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Organization of American States	P. 202.458.3000 www.oas.org	Secretariat for Multidimensional Security
XXXVIII GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING May 22-23, 2014 Washington, D.C.		OEA/Ser.L/XIV.4.38 CICAD/doc.16/14 22 May 2014 Original: Español
TECHNICAL ASSISTANCE PROGRAM ON INTERNATIONAL COOPERATION IN ASSET RECOVERY ANA ALVAREZ, CICAD		

<h2 style="margin: 0;">"Technical Assistance Program on International Cooperation in Asset Recovery"</h2>	
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  <p style="margin-top: 10px;">Organización de los Estados Americanos</p>	



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Background

- In 1990, the OAS General Assembly recommended that Member States within the framework of their respective legal systems, consider the development of mechanisms and procedures for bilateral and multilateral cooperation to facilitate the identification, tracing, seizure, forfeiture and confiscation of assets of illicit origin.
- Since then, the issues addressed by the GELAVEX have been directed to the development of work plans, among other things, including the importance of International Cooperation in Asset Recovery.



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Background

- The final report of the XXVII Meeting GELAVEX (Montevideo, Uruguay, 2009) shows that the action plan sub working group on Forfeiture 2010-2011 aims to: "analyze mutual legal assistance in identifying and location of assets abroad and seek the procedures for requesting mutual legal assistance and information from the data of the central authorities according to the different instruments in money laundering and related crimes."
- **GELAVEX XXXII Meeting** (Washington, May 2011): preparation of the draft "Internal guide on procedures for requesting mutual legal assistance in monitoring and asset recovery."



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Background

- Finally, in the XXXIII Meeting GELAVEX held in Caracas, Venezuela, in September 2011, the delegation of the United States introduced the "Internal guide on procedures for requesting mutual legal assistance in monitoring and asset recovery", which is a valuable input, as it presented, among other things, formal and informal mechanisms used by each State to locate and identify assets abroad.
- Also, included as part of the work plan 2011-2012 by the Forfeiture subgroup, "Development of a study to identify international cooperation mechanisms (formal and informal) to allow a proper and efficient exchange of information for the prevention and suppression of money laundering, terrorist financing and recovery of criminal assets", which was presented at the XXXVII Meeting of GELAVEX, held in Brasilia, Brazil, in September 2013.



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- The study reflects the barriers affecting international cooperation in confiscation
 - **Legal terminology** (eg differences in the terms for criminal offenses, cautionary measures, seizure, forfeiture, civil forfeiture ...);
 - **Requirements** for requests for cooperation (eg evidence requirements)
 - **Procedures for assistance vary** from State to State;
 - Absence of mechanisms to increase **incentives for collaboration**, such as sharing seized assets with jurisdictions which assisted in identifying assets subject to confiscation and recovery assets.
- And also emphasizes the need to facilitate international cooperation in asset recovery



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How to improve international cooperation in asset recovery?



Technical assistance program



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General objective of the program

Collaborate with member states of the OAS to **optimize** their legal systems so that the recovery of criminal assets is carried out effectively, taking into account the **international standards on money laundering and terrorist financing**.



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Proposal for the technical assistance program

1. Analysis of mutual evaluations to identify the problems of States in international cooperation for asset recovery.
2. Development of a document of framework provisions, guidelines and / or best practices in international cooperation in asset recovery to serve as a reference to all Member States.
3. Training for the implementation of the provisions included in that document.
4. Development of a structured database to facilitate international cooperation.



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Elements of the program

- 1) Analysis of mutual evaluations to identify the problems of States in international cooperation for asset recovery.

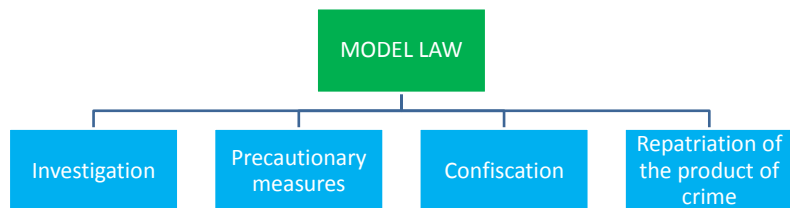


Hemispheric **needs** assessment
Definition of **priority areas**



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2) Development of a document of framework provisions, guidelines and / or best practices in international cooperation in asset recovery that Member States may take into account and adapt to their constitutional principles and the basic premises of their legal system.



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- In preparing the recommendations it seem appropriate to establish a Working Group constituted by a Principal Consultant and accredited professionals with training on the topic.

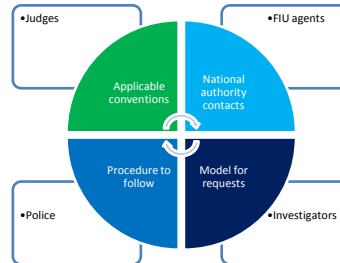


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3) Development of a structured database to facilitate international cooperation.

- Importance of previous work

4) Training for application of the provisions that make up the Guide on international cooperation for asset recovery.



Thank you very much!!

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