

Expert meeting organized by the United Nations Office of the High Commissioner for Human Rights (OHCHR) [on the obstacles to repatriation of funds of illicit origin to the countries of origin and their impact on the enjoyment of human rights](#) on 13 February 2024

Statement by Mathias Huter, Managing Director, UNCAC Coalition

Good afternoon!

I would like to thank the organizers for preparing this meeting and for providing me with the opportunity to share some observations on the role of civil society and the public at large in the return of assets – and how to ensure that repatriated funds are used towards the fulfillment of human rights and of the Sustainable Development Goals.

My name is Mathias Huter, I serve as the Managing Director of the UNCAC Coalition, a Vienna-based civil society network of some 400 non-governmental organizations from around the world, committed to advancing the implementation of the UN Convention against Corruption – the UNCAC. We also host a dedicated civil society working group on asset recovery, co-chaired by colleagues from Transparency International France and CiFAR.

We believe that transparent and accountable asset recovery efforts should involve civil society representatives from the involved jurisdictions at all stages of the recovery and return process.

Numerous civil society reports on national UNCAC implementation highlight that many States have yet to implement and operationalize asset recovery provisions – and have yet to put in place adequately-resourced entities or teams focused on asset recovery cases. Very few countries have put in place asset recovery strategies or policy guidance documents that explain how a country approaches its asset recovery efforts, providing also information about the competent bodies for international asset recovery. Switzerland is a positive example that has published such information.

Despite efforts of UNODC and the StAR Initiative to map international asset recovery efforts, we only have a partial picture. There are hardly any countries that regularly publish statistics about their asset return efforts. The United Kingdom is one noteworthy exception: It releases an asset recovery statistical bulletin, which could serve as a model for other countries to build on, enabling the public to monitor and discuss developments.

It is crucial that civil society, victims groups and the general public have access to key documents related to asset recovery and return cases to ensure public accountability and prevent a re-looting of returned funds.

Meaningful transparency means that documents including relevant court decisions, memoranda of understanding, asset return agreements, as well as any follow-up, such as implementation and audit reports documenting the use of the funds, are published proactively by the governments involved, and that information is also made available in national languages and easily accessible formats.

The practice we have observed so far varies widely: in some cases, governments have released some documents on asset returns proactively, but in many cases, this is not done. When civil society requests the release of such information through freedom of information legislation, the responses vary: sometimes, such requests for the release of documents are granted in a timely manner. For example, Ireland quickly released a bilateral return agreement with Nigeria upon request.

But in several cases, we have seen requests for documents remain unanswered for many months or even years, or are being denied by States. Such practice undermines the abilities of social watchdogs to advance public debates on the return and use of stolen assets – both in countries where those assets were stolen and in the jurisdictions they were moved to. Corruption is not a victimless crime. However, in practice, victim representatives are rarely considered, consulted and involved in asset return processes. A recent report by StAR entitled “Victims of Corruption – Back for Payback” found that only three of the 56 jurisdictions surveyed knew about the involvement of victims of corruption in asset return proceedings.

One case worth highlighting was the return of 322 million US Dollars of the so-called “Abacha Loot” from Switzerland to Nigeria, which were disbursed as cash payments to poor families. This disbursement was systematically monitored by the NGO ANEEJ and a network of local CSOs, which not only helped to identify corruption risks but facilitated public debates and thus public awareness of the return.

I have been a member of the Civil Society Advisory Council of the United Nations’ Uzbekistan Vision 2030 Fund. It is one of the very few examples where civil society has been granted a formal role to engage with an asset return process. I hope that this example will provide useful lessons for future return processes and I hope that the Council will be able to play an active role in informing the Fund’s activities as well as in promoting public debates on how the returned funds are used to benefit the people of Uzbekistan.

Even in return processes where civil society representatives are involved, they cannot by themselves ensure that the funds are used to advance human rights and for the benefit for the people.

To ensure transparency and accountability, asset return mechanisms should have strong policies and mechanisms to

- a) protect any persons who report concerns and possible wrongdoing in the use of the returned funds,
- b) to disclose and manage any real or perceived conflicts of interests of the entities and people involved,
- c) to automatically disclose in detail who benefits – including details on the implementing organizations, contracts, contracting data, as well as information on beneficial owners of contractors and sub-contractors – and details on how the funds are used, as well as
- d) a strong access to information policy to allow members of the public to request information that is not published by default online.

To conclude, we need to establish more and better opportunities and mechanisms that allow for meaningful engagement of civil society and victim representatives in asset recovery and

return processes. And we need state-of-the-art transparency and accountability mechanisms in asset return procedures to allow for public monitoring and help ensure that returned assets have a maximum positive impact on the enjoyment of human rights and benefit the people who have suffered from corruption.

Thank you very much!

References:

- UNCAC Coalition: Asset Recovery Working Group page:
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- OHCHR: Recommended Principles on Human Rights and Asset Recovery, <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-recommended-principles-human-rights-and-asset-recovery-2022>
- Stolen Asset Recovery Initiative: Victims of Corruption: Back for Payback, <https://star.worldbank.org/publications/victims-corruption-back-payback>
- ANEEJ: MANTRA, <https://www.aneej.org/asset-recovery-mantra/>
- Uzbekistan Vision 2030 Fund: <https://mptf.undp.org/fund/uzb00>

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