

14. Crime and Corruption: Asset Recovery [123]

Commitment

“[Specific actions by G8 members to promote effective cooperation in asset recovery will include:] Promote transparency and effective cooperation. Each G8 member will: publish a guide that describes specific steps required for assistance and cooperation in matters related to tracing, freezing, confiscation, and return of proceeds of corruption, whether through formal mutual legal assistance (MLA) or other forms of cooperation and make the guide available in Arabic.”

G8 Action on the Deauville Partnership with Arab Countries in Transition

Assessment

Country	Lack of Compliance	Work in Progress	Full Compliance
Canada			+1
France		0	
Germany			+1
Italy			+1
Japan			+1
Russia	-1		
United Kingdom			+1
United States			+1
European Union	-1		
Average Score		0.56	

Background

On 4 December 2000 in its resolution 55/61 the United Nations General Assembly found it necessary to supplement the United Nations Convention against Transnational Organized Crime with an effective international legal instrument against corruption.¹³⁵⁶

The United Nations Convention against Corruption (UNCAC) was adopted by the General Assembly in 2003 and entered into force on 14 December 2005.¹³⁵⁷ The Convention is distinguished from other multilateral agreements of its kind in that it criminalizes not only basic forms of corruption like bribery and the embezzlement of public funds, but also the concealment and laundering of the proceeds of corruption.¹³⁵⁸

As of 9 November 2012, all members of the G8 had signed the UNCAC, and all but Germany and Japan had ratified it.¹³⁵⁹ UNCAC reaffirms the importance of effective interstate cooperation in promoting the core value of transparency as a preventive anti-corruption measure. Its Article 5 obliges member states to “develop and implement or maintain effective, coordinated anti-

¹³⁵⁶ United Nations Convention against Corruption, United Nations Office on Drugs and Crime (Vienna). Date of Access: 7 December 2012. <http://www.unodc.org/unodc/en/treaties/CAC/>.

¹³⁵⁷ United Nations Convention against Corruption, United Nations Office on Drugs and Crime (Vienna). Date of Access: 7 December 2012. <http://www.unodc.org/unodc/en/treaties/CAC/>.

¹³⁵⁸ United Nations Convention against Corruption, United Nations Office on Drugs and Crime (Vienna). Date of Access: 7 December 2012. <http://www.unodc.org/unodc/en/treaties/CAC/convention-highlights.html#Criminalization>.

¹³⁵⁹ Signatories to the United Nations Convention Against Corruption, United Nations Office on Drugs and Crime. (New York) 9 November 2012. Date of Access: 7 December 2012. <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>.

corruption policies...that reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.”¹³⁶⁰

UNCAC’s Article 2 defines “proceeds of crime” as any property derived either directly or indirectly through the commission of an offence.¹³⁶¹ Article 31 urges all state parties to make use of their domestic legal systems to “take such measures as may be necessary to enable the identification, tracing, freezing or seizure” of proceeds of crime for the purpose of confiscation.¹³⁶² Article 46 exhorts states to “afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.”¹³⁶³ Chapter V urges states to cooperate in the return of assets of corruption and to provide each other mutual legal assistance to this end.¹³⁶⁴

This commitment is inspired by G8 member states’ obligations under UNCAC, as well as their stated commitment in the Deauville Partnership with Arab Councils in Transition to support the economic reform, open governance, trade, investment and integration in the Middle East.¹³⁶⁵ The G8 launched the Deauville Partnership on 27 May 2011. It entails a political process in support of democratic transitions in the Middle East by fostering governance reforms, notably combatting corruption and the strengthening of institutions to ensure transparency and accountability in the region.¹³⁶⁶ During the 2012 Camp David Summit the G8 renewed its commitment to the Partnership.¹³⁶⁷

Commitment Features

The commitment has two basic parts and full compliance entails fulfilling both parts of the commitment.

The first part demands that G8 member states publish a guide that describes specific steps required for assistance and cooperation in tracing, freezing, confiscation, and return of proceeds of corruption, either through formal mutual legal assistance (MLA) *or* other forms of cooperation. To fulfill this part of the commitment, each member’s report must address all four: tracing, freezing, confiscation, and return of proceeds of corruption. Failure to mention all four areas

¹³⁶⁰ United Nations Convention Against Corruption, United Nations Office on Drugs and Crime (New York) 2004. Date of Access: 7 December 2012.

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf, p. 9.

¹³⁶¹ United Nations Convention Against Corruption, United Nations Office on Drugs and Crime (New York) 2004. Date of Access: 7 December 2012.

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf, p.8

¹³⁶² United Nations Convention Against Corruption, United Nations Office on Drugs and Crime (New York) 2004. Date of Access: 7 December 2012.

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf, p. 24

¹³⁶³ United Nations Convention Against Corruption, United Nations Office on Drugs and Crime (New York) 2004. Date of Access: 7 December 2012.

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf, p. 33

¹³⁶⁴ United Nations Convention Against Corruption, United Nations Office on Drugs and Crime (New York) 2004. Date of Access: 7 December 2012.

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf, p.42, 44.

¹³⁶⁵ Camp David Declaration, G8 Information Centre (Toronto) 19 May 2012. Date of Access: 7 December 2012. <http://www.g8.utoronto.ca/summit/2012campdavid/g8-declaration.html>.

¹³⁶⁶ Declaration of the G8 on the Arab Springs (Deauville) 27 May 2011. Date of Access: 7 December 2012.

<http://www.g8.utoronto.ca/summit/2011deauville/2011-arabsprings-en.html>.

¹³⁶⁷ Camp David Declaration, G8 Information Centre (Toronto) 19 May 2012. Date of Access: 7 December 2012. <http://www.g8.utoronto.ca/summit/2012campdavid/g8-declaration.html>.

results in only partial fulfillment of the first part of the commitment. That is, if only two of the four areas are addressed, then the first part of the commitment is only partially fulfilled.

The second part of the commitment asks that all G8 member states make the guide available in Arabic. A guide will be considered available if it is reachable (physically accessible) and affordable (economically accessible), and meets the minimum standard of quality. To be accessible in this context a guide must be obtainable, so that it could be used by the public.

If only one of the two parts of the commitment is fulfilled, then a G8 member state has only partially complied with the commitment. However, partial compliance can also be warranted if the first part of the commitment is partially fulfilled. That is, if the guide addresses some of the four areas and is made available to the public, then the state has partially complied with its commitment.

Scoring

-1	The member country has not published a guide that describes specific steps required for assistance and cooperation in <i>all four areas</i> of tracing, freezing, confiscation, and return of proceeds of corruption, either through formal mutual legal assistance or other forms of cooperation AND therefore it has not made the guide available in Arabic.
0	The member country has published a guide that describes specific steps required for assistance and cooperation in <i>all four areas</i> of tracing, freezing, confiscation, and return of proceeds of corruption, either through formal mutual legal assistance or other forms of cooperation BUT it has not made the guide available in Arabic; OR The member country has published a guide that describes specific steps required for assistance and cooperation <i>in some of the four areas</i> of tracing, freezing, confiscation, and return of proceeds of corruption, either through formal mutual legal assistance or other forms of cooperation AND it has made the guide available in Arabic.
+1	The member country has published a guide that describes specific steps required for assistance and cooperation in <i>all four areas</i> of tracing, freezing, confiscation, and return of proceeds of corruption, either through formal mutual legal assistance or other forms of cooperation AND it has made the guide available in Arabic.

Lead Analyst: Anna Postelnyak

Canada: +1

Canada has fully complied with its commitment to promote transparency and effective cooperation in asset recovery. It has published a guide that describes specific steps required for assistance and cooperation in all four areas of tracing, freezing, confiscation, and return of proceeds of corruption through formal mutual legal assistance (MLA), and it has made the guide available in Arabic. The guide is physically and economically accessible and can be obtained for use by the public.

From 11 to 13 September 2012, Canada participated with 200 senior officials and 25 other countries in the Arab Forum on Asset Recovery held in Doha, Qatar.¹³⁶⁸ The State of Qatar and the United States Presidency of the G8 mutually organized the meeting with support from the Stolen Asset Recovery Initiative (StAR). As a requirement for the forum, Canada published a

¹³⁶⁸ Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/ArabForum/About>.

guide in both English¹³⁶⁹ and Arabic¹³⁷⁰ that contains tools and procedures on asset recovery measures. Specifically, “Canada’s Asset Recovery Tools: A Practical Guide” provides an overview for seeking the freezing, restraint, seizure, and confiscation of assets through mutual legal assistance.¹³⁷¹

With respect to freezing assets, under the Freezing Assets of Corrupt Foreign Officials Act (FACFOA), Canada may issue orders or regulations that freeze the assets of foreign states, former leaders, and senior officials under specific preconditions.¹³⁷² Correspondingly, the guide stipulates that when a foreign state wants to seek restraint, seizure, and confiscation of criminal proceeds it may do so in one of two circumstances: (1) by making a mutual legal assistance request to Canada through a court of criminal jurisdiction in the requesting state; or (2) by requesting that Canada pursue a domestic proceeds of crime investigation through a mutual legal assistance process.¹³⁷³

Thus, Canada has been awarded a score of +1 for fully complying with its commitment to promote transparency and effective cooperation in asset recovery. It has published a guide that includes specific steps required for assistance and cooperation in all four areas of tracing, freezing, confiscation, and return of proceeds of corruption through mutual legal assistance. It has also made the guide available for easy public access in English and Arabic.

Analyst: Selena Lucien

France: 0

France has partially complied with its commitment on asset recovery. The guide published by the French government, entitled “Guide for Asset Recovery in France,” outlines a method for freezing and confiscating stolen assets.¹³⁷⁴ It does not describe the necessary steps to trace the

¹³⁶⁹ Canada’s Asset Recovery Tools: A Practical Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/sites/star/files/Canada%E2%80%99s-Asset-Recovery-Tools-A-Practical-Guide.pdf>.

¹³⁷⁰ Canada’s Asset Recovery Tools: A Practical Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/sites/star/files/Canada%E2%80%99s-Asset-Recovery-Tools-A-Practical-Guide-%28Arabic%29.pdf>.

¹³⁷¹ Canada’s Asset Recovery Tools: A Practical Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/sites/star/files/Canada%E2%80%99s-Asset-Recovery-Tools-A-Practical-Guide.pdf>.

¹³⁷² Canada’s Asset Recovery Tools: A Practical Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/sites/star/files/Canada%E2%80%99s-Asset-Recovery-Tools-A-Practical-Guide.pdf>.

¹³⁷³ Canada’s Asset Recovery Tools: A Practical Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/sites/star/files/Canada%E2%80%99s-Asset-Recovery-Tools-A-Practical-Guide.pdf>.

¹³⁷⁴ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France.pdf>.

stolen assets, nor does it describe the necessary steps to return the stolen assets to the victims of these crimes.¹³⁷⁵ However, the guide is published in Arabic as prescribed in the commitment.¹³⁷⁶

The guide published by the French government largely focuses on Mutual Legal Assistance (MLA) or requests for MLAs. It includes the “General Guidelines for MLA” and “Practical Steps to Follow When Seeking Mutual Assistance from France.”¹³⁷⁷ These guidelines are welcomed but are not necessary to comply with the commitment. In addition, the guide details the procedures for freezing and confiscating assets.¹³⁷⁸ Although a large part of the guide is focused on the identification of assets, it fails to provide a plan for tracing the stolen assets.¹³⁷⁹ Furthermore, there is no mention of a plan or method to return the stolen assets to the proprietor(s) as mandated by the commitment.

The guide is available in French, English, and as specified by the commitment, in Arabic.¹³⁸⁰ It should be noted however, that the guide can only be found on the Stolen Asset Recovery Initiative (StAR) website, but not on the French Ministry of Foreign Affairs website.¹³⁸¹

France partly complies with the Camp David Summit Commitment on corruption. The Guide on Asset Recovery in France solely discusses the procedures for freezing and confiscating embezzled assets, and it does not provide information or steps required to trace and return the proceeds of corruption.¹³⁸² But the guide is available in Arabic, and thus, France is awarded a score of 0 for partial compliance.

Analyst: Camille Beaudoin

Germany: +1

Germany has fully complied with its commitment to promote transparency and effective cooperation in the recovery and return of stolen assets. Germany, as a member of the Deauville Partnership, with efforts to support Arabic countries in transition towards democracy, has published a guide that outlines the requirements for assistance and cooperation in all four areas of

¹³⁷⁵ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France.pdf>.

¹³⁷⁶ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France-%28Arabic%29.pdf>.

¹³⁷⁷ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France.pdf>.

¹³⁷⁸ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France.pdf>.

¹³⁷⁹ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France.pdf>.

¹³⁸⁰ Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France-%28Arabic%29.pdf>.

¹³⁸¹ Country Guides for Asset Recovery, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery-0>.

¹³⁸² Guide for Asset Recovery in France, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2013. <http://star.worldbank.org/star/sites/star/files/Guide-for-Asset-Recovery-in-France.pdf>.

tracing, freezing, confiscation and return of proceeds of corruption. The guide has been published in both German and Arabic and is physically accessible by the public.¹³⁸³

Furthermore, between 11 to 13 September 2012, Germany, as part of the G8, participated with 200 senior officials and 25 other countries in the Arab Forum on Asset Recovery held in Doha, Qatar. The State of Qatar and the United States Presidency of the G8 organized the meeting with support from the Stolen Asset Recovery Initiative.¹³⁸⁴

Thus, Germany receives a score of +1

Analyst: Michael Humeniuk

Italy: +1

Italy has fully complied with its commitment to publish a guide detailing how to receive assistance in recovering proceeds of corruption and it provided an Arabic translation of the guide.

In September 2012, the Government of Italy published a guide on the StAR website entitled “Italian Asset Recovery Tools and Procedures: A Practical Guide for International Cooperation.”¹³⁸⁵ The guide identifies bilateral treaties and multilateral conventions as the primary legal frameworks for receiving Mutual Legal Assistance (MLA), though Letters of Request not based in a treaty may also be accepted. The guide further details how to receive MLA from Italy and outlines the process of tracing, freezing, confiscating, and returning assets. Contact information for the relevant judicial authorities and police agencies is provided. The guide is available in English, French and Arabic versions, all of which can be downloaded by the public.¹³⁸⁶

Thus, Italy receives a score of +1 for publishing a guide detailing specific steps for asset recovery, as well as making it available in Arabic.

Analyst: Colin McEwen

Japan: 0

Japan has fully complied with its commitment to publish a guide on asset recovery laws and procedures and to make the guide available in Arabic.

In September 2012, the Government of Japan published a guide on the website of StAR entitled “Practical Guide for Assets Recovery: How to Return the Assets Concerned.”¹³⁸⁷

The guide specifies the process of receiving Mutual Legal Assistance from Japan in the locating, seizure, and returning of proceeds from corruption.¹³⁸⁸ The guide is available in English, French,

¹³⁸³ Vermögensabschöpfung im deutschen Recht, StAR (Germany). Date of access: 5 January 2013.

<http://star.worldbank.org/star/sites/star/files/Asset-Recovery-in-German-Law-%28German%29.pdf>

¹³⁸⁴ Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/ArabForum/About>.

¹³⁸⁵ Italian Asset Recovery Tools & Procedures: A Practical Guide for International Cooperation, Ministry of Foreign Affairs (Rome) September 2012. Date of Access: 28 May 2013.

star.worldbank.org/star/sites/star/files/Italy-Asset-Recovery-tools-and-procedures.pdf.

¹³⁸⁶ Country Guides for Asset Recovery, The Stolen Asset Recovery Initiative (Washington DC). Date of Access: 17 January 2013. <http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery-0>.

¹³⁸⁷ Country Guides for Asset Recovery, The Stolen Asset Recovery Initiative (Washington DC). Date of Access: 17 January 2013. <http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery-0>.

and Arabic and the public can download all three versions. However, an Arabic translation of Japan's report has not been published. The existing Arabic version seems to be identical to the one released by Italy and features contact information in Italy, and therefore does not constitute Japan's independent effort at making its own report available in Arabic.

While Japan's guide explains the process of tracing, freezing, confiscating, and returning the proceeds of corruption, its guide is not available in Arabic and therefore Japan receives a score of 0 for partial compliance.

Analyst: Colin McEwen

Russia: -1

Russia has failed to comply with the commitment on Asset Recovery.

On 11-13 September 2012, representatives of the Russian authorities participated in the first meeting of the Arab Forum on Asset Recovery in Doha. Head of the Office for Bilateral Cooperation of the International Cooperation Department of the Russian Federal Financial Monitoring Service I. Boychenko moderated a session on creating an enabling legal environment.¹³⁸⁹

In December 2012, the US G8 Presidency reported that Russia "is working, to complete the legal framework that will permit compilation of ... a guide [on Asset Recovery]."¹³⁹⁰

However, no information on Russia's publication of a guide that describes specific steps required for assistance and cooperation in the areas of tracing, freezing, confiscation, and return of proceeds of corruption has been found. The Stolen Asset Recovery Initiative (StAR) web-page indicates that the Russia's guide is "coming soon"¹³⁹¹

Thus, Russia has been awarded a score of -1.

Analyst: Mark Rakhmangulov

United Kingdom: +1

The United Kingdom has fully complied with its commitment to promote transparency and effective cooperation in asset recovery. It has published a guide that describes specific steps required for assistance and cooperation in all four areas of tracing, freezing, confiscation, and return of proceeds of corruption through formal mutual legal assistance (MLA) and it has made the guide available in Arabic. The guide is physically and economically accessible and can be obtained for use by the public.

From 11 to 13 September 2012, United Kingdom participated with 200 senior officials and 25 other countries in the Arab Forum on Asset Recovery held in Doha, Qatar.¹³⁹² The State of Qatar

¹³⁸⁸ Japan's Practical Guide for Assets Recovery: How to return the assets concerned. Ministry of Justice (Tokyo) September 2012. Date of Access: 27 December 2012. star.worldbank.org/star/sites/star/files/Japan-practical-guide-for-asset-recovery.pdf

¹³⁸⁹ Report of the First Meeting of the Arab Forum on Asset Recovery, STAR. Date of Access: 5 February 2013. http://star.worldbank.org/star/sites/star/files/report_arab_forum_on_asset_recovery.pdf.

¹³⁹⁰ Final Update on the U.S. G-8 Presidency, US Department of State 31 December 2012. Date of Access: 5 February 2013. <http://www.state.gov/documents/organization/202643.pdf>.

¹³⁹¹ Country Guides for Asset Recovery, STAR. Date of Access: 5 February 2013. <http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery>.

¹³⁹² Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012. <http://star.worldbank.org/star/ArabForum/About>.

and the United States Presidency of the G8 organized the meeting with support from the Stolen Asset Recovery Initiative (StAR). As a requirement for the forum, the United Kingdom published a guide in both English¹³⁹³ and Arabic¹³⁹⁴ that contains tools and procedures on asset recovery measures. Specifically, the guide addresses all four areas required for assistance and cooperation. With regards to the tracing of assets, the guide emphasizes intelligence as the key component to securing asset confiscation and recovery and the development of more effective mutual legal aid requests.¹³⁹⁵

With respect to the freezing of assets and gathering evidence of corruption the guide states that if a foreign jurisdiction has evidence of proceeds of crime in the United Kingdom, it should submit an MLA request.¹³⁹⁶ Concerning the return of the proceeds of corruption, the guide points out that once proceeds of corruption have been located, “they will be disposed under the provisions of the United Nations Convention Against Corruption (UNCAC) and will be returned to recipient country.”¹³⁹⁷ Cases that do not fall under UNCAC can be shared with the recipient country if it enters into an asset sharing agreement with the United Kingdom.¹³⁹⁸

Accordingly, the United Kingdom has complied with its commitment to promote transparency and effective cooperation in asset recovery. It has been awarded a score of +1 for publishing a publicly accessible guide in English and Arabic that describes the specific steps required for assistance and cooperation in all four areas through mutual legal assistance.

Analyst: Selena Lucien

United States: +1

The United States (US) has entirely complied with its commitment to “enhance transparency by publishing a guide on its asset recovery laws and procedures”¹³⁹⁹ in order to move ahead with,

¹³⁹³ Obtaining Assistance from the United Kingdom in Asset Recovery: A Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012.

<http://star.worldbank.org/star/sites/star/files/UK-Guide-to-Asset-Recovery.pdf>.

¹³⁹⁴ Obtaining Assistance from the United Kingdom in Asset Recovery: A Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Initiative (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012.

<http://star.worldbank.org/star/sites/star/files/UK-Guide-to-Asset-Recovery-%28Arabic%29.pdf>

¹³⁹⁵ Obtaining Assistance from the United Kingdom in Asset Recovery: A Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Program (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012.

<http://star.worldbank.org/star/sites/star/files/UK-Guide-to-Asset-Recovery.pdf>.

¹³⁹⁶ Obtaining Assistance from the United Kingdom in Asset Recovery: A Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012 (English Version).

<http://star.worldbank.org/star/sites/star/files/UK-Guide-to-Asset-Recovery.pdf>

¹³⁹⁷ Obtaining Assistance from the United Kingdom in Asset Recovery: A Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Program (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012.

<http://star.worldbank.org/star/sites/star/files/UK-Guide-to-Asset-Recovery.pdf>.

¹³⁹⁸ Obtaining Assistance from the United Kingdom in Asset Recovery: A Guide for International Partners at the Stolen Asset Recovery Institute for the Arab Forum on Asset Recovery, The Stolen Asset Recovery Program (Qatar: Doha) 11-30 September 2012. Date of Access: 21 December 2012.

<http://star.worldbank.org/star/sites/star/files/UK-Guide-to-Asset-Recovery.pdf>.

¹³⁹⁹ Country Guides for Asset Recovery, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2012. <http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery-0>.

and continue working on, the Deauville Partnership with Arab Countries in Transition.¹⁴⁰⁰ The guide is published by the Government of the United States and makes clear the steps necessary to investigate, freeze, seize, confiscate stolen assets, and enforce restraint and confiscation orders.¹⁴⁰¹ Additionally, the guide is available in Arabic.¹⁴⁰²

On 21 May 2012 the US published “The US Asset Recovery Tools and Procedures: A Practical Guide for International Cooperation Assistance in Asset Training.”¹⁴⁰³ The United States, has committed itself to both tracing and identifying stolen assets. The following are methods prescribed by the guide to accomplish the aforementioned task: informal evidence gathering, investigative networks, mutual legal assistance requests, 314(a) requests, and Egmont requests. Furthermore, the guide details the “US Confiscation Authority” as well as the “US Authority to Restrain Assets Based on Foreign Asset/Charge Enforcement Order,” complying with its commitment to confiscate and restrain stolen assets.

Lastly, the guide discusses the procedures and regulations in the case of “Asset Disposition/Return,” which entails the measures necessary to share forfeited assets with a foreign government that participated directly or indirectly in the investigation leading to forfeiture.¹⁴⁰⁴ The guide is also made available in Arabic to fully comply with the commitment. It should also be noted that the guide is accessible on both the US Department of State website,¹⁴⁰⁵ and the StAR (Stolen Asset Recovery Initiative) website.¹⁴⁰⁶

By publishing a guide that describes the specific steps required for assistance and cooperation in matters related to tracing, freezing, confiscation, and return of proceeds of corruption, and by making the guide available in Arabic, the USA fully complies with the commitment made at the Camp David Summit.¹⁴⁰⁷ Therefore, it is awarded a score of +1 for full compliance.

Analyst: Camille Beaudoin

¹⁴⁰⁰ Deauville Partnership With Arab Countries in Transition: Asset Recovery Action Plan, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/r/pa/prs/ps/2012/05/190489.htm>.

¹⁴⁰¹ US Asset Recovery Tools & Procedures: A Practical Guide for International Cooperation Assistance in Asset Training, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/documents/organization/190690.pdf>.

¹⁴⁰² Deauville Partnership With Arab Countries in Transition: Asset Recovery Action Plan, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/r/pa/prs/ps/2012/05/190489.htm>.

¹⁴⁰³ US Asset Recovery Tools & Procedures: A Practical Guide for International Cooperation Assistance in Asset Training, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/documents/organization/190690.pdf>.

¹⁴⁰⁴ US Asset Recovery Tools & Procedures: A Practical Guide for International Cooperation Assistance in Asset Training, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/documents/organization/190690.pdf>.

¹⁴⁰⁵ Deauville Partnership With Arab Countries in Transition: Asset Recovery Action Plan, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/r/pa/prs/ps/2012/05/190489.htm>.

¹⁴⁰⁶ Country Guides for Asset Recovery, Stolen Asset Recovery Initiative (Washington, DC) 2012. Date of Access: 6 January 2012. <http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery-0>.

¹⁴⁰⁷ Deauville Partnership With Arab Countries in Transition: Asset Recovery Action Plan, US Department of State (Washington, DC) 21 May 2012. Date of Access: 5 January 2013.

<http://www.state.gov/r/pa/prs/ps/2012/05/190489.htm>.

European Union: -1

The European Union has not complied with its commitment to promote transparency and effective cooperation in the recovery and return of stolen assets. The EU has not published a comprehensive guide, or released any statements indicating which requirements, if any, is needed for assistance and cooperation in the four areas of tracing, freezing, confiscation and the return of proceeds of corruption. Thus, the EU has been given a -1.

Analyst: Michael Humeniuk