



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, 7–11 November 2022

Annotated provisional agenda

Provisional agenda

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3. Practical aspects of asset recovery, including trends, challenges and good practices.
4. Thematic discussions:
 - (a) Good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime, taking into consideration article 63 of the Convention;
 - (b) Collection of information on international asset returns, including challenges, good practices and lessons learned.
5. Technical assistance.
6. Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation.
7. 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, 7 November 2022, at 10 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 person, with limited opportunities to deliver statements remotely through an online platform. Further



information on the format of the session will be communicated in due course and will be made available on the website of the meeting.

(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with Conference resolution 9/7, entitled “Enhancing the use of beneficial ownership information to facilitate the identification, recovery and return of proceeds of crime”, and Conference resolution 9/2, entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthening international cooperation: follow-up to the special session of the General Assembly against corruption”.

The proposed organization of work for the Working Group (see annex) was prepared in line with the guidance contained in the workplan for the subsidiary bodies of the Conference, which was approved by the Bureau of the Conference, in order to enable consideration of agenda items 2 to 6 jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.

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.

The Working Group will have before it a note by the Secretariat on progress in implementing the mandates of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/WG.2/2022/2), and the secretariat will provide an update on the status of implementation of the mandates adopted by the Conference relating to asset recovery and the recommendations of the Working Group.

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

Documentation

Note by the Secretariat on progress in implementing the mandates of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/WG.2/2022/2)

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 exchanges of practical information.

The Working Group will have before it a note by the Secretariat on the collection of information on international asset returns, including challenges, good practices and lessons learned (CAC/COSP/WG.2/2022/3). States parties may wish to come prepared to discuss good practices and challenges faced during different stages of the process of international asset recovery.

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

Documentation

Note by the Secretariat on the collection of information on international asset returns, including challenges, good practices and lessons learned (CAC/COSP/WG.2/2022/3)

4. Thematic discussions

(a) Good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime, taking into consideration article 63 of the Convention.

In its resolution 9/7, the Conference decided that the Working Group should, within its mandate, in collaboration with and without duplicating the work of other relevant international organizations, include in its workplan for the period 2022–2023 the topic of good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime, taking into consideration article 63 of the Convention.

In the same resolution, the Conference called upon UNODC, in cooperation with the Stolen Asset Recovery (StAR) Initiative, to make available, within existing resources, in the Tools and Resources for Anti-Corruption Knowledge (TRACK) portal, information on States parties that maintain a registry or alternate mechanism on beneficial ownership information, together with information on how to make requests for such information, and encouraged States parties, with the assistance of the secretariat, to share, on a voluntary basis, examples of good practices on promoting beneficial ownership information transparency to facilitate the recovery and return of proceeds of crime.

States parties may wish to come prepared to discuss good practices and challenges on beneficial ownership information transparency and how beneficial ownership information transparency can foster asset recovery. States parties may wish to refer to the topics highlighted in the questionnaire on the matter circulated as an annex to the note verbale dated 26 May 2022.

To facilitate the deliberations of the Working Group, a panel discussion on those issues will also be held, beginning with, as an introduction, a presentation by the secretariat on the findings contained in the conference room paper on good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime (CAC/COSP/WG.2/2022/CRP.1).

In this regard, the attention of the Working Group is also drawn to the thematic report prepared by the Secretariat on implementation of chapter V (Asset recovery) of the

United Nations Convention against Corruption, in particular its articles 51 and 53 to 59 (CAC/COSP/IRG/2022/7) and the report by the Secretariat on provisions of a cross-cutting nature in chapter II (Preventive measures) and chapter V (Asset recovery) of the United Nations Convention against Corruption (CAC/COSP/IRG/2022/8).

(b) Collection of information on international asset returns, including challenges, good practices and lessons learned

In its resolution 9/2, the Conference requested UNODC, in coordination with the StAR Initiative, to expand the global knowledge and data collection on asset recovery and return through gathering and sharing information on challenges and good practices, as well as on volumes of assets frozen, seized, confiscated and returned in relation to corruption offences, and the number and types of cases, as appropriate, while ensuring the protection of personal data and privacy rights, drawing upon existing efforts, within existing resources.

States parties may wish to provide the Group with domestic data and up-to-date information, as well as examples of challenges and good practices in the different methods used to collect and maintain information on frozen, seized, confiscated and returned assets, including in relation to criminal confiscation or non-conviction-based confiscation proceedings. The discussion will also explore how accurate and up-to-date data could streamline asset recovery proceedings and ultimately facilitate and expedite asset return proceedings.

To support the discussion on the matter, the secretariat will present a summary of the note by the Secretariat on the collection of information on international asset returns, including challenges, good practices and lessons learned (CAC/COSP/WG.2/2022/3).

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

Documentation

Note by the Secretariat on the collection of information on international asset returns, including challenges, good practices and lessons learned (CAC/COSP/WG.2/2022/3)

Conference room paper on good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime (CAC/COSP/WG.2/2022/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 9/7, the Conference requested UNODC to continue providing technical assistance, capacity-building and material support, upon request, to Member States, on the basis of their needs and priorities, with regard to establishing and implementing a domestic beneficial ownership information regime in order to facilitate the recovery and return of proceeds of crime.

In that regard, the secretariat and the StAR initiative will provide an oral update on technical assistance activities conducted since the last meeting of the Working Group.

States parties may wish to brief the Working Group on their efforts relevant to capacity-building and technical assistance in the area of asset recovery and to discuss their cooperation in that regard with the providers of technical assistance, including the StAR Initiative and UNODC.

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

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

Documentation

Note by the Secretariat on progress in implementing the mandates of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/WG.2/2022/2)

6. Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation

At its special session held from 2 to 4 June 2021, the General Assembly adopted the political declaration entitled "Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation". Member States, *inter alia*, committed to implementing that political declaration and invited the Conference, as the treaty body with prime responsibility for promoting and reviewing the implementation of the Convention, to follow up and build on the declaration.

Furthermore, in its resolution 9/2, entitled "Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthening international cooperation: follow-up to the special session of the General Assembly against corruption", the Conference directed its subsidiary bodies, within their mandates, to take appropriate measures to follow up on the political declaration.

Accordingly, under the present item, the Working Group is expected to discuss appropriate measures to follow up on the political declaration.

To facilitate the deliberations of the Working Group on this topic, the secretariat will provide information on the responses received from States parties to the note verbale dated 18 July 2022, seeking information on measures taken to implement the Convention and to achieve the commitments contained in the political declaration, as well as good practices and progress made in the use of international cooperation mechanisms under the Convention.

Agenda item 6 will be discussed together with item 6 of the agenda for the second resumed thirteenth session of the Implementation Review Group and item 4 of the agenda for the eleventh open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption at joint meetings.

7. 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>
Monday, 7 November 2022		
10 a.m.–1 p.m.	1	(a) Opening of the meeting (b) Adoption of the agenda and organization of work
3–6 p.m.	2 ¹	Overview of progress made in the implementation of asset recovery mandates
Tuesday, 8 November 2022		
10 a.m.–1 p.m.	3 ¹	Practical aspects of asset recovery, including trends, challenges and good practices
3–6 p.m.	3 ¹	Practical aspects of asset recovery, including trends, challenges and good practices (<i>continued</i>)
Wednesday, 9 November 2022		
10 a.m.–1 p.m.	4 ¹	Thematic discussions: (a) Good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime, taking into consideration article 63 of the Convention
3–6 p.m.	4 ¹	Thematic discussions: (b) Collection of information on international asset returns, including challenges, good practices and lessons learned
Thursday, 10 November 2022		
10 a.m.–1 p.m.	5 ²	Technical assistance
3–6 p.m.	5 ²	Technical assistance (<i>continued</i>)
Friday, 11 November 2022		
10 a.m.–1 p.m.	6 ³	Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation
3–6 p.m.	7	Adoption of the report

¹ Agenda items 2, 3 and 4 will be discussed together with item 4 of the agenda for the second resumed thirteenth session of the Implementation Review Group and item 3 of the agenda for the eleventh open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption.

² Agenda item 5 will be discussed together with item 5 of the agenda for the second resumed thirteenth session of the Implementation Review Group and item 3 of the agenda for the eleventh open-ended intergovernmental expert meeting to enhance international cooperation under Convention against Corruption.

³ Agenda item 6 will be discussed together with item 6 of the agenda for the second resumed thirteenth session of the Implementation Review Group and item 4 of the agenda for the eleventh open-ended intergovernmental expert meeting to enhance international cooperation under Convention against Corruption.