



Expert meeting on the obstacles to repatriation of funds of illicit origin to the countries of origin and their impact on the enjoyment of human rights

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Best practices for asset returns – policy tools

- OHCHR's Recommended Principles on Human Rights and Asset Recovery
- GFAR Principles for Disposition and Transfer of Confiscated Stolen Assets
in Corruption Cases
- Civil Society Principles for Accountable Asset Return

Indirect asset returns / returns via third party entities

- ✓ Often used when the situation in the asset restitution countries is problematic, unsafe, or there is risk of re-looting
- ✓ Governments may also be directly involved
- ✓ Funds often used for specific project or purposes
- ✓ Increased monitoring and safeguarding mechanisms

Types of mechanisms

1. New, special mechanism established for the purpose of the return (E.g. a foundation, fund)
2. Multilateral organization (World Bank, UN agency)
3. Non-governmental organisations/civil society

Examples

Cases	Type	Amount returned	Third party involved	Use of returned assets
Kazakhstan/BOTA Foundation	Special mechanism	USD 115 mln	CSOs, World Bank	Education, poverty eradication
Nigeria/ Abacha II	Multilateral organisation	USD 322 mln	CSOs, World Bank	Poverty eradication
Equatorial Guinea	Multilateral organisation	Ongoing (USD 26 mln announced)	UNODC	COVID medical supply
Kenya / Jersey	Civil society	Ongoing (USD 3.7 mln announced)	NGOs	Medical equipment

Best practices and minimum requirements

Transparency

- Timely publication of timeline, modalities and actors involved
- Publicly available, independently audited reports and regular programme reports
- Systems to enable the public to trace assets from receipt to disbursal
- Publicly available agreements

Best practices and minimum requirements

Accountability

- Open procurement, published results of tenders, publicly available conflict of interest policies

Integrity

- Contractual obligations to exclude and have a process to exclude perpetrators from direct and indirect benefit
- Independent oversight and complaint mechanisms
- Independent investigations involving sending and receiving states and paused disbursements during investigations

The role of civil society

- Proven success in negotiating, monitoring and distributing recovered assets
- CSOs are best placed to represent and amplify the voices of corruption victims in the country of origin and ensure compensation

Best practices

- Involving CSOs from the start of the negotiations
- Representatives of local populations and the victims of corruption should be involved
- Defining roles collectively (monitoring, managing funds, decision on how to use funds)
- Providing capacity building as needed
- Measures to apply transparency, integrity and accountability standards also to CSOs

SDGs and the fulfilment of human rights

- SDG target 16.4

Significant reduction of illicit financial and arms flows, strengthening the recovery and return of stolen assets and combating all forms of organized crime.

- SDG 16

Peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions.

Thank you!

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