



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

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Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna from 16 to 18 November 2020

I. Introduction

1. In its resolutions 1/4, 2/3, 3/3, 4/4, 5/3, 6/2, 6/3, 7/1, 8/1 and 8/9, the Conference of the States Parties to the United Nations Convention against Corruption established and continued the work of the Open-ended Intergovernmental Working Group on Asset Recovery.
2. In its resolution 8/9, the Conference welcomed the outcome of meetings of the Open-ended Intergovernmental Working Group on Asset Recovery and requested the Working Group to develop a new multi-year workplan to continue its analytical work during the period 2020–2021, designating specific agenda items to be discussed as the main topic for each meeting.
3. In the same resolution, the Conference directed the Open-ended Intergovernmental Working Group on Asset Recovery to: (a) continue to collect information, with the support of the Secretariat, regarding the use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law, and analyse the factors that influence the differences between the amounts realized in alternative legal mechanisms and non-trial resolutions, including settlements that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law 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; (b) collect information on challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention; and (c) report its findings on each of these matters to the Conference of the States Parties at its next session, with the support of the Secretariat.
4. In the same resolution, the Conference also directed the Working Group, with the assistance of the Secretariat, to sustain the process of identifying best practices and developing guidelines for proactive and timely sharing of information, in accordance with article 56 of the Convention.
5. In its resolution 8/1, the Conference decided that the Working Group should continue its work by, inter alia: (a) continuing to collect information on best practices from States parties, with a view to completing the draft non-binding guidelines on the



management of frozen, seized and confiscated assets and updating the study entitled *Effective Management and Disposal of Seized and Confiscated Assets*; (b) continuing its efforts to collect information on challenges and barriers that States parties face, as well as best practices in recovery and return of proceeds of crime, with a view to proposing possible recommendations for the full and effective implementation of chapter V of the Convention; (c) continuing to provide reports to the Conference on its activities.

II. Organization of the meeting

A. Opening of the meeting

6. The Working Group on Asset Recovery held its fourteenth meeting in Vienna from 16 to 18 November 2020, in an online format.

7. The Working Group on Asset Recovery held five meetings, which were chaired by Harib Saeed al-Amimi (United Arab Emirates), the President of the Conference at its eighth session; most of those meetings were held jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention.

B. Adoption of the agenda and organization of work

8. On 16 November 2020, the Working Group adopted the following 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. Practical aspects of asset recovery, including trends, challenges and good practices.
4. Thematic discussions:
 - (a) Continuation of the discussion on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V;
 - (b) Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems.
5. Technical assistance.
6. Adoption of the report.

9. Items 2, 3, 4 and 5 of the agenda were considered jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.¹

¹ In view of the joint meetings held by the Working Group on Asset Recovery with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, some of the proceedings have been reflected in the reports on the sessions of those bodies, contained in documents CAC/COSP/IRG/2020/8/Add.2 and CAC/COSP/EG.1/2020/3, respectively.

10. The Working Group also adopted a proposed workplan, prepared by the secretariat, covering its activities for the biennium 2020–2021 ([CAC/COSP/WG.2/2020/2](#)).

11. One speaker supported the proposed workplan developed by the secretariat and expressed his country's particular interest in the topic of the enforcement of non-conviction-based confiscation orders in the framework of criminal proceedings and recalled the special side event on that topic organized by Brazil, the Russian Federation, India, China and South Africa (the BRICS countries) during the eighth session of the Conference of the States Parties, held in Abu Dhabi. He highlighted the important work of the Working Group in continuing to collect data on the implementation of chapter V of the Convention and noted his country's willingness to share relevant material and developments with the secretariat and interested countries.

C. Attendance²

12. The following States Parties to the Convention were represented at the meeting of the Working Group: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Costa Rica, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Greece, Guatemala, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Morocco, Myanmar, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sudan, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Yemen.

13. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

14. The following Secretariat units, specialized agencies of the United Nations and institutes of the United Nations crime prevention and criminal justice programme network were represented by observers: Department of Peace Operations, Office of the United Nations High Commissioner for Human Rights, World Bank, Basel Institute on Governance and Naif Arab University for Security Sciences.

15. The following intergovernmental organizations were represented by observers: Central Asian Regional Information and Coordination Centre, the Commonwealth of Independent States, Group of States against Corruption (GRECO) of the Council of Europe, European Union Agency for Criminal Justice Cooperation (Eurojust), European Union Agency for Law Enforcement Cooperation (Europol), International Anti-Corruption Academy, International Centre for Criminal Law Reform and Criminal Justice Policy, International Development Law Organization, International Criminal Police Organization (INTERPOL) and Organization for Economic Cooperation and Development.

16. The Sovereign Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

² The attendance as presented in the present report is based on confirmed online connections.

III. Overview of progress made in the implementation of asset recovery mandates

17. A representative of the Secretariat provided an overview of the progress made in the implementation of asset recovery mandates by highlighting some of the ongoing work as referred to in document [CAC/COSP/WG.2/2020/3](#).

18. It was noted that, in line with its mandate, the Group focused on three main objectives: (a) developing cumulative knowledge; (b) building confidence and trust between requesting and requested States; and (c) technical assistance, training and capacity-building.

19. With regard to the development of cumulative knowledge, it was highlighted that the United Nations Office on Drugs and Crime (UNODC) had continued the process of redesigning and reconceptualizing its Tools and Resources for Anti-Corruption Knowledge (TRACK) portal and was in the process of moving it to a new platform in preparation for its relaunch. It was noted that all tools and knowledge products developed by UNODC and the Stolen Asset Recovery (StAR) Initiative had been made available on the Internet free of charge. Efforts were made to actively disseminate knowledge products in various forums, expert group meetings, training workshops and regional conferences, including in the margins of the session of the Conference of the States Parties held in December 2019, during which the StAR Initiative organized a full-day side event consisting of several sessions on various topics related to asset recovery.

20. With regard to building confidence and trust between requesting and requested States, it was noted that UNODC and the StAR Initiative had continued their active support for regional and international networks engaged in asset recovery. It was also reported that the Vienna-based Global Operational Network of Anti-Corruption Law Enforcement Authorities was in the process of being established to facilitate informal cooperation among anti-corruption entities covered by article 36 of the Convention. The proposal had been welcomed at the first ministerial meeting of the Group of 20 Anti-Corruption Working Group organized under the presidency of Saudi Arabia in Riyadh on 22 October 2020. The purposes of the Global Operational Network of Anti-Corruption Law Enforcement Authorities were to establish and enhance direct contact between anti-corruption law enforcement authorities, to empower a wider range of countries to engage in informal international cooperation and to complement other existing platforms for such cooperation. The network was expected to be officially launched at the special session of the General Assembly against corruption to be held in June 2021, and the first meeting of the network was planned for September 2021.

21. It was also reported that UNODC and the StAR Initiative had continued to engage in advocacy in a number of international forums to promote the development of approaches and measures creating an international policy and legal framework conducive to the recovery and return of stolen assets. Such forums included the anti-corruption and transparency experts working group of Asia-Pacific Economic Cooperation, INTERPOL, the European Union and Eurojust, working groups of the Group of Seven and the Group of 20, and the World Economic Forum, in particular its Partnering against Corruption Initiative.

22. The representative of the Secretariat also noted that UNODC had provided comments on the work of the High-level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda, launched by the President of the General Assembly and the President of the Economic and Social Council in March 2020, including with regard to the transparency of financial and beneficial ownership, corruption, money-laundering and asset recovery and return, and that UNODC had briefed the High-level Panel on the work of UNODC and the StAR Initiative.

23. With regard to technical assistance, training and capacity-building, it was highlighted that UNODC and the StAR Initiative had continued to regularly respond to technical assistance requests by States parties in order to strengthen their capacity to implement chapter V of the Convention.

24. One speaker welcomed the thematic report prepared by the Secretariat on the implementation of chapter V of the Convention (CAC/COSP/IRG/2020/6), which was based on preliminary data collected from the one fourth of the States parties that had so far been reviewed under the second cycle. She highlighted the importance for States of accelerating the completion of the review in the second cycle in order to develop a better understanding of the status of implementation and identify challenges. She highlighted some of the good practices identified in the thematic report, including for article 51, for which the most prevalent good practices were active engagement in the development and promotion of international cooperation, and robust institutional arrangements for and issuance of guidance on asset recovery; and, for article 54, the capacity to provide international cooperation on asset recovery measures in both conviction-based and non-conviction-based proceedings, the low evidentiary and formal requirements for the enforcement of a foreign request and the issuance of a domestic freezing, seizure or confiscation order, and the establishment of specialized asset recovery units, as well as the placement of specialized advisors in priority countries to assist with mutual legal assistance. She noted that her country viewed those results as encouraging examples of the progress of States parties in implementing the asset recovery-related provisions of the Convention.

25. Another speaker noted the usefulness of the information provided in the thematic report prepared by the Secretariat on the implementation of chapter V of the Convention, called on the Secretariat to continue to collect information on the implementation of chapter V as States parties continued the second review cycle, and noted that the provisions of the draft non-binding guidelines on the management of frozen, seized and confiscated assets should take into account that collected information.

26. One speaker highlighted that the identification, tracing, freezing, confiscation and recovery of assets was an effective tool to tackle corruption. He reported that the European Union made substantial efforts in that area and mentioned that a directive on confiscation adopted in 2014 had been transposed and implemented in all 27 States members of the European Union. He noted that the European Union continued to support the establishment of national asset recovery offices and had enhanced its anti-money-laundering framework. The speaker reported that, in line with the new requirements, European banks were obliged to set up account registries and give relevant authorities access to those registries, and also highlighted the importance of strengthening cooperation between relevant authorities and financial intelligence units and supporting the activities of networks such as the Camden Asset Recovery Inter-Agency Network.

27. Another speaker highlighted the importance of chapter V of the Convention and noted that there had been continuous challenges in its implementation. She emphasized the positive role of UNODC and the StAR Initiative in providing technical assistance. The speaker pointed out gaps that remained in relevant legal and institutional frameworks of States parties and in the Convention itself. She suggested that, as a response, a special committee of the United Nations should be established, with the role of providing coordination between requesting and requested States in asset recovery cases, finding a common understanding in dealing with challenges in the timely provision of international cooperation, supporting requested States in understanding and fulfilling the requirements of the requesting States, fostering an atmosphere of conviviality and trust between the requesting and requested States, providing advice and recommendations in addressing the challenges identified by both parties, and submitting biannual reports containing recommendations to the Conference of the States Parties. She further suggested that the special committee could have high-level political representation and members with technical knowledge of the subject matter and that the committee would coordinate with UNODC.

IV. Practical aspects of asset recovery, including trends, challenges and good practices

28. A representative of the joint UNODC-World Bank StAR Initiative presented the progress made on the collection of information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, as contained in the note by the Secretariat ([CAC/COSP/WG.2/2020/4](#)). She reminded the Working Group that the need for such data collection had been highlighted repeatedly in the meetings of the Working Group. The last such analysis of data conducted was the StAR Initiative study published in 2014 entitled *Few and Far: The Hard Facts on Stolen Asset Recovery*, which collected data from the period 2006–2012. More recently, in its resolution 8/9 on strengthening asset recovery to support the 2030 Agenda for Sustainable Development, the Conference requested the Secretariat and invited the StAR Initiative, inter alia, to collect information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention. On that basis, UNODC sent a note verbale in April 2020 requesting States to respond to a questionnaire aimed at collecting such data. The representative of the StAR Initiative presented the criteria for case selection, which included asset recovery cases that involved proceeds of corruption in accordance with articles 15 to 25 of the Convention and had an international element. She reported that to date 69 responses had been received, with 51 reports of involvement in at least one international corruption-related asset recovery case. Almost half of the respondents reported involvement in at least one completed return of assets, and almost 70 per cent of the respondents reported involvement in at least one confiscation or freezing of assets. It was noted that a total of approximately \$3.2 billion worth of assets, returned between 2010 and 2020, had been reported by States so far. Eighteen States did not report any involvement in international asset recovery cases either because they were not involved in any or because no data had been available. She presented the breakdown of data on the States' roles in the asset recovery process, which varied from State of asset location (32 per cent), State of origin (26 per cent), both of those roles (13 per cent) and as third country that initiated legal action to recover assets (3 per cent). The speaker further presented the most common barriers to achieving asset recovery in general, as well as a breakdown of the challenges reported by States of asset location, States of origin and States that had not been involved in asset recovery cases. She noted that the following challenges in collecting data on international asset recovery had been reported: (a) a lack of centralized statistics when there was no designated government agency responsible for the collection of data on international asset recovery; (b) the absence of any systematized records on completed asset returns, especially in cases where there was no federal-level involvement because legal actions had been initiated and executed at the state or regional level; (c) national statistics on criminal proceeds did not always include the type of offence or whether cases had an international element; and (d) interruptions and delays due to the COVID-19 pandemic. In conclusion, it was noted that the Conference secretariat and the StAR Initiative would continue collecting responses from States parties whose contributions were still under preparation. Further analysis from the responses would be made available in a report of the StAR Initiative in 2021, and following the publication of that report, in the StAR Initiative's Asset Recovery Watch database.

29. In the ensuing discussion, representatives of States expressed their appreciation for the interesting analysis conducted on the basis of those data and noted the value of the global overview provided, in particular bearing in mind that asset recovery was one of the main goals of the United Nations Convention against Corruption. One speaker suggested that the above-mentioned information on asset recovery be shared at the upcoming intersessional meeting of the Conference on the special session of the General Assembly against corruption.

30. Speakers reiterated the challenges in collecting global data related to asset recovery raised by the representative of the StAR Initiative, in particular the lack of

centralized statistics on seized, confiscated and returned assets. Several speakers underscored the importance of following up on this analysis by making concrete recommendations on the basis of the information gathered. One speaker noted that the analysis would provide the necessary overview to consider whether the international legal framework in place was sufficient or whether particular gaps needed to be addressed. One speaker suggested that the information collected by the Secretariat in the context of the second cycle review could complement the data collection exercise of the StAR Initiative and assist in achieving a more comprehensive overview of the main impediments hindering asset recovery.

31. One speaker noted that not all States had provided information, and that this might lead to a misrepresentation in the overall data if States chose to report only successful cases. The speaker emphasized the importance of the implementation of Conference resolution 8/9 and observed that it would have been interesting to analyse the relationship between assets that had been frozen or confiscated and assets that had been recovered, as well as the role of settlements in that context.

32. Speakers also addressed reasons for not yet having responded to the questionnaire. One speaker explained that this was due to the volume of cases and the corresponding resources required to present a complete picture, and another speaker explained that owing to the number of institutions involved, the collection of data required more time. Another speaker shared his country's experience in consolidating information related to asset recovery from the different institutions involved through an inter-institutional liaison group chaired by the Public Prosecutor.

33. Some speakers also shared their countries' experiences in addressing asset recovery-related challenges, including adopting new legislation, organizing capacity-building activities and enhancing domestic coordination and informal cooperation with other jurisdictions. Speakers also highlighted the importance of continuing to strengthen cooperation in transnational asset recovery cases and finding ways to overcome existing barriers. One speaker pointed out the importance of cooperating in administrative and civil matters in the context of asset recovery.

34. One speaker urged States parties to continue strengthening political will in the requested States to return assets to the requesting States and not politicize asset recovery cases, to make the Convention a universal legal basis for asset recovery, to conclude additional bilateral agreements on judicial assistance and asset return, to establish effective communication between requesting and requested States in all cases in order to deal with technical issues, such as translation, in a timely fashion, and to make cooperation more efficient.

35. In response to the statements and questions, the representative of the StAR Initiative expressed her gratitude for the large number of highly detailed and comprehensive responses received and confirmed the intention of the Conference secretariat to put forward relevant recommendations once the analysis had been completed.

V. Thematic discussions

A. Continuation of the discussion on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V

36. In introducing this item, a representative of the Secretariat presented an overview of the deliberations of the panel presentations on identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V, that were given during the previous, thirteenth meeting of the Working Group. The presentations provided by panellists from France, Nigeria, Kazakhstan, Jersey and the United States had underscored the importance of establishing comprehensive legislative frameworks and international coordination

mechanisms allowing for victims to be compensated and for third-party challenges to be effectively addressed. (For the full summary of the panel presentations, see paragraphs 56–62 of document CAC/COSP/WG.2/2019/6.)

37. The representative of the Secretariat also summarized the note 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](#)), submitted to the Working Group at its thirteenth meeting, and briefed the participants about the ongoing work of the secretariat for the collection of information on compensation of victims. He indicated that the States parties would be invited to contribute to the upcoming study by means of a note verbale, to be distributed by the end of 2020.

38. In the ensuing discussion, one speaker noted that despite the importance of protecting the rights of bona fide third parties as they were enshrined in the Convention, it was important to take into consideration the unintended effects and potential delays in asset recovery that might arise from third party interventions. The speaker also noted the complexity of defining victim status, which depended on domestic legislation in view of the absence of a universal definition. She concluded that the approach adopted by authorities of her country was focused on the disposition of assets and that international cooperation was critical for ensuring a transparent and accountable return of assets in consultation with all stakeholders.

39. One speaker shared her country's procedures for ensuring the protection of bona fide third parties, which included a public notice by the court to allow stakeholders to apply to participate in the proceedings, and for ensuring that the rights of third parties were protected when there was no evidence suggesting that their assets were illicit proceeds.

40. Another speaker emphasized that asset return was one of the main goals of the Convention and that political will and international cooperation were essential to ensure that victim States could successfully trace, seize, freeze, confiscate and recover their stolen assets held abroad.

B. Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems

41. The second part of item 4 focused on presentations by panellists from Peru, South Africa, Portugal and the Russian Federation on “Common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems”.

42. The panellist from Peru presented on good practices in the recovery and return of the proceeds of crime, in particular through the execution of criminal confiscation orders in foreign jurisdictions, based on the experiences of the Unit for International Judicial Cooperation and Extraditions, indicating that in its capacity as the central authority, the Unit was in charge of centralizing the coordination and execution of orders based on mutual legal assistance requests in criminal matters, and since 2015 the Unit had also been responsible for the recovery of assets at the international level. The panellist presented data on requests made by Peru using the Convention as a legal basis, disaggregated by requested country, type of request and type of offence. She presented cases involving the freezing of bank accounts, including the Montesinos case, the Ecoteva case and the Odebrecht case. In the Montesinos case, she noted that a tripartite agreement between Peru, Switzerland and Luxembourg on the transfer of confiscated assets was currently in the phase of negotiation of the final text. The

panellist outlined her country's good practices, including (a) preparation of offices of the prosecutor for initiating procedures for non-conviction-based confiscation upon the receipt of spontaneously transmitted information; (b) use of technology to coordinate with foreign central authorities for the urgent freezing of accounts; and (c) the mapping of the current status of frozen accounts in foreign jurisdictions, allowing the central authority, within the limits of its powers, to follow up on cases *ex officio*. The panellist also reported that a new mutual legal assistance request form had been created and disseminated to judges and prosecutors at the national level. She explained that one of the consultancy services offered by the Unit, which continued during the COVID-19 pandemic, was the advice on the application of multilateral legal instruments to which Peru was a State party, including the United Nations Convention against Corruption. She noted that focal points had been established in each of the 34 fiscal districts for the provision of specialized advice. Finally, she addressed the challenges, including (a) the need to improve mutual legal assistance procedures through the use of technological resources, (b) the need to fully achieve the timely repatriation of assets still located abroad, and (c) the need to develop guidelines on asset recovery for judges and prosecutors on the specific procedures to be followed based on the particularities of each case.

43. The panellist from South Africa presented the good practices and challenges her country faced in enforcing foreign orders for effective asset recovery. She described her country's legislative framework in this area, in particular the Prevention of Organised Crime Act (No. 121 of 1998) providing both conviction-based forfeiture and non-conviction-based forfeiture, and the International Cooperation in Criminal Matters Act setting out the enforcement of both interim and final orders following their registration in South Africa. The panellist described the registration requirements for interim orders and final orders, and subsequently presented the good practices and challenges faced by her country in successfully recovering assets based on the enforcement of foreign orders. She shared good practices based on the 20 years of experience of her country in the area of asset forfeiture, including the recognition of both conviction- and non-conviction-based forfeiture foreign orders, the existence of a competent authority and the specialized Asset Forfeiture Unit to handle requests, registration and implementation of orders, the development of internal policies for handling asset recovery requests, the existence of police service liaison officers, the use of networks, effective training and knowledge management, the use of standard templates for notices, ensuring a speedy process of registration without systematic requirements of evidence, procedures on costs, the appointment of curators for management of the property and the consideration of alternatives to prevent loss of value or limit costs. Challenges included the costs, delays caused by the provision of incorrect details or the submission of uncertified orders, issues arising from differing legal systems and lack of skills and knowledge.

44. The panellist from Portugal presented the challenges arising from differences in evidentiary requirements and standards of proof between legal systems, and the corresponding solutions and good practices. He noted the significance of such differences despite the existence of international conventions, and the resulting difficulties for international cooperation when States refused cooperation when they were not certain that requirements had been met. He also addressed the diminishing gap between the requirements for criminal confiscation and those for civil confiscation, and noted that, contrary to common perception, there were human rights implications for both. The panellist concluded by underscoring the importance of carrying out consideration of requests on a case-by-case basis rather than automatically refusing cooperation.

45. The panellist from the Russian Federation presented the main challenges in international cooperation on asset recovery. After introducing the legal framework allowing his country to cooperate on these matters, he explained the different stages involved in successful asset recovery, starting with preventive measures allowing for the detection of assets (such as the establishment of a financial disclosure system), criminal proceedings leading to the seizure of assets, compensation for damages and

asset recovery (including the return of the assets to the victims and country of origin) and asset management. He pointed out that at the national level the anti-corruption agency generally had systematic access to different registries and data sources, whereas at the international level the exchange of information was often limited to tax evasion offences, for which information was shared between tax authorities. The panellist outlined the most common reasons for a refusal to share information, including (a) the absence of national provisions on sharing information outside the context of a criminal enquiry; (b) the requirement for additional information or a link to international or bilateral agreements; and (c) maintaining bank secrecy even for foreign politically exposed persons. Other challenges noted were (a) the balancing of the need to receive personal information in early stages, with the risks of “fishing”; (b) the sharing of information under conditions preventing its use as evidence based on the merits of the case; (c) different responses to requests from various country sources (some foreign authorities might satisfy the requests and some might refuse); (d) differences in legal systems, procedures and terminology; (e) differences in the scope of the protection of rights of the participants of criminal proceedings; (f) issues arising in the execution of confiscation orders in criminal and administrative proceedings; (g) conflicting approaches in confiscation, transmission of evidence, compensation of damages, and the payment of fines; and, (h) challenges related to the sharing of the confiscated assets. The panellist expressed concern that a number of countries had adopted legislation that permitted the non-return of assets to the State of origin in cases in which the State in question was considered to have an “unstable legal system” or to be “vulnerable to significant corruption risks”, noting that such language could be interpreted broadly. He concluded by underscoring the importance of constructive working relationships between national law enforcement agencies involved in asset recovery.

46. In the ensuing discussion speakers noted the importance of sharing good practices in overcoming the differences in legal systems of States in order to effectively recover and return proceeds of corruption. Several speakers noted the significant challenge caused by delayed responses to requests for seizing assets ahead of their confiscation, often leading to assets disappearing before provisional measures had been taken. Another speaker noted the problem arising from the requirement of dual criminality and noted the general challenge of differences in legal systems.

47. One speaker noted the recurring challenge of requests being left unaddressed, which hampered the effective implementation of chapter V of the Convention, despite the fact that the necessary legal framework was in place. Another speaker reported on the barriers encountered in recovering assets due to economic sanctions and stressed the importance of the principles of sovereignty, equality and non-interference in domestic affairs.

48. In discussing solutions and good practices, several speakers emphasized the importance of making use of informal means for direct communication between counterpart authorities as soon as authorities even suspected illicit proceeds were located in a foreign jurisdiction. One speaker noted that her country had prepared an asset recovery guide outlining the avenues available for foreign jurisdictions to request assistance, and encouraged other States to do the same. She also encouraged States parties to publish the full reports of their country reviews in the framework of the Implementation Review Mechanism and to join law enforcement networks such as the Camden Asset Recovery Inter-Agency Network, the Egmont Group of Financial Intelligence Units and the StAR Initiative/INTERPOL Global Focal Point Network on Asset Recovery. Another speaker similarly highlighted the benefits using regional networks and virtual platforms and reported that her country had made use of such resources during the pandemic.

49. Delegates also shared good practices in their jurisdictions for improving cooperation in asset recovery cases, such as the adoption of new legislation on non-conviction-based confiscation, setting up asset management agencies, creating centralized bank registers, appointing specialized prosecutors and judges for purposes

of seizing and the confiscation of assets, and proactive cooperation with foreign counterparts.

50. One speaker highlighted that the provision of technical assistance aimed at ensuring that the competent authorities overseeing asset recovery had the necessary human and financial resources to work effectively could address some of the challenges, whereas another speaker observed that training on enforcing requests for seizure would be particularly useful. Similarly, another speaker underlined the importance of capacity-building, noting that specialized judges in his country were instrumental in overcoming international cooperation barriers and assisted in locating targeted proceeds in foreign jurisdictions through use of the Convention. He also noted that better cooperation and the use of joint investigations would help address the current challenges.

51. Further information on the discussion in relation to thematic discussions can be found in the report of the Implementation Review Group on its second resumed eleventh session (CAC/COSP/IRG/2020/5/Add.2) and the report of the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention (CAC/COSP/EG.1/2020/3).

VI. Technical assistance

52. With regard to technical assistance provided, the Coordinator of the StAR Initiative provided an overview of the technical assistance and capacity-building delivered by the Initiative since the last meeting of the Working Group on Asset Recovery. He noted that, in line with its mandate, the work of the Initiative was structured around three main workstreams: (a) country engagements, (b) policy and partnerships, and (c) knowledge and innovation.

53. In relation to country engagements, the speaker noted that 19 countries had received assistance through the StAR Initiative since the last meeting of the Working Group. Country engagements were designed as multi-year programmes and covered a wide range of activities such as legislative drafting assistance, assistance with the creation of inter-institutional information-sharing and communication mechanisms, training on financial investigations, income and asset disclosure, facilitation of contacts and case consultations with other jurisdictions, and assistance with mutual legal assistance requests, among other things. Work was undertaken with financial intelligence units, public prosecutors, central authorities and others. Given the ongoing pandemic, many capacity-building activities had taken place online, allowing for the inclusion of additional institutions in more geographical areas in the countries to which the StAR Initiative provided assistance.

54. With regard to policy and partnerships, the StAR Initiative Coordinator highlighted that the Initiative had continued to work with international partners and participate in policy forums such as the eighth session of the Conference of the States Parties. On the margins of the eighth session of the Conference, the StAR Initiative had organized a full day of sessions focused on asset recovery and facilitated 23 bilateral case-related meetings between representatives of 21 States parties to the Convention. Further, the StAR Initiative participated in the Working Group on Asset Recovery, the Global Illicit Trade Summit, the Group of 20 Anti-Corruption Working Group and other forums.

55. Concerning the workstream on knowledge and innovation, the Coordinator indicated that the StAR Initiative had also continued its work on the development of knowledge products, launching and presenting publications on international partnerships on asset recovery, insolvency tools to support cross-border asset recovery in corruption cases, and the benefits and challenges of e-filing asset declarations.

56. The speaker also informed the Working Group about the outcome of the external review of the Initiative's work that had been undertaken in relation to the period

2013–2018. Highlighting the main findings and recommendations, he emphasized that the external reviewers had found the Initiative’s mandate continued to be relevant and had therefore recommended an extension of its work. Furthermore, the external reviewers had recommended that more emphasis be put on knowledge generation and that the Initiative should in future focus more on its original mission of the denial of safe havens for the proceeds of corruption. Taking into account these recommendations, the speaker made reference to the StAR Initiative workplan for the period 2020–2024.

57. In response to the presentation, a speaker highlighted her country’s efforts to assist other countries in effectively implementing their commitments under the Convention. In that regard, the speaker noted the importance of international organizations in delivering technical assistance and emphasized her country’s contributions to initiatives such as the Global Focal Point Network on Asset Recovery, which had helped facilitate operations and case coordination. In particular, she underscored how having capable foreign partners was crucial to her country’s own asset recovery efforts and to concluding asset recovery cases in a timely manner, ultimately leading to more assets being returned to those harmed by corruption. In addition, the speaker also shared information on specific examples of technical assistance provided by her country: through UNODC and the StAR Initiative, her country supported the Government of a State party in strengthening its legal and institutional framework for asset recovery and for combating money-laundering and terrorist financing. In addition, she highlighted the Distributed Ledger Programming project, which was aimed at ensuring that returned funds were used for the benefit of citizens harmed by corruption. She indicated that, to that end, the project sought to develop and launch a platform that would result in increased transparency and accountability with respect to the disposal of assets that had been returned by her country. In conclusion, she stressed the importance of the Working Group on Asset Recovery as a forum for sharing experiences and lessons learned and noted that her country was constantly looking for innovative ways to improve the assistance it provided.

58. Further information on the discussion in relation to technical assistance can be found in the report of the Implementation Review Group on its second resumed eleventh session (CAC/COSP/IRG/2020/5/Add.2) and the report of the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention (CAC/COSP/EG.1/2020/3).

VII. Adoption of the report

59. The Working Group adopted the report on its fourteenth meeting by means of a silence procedure on 11 December 2020.
