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RESULTS AND PERSPECTIVES BIDL PROJECT
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Results and Perspectives BIDL PROJECT

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BIDAL Project

Technical assistance program to improve seized and forfeited asset management, maximizing its use and benefits.



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General Objective

To establish or strengthen national systems for asset investigation and management



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Specific Objectives

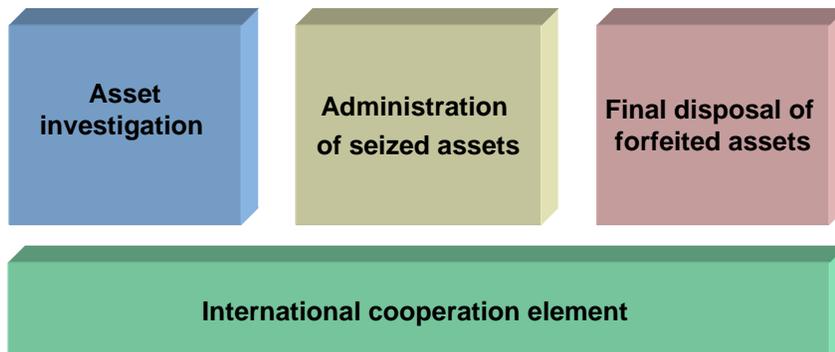
- § To strength and improve investigation, seizure, forfeiture, administration and disposal of assets and proceeds from illicit activity.
- § To fund national anti-drug programs by consolidating resources obtained from the disposal of drug traffickers' seized and forfeited assets.



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Evolution of Asset Administration Systems





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RESULTS



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Situational Assessment

Identification of strengths and weaknesses of each national system regarding asset investigation, administration and use, and the international cooperation component.



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Working Plans

Proposal for modifications to national legislation and the creation of regulations for the asset administration authority, based on the legal procedures and analysis performed by the working group, consultants, country coordinators and the BIDAL technical assistance.



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Documents of regional impact

- § Best practices document on management of seized and forfeited assets
- § Comparative law study on asset administration systems in Latin America, special reference to the evolution of the legal figure of forfeiture, and asset recovery authorities in Europe.



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Best Practices Document

- § Comprehensive technical and legal analysis of national law and regulations of countries with seized and forfeited asset management national authorities.
- § Relevant information to improve to countries' legal system.
- § Provide guidelines to establish policies to promote transparent and responsible asset administration.



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Comparative Law Study

- § Analysis of regulatory bodies in the region and the procedures used by seized and forfeited asset administration authorities.
- § Review of the evolution of the legal figure of forfeiture, with special reference to the European legislation figure of extended forfeiture, and the debate about asset seizure for unjustified enrichment cases.
- § The importance to establish specialized agencies to identify and locate assets of criminal origin.



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Modification to Model Regulations

The modification of the article 7 of CICAD/OAS Model Regulations, on the reference to *forfeiture of abandoned or unclaimed assets*, was presented and approved by the CICAD 46 plenary.



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Seminars Carried Out

- § *“First Regional Seminar on Asset Investigation and Seized and Forfeited Asset Administration”* Buenos Aires, March 18-20, 2009 (collaboration with SEDRONAR – Argentina).

- § *“Second Regional Seminar on Asset Investigation and Seized and Forfeited Asset Administration”*, Lima, June 16-19, 2009 (collaboration with CICO - *Centro de Inteligencia contra el Crimen Organizado del Ministerio del Interior* - Spain)



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Seminars Carried Out - Topics

- § Seizure of assets of criminal origin;
- § Practical issues concerning the adoption of precautionary measures, employment and asset management;
- § Equity research methodology;
- § Asset research as an essential element for the identification of criminal origin assets;
- § Elements and implications of asset investigation in criminal proceedings;
- § Technical aspects of the disposal of forfeited property;
- § Non-conviction based forfeiture, hardship and legal trends in the property management among others



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Establishment of RRAG

The FATF South America Asset Recuperation Network (RRAG acronym in Spanish) facilitates exchange of information among countries in the region to identify, locate and retrieve assets of criminal origin.



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Motivate and Promote

- § Use of asset tracking/investigation techniques to identify assets of criminal origin.
- § Establishment and/or development of an integrated system for seizure of assets of criminal origin.
- § Transparent and responsible forfeited asset administration and disposal to strengthen criminal prevention programs and projects.



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Special reference

Uruguay

- § Law 18.494, on ML/FT in relation to forfeiture establishes:
 - § As consequence of the commission of a crime
 - § Substitution for unreachable property
 - § Loss of property rights
 - § Advance sale of assets that are perishable or susceptible to near-term deterioration; whose maintenance, or administration may be excessively onerous; and whose maintenance would cause a significant diminution in their value.
 - § Forfeiture of abandoned or unclaimed assets
- § Establishment of the Forfeited Asset Fund at the National Anti-Drug Board - *Junta Nacional de Drogas* (Law 18.046).



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BIDAL Central America

The expansion of BIDAL to Central America intends to replicate the successful methodology applied to South America pilot project making adjustments to the region's characteristics and needs. Thus it plans to carry out situational assessment of targeted countries in order to identify asset investigation and asset administration techniques used, and each country's strengths and weaknesses.



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Expected main outputs

- § Examination of the enforcement of restraint and confiscation orders and problems encountered in the asset forfeited administration in countries examined.
- § Identification of examples of good management of confiscated/seized or frozen assets and effective international cooperation in asset sharing in the Region.
- § Comparative study of main legislative and administrative practices of seized and forfeited assets administration systems in the Americas and Europe (to be used for South to South and South to North peer learning).
- § Establishment/strengthening organizational structure of asset administration units.
- § Legislative guide for developing regulations for seized and forfeited asset administration.



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