

**Intersessional meeting of the Conference of the States Parties to the United Nations
Convention against Corruption on the achievements of the political declaration by the
special session of the General Assembly (UNGASS)**

Vienna, 5 – 8 September 2022

ITALIAN NATIONAL STATEMENT

2.g – Advancing a forward-looking anti-corruption agenda and framework

Thank you, Mr. Chair, for the opportunity and thanks to all the Panelists for their insightful presentations.

I have no questions, but I would like to share 2 ideas and suggestions from the Italian delegation for the new perspectives and the development of the Anticorruption Global Agenda

1. On a Resolution for CoSP 10

The first one recalls the point 22 of the Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery (Resolution 9/1). The paragraph encourages State Parties to explore and enhance their knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery, to better strengthen integrity, transparency and accountability, and invites the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session;

We are thinking to a proposal of a Resolution for the next CoSP, following and implementing the Sharm El Sheick Declaration and the High Level Principles on the fight against corruption related to organized crime (and on combating corruption in time of emergencies) adopted in 2021 by the G20.

We are called to encourage the elaboration of innovative and pathfinder approaches on the intertwining of the global struggle against corruption and organized crime.

If we wish to detect the reasons to assume that organized crime has a corrosive impact on corruption, we can stress the following:

- a) corruption is a catalyst to organized crime. Unless corruption is curbed, traditional deterrence measures such as toughening sanctions and polices can have the perverse effect of making crime and corruption strategic complements;
- b) corruption is a facilitating factor on organized crime.

Organized crime can be imagined as the high vertex of a triangle, the corners of the base representing public administration and the economy. On the two sides, one can imagine corruption as a method of infiltrating the administration of public affairs and money laundering as a means of operating in the markets.

The expression 'liquid corruption' represents exactly the idea of infiltration of a liquid through all the interstices of a solid; in such a metaphor, the liquid is the organized crime and the solid our society.

We will nurture this proposal in the next months.

2. On future perspectives on asset recovery return and repatriation

On a totally different level, without any nexus with the envisaged Resolution and only as a perspective point, theorizing for future, we are thinking to a new idea for asset recovery repatriation

I recall paragraph n.48 of the UNGASS political declaration in which is contemplated a will.

48. We recognize that the return and disposal of confiscated property is based on cooperation between requesting and requested States and we strive to ensure that it is done in a transparent and accountable manner by making use of the options provided by the Convention, including giving special consideration to the possibility of concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property, while fully respecting the principles of sovereign equality and the territorial integrity of States and of non-intervention in the domestic affairs of other States, in line with article 4 of the Convention and to consider the Sustainable Development Goals in the use of returned assets. In this regard, we will continue to clarify or simplify legal procedures, where appropriate and in accordance with domestic law and **will explore the scope for new approaches to asset recovery, return and disposal in conformity with the Convention.**

Asset Recovery is the process of tracing, freezing, confiscating and returning funds that have been obtained through illegal means. It's a strategic issue both in domestic and in transnational fight against corruption and organized crime. When some asset is dislocated in another country, the challenge is to open the way of justice for returning the funds to their country of origin.

The process is usually legally and politically complex and consequently also lengthy. It requires a combination of technical skills and involves multiple jurisdictions.

The adoption of UNCAC enshrined, for the first time, the recovery and repatriation of stolen assets as a fundamental principle of international public law. As per the Convention's Chapter V, Article 51:

"The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard."

This act has firmly established Asset Recovery on the international policy agenda.

Since the Convention's adoption, a number of domestic and international efforts to recover and repatriate stolen assets have been underway.

Yet, only few cases (quantitatively and qualitatively) have been successful to date.

These examples are still not sufficient for the global anti-corruption effort: corruption, money laundering and organized crime cannot be tackled effectively without reassessing the global approach to asset recovery.

Indeed, the management of confiscated assets must be understood as an essential part of the fight against corruption, as clearly stated in the main international instruments and reiterated by all relevant international bodies.

This is why the recovery of assets seized or confiscated abroad is an issue that should dominate the global political agenda.

Despite existing good practices and guidelines regarding international cooperation in the identification, seizure, and confiscation of assets, as well as their management, in cases of cross-border corruption

involving the misappropriation of public funds, the return of confiscated assets to the country of origin for the benefit of the population that has been harmed is still problematic.

With this in mind, we believe in the need to make assets seized or confiscated abroad that cannot be repatriated available to a future new form of management to an independent organization relevant in this field (or directly the United Nations and more specifically UNODC).

It would therefore be also as an international agency for assets confiscated abroad that would be the new institutional basis on which to build multilateral anti-corruption solutions on asset recovery.