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**Open-ended Intergovernmental
Working Group on Asset Recovery**

Vienna, 6–7 June 2018

**GLOBAL FORUM ON ASSET RECOVERY COMMUNIQUÉ:
Conference room paper submitted by the Governments of Nigeria, Sri
Lanka, Tunisia, Ukraine, United Kingdom of Great Britain and
Northern Ireland and United States of America¹**

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GLOBAL FORUM ON ASSET RECOVERY COMMUNIQUE

**Washington D.C.
December 4-6, 2017**

The **United Kingdom of Great Britain and Northern Ireland** and the **United States of America** co-hosted the first Global Forum on Asset Recovery (GFAR) in Washington DC on 4-6 December 2017, with support from the Stolen Asset Recovery Initiative (StAR), a joint initiative of the World Bank and UN Office of Drugs and Crime. The forum focused on the recovery of assets stolen from **Nigeria, Sri Lanka, Tunisia** and **Ukraine**.

Over 300 participants representing 26 jurisdictions as well as international organisations, civil society and media, came together at GFAR to recommit to the global asset recovery agenda; share best practices; provide technical training to asset recovery practitioners; and support capacity building initiatives. Most importantly, GFAR provided the opportunity for over 80 bilateral and multi-jurisdictional meetings to make progress on significant asset recovery cases in the four focus countries. It provided a platform for the signing of new agreements, including a significant new MOU between Nigeria, Switzerland and the World Bank which sets out the return of \$321m of recovered assets.

The United Kingdom, the United States, Nigeria, Sri Lanka, Tunisia and Ukraine, welcome the renewed commitment to the global asset recovery agenda demonstrated at GFAR. Specifically we:

- Welcome the high-level political commitment from all participating countries to continue to afford one another the widest measure of cooperation and support in asset recovery, consistent with relevant provisions of the UN Convention against Corruption, and to use GFAR to translate commitments into reality.
- Commit to continue to strengthen efforts to prevent corruption before it starts, including implementing codes of conduct, ethics training, whistleblower protections, and integrity in public institutions, and urge other countries to do so. These efforts can protect assets and prevent them from being stolen.
- Recognize the importance of strengthening international asset recovery processes and implementation of the UN Convention against Corruption as the global legal

framework on asset recovery. We reiterate the importance of strengthening the recovery and return of stolen assets consistent with Goal 16 of the UN Sustainable Development Goals.

- Call on states to implement asset recovery commitments including the G20 High-Level Principles on Asset Recovery and commitments made at the 2016 London Anti-Corruption Summit where 21 countries committed to strengthening or reinforcing legislation to ensure stolen assets can be recovered and 11 countries committed to developing guidelines for the transparent and accountable return of stolen assets.
- Recognize the important role of international organisations and practitioner networks, including the Stolen Asset Recovery Initiative Camden Asset Recovery Interagency Network (CARIN) and similar bodies, the Global Focal Points Network on Asset Recovery, Egmont Group, and the newly created International Anti-Corruption Coordination Center (IACCC).
- Recognize the multi-stakeholder nature of asset recovery and will continue to promote dialogue, trust and collaboration between civil society, media, law enforcement and other government bodies.
- Acknowledge the valuable contribution made by civil society organizations, and will continue to provide support for their work. We urge states to provide funding to support global asset recovery efforts.
- Acknowledge the important efforts of the Arab and Ukraine Fora for Asset Recovery, organized under the leadership of the G7 between 2011 and 2015. These galvanized political will on asset recovery, prompted action across multiple jurisdictions, and facilitated detailed practitioner exchanges. Arab Forum countries came together at GFAR to discuss experiences and lessons learned from the AFAR process, which will be outlined in a final report. We commit to applying this knowledge in our ongoing asset recovery efforts.
- Acknowledge that challenges exist, and agree that success in asset recovery requires partnership and that responsibilities and efforts are needed on both the requesting and requested sides.

We recognise the important role that the inaugural GFAR has played in providing a platform to:

- Sign a Memorandum of Understanding between Nigeria, Switzerland and the World Bank setting out the return of \$321m of recovered assets
- Discuss transparency in the return of assets and welcome the *GFAR Principles for the Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases*.
- Share experience around innovative approaches to asset recovery including forensic accounting tools, and legal tools such as non-conviction based asset forfeiture, illicit enrichment provisions and rapid freezing powers.
- Consider the renewal of freezing measures or extending statutes of limitations of offenses so that assets remain frozen in the context of lengthy legal processes.

- Commit to strengthen cooperation as well as continue to make progress on asset recovery cases and call on other states to do the same, recognizing the importance of an effective and coordinated law enforcement response and of building dialogue, trust and collaboration between jurisdictions.
- Commit to participate actively in expert-level deliberations under the UN Convention against Corruption, including its Asset Recovery Working Group, to help share our challenges and lessons learned with the global law enforcement community.
- Recognize the importance of creating opportunities for states to share experience and good practice, and welcome GFAR reconvening as required, when significant and complex asset recovery case coordination efforts are necessary. Hosts and organizers will be determined based on the country or countries in need and the type of assistance identified collectively by financial centers and requesting countries.

ANNEX: GFAR PRINCIPLES FOR DISPOSITION AND TRANSFER OF CONFISCATED STOLEN ASSETS IN CORRUPTION CASES

The co-hosts and four focus countries at GFAR reaffirmed their commitment to the return and disposition of confiscated stolen assets as articulated in UNCAC. They highlighted the importance of technical assistance towards successful asset recovery and disposition. They reflected further on their experiences, and emerging lessons, from previous instances of returns. Cognisant of the work already going on under the auspices of UNODC, and the call in the Addis Ababa Action Agenda¹ for the international community to develop good practices on asset return, GFAR participants offered the following considerations for principles that would promote successful asset return.

These Principles address approaches and mechanisms for enhancing coordination and cooperation, and for strengthening transparency and accountability of the processes involved. Nothing in these Principles is intended to infringe national sovereignty or domestic principles of law.

Principle 1: Partnership. It is recognised that successful return of stolen assets is fundamentally based on there being a strong partnership between transferring and receiving countries. Such partnership promotes trust and confidence.

Principle 2: Mutual interests. It is recognised that both transferring and receiving countries have shared interests in a successful outcome. Hence, countries should work together to establish arrangements for transfer that are mutually agreed.

Principle 3: Early dialogue. It is strongly desirable to commence dialogue between transferring and receiving countries at the earliest opportunity in the process, and for there to be continuing dialogue throughout the process.

Principle 4: Transparency and accountability. Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets. Information on the transfer and administration of returned assets should be made public and be available to the people in both the transferring and receiving country. The use of unspecified or contingent fee arrangements should be discouraged.

¹ *Financing for Development conference, July 2015, para 25*

Principle 5: Beneficiaries. Where possible, and without prejudice to identified victims, stolen assets recovered from corrupt officials should benefit the people of the nations harmed by the underlying corrupt conduct.

Principle 6: Strengthening anti-corruption and development. Where possible, in the end use of confiscated proceeds, consideration should also be given to encouraging actions which fulfill UNCAC principles of combating corruption, repairing the damage done by corruption, and achieving development goals.

Principle 7: Case-Specific Treatment. Disposition of confiscated proceeds of crime should be considered in a case-specific manner.

Principle 8: Consider using an Agreement under UNCAC Article 57(5). Case-specific agreements or arrangements should, where agreed by both the transferring and receiving state, be concluded to help ensure the transparent and effective use, administration and monitoring of returned proceeds. The transferring mechanism(s) should, where possible, use existing political and institutional frameworks and be in line with the country development strategy in order to ensure coherence, avoid duplication and optimize efficiency.

Principle 9: Preclusion of Benefit to Offenders. All steps should be taken to ensure that the disposition of confiscated proceeds of crime do not benefit persons involved in the commission of the offence(s).

Principle 10: Inclusion of non-government stakeholders. To the extent appropriate and permitted by law, individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, should be encouraged to participate in the asset return process, including by helping to identify how harm can be remedied, contributing to decisions on return and disposition, and fostering transparency and accountability in the transfer, disposition and administration of recovered assets.