

## Opening speech – Training “Confiscation of proceeds of organized crime in national legislation and comparative practice”

- Budva, March 25, 2013

It is a great pleasure for me to welcome you all to the training on “Confiscation of proceeds of organized crime in national legislation and comparative practice” on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation.

[...]

By cooperating with local partners the Rule of Law Program seeks to ensure that it responds to the most urgent needs and developments both in each country, and in the region as a whole.

One challenge South East Europe still faces is related to corruption and organized crime.

As a study published by Transparency International two years ago correctly pointed out, assets stolen through corruption undermine good governance, weaken the accountability of the state to its citizens and drain development resources.

In recent years international awareness of the importance of comprehensive policies on asset recovery has increased. It has also been realized that if there are effective mechanisms to identify, confiscate and return stolen assets, serious forms of crime can be fought against successfully.

At the global level, the United Nations Convention against Corruption (UNCAC) provides for standards for governments to tackle the prevention and the punishing of corruption, as well as for technical assistance and asset recovery. And the Stolen Asset Recovery Initiative (StAR) jointly launched by the World Bank and the UN Office on Drugs and Crime in 2007 has been deemed successful in its efforts to stop and recover assets stolen by corrupt public officials. Yet the sheer scale of the stock of stolen assets is more than challenging – for instance, the French Catholic Committee against Hunger and Development estimates that dictators from around the world have stolen between 100 and 180 billion US Dollars worth of assets – funds which could

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have been used for the social and economic development of impoverished nations.

Furthermore there are specialized national agencies in many countries covering asset recovery, as well as asset tracking, asset forfeiture and assets declaration, public procurement, public officials' integrity and ethics, monitoring incompatibilities and conflict of interest's regime, gathering and analyzing different data concerning corruption.

Despite this progress, when it comes to cooperation and coordination among them, there is still a lot of room for improvement. This is true both at the national, and at the international level. And that is why I am very glad that we have experts from Serbia, Croatia and Montenegro among us, because the issue of assets recovery requires regional and international cooperation as well. Too often, sovereignty issues and inconsistent legal requirements have hampered asset recovery efforts around the world, in effect helping exactly those who benefit from acts of corruption, embezzlement and money laundering.

The work plan of the Regional Anticorruption Initiative – of which Montenegro, Serbia and Croatia are all parties, adopted in October 2010, also states the necessity of organizing trainings and conferences in the field of asset recovery. Thus, the event we are attending today represents a contribution in this respect.

Let us consider the following questions:

- How can RAI countries best achieve efficient and effective coordination of domestic authorities when acting as requested or requesting in asset recovery cases?
- What type of barriers is encountered in asset recovery practice in RAI participating states?
- What are the priority areas in RAI participating states for which en-

hanced efforts are needed and for which sufficient resources should be provided to deal effectively with asset recovery cases?

- What good practices are there how to overcome barriers to asset recovery?
- In the area of mutual legal assistance, what good practices are there to expedite cooperation and eliminate impediments to the full execution of requests?
- Which are the obstacles encountered in the field of asset recovery co-operation regarding investigation and prosecution?

These questions stand for many that would have to be asked and answered to identify the strategic components of a perfect asset recovery policy for South East Europe.

Of course you will not have time to find answers to all of the above-mentioned issues. Suffice it to conclude that it is my conviction that successful asset recovery cases benefit from sound legislation, well-functioning institutions, open channels of communication and trust among asset recovery practitioners. They also require innovative investigative techniques and an efficient management of seized or confiscated assets. And naturally they depend on the firmness of political will and, of course, on the existing capacities of the judiciary in tackling organized crime.

I sincerely hope that this training programme will not only contribute to enhancing the knowledge and competencies of participants, but that you all, ladies and gentlemen, will become part of a much-needed network of specialists in the field of assets recovery. I therefore wish you the best possible success.

Thank you for your attention.