Global Forum on Asset Recovery Principles

A FRAMEWORK FOR COORDINATION AND COOPERATION IN ASSET RETURN

International Experts Meeting
May 7, 2019
Addis Ababa, Ethiopia

Objectives:

1) Reaffirm collective political will to strengthen international cooperation on asset recovery cases

2) build capacity among our practitioners

3) make progress on actual ongoing asset recovery cases

      And…

4) contribute to global thinking on returning or disposing of recovered assets back to the people harmed by the corruption

GFAR Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases

PRINCIPLE 1: PARTNERSHIP It is recognised that successful return of stolen assets is fundamentally based on there being a strong partnership between transferring and receiving countries. Such partnership promotes trust and confidence.

PRINCIPLE 2: MUTUAL INTERESTS It is recognised that both transferring and receiving countries have shared interests in a successful outcome. Hence, countries should work together to establish arrangements for transfer that are mutually agreed.

PRINCIPLE 3: EARLY DIALOGUE It is strongly desirable to commence dialogue between transferring and receiving countries at the earliest opportunity in the process, and for there to be continuing dialogue throughout the process.

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- PRINCIPLE 7: CASE-SPECIFIC TREATMENT Disposition of confiscated proceeds of crime should be considered in a case-specific manner.

- PRINCIPLE 8: CONSIDER USING AN AGREEMENT UNDER UNCAC ARTICLE 57(5) Case-specific agreements or arrangements should, where agreed by both the transferring and receiving state, be concluded to help ensure the transparent and effective use, administration and monitoring of returned proceeds. The transferring mechanism(s) should, where possible, use existing political and institutional frameworks and be in line with the country development strategy in order to ensure coherence, avoid duplication and optimize efficiency.

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- PRINCIPLE 4: TRANSPARENCY AND ACCOUNTABILITY Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets. Information on the transfer and administration of returned assets should be made public and be available to the people in both the transferring and receiving country. The use of unspecified or contingent fee arrangements should be discouraged.

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- PRINCIPLE 10: INCLUSION OF NON-GOVERNMENT STAKEHOLDERS To the extent appropriate and permitted by law, individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, should be encouraged to participate in the asset return process, including by helping to identify how harm can be remedied, contributing to decisions on return and disposition, and fostering transparency and accountability in the transfer, disposition and administration of recovered assets.

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- PRINCIPLE 5: BENEFICIARIES Where possible, and without prejudice to identified victims, stolen assets recovered from corrupt officials should benefit the people of the nations harmed by the underlying corrupt conduct.

- PRINCIPLE 6: STRENGTHENING ANTI-CORRUPTION AND DEVELOPMENT Where possible, in the end use of confiscated proceeds, consideration should also be given to encouraging actions which fulfill UNCAC principles of combating corruption, repairing the damage done by corruption, and achieving development goals.

- PRINCIPLE 9: PRECLUSION OF BENEFIT TO OFFENDERS All steps should be taken to ensure that the disposition of confiscated proceeds of crime do not benefit persons involved in the commission of the offence(s).