



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, 4–8 September 2023

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 discussion on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials.
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 Tuesday, 5 September 2023, at 10 a.m., at the Vienna International Centre, M-Building, Boardroom B/M1. The meeting will be held in person. Participants will be able to observe the proceedings online, but in order to facilitate the work of the interpreters, only 30 minutes of each three-hour meeting will be allotted to statements delivered remotely by online participants. Delegations are therefore encouraged to ensure, to the extent possible, that statements are delivered by the representatives present in the meeting room.



(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with resolution 9/7 of the Conference of the States Parties to United Nations Convention against Corruption, 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.2/2023/2](#)), 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.

Agenda item 2 will be discussed together with item 4 of the agenda for the resumed fourteenth session of the Implementation Review Group and with item 3 of the agenda for the twelfth 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.2/2023/2](#))

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.

Furthermore, in its resolution 9/2, the Conference requested the United Nations Office on Drugs and Crime (UNODC), in coordination with the Stolen Asset Recovery (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 come prepared to discuss good practices identified and challenges faced during the various stages of the process of international asset recovery. To support the discussion on the matter, the secretariat will provide an oral update on the collection of information on international asset returns, including challenges, good practices and lessons learned. The update will be based on the responses received by the secretariat to a note verbale dated 26 April 2023 in which States parties were invited to provide information on their involvement in international asset returns in 2022 and 2023, including the number of such asset return cases, the amounts returned and the parties and assets involved.¹

In this regard, the attention of the Working Group is also drawn to the thematic report prepared by the Secretariat on the implementation of chapter V (Asset recovery) of the United Nations Convention against Corruption ([CAC/COSP/IRG/2023/9](#)) and the regional supplement thereto ([CAC/COSP/IRG/2023/9/Add.1](#)), and to the thematic report prepared by the Secretariat on the implementation of 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/2023/10](#)) and the regional supplement thereto ([CAC/COSP/IRG/2023/10/Add.1](#)).

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

4. Thematic discussion on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials

In its resolution 9/7, the Conference urged States parties to effectively implement paragraph 5 of article 52 of the Convention, which, inter alia, provides that States parties shall consider establishing, in accordance with their domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. It also provides that States parties shall consider taking such measures as may be necessary to permit their competent authorities to share that information with the competent authorities in other States parties when necessary to investigate, claim and recover proceeds of offences established in accordance with the Convention.

¹ See also 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](#)), submitted to the sixteenth meeting of the Working Group.

In the same resolution, the Conference 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 and financial disclosure requirements for public officials while avoiding the duplication of work undertaken by other international forums.

The Working Group will have before it a note by the Secretariat on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials and how they can facilitate the recovery and return of proceeds of crime ([CAC/COSP/WG.2/2023/3](#)).

States parties may wish to come prepared to discuss good practices and challenges with respect to the establishment and management of effective financial disclosure systems for appropriate public officials. States parties may also wish to discuss the following topics: (a) how financial disclosure systems can facilitate the detection, confiscation and return of proceeds of corruption; and (b) practical mechanisms and strategies to promote and strengthen international cooperation for the verification of disclosed information and for the exchange of information contained in financial disclosures for asset recovery purposes.

To facilitate the deliberations of the Working Group, a panel discussion on the above-mentioned topics will be held.

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

Documentation

Note by the Secretariat on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials and how they can facilitate the recovery and return of proceeds of crime ([CAC/COSP/WG.2/2023/3](#))

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 on the matter, a panel discussion will be held on technical assistance in relation to chapters IV and V of the Convention. In addition, in line with the workplan relating to the follow-up to the political declaration of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation, and as approved by the extended

Bureau (see below), a panel discussion will be held on how to build the capacity of financial intelligence units through technical assistance.

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

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 the 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, 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. As approved by the extended Bureau of the Conference, the topic of the meeting will be measures to prevent money-laundering.

Article 52 (Prevention and detection of transfers of proceeds of crime) of the Convention continues to be the provision under chapter V with the highest number of gaps in implementation. In the political declaration adopted by the General Assembly at its special session against corruption held in 2021, Member States dedicated several paragraphs to issues of financial integrity and measures to prevent the financial system from being abused to hide, move and launder assets stemming from corruption. In particular, in paragraph 19 of the political declaration, States committed to instituting comprehensive domestic regulatory and supervisory regimes for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value, or other bodies particularly susceptible to money-laundering, in order to deter and detect all forms of money-laundering in accordance with the relevant provisions of the Convention, including when it concerns illicit financial flows. They further committed to strengthening the capacity of financial intelligence units to receive, analyse and disseminate to the competent authorities reports of suspicious financial transactions, and to encouraging cooperation among those units at the international level for the purpose of preventing and combating the transfer of proceeds of crime.

To facilitate the deliberations of the Working Group under the present item, a panel discussion will be held on measures to prevent money-laundering, with a focus on the role of intermediaries (also referred to as professional enablers or gatekeepers) in the transfer of proceeds of crime.

Agenda item 6 will be discussed together with item 6 of the agenda for the resumed fourteenth session of the Implementation Review Group and with item 4 of the agenda for the twelfth 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>
Tuesday, 5 September 2023		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Overview of progress made in the implementation of asset recovery mandates ^a
3–6 p.m.	3	Practical aspects of asset recovery, including trends, challenges and good practices ^a
	4	Thematic discussion on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials ^a
Wednesday, 6 September 2023		
10 a.m.–1 p.m.	4	Thematic discussion ^a (<i>continued</i>)
3–6 p.m.	4	Thematic discussion ^a (<i>continued</i>)
Thursday, 7 September 2023		
10 a.m.–1 p.m.	5	Technical assistance ^b
3–6 p.m.	5	Technical assistance ^b (<i>continued</i>)
Friday, 8 September 2023		
10 a.m.–1 p.m.	6	Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation ^c
3–6 p.m.	7	Adoption of the report

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

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

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