



**Asia-Pacific
Economic Cooperation**

2016/SOM1/ACT/011
Agenda Item: 9

**Analyzing Asset Recovery Provisions in APEC
Economies**

Purpose: Consideration
Submitted by: Peru



**22nd Anti-Corruption and Transparency Experts'
Working Group Meeting
Lima, Peru
23 February 2016**

APEC Concept Note

Project title:	"Analyzing Asset Recovery provisions in APEC Economies"
Fund Source (Select one):	
<input checked="" type="checkbox"/> General Project Account (formerly Operational Account) <input type="checkbox"/> TILF Special Account <input type="checkbox"/> APEC Support Fund	
For ASF: As per Guidebook Ch. 3, list ASF Sub-fund if appropriate for this project:	
APEC forum:	Anticorruption and Transparency Working Group (ACTWG)
Proposing APEC economy:	Peru
Co-sponsoring APEC economies:	
Expected start date:	16 May 2016
Expected completion date:	30 November 2016
Project summary: Describe the project in under <u>150 words</u> . Your summary should include the project topic, planned activities, timing and location: <i>(Summary must be no longer than the box provided. Cover sheet must fit on one page)</i>	This is a research project that aims at evaluate the implementation of Asset Recovery provisions of UNCAC in APEC economies Activities: To hire an international consultant to carry on the main activities of this project, more specifically: <ul style="list-style-type: none"> To compile/consolidate all the final reports/templates submitted to the APEC Secretariat. If necessary, request additional information to APEC economies to complement final reports regarding measures taken on Asset Recovery under UNCAC's provisions. To analyze and systematize the data, identifying the international best practices when implementing UNCAC's provisions on Asset Recovery (Chapter V). To prepare a deliverable that shows how all APEC economies are implementing UNCAC's provisions on Asset Recovery. It should include a comparative chart that reflects on the implementation stage of each economy on this theme. To report her findings in the Third APEC Senior Official Meeting (SOM 3) of August 2016. To prepare a final draft with the feedback received at SOM 3 and publish a hard copy of it by November 2016.
Total cost of proposal: (APEC funding + self-funding): USD 40652	Total amount being sought from APEC (USD): 34652 By category: Travel: 3452 Labor costs: 30000 Hosting: Publication & distribution: 1200 Other: <i>(See Guidebook on APEC Projects, Ch. 9 to ensure all proposed costs are allowable.)</i>

Project Overseer Information and Declaration:

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As Project Overseer and on behalf of the above said Organization, I declare that this submission was prepared in accordance with the **Guidebook on APEC Projects** and any ensuing project will comply with said Guidebook. Failure to do so may result in the BMC denying or revoking funding and/or project approval. I understand that any funds approved are granted on the basis of the information in the document's budget table, in the case of any inconsistencies within the document.

ROSMARY CORNEJO VALDIVIA

Name of Project Overseer

Date: 06/01/2016

Project Synopsis

1. **Relevance – Benefits to region:** What problem does the project seek to address? What is the relevance of the project? Does it have sustained benefits to more than one economy?

This study will illustrate the best practices implemented by APEC economies regarding the enforcement of UNCAC's provisions on Asset Recovery. This study will make possible to APEC economies to learn from each other and, to coordinate their actions in order to implement Asset Recovery provisions and have better results on this issue. Therefore, sustainable benefits from this project will necessarily be gained and spread among all APEC economies.

Corruption is a problem that has severe negative impacts in all APEC economies because it hinders sustainable development, equitable growth, and social stability. Besides, corruption distorts competition of international trade.

The APEC Anti Corruption and Transparency Working Group (ACTWG) have also specified their commitment to fight corruption in various documents, including the Santiago Commitment to Fight Corruption and Ensure Transparency (2004) and more recently the Beijing Declaration on Fighting Corruption (2014). Both of these documents emphasize the importance of working towards implementation of punitive anticorruption policies and practices consistent with the UN Convention Against Corruption (Santiago Commitment) and the use of existing legal instruments such as the United Nations Convention Against Corruption (Beijing Declaration). Hence, it is important to monitor how APEC economies are implementing this legal instrument.

The United Nations Convention Against Corruption has a chapter dedicated to Asset Recovery (Chapter V) that aims to promote international efforts to facilitate the return of assets derived from corruption. Therefore, the study will consider the enforcement of UNCAC's provisions on this issue.

Relevance – Rank: Which Rank in the annual *APEC Funding Criteria* does this project fall under? Briefly explain why. Is it also linked to other Ranks? If so, briefly explain which/how.

This project falls under Rank 2: APEC Leaders' Growth Strategy, particularly "Secure Growth: Anti-corruption, good governance and transparency, including anti-money laundering activities".

2. **Objectives:** Describe the 2-3 key objectives of the project. (e.g. ensure workshop participants will be able to...; to create a framework...; to develop recommendations...; to build support...; to revise strategies...; to create an action plan;...to increase knowledge in; to build capacity in... etc.)
 - To make a diagnosis of the level of implementation of UNCAC's provisions on Asset Recovery (Chapter V).
 - To illustrate the international best practices of APEC economies for implementing provisions on Asset Recovery. These best practices will be useful to all APEC economies when implementing Chapter V of this Convention.
 - To enhance mechanisms for recovery of property derived from corruption through international cooperation.
3. **Alignment – APEC:** Describe specific APEC priorities, goals, strategies, workplans and statements that the project supports, and explain how the project will contribute to their achievement.
 - This project follows the 2015 APEC Leaders' Manila Declaration and the AMM Joint Statement by contributing to combat the harmful effects of the illegal economy and to promote cultures of integrity across borders, markets, and supply chains.
 - It also reaffirms Leaders' commitment to open and accountable governance and to promoting international cooperation in the areas of repatriation or extradition of corrupt officials, asset recovery, criminalization, and prevention of corruption among APEC member-economies".

- It seeks to reaffirm our strong commitment to fight corruption and bribery, and to promote international cooperation in the areas of repatriation or extradition of corrupt officials, asset recovery, criminalization, and prevention of corruption among APEC member economies.

Alignment – Forum: Briefly explain how the project is aligned with your forum’s work plan / strategic plan.

The Anti-Corruption and Transparency Working Group has approved a Multi-Year Strategic Planning 2013 – 2017, which recognizes seven key themes to cooperate within APEC. One of these seven key themes is precisely “to implement APEC anti-corruption commitments, including the United Nations Convention against Corruption”. The ACT Work Plan for 2016 is committed to continue to promote and strengthen the implementation of existing APEC commitments, including the UN Convention against Corruption.

4. Methodology: How do you plan to implement the project? In this section, briefly address the following:

- **Workplan:** Project timelines, dates of key activities and deliverable outputs.
- **Beneficiaries:** The proposed selection criteria for participants, beneficiary profiles (e.g. workshop participants, end users, policy makers, researchers/analysts, gender) and how they will be engaged.
- **Evaluation:** Potential indicators developed to measure progress, project outcomes and impacts/successes. Where possible provide indicators which could assess impacts on women.
- **Linkages:** Information on other APEC and non-APEC stakeholders and how they will be engaged. If and how this proposal builds on (but does not duplicate) the work of other projects. How will this activity promote cross fora collaboration?

1. Workplan:

Dates	Activities	Products
15 August 2016 (SOM 3)	The international consultant presents her findings at the Third Senior Officials’ Meeting (SOM II) to receive the feedback from member economies.	Conference Presentation.
30 September	The consultant submit the final version (feedback included)	Deliverable

2. Beneficiaries:

- APEC Anti-Corruption & Transparency Working Group (ACTWG);
- APEC Anti-Corruption & Transparency Network (ACT-NET); and
- All APEC economies, especially:
 - Justice departments;
 - Public prosecutors;
 - Anti-corruption agencies; and
 - Consumers who take advantage of free competition without corruption.

3. Evaluation:

Although the impact of this project will not be immediately, its benefits will make themselves clearer as economies learn from each other and transplant good practices when implementing UNCAC’s provisions on Asset Recovery.

4. Linkages:

This project sizes opportunities for collaboration between APEC and United Nations, especially the ‘Implementation Review Group’ of the United Nations Convention against Corruption because the consultant may need to complement information with this body.