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ONLINE INTERNATIONAL EXPERTS WORKSHOP “Asset Recovery in Anti-Corruption”
Schemes for repatriation of recovered assets

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Schemes for repatriation of recovered assets

- Asset recovery is a process: by which the proceeds of crime are identified, traced, seized, confiscated and returned to their rightful owners

- That takes place in different jurisdictions

Increased enforcement is not enough if it brings no justice

Challenges and Opportunities

The moment of return is not the end, but another beginning

StAR Initiative: only 1/3 of assets lost are recovered (Report to UNCAC ARWG, Sept 2020)
A few challenges

❖ Too much help and focus on the first part of the process (the recovery) and less on the return
❖ Work on return usually starts when recovery has been accomplished: too late
❖ Success is sung too early
❖ Too many hands, a lot of costs, too many pockets
❖ Not only technical challenges but mindset challenges
  ❖ Who can take part
  ❖ When can they take part
  ❖ What is the recovery for - how it should be used
The Return

- Requires earlier thinking - organising
- Clarifying purpose: what is the use to be given to those returned funds?
- CSO involvement as opportunity/help not as burden
- Elements necessary: A reasonable transparency and engagement, integrity and accountability
- The predicate offence plays a role (corruption? tax avoidance? war crimes? other crimes?)
- Corruption/War crimes: repairing the damage caused by corruption should take priority (Art. 35 UNCAC) - a priority not represented in the process

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