



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 7 to 11 November 2022

I. Introduction

1. In its resolutions 1/4, 2/3, 3/3, 4/4, 5/3, 6/2, 6/3, 7/1, 8/1, 8/9, 9/2 and 9/7, 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 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.
3. In the same resolution, the Conference called upon the United Nations Office on Drugs and Crime (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.
4. Furthermore, 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.



II. Organization of the meeting

A. Opening of the meeting

5. The Working Group on Asset Recovery held its sixteenth meeting in Vienna from 7 to 11 November 2022, in a hybrid format (in person and online).

6. The Working Group held 10 meetings, which were chaired by Amr Adel Hosny (Egypt), President-designate of the Conference of the States Parties to the United Nations Convention against Corruption, and Aftab Ahmad Khokher (Pakistan), Vice-President of the Conference. The Working Group considered items 1 to 7 of the agenda for its sixteenth meeting. The Working Group considered items 2 to 6 of its agenda jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.

B. Adoption of the agenda and organization of work

7. On 7 November 2022, 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) 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.

C. Attendance

8. The following States parties to the Convention were represented at the meeting of the Working Group: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eswatini, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Malta, Mexico, Montenegro, Morocco, Namibia, Nepal, New

Zealand, Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Türkiye, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

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

10. In accordance with rule 2 of Conference resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system may be invited to participate in the sessions of the Implementation Review Group.

11. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network and specialized agencies of the United Nations system were represented by observers: Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Basel Institute on Governance, Department of Peace Operations of the Secretariat, Integrated Office of the Deputy Special Representative of the Secretary-General/United Nations Resident and Humanitarian Coordinator for Somalia, United Nations Development Programme, University for Peace, World Bank and World Food Programme.

12. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Central Asian Regional Information and Coordination Centre, Commonwealth of Independent States, Cooperation Council for the Arab States of the Gulf, Council of Europe, European Union Agency for Criminal Justice Cooperation (Eurojust), European Union Agency for Law Enforcement Cooperation (Europol), International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Development Law Organization, Interparliamentary Assembly of the States members of the Commonwealth of Independent States, Inter-Parliamentary Union, League of Arab States, Organisation for Economic Co-operation and Development (OECD), Parliamentary Assembly of the Mediterranean and Regional Anti-Corruption Initiative.

13. The following observer State was also represented: Andorra.

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

14. A representative of the secretariat provided an overview of the progress made in the implementation of asset recovery mandates, as described in the 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](#)).

15. He provided the Working Group with an update on progress in relation to its core mandates, highlighting the work of UNODC on new knowledge products, including through the StAR Initiative. He also provided a summary on the implementation of the mandates emanating from Conference resolutions 9/2 and 9/7 and referred to technical assistance provided by UNODC, including through the StAR Initiative.

16. During the ensuing discussion, speakers welcomed the progress report on the implementation of the activities of the Working Group and expressed appreciation for the work conducted by the secretariat in implementing the relevant mandates contained in the resolutions adopted by the Conference. Speakers also emphasized the importance of asset recovery as a fundamental principle under chapter V of the Convention.

17. Many speakers informed the Working Group about relevant domestic and international initiatives aimed at facilitating the implementation of chapter V of the Convention. One speaker highlighted the negative effects of corruption on economic and social development and stressed the role of asset recovery in mitigating the negative impact of corruption.

18. Several speakers highlighted the progress made in the recovery and return of proceeds of crime, as shown in 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). In that regard, many speakers shared concrete examples of successful cases of asset freezing, confiscation and return, indicating that those cases were the result of successful cooperation between requested and requesting States. One speaker referred to the importance of the principles of transparency and accountability in asset recovery. Several speakers recognized the importance of the StAR Initiative and the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) in supporting States' efforts in returning assets.

19. Several speakers emphasized the challenges faced in recovering the proceeds of crime, including evidentiary requirements, complicated mutual legal assistance procedures, language requirements, differences in legal systems, reluctance to share information, delays in responding to mutual legal assistance requests, non-use of the Convention as a legal basis for cooperation and the refusal of mutual legal assistance requests on the ground of bank secrecy or for political motives. One delegation noted that those grounds were not in line with the principles enshrined in the Convention, inter alia, article 44. Some speakers highlighted a lack of technical capacity and financial resources that could impede the asset recovery process. One speaker urged the Working Group to focus its discussions on challenges faced by practitioners and possible measures to overcome them.

20. Speakers referred to avenues to assist States in addressing those challenges, including the use of informal, direct and other channels of cooperation prior to formal mutual legal assistance requests. The organization of an international meeting focused on asset recovery and the convening of a special session of the Conference on asset recovery, as referred to in the political declaration entitled "Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation", adopted at the special session of the General Assembly against corruption, held in 2021 (General Assembly resolution S-32/1, annex), were also noted.

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

21. Under agenda item 3, two panel discussions were held on the follow-up to Conference resolution 9/1, entitled "Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery". Panellists from Australia, Brazil, Egypt, Italy, Romania and the United States shared their countries' experiences with regard to, inter alia, measures taken to enhance the monitoring of public procurement, the enhancement of public-private partnerships and specific challenges encountered. Panellists also addressed issues such as the use of networks and the importance of domestic coordination and the use of technology, as well as that of strengthening international cooperation. Panellists from the World Bank and

OECD presented measures taken by their organizations to assist the international community in responding to crises, strengthening coordination and safeguarding funds in the provision of emergency relief assistance. A detailed report on the discussions can be found in the report on the eleventh open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption ([CAC/COSP/EG.1/2022/3](#)).

V. 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

22. A representative of the secretariat introduced conference room paper CAC/COSP/WG.2/2022/CRP.1, entitled “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”. She noted that the paper contained an analysis of responses provided by 38 States parties to a request circulated by the secretariat in May 2022 and that it provided an overview of the legal, regulatory and institutional frameworks for ensuring beneficial ownership transparency in the States parties that had provided such information to UNODC. In addition, the paper covered mechanisms for collecting and recording beneficial ownership information, definitions of beneficial ownership and thresholds that States parties applied in identifying beneficial owners, access policies for beneficial ownership registries, the inclusion of trusts in beneficial ownership frameworks, verification mechanisms to improve the accuracy of reported information, and common challenges and good practices that States parties had highlighted.

23. In the ensuing discussion, speakers underscored the importance of beneficial ownership transparency as a critical foundation for effective asset recovery and return in relation to proceeds of crime. Many speakers expressed their commitment to addressing the abuse of corporate structures in their own jurisdictions and through cooperation with other States parties. Speakers reported on their efforts in developing relevant legal frameworks to improve corporate and beneficial ownership transparency by establishing beneficial ownership registers and implementing adequate measures for identifying beneficial owners, including as part of routine customer due diligence processes. Many speakers noted that their legal frameworks included a definition of beneficial ownership with defined ownership and control thresholds that included individuals who exercised effective control through direct or indirect means. Many speakers also highlighted the benefits of updated risk assessments relating to legal entities in order to define appropriately targeted risk-based measures for specific categories of legal entities and arrangements. A number of speakers reported that their countries were undertaking legislative reforms to establish a centralized beneficial ownership register. Several speakers noted the lack of a centralized beneficial ownership register in their respective jurisdictions as a key challenge for regulatory authorities.

24. Significant emphasis was also placed on transparency and timely access to beneficial ownership information. National measures mentioned in that regard included making the business and/or beneficial owner registers publicly available, with due regard for the protection of personal data, and providing a broad range of competent national authorities with direct access to beneficial ownership information. Speakers also highlighted the need to establish mechanisms for regular updates and verification of the accuracy of the information held in beneficial ownership registers, including through interconnection and automated cross-checking with data held in different public registers. Several speakers highlighted the importance of the timely sharing of beneficial ownership information internationally, including through informal cooperation channels, and reported on efforts made in that regard. One

speaker emphasized the benefits of a new norm on beneficial ownership, which would act as a deterrent, improve the overall business environment and generate network effects to encourage other countries around the world to follow suit.

25. Following that discussion, panellists from Austria, Ghana, Uruguay and Nigeria made presentations. The panellist from Austria presented his country's register of beneficial owners, which had been introduced in 2018 and included both automated and manual reports. An important feature of the Austrian register was the high level of interconnection between the beneficial ownership register and other government registers, such as the business register and central register of residents. Companies were required to update their beneficial ownership information on a yearly basis, and any failure to report resulted in automatic coercive penalties and could be referred to the country's anti-fraud office. He explained that Austria had implemented a multi-pronged approach to ensuring that beneficial ownership information was adequate, accurate and up to date. That approach consisted of: (a) risk-based supervision of the authority serving as beneficial ownership registry; (b) regulatory cooperation at the domestic level (with the financial intelligence unit, tax authorities, intelligence service and other authorities) and at the international level, with effective sanctioning of violations; and (c) collection and verification of beneficial ownership information on customers by reporting entities, which were also required to report discrepancies to the registry. Credit institutions could require companies to correct information in the beneficial ownership register through self-reporting and were notified of any changes in beneficial ownership information regarding their clients. In addition, the beneficial ownership transparency framework enabled the integration of information in beneficial ownership registers with the data in business registers held by obliged entities. The country's approach relied on a comprehensive risk assessment of legal persons and arrangements to inform risk-based reviews, audits and cross-checks. In addition, the panellist highlighted the coverage of foundations and trusts and the strict transparency regulations applicable to nominee arrangements as key features of the beneficial ownership transparency framework in Austria.

26. The panellist from Ghana shared her country's experience in implementing mechanisms to collect, record and verify beneficial ownership information. Beneficial ownership provisions were first introduced in 2016, and in 2019 the Companies Act had been amended again to include a more expansive definition of beneficial ownership that covered all relevant forms of control, both direct and indirect, and expanded provisions on access to the register. All companies and other legal entities were required to report information to the country's electronic register, which was launched in 2020. The register was public and could be accessed directly by the financial intelligence unit and by the public for a small fee. To enforce compliance, the registry in Ghana blocked any companies that had not provided beneficial ownership information from doing any business in the country. Ghana had conducted a risk assessment of legal entities to classify companies into different risk categories and had started out with a pilot project in the extractive sector. Data had been collected in phases, starting with high-risk entities, followed by other entities. On the basis of the risk assessment, high-risk entities were subject to a 5 per cent ownership threshold for beneficial ownership reporting, while other, lower-risk companies were subject to a 20 per cent threshold. Local politically exposed persons were required to declare their status as politically exposed persons. As key strategies for practical implementation, the panellist stressed collaboration with civil society and the need to sensitize the public and stakeholders. To that end, the Ghanaian authorities had produced frequently asked questions, manuals, workshops, webinars, radio programmes and a documentary, and they had held extensive stakeholder consultations to ensure that all relevant providers and users of beneficial ownership information were sensitized to the new policy area.

27. The panellist from Uruguay presented his country's journey towards ending the abuse of non-transparent companies and explained key milestones in its development of a beneficial ownership transparency framework. Initially, in 2012, Uruguay had outlawed the use of bearer shares. In 2017, the country had established a beneficial

ownership registry, and in 2018 it had launched the automatic exchange of tax information. The beneficial ownership registry was established under the Central Bank of Uruguay, the data were managed by the financial intelligence unit, and the national internal audit unit of the Central Bank was responsible for compliance, supervision and enforcement. Uruguay applied an ownership threshold of 15 per cent for reporting beneficial ownership information, and the provisions included a vast scope of domestic legal entities and arrangements, as well as certain foreign entities that operated in the country or owned assets above a certain threshold. To enforce compliance, the Central Bank published a list of companies that were in breach of reporting obligations. While the register in Uruguay was confidential in nature, the Central Bank had established effective routes for many different agencies to gain access to the information quickly. The panellist stressed that the quality of information was absolutely essential in order for it to be useful for investigations, and that ensuring such quality required an updated risk assessment regarding the misuse of companies in order to properly target high-risk entities. The panellist highlighted the misuse of nominees as a particular challenge that required greater enforcement attention. The approach taken by Uruguay to controlling the use of nominees was to have a registry of nominees of regulated providers of such services.

28. The panellist from Nigeria underscored the importance of beneficial ownership transparency for asset recovery and presented key challenges and good practices concerning her country's framework in that regard. Nigeria had first introduced beneficial ownership disclosure obligations in the extractive sector in 2019. In 2020, the obligation to declare beneficial owners was extended to all companies registered in the country. The obligation to disclose beneficial ownership information applied at different points in time: upon registration, upon filing annual tax returns and upon any change in beneficial ownership. With regard to good practices, she mentioned the prohibition of the issuance of bearer shares, the complete automation of the filing process for beneficial ownership information, a high level of inter-agency cooperation between authorities that retrieved and used the information, and the implementation of risk-based supervision of the registry. The panellist also presented case studies to illustrate how up-to-date beneficial ownership information assisted national law enforcement authorities in identifying and recovering proceeds of crime. As for challenges, she highlighted in particular the verification of beneficial ownership information, timely access to such information on foreign entities during multi-jurisdictional investigations, and delays in receiving responses to international requests for beneficial ownership information.

29. During the ensuing discussion, speakers enquired about concrete examples of the positive impact of introducing a beneficial ownership registry, as well as about data protection laws, specific mechanisms or requirements for sharing beneficial ownership information internationally, foreign entities and sanctions for non-compliance. With regard to concrete examples of the impact of introducing such a registry, a panellist explained that the use of nominee arrangements had decreased in his country following the introduction of transparency requirements regarding nominees. He also highlighted that the beneficial ownership registry had, in practice, improved the quality of customer due diligence data collected by obliged entities, as they could retrieve and cross-reference beneficial ownership data with their own customer due diligence information.

30. Regarding the authority that would be best placed to manage a beneficial ownership registry, panellists stressed that the authority should be selected on the basis of its data management and analytical, supervisory and monitoring competencies. Concerning data protection, panellists noted the option of limiting the personal data included in, or exempting such data from, the public register in cases where the security of the persons concerned could be in danger, while ensuring that the information remained accessible to competent national authorities.

31. Panellists and speakers also discussed different ways to collect and verify beneficial ownership information on foreign legal entities, which often presented challenges. In that regard, the panellist from Ghana noted that her country required

all foreign entities that do business in the jurisdiction to declare beneficial ownership information to the registry, whereas the panellist from Austria reported that, in his country, domestic companies were required to report the entire ownership chain in the registry, including any foreign beneficial owners, and to provide documents as evidence. Panellists discussed the international exchange of beneficial ownership information through formal and informal cooperation channels, including the Egmont Group of Financial Intelligence Units, and through direct regulatory cooperation between the authorities responsible for beneficial ownership registries.

32. A panellist highlighted the benefits of granting obliged entities access to beneficial ownership information to improve their customer due diligence processes, while another panellist remarked that her country considered granting private industry and civil society organizations access to such data to be an important measure to improve anti-corruption controls and support a healthy business climate in the private sector.

B. Collection of information on international asset returns, including challenges, good practices and lessons learned

33. A representative of the secretariat provided an overview of the data-collection exercise on international asset recovery as described in 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](#)). He highlighted the key findings of the data-collection exercise, including the continuing expansion of international asset recovery efforts, the diversification of the final destinations of proceeds of corruption, the growing importance of non-conviction-based confiscation and the proactive efforts of destination countries in investigating foreign proceeds of corruption in their jurisdictions. The representative also informed the Working Group about the challenges that States parties faced in the process of international asset return, including overly broad refusals of mutual legal assistance and issues with the verification of beneficial ownership information in relation to suspected proceeds of corruption. He also encouraged States parties to continue providing updated information on completed asset returns.

34. To facilitate the deliberations under the agenda item, a thematic panel discussion was held. Presentations were made by panellists from the United Kingdom, the United States and UNODC.

35. The panellist from the United Kingdom presented an overview of her country's approach to transparency in asset recovery and return. She noted that the United Kingdom had established a framework for asset return designed to ensure consistency, transparency and accountability in the process of returning assets to other countries. The framework covered issues such as the deduction of reasonable expenses, stakeholder engagement and return mechanisms. She also informed the Working Group that her country issued an annual statistical bulletin on asset recovery that contained statistics on the amounts of proceeds of crime seized, frozen and subsequently recovered through civil and criminal confiscations. She also highlighted several good practices, including the use of memorandums of understanding and civil society engagement to promote transparency in the asset return process, and shared information on several projects that had been initiated using returned funds.

36. The panellist from the United States highlighted the importance of transparency and accountability in the recovery, return and disposal process in accordance with the Global Forum on Asset Recovery principles for the disposition and transfer of confiscated stolen assets in corruption cases, in particular principle 4. In that regard, the panellist noted that information on the transfer and administration of returned assets should be made public and be available to the people in both the returning and receiving countries. With regard to the global collection of data on the asset recovery process carried out by the StAR Initiative, the panellist underscored how asset recovery efforts had increased significantly over the past 12 years, in particular

between 2017 and 2021, and how more information on the duration of recovery and return processes had become available and showed that such processes did not need to take decades. The panellist shared information on how the institutions in her country had collaborated to collect the information necessary to respond to the questionnaire on international recoveries. To overcome difficulties in gathering information on asset recovery and return, a task that could be challenging for jurisdictions that had not established data-collection systems, the panellist informed the Working Group that her country had found that electronic access, the publication of information on significant asset recovery measures such as freezes, seizures or confiscations and returns, and the existence of a database for tracking assets throughout the recovery process were invaluable resources that had greatly assisted in collecting information.

37. The panellist from UNODC provided information on efforts relating to the statistical measurement of illicit financial flows and asset recovery data. She highlighted that countering such flows was a substantial element of the Sustainable Development Goals and informed the Working Group about the joint efforts of UNODC and the United Nations Conference on Trade and Development in developing tools for measuring illicit financial flows. She also highlighted the core elements of illicit financial flows for the purpose of measurement, including their cross-border nature and their use for income generation and management. With regard to the statistical measurement of illicit financial flows, the panellist shared information on the main methodological features of measuring them. She also highlighted potential data sources for measuring such flows and reiterated that asset recovery data were essential for their measurement.

38. In the ensuing discussion, many speakers shared their countries' experiences in relation to asset recovery and asset return and informed the Working Group of initiatives that their countries had undertaken to facilitate cooperation. In particular, several speakers provided details relating to recent successful asset recovery and return cases. Other speakers highlighted legislative amendments adopted by their countries to implement chapter V of the Convention, on asset recovery, and shared information on challenges related to the management of frozen, seized and confiscated assets. In that regard, one panellist discussed her country's initiatives concerning the management and confiscation of digital assets.

39. In discussing factors that contributed to successful asset recovery and return, several speakers noted the crucial role that informal cooperation among national authorities from different jurisdictions played in expediting information exchange. In that regard, several speakers highlighted the relevance of different international and regional initiatives, such as the GlobE Network and the asset recovery inter-agency networks, in facilitating information exchange and cooperation. Similarly, speakers emphasized the growing relevance of non-conviction-based confiscation and highlighted related challenges, including the different ways in which countries approached such confiscation and the types of assistance that were available to execute foreign non-conviction-based confiscation orders.

40. Welcoming the information on international asset recovery collected by UNODC and the StAR Initiative and made available to the Working Group in the note by the Secretariat, several speakers underscored how the increase in amounts returned, as reflected in the note, demonstrated the effectiveness of the Convention as an instrument for asset recovery and return. Some speakers urged States parties to continue to strive for the full implementation of the Convention, thus making full use of its potential, and expressed the view that no additional mechanisms for asset recovery were required. At the same time, one speaker, referring to a thematic report prepared by the Secretariat on the implementation of chapter V of the Convention ([CAC/COSP/IRG/2022/7](#)), underscored that asset recovery continued to present difficulties for States parties to the Convention. The speaker noted that it illustrated their opinion that there were still problems to be resolved, and that the one fundamental principle of the Convention, asset recovery, remained on paper. In that

regard, the speaker noted the particular importance of conducting a special session of the Conference of the States Parties to the Convention on all aspects of asset recovery.

41. Referring to memorandums of understanding concluded between requesting and requested States parties, one panellist noted that they had proven to be a useful tool that allowed for the more efficient and expeditious return of assets. Nevertheless, she indicated that her country was also open to concluding treaties, if so required by the requesting State. In that regard, some speakers noted that, although such agreements were concluded on a case-by-case basis between Governments, civil society organizations played an important role in ensuring transparency and accountability in asset return, including through the monitoring of returned assets. Another panellist highlighted the mutual interests of the requesting and requested States, including the need for accountability on the part of the requested State due to the resources invested in the asset recovery and return process. Concerns were raised about the imposition of conditions on returns in the context of concluding such agreements.

42. One speaker informed the Working Group about a bilateral agreement that his country had recently concluded with another State party. The agreement provided for the creation of a new United Nations multi-partner trust fund with the aim of contributing to the achievement of the Sustainable Development Goals in the requesting State party. The speaker also informed the Group of the next meeting of experts on asset return and sustainable development, scheduled to be held in Nairobi on 28 and 29 November 2022.

43. In relation to statistics on illicit financial flows, one panellist informed the Working Group that such statistics could be used to adopt evidence-based policies and that UNODC was able to provide support to national authorities to facilitate the measurement of such flows. In addition, she noted how the data collected on illicit financial flows could be used to conduct national risk assessments and develop risk indicators relating to potential sources of proceeds of crime. In response to a question from the floor regarding where the line was drawn between proceeds of crime and illicit financial flows, one speaker noted that for the purposes of asset recovery only proceeds of crime, as defined under the Convention, were to be considered.

44. One speaker enquired about an assessment of the usefulness of involving civil society in the asset return and disposal process. In response, a representative of the secretariat elaborated further on the collection of information on international asset recovery by referring to the questions included in the questionnaires circulated to States parties. He noted that the original questionnaire had included a question on special engagements in monitoring and disbursement, including civil society participation. He also noted that, in the next round of gathering information, a specific question on the role of civil society and the usefulness of its involvement could be included. The representative welcomed any suggestions on the structure and content of the questionnaire and urged States parties to continue sharing information on that matter.

VI. Technical assistance

45. Under agenda item 5, two panel discussions were held on technical assistance in relation to chapters IV and V of the Convention. Information on the panel discussions and the ensuing discussions can be found in the report of the Implementation Review Group on its second resumed thirteenth session ([CAC/COSP/IRG/2022/6/Add.2](#)). With specific regard to asset recovery, speakers highlighted the importance of technical assistance and the need to continue to assist States parties in their efforts to implement the Convention, and welcomed the work of UNODC and the StAR Initiative in that regard. Speakers also noted the importance of international cooperation for effective asset recovery, while also noting the challenges and gaps that existed in that area and calling for the full implementation of the political declaration adopted at the special session of the General Assembly against corruption, held in June 2021. A panellist highlighted the importance of

networks such as the GlobE Network. One speaker stressed that the return of assets was a fundamental principle of the Convention, referred to the links between asset recovery and sustainable development and noted that addressing corruption required the compensation of victims.

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

46. Information on the discussions regarding the measures implemented in follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation can be found in the report of the Implementation Review Group on its second resumed thirteenth session ([CAC/COSP/IRG/2022/6/Add.2](#)).

VIII. Adoption of the report

47. The Working Group on Asset Recovery adopted the report on its sixteenth meeting on 11 November 2022 ([CAC/COSP/WG.2/2022/L.1](#), [CAC/COSP/WG.2/2022/L.1/Add.1](#), [CAC/COSP/WG.2/2022/L.1/Add.2](#), [CAC/COSP/WG.2/2022/L.1/Add.3](#), [CAC/COSP/WG.2/2022/L.1/Add.4](#) and [CAC/COSP/WG.2/2022/L.1/Add.5](#)), as orally amended.
