

Hanoi, 24-25 November 2020

ONLINE INTERNATIONAL EXPERTS WORKSHOP “Asset
Recovery in Anti-Corruption”

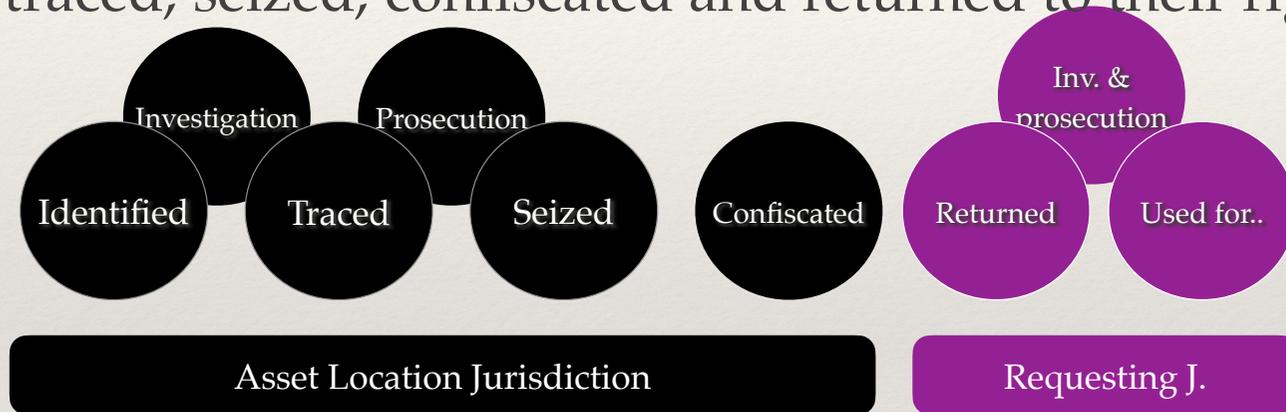
Schemes for repatriation of recovered assets

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IMPACTOOLS

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



Challenges and Opportunities

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

- ❖ That takes place in different jurisdictions

Increased enforcement is not enough if it brings no justice

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

Increased enforcement is not enough if it brings no justice

- ❖ 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

