OPTIMIZING COOPERATION AND ASSISTANCE MECHANISMS
ESPECIALLY THOSE INVOLVING VAST QUANTITIES OF ASSETS

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THE IMPORTANCE OF INTERNATIONAL COOPERATION IN THE RETURN OF ASSETS

Article 51 obligates States Parties to afford one another the widest measure of cooperation and assistance with regard to the return of assets. This is because the return of assets is a fundamental principle of the UNCAC.

Article 46 mandates States Parties to afford one another the widest measure of Mutual Legal Assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the convention.

These provisions are further stressed on Resolutions 6/2, 7/1 and 8/9.
MEANING OF VAST QUANTITIES OF ASSETS

What constitutes “Vast quantities of Assets”? Does it depend on thresholds or should it be defined in relation to the size of the economy of the requesting State Party?
KEY ELEMENTS REQUIRED IN INTERNATIONAL COOPERATION AND MUTUAL LEGAL ASSISTANCE

- There must be concise information and predictability on how to access Mutual Legal Assistance
- Website – One stop place to access all required information
- Reciprocity as well as use of the UNCAC as a basis for cooperation
- Use of practitioner networks and according them access
NOTABLE POINTS IN HANDLING OF ASSETS PRIOR TO RETURN

- Interim management of recovered assets pending return
- Deduction of expenses – Expenses deducted should be to the barest minimum; consideration for developing countries
- Need to avoid situations that may lead to abandonment of claims
CONCLUSION

- The need for corruption prevention and enforcement of laws and policies cannot be over emphasized.
- There must be the judicious management of recovered assets.
- The sovereignty of state must be protected.

THANK YOU FOR LISTENING!!