

STOLEN ASSET RECOVERY BIBLIOGRAPHY

The following bibliography contains a list of books, journal articles and reports and other working papers produced by both governmental and nongovernmental organizations which touch upon issues associated with the recovery of stolen assets in cases of political corruption. The materials listed in this bibliography focus on many aspects of the asset recovery process – from investigation and prosecution in corruption cases, to identification of stolen assets and also mutual legal assistance in situations where assets are located in a foreign jurisdiction from which a victim country seeks their return. The bibliography draws upon literature on related topics including money laundering prevention and civil asset forfeiture but does so only to the extent that they enhance understanding and policy development in the area of stolen asset recovery.

StAR does not recommend or endorse the publications included in this bibliography and does not vouch for the accuracy of the information contained in these publications. StAR welcomes suggestions for additions to the bibliography and will update this list at periodic intervals. Please submit suggestions to starinitiative@worldbank.org.

I. BOOKS

Allridge, Peter. Money Laundering Law: Forfeiture, Confiscation, Civil Recovery, Criminal Laundering and Taxation of Proceeds of Crime. Oxford: Hart Publishing, 2003.	This book examines critically the history, theory and practice of developments to deal with money laundering and the proceeds of crime in the United Kingdom including the Proceeds of Crime Act 2002, which marks another step in the move towards greater concentration both on the financial aspects of crime and on the internationalization of criminal law. The Act puts in place the Assets Recovery Agency, which will be central to the strategy of targeting criminal monies and will have power to bring forfeiture proceedings without a prior criminal conviction and to raise assessments to taxation. The author subjects the law of money laundering, especially the novel aspects of the Proceeds of Crime Act itself, to thorough analysis and a human rights' audit.
Baker, Raymond W. Capitalism's Achilles Heel: Dirty Money and How to Renew the Free-Market System. Hoboken: John Wiley & Sons, 2005.	In this volume, the author takes readers on a journey through the global free-market system and reveals how dirty money, poverty, and inequality are inextricably intertwined. Readers will discover how small illicit transactions lead to massive illegalities and how staggering global income disparities are worsened by the illegalities that permeate international capitalism. Drawing on his experiences, Baker describes how Western banks and businesses use secret transactions and ignore laws while handling a reported \$1 trillion in illicit proceeds each year. He also illustrates how business people, criminals, and kleptocrats perfect the same techniques to shift funds and how these tactics negatively affect individuals, institutions, and countries.

<p>Gleason, Paul, and Glenn Gottselig, eds. <i>Financial Intelligence Units: An Overview</i>. Washington, DC: International Monetary Fund / World Bank Group, 2004.</p>	<p>The purpose of this handbook is to respond to the need for information on FIUs. The information provided includes references to the relevant FATF standards wherever appropriate. Available online at: http://www.imf.org/external/pubs/ft/FIU/fiu.pdf</p>
<p>Greenburg, Thomas, Linda M. Samuel, Wingate Grant, and Larissa Gray. <i>Stolen Asset Recovery: A Good Practices Guide to Non-Conviction Based Asset Forfeiture</i>. Washington, DC: World Bank / StAR, 2009.</p>	<p>With an increased focus on non-conviction based (NCB) asset forfeiture as a powerful tool for recovering the proceeds of corruption, there is a corresponding need for a practical tool that jurisdictions contemplating NCB forfeiture legislation can use. This book is that practical tool. It is the first its kind on the subject and the first knowledge publication under the Stolen Asset Recovery (StAR) Initiative. A collaborative effort of practitioners of forfeiture and NCB forfeiture, this book identifies the key concepts—legal, operation, and practical—that an NCB asset forfeiture system should encompass to be effective in recovering stolen assets. Thirty-six key concepts are explored through practical experiences, examples from cases, and excerpt from NCB asset forfeiture legislation. Included in the book are tools that can be used by practitioners, such as samples of cases, investigative forms, court pleadings and pre-seizure planning guidelines.</p>
<p>Pieth, Mark, ed. <i>Recovering Stolen Assets</i>. New York: Peter Lang, 2008.</p>	<p>Development efforts will remain frustrated so long as corrupt leaders continue to steal their countries' wealth and dispose of these ill-gotten gains in foreign jurisdictions. The prevention of such looting, and the recovery of the stolen assets are thus critical development issues and a cornerstone of the United Nations Convention against Corruption (2003) (UNCAC). However, to date, experience with asset recovery is limited, and a number of legal and other obstacles continue to impede progress. Pieth's book is the first comprehensive work on asset recovery, written by renowned practitioners and academics representing different legal systems and countries, all of whom have extensive experience in the asset recovery field. The authors notably discuss the 'success stories' of the past (the recovery of the assets of Sani Abacha, Ferdinand Marcos and Vladimiro Montesinos) and the concrete challenges for the future with regard to search, seizure, confiscation and repatriation of stolen assets. The book also provides perspectives on the role of technical assistance and donors in asset recovery and the likely impact of the UNCAC.</p>

<p>Pieth, Mark, and Gemma Aiolfi, eds. <i>A Comparative Guide to Anti-Money Laundering: A Critical Analysis of Systems in Singapore, Switzerland, the UK and the USA</i>. Cheltenham: Edward Elgar, 2004.</p>	<p>All the major financial centres have experienced a rise in anti-money laundering rules and regulations. These rules, used as a weapon in the war on drugs, have more recently been deployed in the ongoing fight against terrorism. These developments, the authors reveal, have had serious consequences for banks and other financial institutions – affecting not only profit margins but also the way in which business is conducted. Topical and pertinent issues addressed in this book include questions such as, has all the recent legislative activity really put a stop to the problem? Are the international rules being implemented as carefully as they should? How level is the playing field in cross border banking? The regimes and implementation of anti-money laundering laws and regulations of four major, cross border, financial centers are also examined in depth: Switzerland, Singapore, the UK, and the USA.</p>
<p>Young, Simon, ed. <i>Civil Forfeiture of Criminal Property: Legal Measures for Targeting the Proceeds of Crime</i>. Cheltenham: Edward Elgar, 2009.</p>	<p>In this book, leading experts examine the civil and criminal forfeiture systems in Australia, Canada, China, Ireland, South Africa, the United Kingdom and the United States. In the fight against organized crime and international money laundering, there is a global trend for countries to enact forfeiture and confiscation laws that are applied through the civil process rather than the traditional criminal justice system. The authors gathered here analyze the appeal these civil forfeiture laws have for governments for their potential to disrupt criminal organizations and for their quantifiable benefits to the state. But without the usual safeguards of the criminal process, civil forfeiture laws are controversial, attracting constitutional challenges, particularly on human rights grounds.</p>

II. ARTICLES AND BOOK CHAPTERS

<p>Acquaah-Gaisie, Gerald Anselm. "Curbing Financial Crime among Third World Elites." <i>Journal of Money Laundering Control</i> 8 (2005): 371-81.</p>	<p>This article describes how African, Asian and Latin American elites - whether politicians, civil servants or businessmen - oppress and exploit their peasant populations by extorting commissions on foreign loan contracts and depositing the money in overseas banks; The article reports that an estimated \$20 billion leaves Africa in this way each year. It lists, alphabetically by country, examples of corruption in Africa Asia and Latin America. It discusses the consequences of corruption, how international banking institutions should continue to freeze and publicize these accounts, and recommends ways that the international community could attack the corruption problem.</p>
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<p>Adekoya, Charles A. "Structuring Money Laundering Control as a Mechanism for Controlling Corruption in Nigeria: Need for Enhanced International Cooperation." <i>International Journal of Liability and Scientific Enquiry</i> 1 (2008): 272-281.</p>	<p>Corruption, like money laundering, is a plague threatening development and entronement of good governance in most developing countries, including Nigeria. This article explores the structuring of money laundering control as a mechanism for effective control of the corruption pandemic in Nigeria and other developing countries of the world, through enhanced international cooperation, towards the entronement of good governance.</p>
<p>Bacarese, Alan. "Tracing, Freezing, Confiscating and Repatriating the Proceeds of Corruption." Paper presented at the annual Asia-Pacific regional seminar for the ADB/OECD, Bali, Indonesia, September 5-7, 2007.</p>	<p>These remarks provide an overview of main challenges to asset recovery posed by the implementation of the UNCAC. Paper available online at: http://www.baselgovernance.org/fileadmin/docs/pdfs/Bali/Alan_Bacarese.pdf</p>
<p>Bruggeman, W. "International Law Enforcement Cooperation: A Critical Assessment." <i>European Journal on Criminal Policy and Research</i> 9 (2001): 283-90.</p>	<p>Almost all European countries are member countries of Interpol, the World Customs Organization and the United Nations. Some of them are Benelux and Schengen countries, and 15 are EU Member States. With this in mind, Europe can be considered, in policing terms, as being made up of a series of concentric and overlapping circles. The map shows overlapping institutional sources, territorial remits, functional specializations and strategic emphasis. This article focuses on recent developments in European police co-operation, as well as judicial co-operation. The article notes that, based on a rather complex, and sometimes confusing patchwork of institutions, there is a growing influence of intergovernmental developments. In particular prevention and combating organized crime are the main reasons for new and more professional methods of improved horizontal co-operation.</p>
<p>Carver, Jeremy. "The Hunt for Looted State Assets: The Case of Benazir Bhutto." In <i>The Global Corruption Report</i>, edited by Robin Hodess, Tania Inowlocki, Diana Rodriguez, and Tony Wolfe, 102-4. London: Pluto Press / Berlin: Transparency International, 2004.</p>	<p>This short case study describes the various processes involved in tracing, freezing and attempting to repatriate the looted state assets in Bhutto's case. It also highlights the legal hurdles and challenges typical of such complex transnational asset recovery cases involving a range of jurisdictions, laws and practices. The entire report is available online at: http://www.transparency.org/publications/gcr/download_gcr/download_gcr_2004</p>

<p>Carranza, Ruben. "Plunder and Pain: Should Transitional Justice engage with corruption and Economic Crimes?" <i>International Journal of Transitional Justice</i> 2 (2008): 310-30.</p>	<p>This article examines the various points at which accountability for economic crimes, including large scale corruption, intersects with accountability for human rights violations. To date, transitional justice has largely compartmentalized legacies of abuse into those based on a narrow set of human rights violations and those based on economic crimes, which the author argues is an inadequate way to address both sets of abuses. Because corruption and human rights violations are mutually reinforcing forms of abuse, the field of transitional justice should approach economic crimes in the same way it approaches civil and political rights violations. The author suggests that traditional transitional justice mechanisms would be strengthened by an engagement with corruption and economic crimes, which would allow for both sources of impunity to be confronted.</p>
<p>Casella, Stefan. "The Case for Civil Forfeiture: Why in rem Proceedings are an Essential Tool for Recovering the Proceeds of Crime." <i>Journal of Money Laundering Control</i> 11 (2008): 8-14</p>	<p>This article is intended to illustrate the reasons why a legislature contemplating the enactment of a set of comprehensive asset forfeiture statutes to enhance the State's ability to recover the proceeds of crime should include provisions relating to in rem civil forfeiture. The article reviews the law-enforcement situations in which civil forfeiture statutes are essential to the State's ability to recover the proceeds of crime. The article concludes that in personam criminal forfeiture statutes, which authorize a court to impose forfeiture as an element of the defendant's sentence in a criminal case, are inadequate, by themselves, to allow the State to recover criminal proceeds, and that in rem civil forfeiture provisions must be included in a legislative scheme for it to be fully effective.</p>
<p>Chaiken, David. "Tracking the Proceeds of Organized Crime- the Marcos Case." Paper presented at the Conference on Transnational Crime convened by the Australian Institute of Criminology, Canberra, Australia, March 9-10, 2000.</p>	<p>This paper provides a summary of the legal and investigative issues arising in the attempt to recover Marcos assets from Switzerland. Paper available online at: http://www.aic.gov.au/conferences/transnational/chaikin.pdf</p>
<p>Chaiken, David. "Policy and Legal Obstacles in Recovering Dictator's Plunder." <i>Bond Law Review</i> 17 (2005): 25-46.</p>	<p>This article examines the effectiveness of the Swiss system of mutual assistance in criminal matters in recovering dictator's plunder. It deals with policy obstacles, such as the question of the legitimacy of the new government which has taken power from the deposed dictator, and legal obstacles such as Head of State immunity, and the freezing, confiscation, and repatriation of illicit assets. It argues that the Swiss system of mutual assistance has been too demanding and too slow in providing effective and efficient asset tracing and recovery Article available online at: http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1303&context=blr</p>

<p>Chaiken, David. "The Impact of Swiss Principles of Mutual Assistance on Financial and Fiscal Crimes." <i>Revenue Law Journal</i> 16 (2006): 192-214.</p>	<p>Contrary to what is generally believed, Switzerland cannot refuse assistance to a foreign country on the ground of bank secrecy. Switzerland's international cooperation in criminal cases is circumscribed by its principles of mutual assistance. This article explores Switzerland's mutual legal assistance regime and concludes that these principles act as firewalls in protecting fiscal secrets and incidentally limit more effective co-operation in dealing with international financial crimes. They also apply to administrative assistance and reduce the ability of foreign regulators to obtain important information to supervise their markets Available online at: http://epublications.bond.edu.au/rlj/vol16/iss1/9/</p>
<p>Choo, Kim-Kwang Raymond. "Politically Exposed Persons (PEPS): Risks and Mitigation." <i>Journal of Money Laundering Control</i> 10 (2008): 371-87.</p>	<p>The purpose of this article is to consider the risks posed by politically exposed persons (PEPs) and explain the money laundering risk when entering into financial transactions and business relationships with PEPs. The paper also outlines risk mitigation by regulated entities and corruption prevention strategies. The author notes that in order to minimize money-laundering risks associated with PEPs, legislation will need to adapt to deal with threats that organized criminals and terrorists seek to exploit. Future directions for research in relation to PEPs are also identified.</p>
<p>Daniel, Tim. "Repatriation of Looted State Assets: Selected Case Studies and the UN Convention against Corruption." In <i>The Global Corruption Report</i>, edited by Robin Hodess, Tania Inowlocki, Diana Rodriguez, and Tony Wolfe, 100-07. London: Pluto Press / Berlin: Transparency International, 2004.</p>	<p>This document is part of Chapter 6 (Legal hurdles: immunity, extradition and the repatriation of stolen wealth) of Transparency International's <i>Global Corruption Report 2004</i>. The document features the following case studies: Mobuto Sese Seko, Democratic Republic of Congo (formerly Zaire); Ferdinand Marcos, the Philippines; Sani Abacha, Nigeria; and Benazir Bhutto, Pakistan; The entire report is available online at: http://www.transparency.org/publications/gcr/download_gcr/download_gcr_2004</p>

Fofack, Hippolte, and Leonce Ndikumana. "Capital Flight Repatriation: Investigation of its Potential Gains for Sub-Saharan African Countries." (Paper presented at the annual international meeting for the African Development Bank, Tunis, Tunisia, November 12-14, 2008.)

The current debate on resource mobilization for development financing in Africa has overlooked the problem of capital flight, which constitutes an important untapped source of funds. This paper argues that repatriation of flight capital deserves more attention on economic as well as moral grounds. On the moral side, the argument is that a large proportion of the capital flight legitimately belongs to the African people and therefore must be restituted to the legitimate claimants. The economic argument is that repatriation of flight capital will contribute to propelling the sub-continent on a higher sustainable growth path while preserving its financial stability and independence and without mortgaging the welfare of its future generations through external borrowing. The anticipated gains from capital repatriation are large. In particular, this paper estimates that if only a quarter of the stock of capital flight was repatriated to SSA, the sub-continent would go from trailing to leading other developing regions in terms of domestic investment. The paper proposes some strategies for inducing capital flight repatriation, but cautions that the success of this program is contingent on a strong political will on the part of African and Western governments and effective coordination and cooperation at the global level. Paper available online at: <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Knowledge/30760492-EN-2.4.4-KF-REPATRIATION-FOFACK-AND-NDIKUMANA.PDF>

<p>Fendo, Julie. "Attacking the Tools of Corruption: The Foreign Money Laundering Deterrence and Anticorruption Act of 1999." <i>Fordham International Law Journal</i> 23 (2000): 1540-76.</p>	<p>This article examines the U.S. Money Laundering Deterrence and Anticorruption Act of 1999 ('FMLDA'). As the name suggests, this bill is designed to prevent and deter international money laundering by organized criminals, as well as money laundering by corrupt government officials. This Comment discusses the effect that international organized crime and foreign government corruption has upon money laundering, and the resultant need for the FMLDA. Part I of this Comment discusses the basic elements of money laundering and the criminal actors who launder money internationally. Part I also analyzes existing U.S. legislation designed to combat money laundering and the problems in the current legislation due to the globalization of international organized crime groups and government corruption. Part II explains the legislative history, purpose, and proposed provisions of the FMLDA. Part III advocates adoption of this Act. This part argues that the United States should no longer be complicit in the corruption and degradation of foreign governments via U.S. financial institutions. This Comment concludes that the rise of the laundering of funds derived from international organized crime and corruption requires the adoption of legislation typified by the FMLDA, which is designed to deal explicitly with international financial entities.</p>
<p>Ferstman, Carla. "The Repatriation Regime of the International Criminal Court: Practical Considerations." <i>Leiden Journal of International Law</i> 15 (2002): 667-86.</p>	<p>A key achievement of the International Criminal Court is its acknowledgement of the rights of victims to participate in proceedings and to seek reparation before the Court. This article analyses some of the specific challenges relating to the ICC reparations regime, stemming from the interplay between the ICC and national courts on such issues as tracing assets and implementing protective measures, and in enforcing the ICC's reparations orders. A review of several examples of legislation adopted by states parties on cooperation with the ICC is undertaken with a view to examining its potential impact on these issues.</p>

<p>Gill, Martin, and Geoff Taylor. "Preventing Money Laundering or Obstructing Business?: Financial Companies' Perspectives on 'Know Your Customer' Procedures." <i>The British Journal of Criminology</i> 44 (2004): 582-94.</p>	<p>The value of different types of regulation regimes as a response to different types of financial crime has been widely discussed by criminologists around the world. Yet, the relatively new regime for regulating money laundering in the UK has been subject to relatively little research. This article, which is based on a research study, examines one aspect of it that is the process of identifying customers, which is widely accredited by regulatory authorities as a vital step in the prevention of money laundering. It is argued that the rush to respond to the serious threat posed by money laundering must take account of the experiences of the regulated, who are suggesting that the requirements of KYC are disproportionate to the risk. The article ends by suggesting that the regulators may look to a revision of their own risk-based approach as a next step in improving the ability of the financial sector to detect suspicious transactions.</p>
<p>Haynes, Andrew. "The Wolfsberg Principles: An Analysis." <i>Journal of Money Laundering Control</i> 7 (2004): 207-17.</p>	<p>This article explains how the Wolfsberg Principles came about in late 2000, when leading banks met at Wolfsberg Castle in Switzerland to improve private banking standards for combating the huge amounts of money being laundered; two further sets of Principles have appeared since the original. It discusses the reasoning behind the Principles: to create a common standard which would lessen the complexity and uncertainty from running multinational banks across disparate anti-money laundering regimes. It also lists the Wolfsberg Principles Relating to the Suppression of Terrorism, and concludes that they represent a triumph of risk-based over rule-based management; this should result in more precise and practice-based regulations than from the traditional regulator-led compliance approach.</p>
<p>Hershman, Michael J. "Asset Recovery." In <i>PLI Corporate Law and Practice Course Handbook Series</i>, 587-605. New York: Practising Law Institute, 2002.</p>	<p>Asset forfeiture, the confiscation of illegally obtained or used property, is an integral component of a coherent anti-money-laundering policy. This document outlines major legal instruments that are used as part of asset recovery in cases of political corruption, where funds from a victim state are located in other countries.</p>

<p>Ige, Bola. "Abacha and the Bankers: Cracking the Conspiracy." <i>Forum on Crime and Society</i> 2 (2002): 111-7.</p>	<p>This article examines the corruption scandal around Sani Abacha, former dictator of Nigeria, which involved allegations of the misappropriation of funds from Nigeria's Central Bank, bribe taking from foreign companies and kickbacks on contracts. Most of the assets were channeled abroad through simple bank transfers, in cheques, or in cash and paid into accounts or shell companies owned by Abacha or family members. The military regime succeeding Abacha could strong powers to recover assets; the democratic regime turned to freezing alleged criminal assets abroad with the cooperation of banks in Switzerland, the USA, Lichtenstein and Luxembourg. However it appears future cooperation will require the conviction of members of the Abacha family for fraud and money laundering. Nigeria lacked technical capacity in asset freezing and had to employ private lawyers operating out of the countries that had received requests for mutual legal assistance from the Nigerian government. This article demonstrates some of the difficulties involved in asset recovery and calls for the development of a special UN body to assist developing countries in policies of asset recovery. Entire journal issue available online at: http://www.u4.no/pdf/?file=/document/literature/ige-2002-abacha-and-the-bankers.pdf.</p>
<p>Johnson, Jackie. "How Will the Financial Services Sector Respond to the Financial Action Task Force's Increased Customer Due Diligence Requirements?" <i>Journal of International Banking Regulation</i> 5 (2003): 127-46.</p>	<p>In May 2002, the Financial Action Task Force (FATF) released a consultation paper detailing likely changes to their Forty (anti-money laundering) Recommendations. They invited comments from interested parties on issues still under consideration. Following the receipt of comments, in June 2003 they released their substantially revised Forty Recommendations. The aim of this article is to use the responses to the consultation paper as a means of judging the reactions of the financial services sector to the FATF's new customer due diligence (CDD) procedures contained in their updated Forty Recommendations.</p>
<p>Johnson, Jackie. "Little Enthusiasm for Enhanced CDD of the Politically Connected." <i>Journal of Money Laundering Control</i> 11 (2008): 291-302.</p>	<p>The purpose of this article is to determine whether countries are implementing enhanced customer due diligence (CDD) for financial transactions with the politically connected. It was found that there are low levels of compliance with recommended best practice when handling transactions with politically exposed persons, leaving the global financial network open to abuse by those in public office. The conclusion is the lack of scrutiny of financial transactions of the politically connects puts the global financial system at risk and allows corruption at the highest levels to flourish.</p>

<p>Johnston, R. Barry, and Ian Carrington. "Protecting the Financial System from Abuse: Challenges to Banks in Implementing AML/CFT Standards." <i>Journal of Money Laundering Control</i> 9 (2006): 48-61.</p>	<p>The purpose of this article is to examine the implications of the changing compliance environment confronting banks as the international anti-money laundering/combating the financing of terrorism (AML/CFT) standards have become more rigorous and more attention is paid to integrity related concerns by supervisors and market participants. The authors found banks are facing increasing pressure from a number of sources to improve their compliance with AML/CFT and integrity related standards, and a number of institutions are responding positively to the challenge to establish robust AML/CFT regimes. However, there is a risk of disruption of legitimate business lines. In conclusion, striking the right balance in protecting systems from abuse while avoiding disruption to legitimate business lines will require further research on how best to implement the standards.</p>
<p>Jorge, Guillermo. "Note on Asset Recovery in the U.N. Convention against Corruption." Paper presented at the annual meeting of the American Bar Association, San Francisco, CA, August 7-12, 2003.</p>	<p>This paper provides an overview of the asset recovery measures included in the UN Convention against corruption and provides context for the different provisions included in the convention. Available online at American Bar Association International Law Section web site at: http://www.abanet.org/intlaw/hubs/programs/Annual0316.03-16.06.pdf</p>
<p>Kaye, Nicholas. "Freezing and Confiscation of Criminal Proceeds." <i>Revue Internationale de Droit Penal</i> 77 (2006): 323-21.</p>	<p>This article provides an overview of various mechanisms for freezing and confiscating assets that are the proceeds of crime including: International Instruments on Freezing and Confiscation of Criminal Assets; EU Instruments on Freezing and Confiscation of Criminal Assets and an Analysis of Possible Future EU measures in the Freezing and Confiscation of Criminal Assets.</p>
<p>Kennedy, Anthony. "Designing a Civil Forfeiture System: An Issues List for Policymakers and Legislators." <i>Journal of Financial Crime</i> 13 (2006): 132-63.</p>	<p>In recent years an emerging global trend of introducing legislation to use civil procedures against criminal assets can be detected. However, these civil forfeiture models, which exist, vary from jurisdiction to jurisdiction. This article seeks to identify issues which need to be considered when such a scheme is being designed and examines the options which have been adopted. It examines the legislative provisions in a number of jurisdictions setting out the common issues which have arisen and the range of options which have attempted as potential solutions. The article concludes that jurisdictions which seek to introduce civil forfeiture legislations now have various examples from which to learn but that these models will likely evolve in the face of litigation and experience as legislatures and policymakers attempt to produce fair but effective procedures for the civil recovery of criminal proceeds.</p>

<p>Kennedy, Anthony. "Winning the Information Wars: Collecting, Sharing and Analysing Information in Asset Recovery Investigations." <i>Journal of Financial Crime</i> 14 (2007): 372-404.</p>	<p>This article identifies financially related, personal information as the "raw material" of successful asset recovery investigations. The article aims to examine the mechanisms which investigators may use to gather such information and the legal barriers to information gathering. The authors found it is the State's obligation to deliver criminal asset recovery in the most efficient and cost-effective way, consistent with privacy rights and obligations, providing value for money in what is delivered by law enforcement. Doing so will require making better use of financial information held by public sector agencies. The article identifies: the need to keep the legal tools used to obtain information under regular review; eight core information skills which investigators must develop for effective asset recovery; and the importance of a multi-disciplinary approach in analyzing financial information.</p>
<p>Kilchling, Michael. "Comparative Perspectives on Forfeiture Legislation in Europe and the United States." <i>European Journal of Crime, Criminal Law and Criminal Justice</i> 5 (1997): 342-61.</p>	<p>This article presented findings and conclusions from a comparative study on forfeiture legislation implemented in 10 European countries and the United States.</p>
<p>Kilchling, Michael. "Tracing, Seizing and Confiscating Proceeds from Corruption (and other Illegal Conduct) Within or Outside the Criminal Justice System." <i>European Journal of Crime, Criminal Law and Criminal Justice</i> 9 (2001): 264-80.</p>	<p>This article examines criminal policy relating to money laundering. The article explores the German academic debate over use of money laundering as a tool in criminal law and notes that notwithstanding criticism, the concept of money laundering has, based on manifold international conventions and treaties, become a prominent role in the fight against organized crime in German criminal policy as well.</p>
<p>Kofele-Kale, Ndiva. "Change or the Illusion of Change: The War Against Official Corruption in Africa." <i>George Washington International Law Review</i> 38 (2008): 697-747.</p>	<p>This article explores the issue of corruption prosecutions in Africa. After an introduction which states that African nations have made little progress in prosecuting corrupt officials, part II of this Article explores the historical context of the fight against corruption in post-colonial Africa, examining both the early and contemporary efforts by African governments to build a corruption-free society. Part III explores the various initiatives taken at the regional, continental, and global levels by African governments to combat corruption. A critical evaluation of the African response to the problem of corruption is the focus of Parts IV and V of this article, while Part VI concludes with a discussion on the war against official corruption in Africa, accompanied by suggestions for improving the pan-African regime against corruption.</p>

<p>Kofele-Kale, Ndiva. "Presumed Guilty: Balancing Competing Rights and Interests in Combating Economic Crimes." <i>International Lawyer</i> 40 (2006): 909-44.</p>	<p>This article examines the juridical basis of the right of an accused in a corruption action to be presumed innocent until proved guilty by the requisite standard of proof by the prosecution and the rationale for relaxing this right, which is guaranteed all accused persons, by shifting the burden to the accused to disprove his guilt in order to advance an overriding public interest. The conflict between these two sets of rights, one individual and the other collective; raises a number of questions are also addressed. More generally, it brings to the fore the weight to be given the due process protections found in all international human rights instruments, as well as whether these protections can be derogated in favor of reverse burden provisions and under what circumstances a court will justify any derogations from the right to presumption of innocence in criminal trials.</p>
<p>Low, Lucinda A., Andrea K. Bjorklund, and Kathryn Cameron Atkinson. "The Inter-American Convention Against Corruption: A Comparison with the Unites States Foreign Corrupt Practices Act." <i>Virginia International Law Journal</i> 38 (1998): 243-92.</p>	<p>This article compares key aspects of these two legal weapons against corruption. Part II of this article provides an overview of the Convention. Part III summarizes the provisions of the FCPA. Part IV compares the Convention to U.S. law, focusing on three areas: First, it compares the Convention to U.S. measures to combat bribery of foreign officials, principally, but not limited to, the FCPA, and examines allocation of jurisdictional competence; second, it examines the Convention's illicit enrichment and ethics-in-government provisions from a U.S. law perspective; and, finally, it seeks to show how the Convention's enforcement regime fits with existing U.S. law and treaties and addresses issues of extradition and double jeopardy.</p>
<p>McMillan, John, and Pablo Zoido. "How to Subvert Democracy: Montesinos in Peru." Working paper 280, John M. Olin Program in Law and Economics, Stanford Law School, Stanford, CA, 2004.</p>	<p>This article explores the question which of the democratic checks and balances — opposition parties, the judiciary, a free press — is the most forceful? This article examines the situation of Peru and the corruption scandal involving Montesinos. Peru has the full set of democratic institutions. In the 1990s, the secret-police chief Montesinos systematically undermined them all with bribes. The authors quantify the checks using the bribe prices. Montesinos paid a television-channel owner about 100 times what he paid a judge or a politician. One single television channel's bribe was five times larger than the total of the opposition politicians' bribes. By revealed preference, the strongest check on the government's power was the news media. Paper available online at: http://iis-db.stanford.edu/evnts/3823/Montesinos_0421.pdf</p>
<p>Lusty, David. "Civil Forfeiture of Proceeds of Crime in Australia." <i>Journal of Money Laundering Control</i> 5 (2002): 345-59.</p>	<p>This article summarizes the experience of Australia with the civil forfeiture process.</p>

<p>Morais, Herbert V. "Fighting International Crime and Its Financing: The Importance of Following a Coherent Global Strategy Based on the Rule of Law." <i>Villanova Law Review</i> 50 (2005): 583-644.</p>	<p>This article examines some of the legal measures taken at the international level to fight international crime, beginning with a brief introduction to some of the historical antecedents. It then focuses in greater detail on the measures adopted by international agencies to combat such crime. The article argues that these measures have, in many cases, been inadequate, inappropriate or poorly implemented. In the case of terrorism, the problem has been compounded by the United States adopting questionable political and military strategies that are not generally supported by the international community. The resulting lack of an international consensus on a single, well-thought out strategy poses serious obstacles to winning the war against international crime, particularly against terrorism.</p>
<p>Ocheje, Paul. "Refocusing International Law on the Quest for Accountability in Africa: The Case Against the "Other" Impunity." <i>Leiden Journal of International Law</i> 15 (2002): 749-79.</p>	<p>This article argues that the harrowing consequences of official corruption for African societies elevate corruption to the level of a breach of the social and economic rights recognized in international human rights law. Yet, unlike in the case of violation of civil and political rights, the principle of non-intervention in the internal affairs of sovereign states seems to provide a convenient excuse for the inaction of the international community in the face of egregious violation of social and economic rights. This inaction, the article argues, is part of the reason why corrupt public officials in Africa perpetrate graft and openly accumulate illicit gains at home and abroad without fear of punishment. The article, therefore, suggests two things: elevation of corruption to the status of a crime in positive international law, and expansion of the jurisdiction of the International Criminal Court to include official corruption and looting of public funds.</p>
<p>Opara, Ijeoma. "Nigerian Anti-Corruption Initiatives." <i>Journal of International Business and Law</i> 6 (2007): 65-93.</p>	<p>This article examines the history of corrupt practices in Nigeria. The article explores the Extractive Industries Transparency Initiatives in depth and its impact on the Nigerian anti- corruption fight. Finally, the paper concludes by showing that although Nigeria has taken big steps towards combating corruption, more is still to be done.</p>

<p>Pilecki, Paul S., and Michael A. Mancusi. "Riggs Order Articulates Bank Secrecy Act Compliance Requirements." <i>Journal of Investment Compliance</i> 5 (2004): 85-6.</p>	<p>This article summarizes the situation where Riggs Bank N.A. of Washington, DC was implicated in money laundering. Riggs entered into a consent order with the Office of the Comptroller of the Currency in July 2003 and received a cease and desist order from the Federal Reserve Board later that year. It was also assessed a \$25 million penalty by the Financial Crimes Enforcement Network (FinCEN) in May 2004, all for Bank Secrecy Act violations. In discussing the violations that occurred, FinCEN articulated internal control, customer due diligence, compliance monitoring, and independent testing standards that Riggs did not meet, and that other institutions should regard as rules of general applicability.</p>
<p>Ramasastri, Anita. "Secrets and Lies? Swiss Banks and International Human Rights." <i>Vanderbilt Journal of Transnational Law</i> 31 (1998): 325-456.</p>	<p>This article explores the relationship of Swiss banks and their tradition of bank secrecy to the activities of a particular group of depositors: war criminals and other human rights violators. The article focuses on litigation brought in U.S. courts by plaintiffs seeking access to Swiss bank deposits made by the Nazis and Ferdinand Marcos. The article examines the possibility of holding banks accountable under international law for assisting a customer who has committed a serious breach of international law. Part I introduces the role of bank secrecy in the current litigation. Part II describes the Swiss tradition of bank secrecy. Part III examines the continued popularity of Swiss banks as loci for the "retirement accounts" of dictators, despite Swiss reform efforts. Part IV analyzes the Holocaust Victims Asset Litigation and discusses the claims in detail. Part V describes the Marcos human rights litigation as an example of claims that Swiss banks were functioning as agents of a dictator. Part VI discusses the possible establishment of "indigenous spoliation" as an international crime, and its possible application to culpable bankers. Part VII summarizes the lessons of the Marcos and Holocaust cases, and notes especially the need for clearer legal standards and effective international legal mechanisms.</p>

<p>Ramasastri, Anita. "Odious Debt or Odious Payments? Using Anti-Corruption Measures to Prevent Odious Debt." <i>North Carolina Journal of International Law and Commercial Regulations</i> 23 (2007): 819-39.</p>	<p>This article focuses on emerging anti-corruption mechanisms as a means of dealing with odious payments and odious debt. It also focuses on the role of financial institutions (banks) as gatekeepers. Part I of this article focuses on the way in which banks are involved in odious payments: lending or extending credit, advising corrupt regimes, and helping hide the assets of political elites. Part II examines the use of a "publish what you lend" framework to provide for transparency in sovereign lending. Part III focuses on the use of anti-corruption measures to deal with capital flight. The use of procedures, such as heightened scrutiny for politically exposed persons, may be an important step in stopping capital flight when odious debt payments are being concealed by financial institutions. Also, the criminalization of illicit enrichment or inexplicable wealth may prove a valuable tool for prosecuting corrupt leaders.</p>
<p>de Ruig, Rupert. "Tracking Politically Exposed Persons: A Difficult (and Now Enforceable) Procedure." <i>The RMA Journal</i> 89 (2006): 54-7.</p>	<p>This article provides a practitioner's perspective on how to comply with new regulatory requirements for dealing with politically exposed persons including FATF recommendations. Available online at: http://www.solutions.dowjones.com/watchlist/press/rma_journal.pdf</p>
<p>Rider, Barry A.K. "Recovering the Proceeds of Corruption." <i>Journal of Money Laundering Control</i> 10 (2007): 5-32.</p>	<p>Until very recently there was little real concern in governments and inter-governmental organizations to address the problems and issues of corruption in the context of sustainable development and stability. This article aims to focus on the present situation with regard to asset recovery in the domestic and international arena.</p>
<p>Robitaille, Adam C. "The Marcos Cases: A Consideration of the Act of State Doctrine and the Pursuit of the Assets of Deposed Dictators." <i>Boston College Third World Law Journal</i> 9 (1989): 81-115.</p>	<p>This article analyzes the legality and political importance of the Aquino government's pursuit of real property in the United States controlled by the Marcoses. First, the history of the act of state doctrine is briefly discussed. Second, the use of the act of state doctrine in the Marcos case is examined, as well as the courts' interpretations of the doctrine in those cases. The reasons for the inconsistent interpretations of the doctrine and important legal issues not considered by the courts will then be raised. The article concludes by reporting on and advocating suggestions for legislation or treaties, including the International Emergency Economic Powers Acts, that may facilitate the pursuit of fleeing dictators' assets.</p>

<p>Rosdol, Alexa. "Are OFCs Leading the Fight against Money Laundering?" <i>Journal of Money Laundering Control</i> 10 (2007): 337-51</p>	<p>This article examines if recent changes to the law and practice of certain offshore financial centres (OFCs) means that some OFCs now have more stringent anti-money laundering measures in place compared to their "onshore" counterparts. The analysis focuses on the Crown Dependencies and the British Overseas Territories of Bermuda and the Cayman Islands. The "onshore" jurisdictions include the UK, the USA and Australia. Comparison of the implementation of the FATF 40 Recommendations (using the most recent IMF Assessments), trust and company services legislation, and the "Know Your Customer" requirements. The article concludes that the Crown Dependencies and the selected Overseas Territories are not only keeping up with the USA, the UK and Australia but in many cases "outdoing" the AML/CFT regimes of these onshore jurisdictions.</p>
<p>Scher, Daniel. "Asset Recovery: Repatriating Africa's Looted Billions." <i>African Security Review</i> 14 (2005): 17-26.</p>	<p>A recent European Commission report estimated that "stolen African assets equivalent to more than half of the continent's external debt are held in foreign bank accounts". Following the international legal precedent set by the Holocaust Claims Commission in recovering assets stolen from the Jewish people by the Nazi regime, some African leaders have begun to focus on the repatriation of these looted African assets as an important element of anti-corruption efforts. Asset recovery is fraught with the complicity of the banks involved, the navigation of a costly international legal labyrinth and the fact that those most implicated in public looting usually have the most power and influence. This article addresses the history and context of asset recovery on the continent. It traces the experiences of two African states, Kenya and Nigeria that have attempted to repatriate some of their lost wealth while facing significant obstacles at home and abroad.</p>
<p>Serio, M. "Politically Exposed Persons: AML, Taking the Profit Out of Corruption and Problems for the Banks." <i>Journal of Money Laundering Control</i> 11 (2008): 269-72.</p>	<p>The purpose of this article is to demonstrate how political corruption may be combated through measures aimed at making it less profitable and more subjected to public controls via banking reports of all relevant deposits. The article provides a brief description of a few European legal System with a particular focus on Italy.</p>
<p>Shams, Heba. "The Fight Against Extraterritoriality: Corruption and the Use of Money Laundering Control." <i>Law and Business Review of the Americas</i> 7 (2001): 85-133</p>	<p>This article is concerned with the use of money laundering control in the fight against corruption. The core argument is that money laundering control allows the states as members of the international community to extend the reach of their laws to corrupt practices in other countries where the corrupt ruling regime necessarily inhibits any local attempt at penalising its corruption.</p>

<p>Shehu, Abdullahi Y. “Combating Corruption in Nigeria – Bliss or Bluster?” <i>Journal of Financial Crime</i> 12: (2004): 69-87.</p>	<p>This article gives an overview of the corruption situation in Nigeria. It discusses its possible causes, which are seen to be rooted in sociocultural practices and the political and economic situation of the country; however, the greatest cause is the lack of political will to deal with it. It outlines recent efforts to combat corruption, including the establishment of the new Anti-Corruption Convention and the assistance of the United Nations and donor countries. The article also focuses on the Abacha case and its lessons, mentioning the specific challenges of global enforcement. The article concludes that even the new democratic government’s efforts to eliminate corruption are unlikely to be entirely successful.</p>
<p>Shehu, Abduhalli Y. “International Efforts against Money Laundering and Corruption: An Overview.” <i>Journal of Financial Crime</i> 12 (2005): 221-45.</p>	<p>This article examines in detail the various international, legal, policy and institutional principles to deal with money laundering and corruption. It begins with the many United Nations (UN) initiatives: the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 2000 Convention against Transnational Organized Crime, Convention against Corruption, Convention for the Suppression of the Financing of Terrorism, Global Programme against Money Laundering, Global Programme against Corruption, Global Programme against Terrorism, Global Programme against Transnational Organised Crime, and Global Programme against Trafficking in Human Beings. The article also discusses the Financial Action Task Force on Money Laundering, the Asia/Pacific Group on Money Laundering, the Inter-governmental Action Group against Money Laundering in West Africa, the Egmont Group, Interpol, Organisation for Economic Cooperation and Development (OECD) initiatives, Basel Declarations, Council of Europe Convention/Directives, Europol, the African Union Convention on Preventing and Combating Corruption, Transparency International, and the Wolfsberg Initiative.</p>
<p>Shider, Thomas R., and Won Kidane. “Combating Corruption Through International Law in Africa: A Comparative Analysis.” <i>Cornell International Law Journal</i> 40(2007): 691-748.</p>	<p>This article provides a comparative analysis of the substantive provisions of the Foreign Corrupt Practices Act with the various international corruption conventions with a particular focus on the newly adopted African Corruption Convention.</p>
<p>Simser, Jeffrey. “The Significance of Money Laundering: The Example of the Philippines.” <i>Journal of Money Laundering Control</i> 9 (2006): 293-302.</p>	<p>The purpose of this article is to examine money laundering generally and the response of one jurisdiction, the Philippines, to international pressure for anti-money laundering measures.</p>

<p>Sproat, Peter Alan. "An Evaluation of the UK's Anti-Money Laundering and Asset Recovery Regime." <i>Crime Law and Social Change</i> 47 (2007): 169-184.</p>	<p>This article describes the UK's anti-money laundering and asset recovery laws and the aims and objectives behind the regime since the introduction of the Proceeds of Crime Act in 2002. It then evaluates the regime in terms of the amount of criminal assets recovered, its application against organized crime and its impact upon the price of illegal drugs.</p>
<p>Webster, Mary Evans. Note, "Fifteen Minutes of Shame: The Growing Notoriety of Grand Corruption." <i>Hastings International and Comparative Law Review</i> 31 (2008): 807-26.</p>	<p>This note examines grand corruption, provide a survey of recent efforts to combat such flagrant abuses of power, and assess the relationship between grand corruption and international legal development. Part II draws a distinction between administrative and grand corruption and examines one of the most egregious cases of grand corruption and kleptocracy from the latter half of the twentieth century. Part III addresses recent efforts of the United Nations, the World Bank, and the United States to fight grand corruption Part IV explores the relationship between grand corruption and legal development. It looks at the relationship between law and politics in fighting grand corruption and addresses the difficulty of using development aid to fight grand corruption Lastly; Part V examines a number of legal approaches to fighting grand corruption.</p>

III. UNITED NATIONS PUBLICATIONS

<p>UN Office on Drugs and Crime. Informal Expert Working Group on Mutual Legal Assistance Casework Best Practice: Report. Vienna: UNODC, 2001.</p>	<p>UNDCP's Legal Advisory Programme organized an informal expert working group ("EWG") of mutual legal assistance practitioners from central authorities designated under article 7 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 ("the 1988 Convention"). The EWG meeting Vienna, 3-7 December 2001 developed a set of best practices in the area of mutual legal assistance. Document available online at: http://www.unodc.org/pdf/lap_mlaeg_report_final.pdf</p>
<p>UN Office on Drugs and Crime. The Global Programme against Corruption: UN Anti-corruption Toolkit. 3rd ed. Vienna: UNODC, 2004.</p>	<p>The Toolkit is part of a larger package of materials intended to provide information and resource materials for countries developing and implementing anti-corruption strategies at all levels, as well as for other elements of civil society with an interest in combating corruption. See Chapters VI (Enforcement), VII (Monitoring and Evaluation), VIII (International Legal Cooperation) and X (Recovery of Proceeds of Corruption). Available online at: http://www.unodc.org/documents/corruption/publications_toolkit_sep04.pdf</p>

<p>UN Conference of the State Parties to the United Nations Convention against Corruption, Asset Recovery: Background Paper. Geneva: UN Secretariat, 2006.</p>	<p>This paper outlines work leading up to the UNCAC and the United National’s involvement in asset recovery initiatives and policy development. Paper available online at: http://www.unodc.org/pdf/crime/convention_corruption/cosp/session1/V0658399e.pdf</p>
<p>UN Office on Drugs and Crime. Legislative Guide for the Implementation of the United Nations Convention against Corruption. Vienna: UNODC, 2006.</p>	<p>The United Nations Convention against Corruption was adopted by the General Assembly by its resolution 58/4 of 31 October 2003. The objective of the present practical legislative guide is to assist States seeking to ratify and implement the Convention by identifying legislative requirements, issues arising from those requirements and various options available to States as they develop and draft the necessary legislation. See especially pages 229-266 focused on implementation of Chapter V of UNCAC on Asset Recovery. The Guide is available online at: http://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf</p>
<p>UN Office on Drugs and Crime. The Mutual Legal Assistance Request Writer Tool.</p>	<p>As part of its legal assistance services to States to help effectively implement those instruments, the United Nations Office on Drugs and Crime’s Legal Advisory Programme has developed a Mutual Legal Assistance Request Writer Tool to help practitioners draft effective requests, receive more useful responses and streamline the process. It can be used for all serious offences in a State, not just those covered by the international conventions. The online tool is available at: http://www.unodc.org/mla/</p>
<p>UN Secretary-General. Preventing and Combating Corrupt Practice and Transfer of Assets of Illicit Origin and Returning such Assets to the Countries of Origin: Report of the Secretary-General. New York: UN General Assembly, 2006.</p>	<p>This report of the UN Secretary General on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets to the country of origin was adopted on 25 July 2006 by the United Nations General Assembly. The report is available online at http://www.ipu.org/splz-e/unga06/corruption.pdf</p>
<p>UN Office on Drugs and Crime and The World Bank. Stolen Asset Recovery (StAR) Initiative: Challenges, Opportunities, and Action Plan. Washington, DC: UNOCD / WB, 2007.</p>	<p>This report outlines StAR’s action plan and also provides cases studies of asset recovery initiatives from Nigeria, the Philippines and Peru. The report is available online at: http://siteresources.worldbank.org/NEWS/Resources/Star-rep-full.pdf.</p>

<p>UN Conference of the State Parties to the United Nations Convention Against Corruption. Meeting of the Open-ended Intergovernmental Working Group on Asset Recovery: Reports. Vienna: UNCAC, 2007-8.</p>	<p>At its first session, held in Amman from 10 to 14 December 2006, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 1/4 entitled “Establishment of an intergovernmental working group on asset recovery”. In that resolution, the Conference decided to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption and rule 2, paragraph 2, of the rules of procedure for the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption.</p> <p>Documents from First Intersessional Meeting (Vienna, Austria, 27-28 August 2007): http://www.unodc.org/unodc/en/treaties/CAC/working-group2-meeting1.html including Report of Intergovernmental Working Group CAC/COSP/2008/4 http://www.unodc.org/pdf/crime/convention_corruption/cosp/session2/V0786457e.pdf.</p> <p>Documents from Second Intersessional Meeting (Vienna, Austria, 25-26 September 2008): http://www.unodc.org/unodc/en/treaties/CAC/working-group2-meeting2.html including Report of Intergovernmental Working Group CAC/COSP/WG.2/2008/3: http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/25-26September2008/V0857423e.pdf.</p>
<p>UN Conference of the State Parties to the United Nations Convention against Corruption. Translating Asset Recovery into Practice: Background Paper. Vienna: UN Secretariat, 2008.</p>	<p>This paper is meant to provide background information to support the work of the open-ended Working Group on Asset Recovery and to assist it in the implementation of its mandate. To that end, it provides an update on current activities for asset recovery, takes stock of the action taken for the implementation of the recommendations of the Working Group and reflects on the technical assistance needs for asset recovery indicated by States in their self-assessment reports. This information may assist the Working Group on Asset Recovery in giving guidance to the Conference towards the creation of fully operational systems for asset recovery. Available online at: http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/25-26September2008/V0855859e.pdf</p>
<p>UN Conference of the State Parties to the United Nations Convention against Corruption. Asset Recovery on the Road to Doha: Activities under the Stolen Asset Recovery Initiative: Background Paper. Vienna: UN Secretariat, 2009.</p>	<p>This paper summarizes StAR’s work plan and its projects and activities in the area of research, technical assistance and capacity building. Available at: http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2009-May-14-15/V0981905e.pdf</p>

IV. ASIAN DEVELOPMENT BANK (ADB)/ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) PUBLICATIONS

<p>ADB/OECD Anti-Corruption Initiative for Asian and the Pacific. Anti-Corruption Policies in Asia and the Pacific: Progress in Legal and Institutional Reform in 25 Countries. Manila: ADB / OECD, 2006.</p>	<p>The publication is based on information provided by the governments that have endorsed the Anti-Corruption Action Plan for Asia and the Pacific through self-assessment reports and through publicly available information on the relevant institutions' official websites. The report covers Australia; Bangladesh; Cambodia; Cook Islands; Fiji Islands; Hong Kong, China; India; Indonesia; Japan; Republic of Kazakhstan; Republic of Korea; Kyrgyz Republic; Malaysia; Mongolia; Nepal; Pakistan; Papua New Guinea; Philippines; Samoa; Singapore; and Vanuatu. Available online at: http://www.adb.org/Documents/Books/Anti-Corruption-Policies/default.asp</p>
<p>ADB/OECD Anti-Corruption Initiative for Asian and the Pacific. Asset Recovery and Mutual Legal Assistance in Asia and the Pacific: Proceedings. Bali: ADB / OECD, 2007.</p>	<p>Hosted and co-organized by the Corruption Eradication Commission of Indonesia, this regional technical seminar gathered more than 150 experts from the Initiative's member countries, observer countries, and OECD member countries in Bali on 5–7 September 2007. This volume compiles the experience shared by experts during the seminar. It is addressed to policy makers, practitioners, and experts who wish to learn from experiences of other countries in strengthening frameworks and practices for mutual legal assistance and the recovery of assets from abroad. Available online at: http://www.adb.org/Documents/Books/Asset-Recovery/Asset-Recovery.pdf</p>
<p>Development Partnership Forum on Improving Donor Effectiveness in Combating Corruption. Final Report and Program Notes. Paris: OECD DCD-DAC / Transparency International, 2004.</p>	<p>The Development Partnership Forum on Improving Donor Effectiveness in Combating Corruption, organised jointly by the OECD Development Assistance Committee (DAC) and Transparency International took place at the Pierre Mendès France Conference Centre at the French Ministry of Economy and Finance (Bercy) on 9-10 December. The Forum aimed to improve donor effectiveness in combating corruption and was built around three specific themes: (i) improving donor action in supporting anti-corruption programmes in partner countries; (ii) assessing donor practices and aid modalities in a corruption perspective; and (iii) taking concerted action. Final report available at: http://www.oecd.org/dataoecd/34/10/34542653.pdf. Program notes available at: http://www.oecd.org/dataoecd/38/32/34027390.pdf Proceedings available online at: http://www.oecd.org/document/27/0,3343,en_2649_34565_33768987_1_1_1,00.html.</p>

<p>F. Hussain. Seizure, Confiscation and Asset Recovery: Background Paper. Pakistan: ADB / OECD, 2005. Available online at: www.oecd.org/dataoecd/21/4/35167365.pdf ; ADB/OECD Anti-Corruption Initiative for Asia and the Pacific. Denying Safe Haven to the Corrupt and the Proceeds of Corruption: Enhancing Asia-Pacific Cooperation on Mutual Legal Assistance, Extradition, and Return of the Proceeds of Corruption. Kuala Lumpur: ADB / OECD, 2006.</p>	<p>This book captures the legal and practical challenges of mutual legal assistance and extradition, as well as solutions for improvement, discussed during a March 2006 training seminar in Kuala Lumpur, Malaysia. Experts from 26 Asia-Pacific countries and countries party to the OECD Anti-Bribery Convention attended this ADB/OECD Anti-Corruption Initiative for Asia and the Pacific seminar on Enhancing Asia-Pacific Cooperation on Mutual Legal Assistance, Extradition, and the Recovery and Return of the Proceeds of Corruption. Available online at: http://www.adb.org/Documents/Books/Denying-Safe-Haven/Denying-Safe-Haven.pdf.</p>
<p>ADB/OECD Anti-Corruption Initiative for Asia and the Pacific. Mutual Legal Assistance, Extradition and the Recovery of Proceeds of Corruption in Asia and the Pacific. Paris: ADB / OECD, 2007.</p>	<p>Bringing the corrupt to justice and recovering the proceeds of corruption have become more challenging as people and assets cross borders with ever greater ease. While law enforcement increasingly depends on international cooperation to gather evidence and apprehend fugitives the mechanisms for mutual legal assistance (MLA) and extradition remain inadequate. The member jurisdictions of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific have taken stock of their frameworks and practices in this area to boost their effectiveness. This volume contains the final report of this exercise. It highlights strengths and weaknesses of existing regulatory models, policies, and practices; provides policymakers with recommendations to strengthen existing frameworks; and outlines policy options to implement these recommendations. This volume is addressed to policy makers who endeavor to enhance policies for MLA, extradition, and recovery of assets and, as a practical manual, to practitioners and prosecutors who seek information on the requirements for MLA and extradition in a country they wish to approach to request legal assistance. See particularly Chapter VII (Mutual Legal Assistance and Repatriation of the Proceeds of Corruption). Available online at: http://www.oecd.org/dataoecd/28/47/37900503.pdf</p>

<p>ADB/OECD Anti-Corruption Initiative for Asia and the Pacific. Supporting the Fight Against Corruption in Asia and the Pacific: Annual Report. Paris: ADB / OECD, 2007.</p>	<p>In 2007, the ADB/OECD Anti-Corruption Initiative for Asia-Pacific supported its member countries in implementing the standards of the Anti-Corruption Action Plan for Asia-Pacific. This work was guided by the Action Plan's Implementation Plan as well as the Strategy and Work Program 2007–2008 that sets out in detail the support those member countries have called for and that the Secretariat and the Advisory Group have committed to provide. This support is mainly provided through three mechanisms: fostering policy dialogue and measuring progress; policy analysis in support of this dialogue; and capacity building. The mechanisms are reinforced by partnerships with relevant regional and international actors. Report available online at: http://www.oecd.org/dataoecd/46/42/40485068.pdf</p>
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V. MISC REPORTS AND OTHER DOCUMENTS PREPARED BY GOVERNMENTAL AND NONGOVERNMENTAL ORGANIZATIONS

<p>Bosch Group. Politically Exposed Persons: Increased Due Diligence Obligations: White Paper. Chicago, IL: Innovations Software Technology, 2009.</p>	<p>This paper examines how, based on the Third EU Money Laundering Directive, the national laws of EU countries, as well as those of Switzerland and Liechtenstein, politically exposed persons (PEPs) must be the subject of special treatment. Heightened due diligence must be applied to them even at the time of the business relationship is opened. The purpose of this article is to provide an overview of the PEP topic and tips with regard to how to implement the legal requirements. Available online at: www.innovations-software.com/fileadmin/pdf-en/white-paper/politically-exposed-persons.pdf</p>
<p>Camden Assets Recovery Inter-agency Network. Background and Objectives Document. The Hague: Europol, 2008.</p>	<p>CARIN is an informal network of contacts and a cooperative group in all aspects of tackling the proceeds of crime. This document sets forth information about its membership and objectives. CARIN is coordinated through Europol. Available online at: http://www.europol.europa.eu/publications/Camden_Assets_Recovery_Inter-Agency_Network/CARIN_Europol.pdf</p>
<p>R. Golobinek. Financial Investigations and Confiscations from the Proceeds of Crime: Training Manual for Law Enforcement and Judiciary. Strasbourg: Council of Europe, 2006.</p>	<p>A manual on financial investigations for law enforcement and judges in Southeastern Europe. Available online at: http://www.coe.int/t/dghl/cooperation/economiccrime/SpecialFiles/CARPO-ManualFinInv_eng.pdf</p>

<p>The Egmont Group. Statement of Purpose of the Egmont Group of Financial Intelligence Units; Information Paper on the Egmont Group of Financial Intelligence Units. Guernsey: The Egmont Group, 2004.</p>	<p>The Egmont Group consists of 108 financial intelligence units (FIUs) from across the world. Financial intelligence units are responsible for following the money trail, to counter money laundering and terrorism financing. FIUs are an essential component of the international fight against money laundering, the financing of terrorism, and related crime. Their ability to transform data into financial intelligence is a key element in the fight against money laundering and the financing of terrorism. Documents available on line at: http://www.egmontgroup.org/statement_of_purpose.pdf. See also http://www.egmontgroup.org/info_paper_final_oct_2004.pdf</p>
<p>The Egmont Group, Financial Intelligence Units of the World: Operational Units. The Egmont Group, 2005.</p>	<p>This is a current list of operating financial intelligence units worldwide. List Available online at: http://www.egmontgroup.org/list_of_fius_062304.pdf.</p>
<p>U.S. Department of Treasury. Federal Financial Institutions Examination Council. Manual: Bank Secrecy Act Anti-Money Laundering Examination: Politically Exposed Persons – Overview. Washington, DC.</p>	<p>Guidance on how bank examiners can examine banks with respect to compliance with their requirements to assess risk of customers who are politically exposed persons. Available online at: http://www.occ.treas.gov/bsa/pages_manual/OLM_087.htm.</p>
<p>M. Kilchling. Evaluation of Anti-Money Laundering and Asset Confiscation Legislation in Europe, 1998-2000. Freiburg: Max Planck Institute of Foreign and International Criminal Law, 2001.</p>	<p>This study provides a comparative analysis of the forfeiture and confiscation systems presently implemented in Germany, Switzerland, Austria, France, Belgium, the Netherlands, Great Britain, Italy, Hungary and the US. The project concentrates on prosecution and confiscation in the participating countries. The principle focus of the research project is on money laundering. At the same time, the analysis is not limited solely to issues surrounding sentencing and confiscation but rather encompasses the whole range of responses available to the criminal prosecution, including provisional measures (seizure). Available in German only online at: http://www.mpicc.de/ww/de/pub/forschung/forschungsarbeit/kriminologie/archiv/geldwaesche_gewinnabschoepfung.htm</p>

<p>D. Kar, and D. Cartwright-Smith. Illicit Financial Flows from Developing Countries: 2002-2006: Executive Report. Washington, DC: Global Financial Integrity, 2008.</p>	<p>The objective of this study is to estimate the volume and pattern of illicit financial flows exiting the developing world through application of existing economic models using the most recent macroeconomic data available. Illicit financial flows in the context of this report includes the proceeds from both illicit activities such as corruption (bribery and embezzlement of national wealth), criminal activity, and the proceeds of licit business that become illicit when transported across borders in contravention of applicable laws and regulatory frameworks (most commonly in order to evade payment of taxes). This paper does not link illicit financial flows with the underlying activities (whether legal or illegal) that generated the capital to transfer abroad. Available online at: http://www.gfip.org/storage/gfip/executive%20-%20final%20version%201-5-09.pdf</p>
<p>G8 Justice and Home Affairs Ministers. Recovering Proceeds of Corruption: G8 Justice and Home Affairs Ministerial Declaration. Washington, DC: G8, 2004. Available online at: http://www.canadainternational.gc.ca/g8/assets/pdfs/G8_Dec_Recovering_Proceeds_Corruption.pdf.</p>	<p>This is a declaration which commits G8 members to better mechanisms for recovering the proceeds of corruption.</p>
<p>G8 Lyon- Roma Group. Implementation of the 2004 Ministerial Declaration on Recovery the Proceeds of Corruption: Report to the G8 Justice and Home Affairs Ministers. G8, 2007.</p>	<p>Since at least Evian in 2003, the G8 Heads of State have urged prompt action to combat corruption. In keeping with this directive, on May 11, 2004, five months after the United Nations Convention against Corruption (UNCAC) opened for signature, G8 Ministers issued a Declaration in support of the Convention and committed our governments to take effective action to assist countries in recovering the proceeds of grand corruption. This Ministers' initiative, endorsed and reaffirmed by G8 Heads of State at Sea Island in 2004, Gleneagles in 2005, and in St. Petersburg in 2006, announced a collective effort of the G8 to provide technical and case support to countries victimized by grand corruption and to consider development of practices and procedures necessary to enable our own governments to most effectively assist in asset recovery. In the three years since the Ministerial Declaration, four G8 member states have joined more than 87 other nations as parties to the UNCAC. Largely through the work of the Lyon-Roma group, the G8 has seen significant progress in the implementation of some of seven specific measures announced in the Ministerial Declaration, while others have met with more measured success. In this report, the G8 summarizes progress in implementation of this important initiative. Available online at: http://www.bmj.bund.de/media/archive/2261.pdf</p>

G8. Implementation Review of G8 on Anti-Corruption Commitments: Accountability Report. G8, 2008.

Over the years, new frameworks have enhanced the work of the G8 to effectively combat corruption, including the successful negotiation of the United Nations Convention against Corruption (UNCAC), the continued work to implement the OECD Convention on Bribery of Foreign Public Officials in International Business Transactions, and other anticorruption regimes and initiatives. The G8 has taken determined action against all forms of corruption including by promoting robust implementation of these and other existing international commitments and by supporting additional concrete steps to investigate and prosecute corruption. The G8 also has consistently called on the international community to join in developing effective public-private partnerships and multi-stakeholder dialogues on combating transnational bribery and other forms of corruption. In 2003 at Evian, the G8 expressed its continuing strong political will to engage in the fight against corruption and the mismanagement of public resources. Recognizing the importance of maintaining a global focus on anti-corruption efforts, the G8 has continued to promote transparency which inhibits corruption and promotes good governance. The G8 has continued to promote transparency in public financial management and accountability through a series of commitments. These have included: the launch of country-led transparency compacts in 2004 at Sea Island Summit that brought targeted focus on budget, procurement, and concession-letting transparency; the 2005 Gleneagles endorsement of good and responsive governance in Africa, and strengthening the OECD's Action Statement on Bribery and Export Credits; the 2006 St. Petersburg commitments on high level public corruption including underscoring international support for more effective enforcement mechanisms for fighting systemic corruption, denying safe haven to corrupt officials, and recovering the proceeds of public grand corruption; and the 2007 Heiligendamm commitment to fully implement obligations under existing international agreements and to intensify a range of common efforts to combat corruption worldwide. This G8 report demonstrates our leadership role in setting examples to combat corruption. This report is prepared to review progress made by each G8 member in implementing past G8 commitments on corruption from Evian to Heiligendamm. The report is available online at: <http://www.canadainternational.gc.ca/g8/summit-sommet/2008/corruption.aspx?lang=eng>

<p>Global Witness. Undue Diligence: How Banks Do Business with Corrupt Regimes. London: Global Witness, 2008.</p>	<p>Global Witness' report Undue Diligence names some of the major banks who have done business with corrupt regimes. By accepting these customers, Global Witness claims that these banks are assisting those who are using state assets to enrich themselves or brutalize their own people. Available online at: http://www.globalwitness.org/media_library_detail.php/735/en/undue_diligence_how_banks_do_business_with_corrupt</p>
<p>U.S. Congress. Senate. Committee on Governmental Affairs. Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act; Case Study Involving Riggs Bank, report prepared by the Minority Staff of the Permanent Subcommittee on Investigations. 108th Cong., 2d sess., 2004. Committee Print.</p>	<p>In 2003, the Subcommittee initiated an investigation to evaluate the enforcement and effectiveness of key anti-money laundering provisions in the Patriot Act, using Riggs Bank as a case history. The information in this Minority Staff Report is based upon the ensuing joint investigation by the Subcommittees Democratic and Republican staffs. pdf available at: http://hsgac.senate.gov/public/_files/ACF5F8.pdf</p>
<p>Commonwealth Working Group on Asset Repatriation. Report. London: The Commonwealth, 2005.</p>	<p>In pursuance of the mandate in the Aso Rock Declaration the Commonwealth Secretary-General constituted a Working Group on the recovery and repatriation of assets of illicit origin focusing on maximizing co-operation and assistance between governments. The Working Group, comprised of experts from eleven Commonwealth governments as well as other independent experts and observers, met on four occasions. Available online at: http://www.thecommonwealth.org/Shared_ASP_Files/UploadedFiles/E6642A80-04E0-4848-A2FE-0397BADBC2DE_LMM05_AssetRepatriationReport.pdf.</p>
<p>Transparency International. Assessment of the G8's Fight against Corruption: Rhetoric Exceeds Action: G8 Progress Report. Berlin: Transparency International, 2007.</p>	<p>This report, issued by Transparency International, assesses the progress made to date by G8 governments on five important commitments on corruption and finds that, in too many cases, rhetoric exceeds reality. The G8 Progress Report is a 'call to action' for the G8 to do more to fulfill its promises and to report back on progress at the 2008 Summit. The report is available online at: http://www.assetrecovery.org/kc/node/93e169ee-a340-11dc-bf1b-335d0754ba85.8</p>
<p>U.S. General Accounting Office. Report to the Ranking Minority Member, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate: Private Banking: Raul Salinas, Citibank and Alleged Money Laundering. Washington, DC, 1998.</p>	<p>This report details how Raul Salinas de Gotari, brother of the former President of Mexico, Carlos Salinas de Gotari, was allegedly been involved in laundering money out of Mexico through a U.S. bank, Citibank, to accounts in Citibank affiliates in Switzerland and the United Kingdom. pdf available at: http://www.gao.gov/archive/1999/os99001.pdf</p>

<p>U.S. Department of Treasury. Financial Crimes Enforcement Network. Special Due Diligence Programs for Certain Foreign Accounts: An Assessment of the Final Rule Implementing Enhanced Due Diligence Provisions for Accounts of Certain Foreign Banks. Washington, DC, 2009.</p>	<p>This report looks at the impact of final rules concerning Special Due Diligence Programs for Certain Foreign Accounts, which implement Section 312 of Title III of the USA PATRIOT Act: the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (Title III). pdf available at: http://www.fincen.gov/news_room/rp/files/Special_Due_Diligence_Program.pdf</p>
<p>The Wolfsberg Group. The Wolfsberg Anti-Money Laundering Principles. Wolfsberg: The Wolfsberg Group, 2002.</p>	<p>The Wolfsberg Group is an association of eleven global banks, which aims to develop financial services industry standards, and related products, for Know Your Customer, Anti-Money Laundering and Counter Terrorist Financing policies. The Group came together in 2000, at the Château Wolfsberg in north-eastern Switzerland, in the company of representatives from Transparency International, including Stanley Morris, and Professor Mark Pieth of the University of Basel, to work on drafting anti-money laundering guidelines for Private Banking. The Wolfsberg Anti-Money Laundering Principles for Private Banking were subsequently published in October 2000 (and revised in May 2002). The principles are available online at: http://www.wolfsberg-principles.com/index.html See also: http://www.wolfsberg-principles.com/privat-banking.html</p>