions on capacity-building and technical assistance**

In its resolution 6/2 the Conference recalled its resolution 1/4 of 14 December 2006 setting up the Open-ended Intergovernmental Working Group on Asset Recovery, and its resolution 2/3 of 1 February 2008, in which it reaffirmed the mandate of the Working Group, and took note of the contributions of the Stolen Asset Recovery Initiative of the World Bank, UNODC, the International Centre for Asset Recovery and similar initiatives committed to improving the capacity of States to effectively implement the Convention and, in particular, took note of the recommendations made as part of these initiatives to improve the process of asset recovery.

In the same resolution the Conference encouraged States parties to consider, where appropriate and in accordance with national law, the possibility of referring to the draft Lausanne guidelines for the efficient recovery of stolen assets in their practice and to continue to exchange their practical experiences and consolidate them into a non-binding, step-by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of the relevant interested parties.

In its resolution 6/3 the Conference urged States parties, consistent with chapter V of the Convention, to ensure that they have adequate legal and institutional frameworks in place to prosecute corruption, to detect the illegal acquisition and transfer of assets derived from corruption, to request and provide international legal cooperation, including mutual legal assistance, to ensure that there are suitable mechanisms in place — conviction-based and, where appropriate, non-conviction-based — to recover through confiscation the identified proceeds of corruption, to enforce foreign conviction-based and non-conviction-based orders in accordance with the requirements of the Convention and to ensure that such frameworks were enforced, and encouraged technical assistance in this regard.

In the same resolution the Conference encouraged States parties to designate providers of technical assistance and officials or governmental institutions, as appropriate, as technical experts in international cooperation and asset recovery, to assist their counterparts in effectively meeting requirements for mutual legal assistance without undue delay.

States parties may wish to come prepared to discuss their efforts relevant to capacity-building and technical assistance in the area of asset recovery, as well as to discuss their cooperation in that regard with the Stolen Asset Recovery Initiative of the World Bank, UNODC and other providers of technical assistance.

### **6. 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>
<b>Thursday, 25 August</b>		
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
3-6 p.m.	3	Forum for advancing practical aspects of asset recovery, including challenges and good practices
	4 (a)	Thematic discussion on States parties' use of settlements and other alternative mechanisms
<b>Friday, 26 August</b>		
10 a.m.-1 p.m.	4 (b)	Thematic discussion on good practices for identifying victims of corruption and parameters for their compensation
3-6 p.m.	5	Forum for discussions on capacity-building and technical assistance
	6	Adoption of the report