



# 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, 6–10 September 2021

### 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. Practical aspects of asset recovery, including trends, challenges and good practices.
4. Thematic discussions:
  - (a) The use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention;
  - (b) 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.
5. Technical assistance.
6. 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 Monday, 6 September 2021, at 11 a.m., at the Vienna International Centre, M-Building, Plenary Room M. Subject to developments relating to the coronavirus disease (COVID-19) pandemic, it is currently planned that the meeting will be held in a hybrid format (in person and online).



**(b) Adoption of the agenda and organization of work**

The provisional agenda for the meeting was prepared in accordance with resolution 8/9, entitled “Strengthening asset recovery to support the 2030 Agenda for Sustainable Development”, and resolution 8/1, entitled “Strengthening of international cooperation on asset recovery and of the administration of frozen, seized and confiscated assets”, and in line with the recommendations agreed on by the eighth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (see [CAC/COSP/EG.1/2019/4](#)). It was also prepared in accordance with the guidance contained in the workplan for the subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption, adopted by the Conference of the States Parties at its eighth session, and the subsequent recommendation of the Bureau of the Conference, in order to enable agenda items 2, 3, 4 and 5 to be considered jointly with the Implementation Review Group and the open-ended intergovernmental expert meetings.

The proposed items of the provisional agenda were structured in line with the workplan of the Open-ended Intergovernmental Working Group on Asset Recovery for the period 2020–2021, which was adopted by the Working Group at its fourteenth meeting, pursuant to the request made by the Conference in its resolution 8/9.

**Documentation**

Note by the Secretariat on the proposed workplan of the Open-ended Intergovernmental Working Group on Asset Recovery, 2020–2021 ([CAC/COSP/WG.2/2020/2](#))

**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 8/1, the Conference requested the Secretariat, within available resources, to provide assistance to the Open-ended Intergovernmental Working Group on Asset Recovery in the discharge of its functions, including through the provision of interpreting services in the six official languages of the United Nations.

This agenda item will be discussed together with item 4 of the agenda for the second resumed eleventh session of the Implementation Review Group and item 3 of the agenda for the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at joint meetings.

**Documentation**

Note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2021/2)

**3. Practical aspects of asset recovery, including trends, 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 against Corruption and recommended that the secretariat strive, at future meetings, to foster such pragmatic approaches.

Furthermore, in its resolution 8/9, the Conference requested the Secretariat and invited the Stolen Asset Recovery Initiative to, inter alia, collect information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned, report on the findings to the Working Group and the Conference at their next sessions and update the Asset Recovery Watch database.

In the same resolution, the Conference 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.

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 agenda item 3, the secretariat will brief the Working Group on the progress made by it and the Stolen Asset Recovery (StAR) Initiative in collecting information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned, pursuant to Conference resolution 8/9.

The secretariat will also 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.

Agenda item 3 will be discussed together with item 4 of the agenda for the first resumed twelfth session of the Implementation Review Group and item 3 of the agenda for the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at joint meetings.

**Documentation**

Revised 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.2/2021/3)

#### 4. Thematic discussions

**(a) The use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention**

In its resolution 8/9, the Conference requested the Secretariat to, inter alia, continue to maintain and update the Asset Recovery Watch database, particularly in relation to alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, and to provide regular updates to the Open-ended Intergovernmental Working Group on Asset Recovery. The Conference also requested the Secretariat to study how the use of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, taking into account relevant existing information provided, could further promote the effective application of chapter V of the Convention.

In the same resolution, the Conference directed the Working Group to 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.

To support the Working Group's discussion of the matter, the secretariat will present a summary of the findings of the conference room paper on alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return and will make it available to the meeting. States parties may wish to bring to the discussion examples of cases and mechanisms relevant to this topic. To facilitate the Group's deliberations, a panel discussion on those issues will also be organized.

**(b) 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**

In its resolution 8/9, the Conference requested the Secretariat to, inter alia, continue to 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.

States parties may wish to bring to the discussion examples of their legal frameworks, legal procedures and judicial actions allowing the confiscation of proceeds of corruption without a criminal conviction; relevant challenges, good practices and lessons learned. A number of relevant challenges and good practices in this area were reported by States parties under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. To support the discussion of the matter, the secretariat will present a summary of the findings of the note on procedures allowing the confiscation of proceeds of corruption without a criminal conviction. To facilitate the Group's deliberations, a panel discussion on those issues will be organized.

Agenda item 4 will be discussed together with item 4 of the agenda for the first resumed twelfth session of the Implementation Review Group and item 3 of the agenda for the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at joint meetings.

In this regard, the attention of the Working Group is drawn to the note by the Secretariat on the implementation of chapter V (Asset recovery) of the United Nations Convention against Corruption (CAC/COSP/IRG/2021/7), which will be before the Implementation Review Group for its consideration.

#### **Documentation**

Note by the Secretariat on procedures allowing the confiscation of proceeds of corruption without a criminal conviction (CAC/COSP/WG.2/2021/4)

Conference room paper on alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return (CAC/COSP/WG.2/2021/CRP.1)

### **5. Technical assistance**

In its resolution 7/1, the Conference requested UNODC and invited the 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 its resolution 8/9, the Conference requested the Secretariat and invited the StAR Initiative to collect information from States parties on the most common challenges in the judicial process with regard to asset recovery and provide an analytical report to guide technical assistance. The secretariat and the StAR Initiative will provide an oral update on technical assistance activities since the last meeting of the Working Group.

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

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

Agenda item 5 will be discussed together with item 5 of the agenda for the first resumed twelfth session of the Implementation Review Group and item 3 of the agenda for the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at joint meetings.

To facilitate the deliberations of the Working Group on this topic, a panel or panels on technical assistance in relation to articles pertaining to chapter IV of the Convention will be organized during joint meetings with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.

#### **Documentation**

Note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2021/2)

### **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>Monday, 6 September 2021</b>    |                    |  |
| 11 a.m.–1 p.m.                     | 1                  | (a) Opening of the meeting<br>(b) Adoption of the agenda and organization of work  |
| 3–5 p.m.                           | 2                  | Overview of progress made in the implementation of asset recovery mandates <sup>a</sup>  |
| <b>Tuesday, 7 September 2021</b>   |                    |  |
| 11 a.m.–1 p.m.                     | 3                  | Practical aspects of asset recovery, including trends, challenges and good practices <sup>a</sup>  |
| 3–5 p.m.                           | 3                  | Practical aspects of asset recovery, including trends, challenges and good practices <sup>a</sup> ( <i>continued</i> )   |
| <b>Wednesday, 8 September 2021</b> |                    |  |
| 11 a.m.–1 p.m.                     | 4                  | Thematic discussions: <sup>a</sup><br>(a) The use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention |
| 3–5 p.m.                           | 4                  | Thematic discussions: <sup>a</sup><br>(b) 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   |
| <b>Thursday, 9 September 2021</b>  |                    |  |
| 11 a.m.–1 p.m.                     | 5                  | Technical assistance <sup>b</sup>  |
| 3–5 p.m.                           | 5                  | Technical assistance <sup>b</sup> ( <i>continued</i> )   |
| <b>Friday, 10 September 2021</b>   |                    |  |
| 11 a.m.–1 p.m.                     | 5                  | Technical assistance <sup>b</sup> ( <i>continued</i> )   |
| 3–5 p.m.                           | 6                  | Adoption of the report   |

<sup>a</sup> Agenda items 2, 3 and 4 will be discussed together with item 4 of the agenda for the resumed twelfth session of the Implementation Review Group and item 3 of the agenda for the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.

<sup>b</sup> Agenda item 5 will be discussed together with item 5 of the agenda for the resumed twelfth session of the Implementation Review Group and item 3 of the agenda for the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.