



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

Distr.: General  
1 March 2019

Original: English

## Open-ended Intergovernmental Working Group on Asset Recovery

Vienna, 29 and 30 May 2019

### Annotated provisional agenda

#### Provisional agenda

1. Organizational matters:
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  - (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) Best practices for the identification and compensation of all different types of victims in accordance with the Convention;
  - (b) Third-party challenges and their impact on asset recovery under chapter V.
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 Wednesday, 29 May 2019, 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 7/1, entitled “Strengthening mutual legal assistance for international cooperation and asset recovery”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its seventh session, held in Vienna from 6 to 10 November 2017, and the workplan for the period 2018–2019, adopted by the Working Group at its meeting, held on 6 and 7 June 2018.



## 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.

In its resolution 7/1, 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.2/2019/2](#))

## 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.

To support the discussion under this agenda item, the secretariat will make available to the meeting the revised non-binding guidelines on the timely sharing of information in accordance with article 56 of the Convention and on improving communication and coordination between various asset recovery practitioner networks, updated in accordance with the comments received from States parties.

The secretariat will also make available to the meeting a note on mutual recognition of non-conviction-based freezing orders and confiscation judgments.

## **Documentation**

Draft non-binding guidelines on the timely sharing of information in accordance with article 56 of the Convention and on improving communication and coordination between various asset recovery practitioner networks ([CAC/COSP/WG.2/2019/4](#))

Note by the Secretariat on mutual recognition of non-conviction-based freezing orders and confiscation judgments ([CAC/COSP/WG.2/2019/CRP 1](#))

## **4. Thematic discussions**

- (a) Best practices for the identification and compensation of all different types of victims in accordance with the Convention**
- (b) Third-party challenges and their impact on asset recovery under chapter V**

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.

In its resolution 7/1, the Conference decided that the Working Group should continue its work by, inter alia, (a) continuing its efforts to gather information on and conduct enhanced analysis of best practices for the identification and compensation of all different types of victims in accordance with the Convention, including, as necessary, by soliciting information from States parties, facilitating exchanges among experts and organizing expert panels, while taking into consideration similar work undertaken at prior meetings of the Working Group, by expert panels and in discussions; and (b) conducting analysis of third-party challenges and their impact on asset recovery under chapter V.

States parties may wish to bring to the discussion examples of asset recovery cases illustrating best practices for the identification and compensation of all different types of victims in accordance with the Convention, and third-party challenges and their impact on asset recovery under chapter V.

To facilitate the Group's deliberations, a panel discussion on those issues will be organized.

## **Documentation**

Background document prepared by the Secretariat on best practices for the identification and compensation of all different types of victims in accordance with the Convention, and third-party challenges and their impact on asset recovery under chapter V ([CAC/COSP/WG.2/2019/5](#))

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

In its resolution 7/1, the Conference requested UNODC and invited the Stolen Asset Recovery (StAR) Initiative to continue to provide and develop capacity-building initiatives on asset recovery, including knowledge products and technical tools, upon request and subject to extrabudgetary resources, in response to technical assistance needs identified during country reviews.

In the same resolution, the Conference called upon States parties to take concrete steps to ensure that adequate mechanisms are in place to manage and preserve the value and condition of assets pending the conclusion of confiscation proceedings in another State. It encouraged States parties and UNODC to continue sharing experiences on the management of frozen, seized and confiscated assets, identifying best practices as necessary and building on existing resources, and to consider developing non-binding guidelines on this issue. The secretariat had prepared the draft non-binding guidelines on the management of frozen, seized and confiscated assets and made them available to both the Working Group at its meeting held, in June 2018, and the Implementation Review Group at its second resumed session, in November 2018. The secretariat will make available to the meeting the revised

draft non-binding guidelines updated in accordance with comments received from States parties.

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 providers of technical assistance, including the StAR Initiative and UNODC.

To facilitate the Group's discussion of the matter, a panel on technical assistance in relation to articles of chapter V of the Convention will be organized.

This agenda item will be discussed together with the agenda item of the tenth session of the Implementation Review Group entitled "Technical assistance", in a joint meeting.

#### **Documentation**

Note by the Secretariat on progress made in the implementation of asset recovery mandates ([CAC/COSP/WG.2/2019/2](#))

Draft non-binding guidelines on the management of frozen, seized and confiscated assets ([CAC/COSP/WG.2/2019/3](#))

#### **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>Wednesday, 29 May</b>		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	5	Forum for discussions on capacity-building and technical assistance <sup>a</sup>
3–5:30 p.m.	5	Forum for discussions on capacity-building and technical assistance <sup>a</sup>
<b>Thursday, 30 May</b>		
10 a.m.–1 p.m.	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
3–6 p.m.	4	Thematic discussion: <ul style="list-style-type: none"> <li>(a) Best practices for the identification and compensation of all different types of victims in accordance with the Convention;</li> <li>(b) Third-party challenges and their impact on asset recovery under chapter V</li> </ul>
	6	Adoption of the report

<sup>a</sup> This agenda item will be discussed together with the agenda item of the tenth session of the Implementation Review Group entitled, “Technical assistance”, in a joint meeting.