

**ASIA-EUROPE MEETING (ASEM)**  
**International Expert's Workshop on Stolen Assets and Hidden Wealth: Theft,  
Recovery and Restitution**

**BRIEF DESCRIPTION OF THE SESSIONS**

**SESSION 1:**

*"Upholding Accountability as a Democratic Imperative: Responding to Corruption with Effective Sanctions and Remedies"*

This session discusses accountability as an important pillar of a democratic society. Accountability entails not only the recovery of stolen assets (including its fruits) but also the full application of corrective legal measures against erring persons, both natural and juridical. Upholding accountability brings forth the restitution of social damages brought about by the corrupt and the restoration of the people's collective dignity including confidence in their government. Putting effective accountability mechanisms in place, covering a wide range of investigative, prosecutorial and judicial functions, is one way to deter corruption and reclaim the space for integrity of democratic institutions and processes.

The speaker for this session should tackle initiatives in Asia and Europe as far as transparency and accountability measures are concerned, perhaps highlighting successful programs in a number of jurisdictions.

**SESSION 2:**

*"Mapping Actual Asset Recovery Instances: An Environmental Scan"*

This session aims to present an inventory of actual experiences concerning asset recovery throughout the globe, with an emphasis on Asia and Europe (and perhaps recent developments connected with the Arab Spring).

The subject matter speakers will be expected to cite specific country experiences, including the challenges confronted at varying stages and the levels of success met. This will provide the participants an insight into the different strategies and tactics employed by actors in particular instances that yielded positive results or failure. It will also give participants a bird's eye view of current asset recovery efforts.

**SESSION 3:**

*"Examining the Legal Framework for Asset Recovery: Bridging the Divide Between Concept and Experience"*

This session will provide an examination of existing domestic legal frameworks on asset recovery and how these interface with the overarching international framework. This

session is aimed at deepening understanding concerning various obstacles that impede the thorough implementation of international conventions and legal instruments regarding the recovery of pilfered wealth and the attainment of justice.

In discussions on hidden wealth and stolen assets of PEPs, the spotlight is usually centered, on one hand, in requesting countries on the need to swiftly repatriate the said asset; and on the other hand, in requested countries on the requirements of the rule of law namely the necessity for requesting states to establish the illicit origin of the assets through regular judicial proceedings. But this does not take into account the fact that corruption and the subsequent outflows of illicit funds was made possible in the first place by the lack of strong legal and institutional anti-corruption systems in countries of origin; and by loopholes in financial centers' legal and institutional anti-money laundering frameworks as well.

The subject matter experts should provide a comparative analysis of legal structures and diagnostic of present gaps. The discussion will likewise include finding ways to address the "disconnect" between what is conceptually available and actual country experiences.

#### **SESSION 4:**

*"Making Effective Use of Anti-Money Laundering Architecture: Optimizing Mechanisms for Theft Detection and Successful Recovery"*

Anti-money laundering systems are in place but the question remains whether these are being optimally utilized by state actors to curb corruption and to increase the rate of success in recovering ill-gotten wealth.

This session will explore ways by which asset recovery agencies can improve cooperation with financial intelligence units (FIUs) throughout the world to amplify coverage, enhance institutional capability to detect financial fraud, and boost the chances of recovery.

#### **SESSION 5:**

*"Developing Responsive Anti-Corruption Strategies in Partnership with Civil Society: Exploring the Role of the Citizens and Stakeholders in Detection, Tracing and Recovery"*

The United Nations Convention Against Corruption (UNCAC), under Article 13, recognizes the role of civil society in the prevention of, and in the fight against, corruption. This session will explore the diverse ways in which non-state actors and third actors can contribute to the fight against corruption and recover assets back for their rightful owners. Citizens' and stakeholders' roles in detection, tracing and recovery of ill-gotten wealth that will be examined include, among others, the realms of advocacy, research, evidence-gathering and perhaps even litigation.

## **SESSION 6:**

*“Strengthening International Cooperation in a Changing World: Keeping the Rapid Evolution of Illicit Schemes in Check with Open Lines of Communication and Constant Collaboration”*

In a world where financial transactions can be facilitated by technology, criminals have developed sophistication in hiding the proceeds of their illegal acts. Their techniques have evolved and recovery work has also arguably gotten harder as asset trails commonly lead deep into massive electronic datasets. In order to save resources, States should strengthen their collaboration in various fields. Increasing exchanges through the widening of institutionalized communication channels can be a direct response to cope with the evolution of criminal behavior. Confidence building initiatives should be undertaken to deepen the partnership between States in order to foster trust and mutual understanding regarding issues in the fight against corruption including asset recovery.

### **BRIEF DESCRIPTION OF THE WORKING GROUP TOPICS**

#### TOPIC 1: Utilization of recovered funds

This gathering can initiate a discussion into possible recommendations to affected states as far as fund utilization is concerned. While cognizant of the fact that plundered monies are necessarily public funds the transparent and accountable use of which should be left to the Sovereign, with the involvement of civil society organization where appropriate, there may be room for well-meant proposals for the utilization of restored wealth especially in light of the fact that transitional justice is usually a consequential concern of historical upheavals that accompany grand corruption.

#### TOPIC 2: Mechanisms for remembrance

As alluded to above, major asset recovery – when resulting from previous actions of PEPs – usually signal a restoration of dignity and mark an important milestone in national life. Aside from prosecution and holding the perpetrators accountable, other mechanisms to remember the enabling events and measures that allowed grand corruption to occur in the first place could serve a pedagogical value to help ensure non-repetition.

#### TOPIC 3: Asset management

Where, because of certain factors (e.g., pending case in domestic courts), recovered nonmonetary assets are not immediately liquidated upon repatriation, there may be a need for a specialized mechanisms or agency to manage said assets to prevent dissipation. Best practices and experiences in various jurisdictions can be shared at this working group.

#### TOPIC 4:

*Asset Recovery in the Digital Age: Maximizing the uses of technology and social media*

The Digital Revolution has ushered in an epoch of unparalleled information availability. While the detection of corruption and the tracing of pilfered funds continue to be complex, the computer age has made new forms of tools available which can be added by anti-corruption agencies and asset recovery units to their array of traditional techniques.

This working group session will examine the current trends in information technology, including social media, which will assist state actors in their efforts to identify, trace and recover assets with ill-gotten provenance. This will likewise delve into the potentials of available technological tools and systems in investigation, case management and information sharing between law enforcement agencies, regulatory bodies and financial institutions with reporting obligation.