The Africa Network for Environment and Economic Justice, ANEEJ and its Transparency and Accountability in recovery and management of looted Assets (MANTRA) partners drawn from the six geo-political zones of Nigeria welcome the initiative of the UN General Assembly Special Session (UNGASS) against corruption scheduled for 26 to 28 April 2021.

The MANTRA project is specifically designed to monitor the utilisation of recovered assets in Nigeria and is currently monitoring the use of $322.5 million Abacha II loot returned from Switzerland for social welfare programmes as well as $311.79 million returned from the United States of America and the Bailiwick of Jersey.

The UNGASS next year offers a unique opportunity to advance issues of corruption, particularly asset return and management in victims’ countries.

This is more so when since the coming on stream of UNCAC, countries of origin have continued to insist on repatriation of funds in line with the provisions of UNCAC and relevant UN resolutions, pointing out that while funds “are urgently needed for development and the realization of all human rights, same funds are stalled in banks of developed countries that continue to accrue gains from them”1. On the other hand, receiving State Parties point out at risks associated with the absence of proper safeguards and by expressing concern that repatriated funds may again end up in renewed corruption cycles and never reach the victim population, thus never contributing to development and the enjoyment of human rights by people.

Given the above context, transparent return and use of stolen assets are critical to the efforts in mobilizing domestic resources for the implementation of SDGs as foreseen under the Addis Ababa Action Agenda for Financing for Development. Return and use of stolen assets in order to benefit the whole society and alleviate poverty and inequality is part of legally binding obligation of State Parties to the International Covenant on Economic, Social and Cultural Rights to devote the maximum available resources for the progressive implementation of economic, social and cultural rights2.

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1 Ibid, preamble.
2 The International Covenant on Economic, Social and Cultural Rights was adopted by General Assembly resolution 2200A (XXI) of 16 December 1966 and entered into force 3 January 1976. Article 2.1 stipulates that each State Party to the Covenant “undertakes to take steps… to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant”. As of 2019, the Covenant has 169 parties.
Recall that from the 4th to the 6th of December, 2017, the United Kingdom and the United States of America – with support from the Stolen Asset Recovery Initiative (StAR) – hosted the inaugural Global Forum on Asset Recovery (GFAR) in Washington, D.C. The Forum provided an avenue for collective action by bringing together officials and stakeholders from participating countries to cooperate and coordinate action-steps in the area of asset recovery.

The Forum was established as an outcome of the 2016 Anticorruption Summit which held in London. At the London Summit, over Forty countries converged on London and signed the Global Declaration Against Corruption with the objective to “put corruption at the heart [our] international institutions”. Participating countries made about 600 country-specific commitments, including commitments to enhance asset recovery efforts. GFAR was one of the major outcomes of those commitments.

The Inaugural Forum focused on assistance to four priority countries: Sri Lanka, Tunisia, Ukraine and Nigeria, bringing together a target audience of policymakers, financial investigators, police, prosecutors, judges and civil society with direct responsibility for the asset recovery cases considered. It also had in attendance participants from jurisdictions from which the four priority countries had requested the return of stolen assets or initiated cases that required cooperation, such as Switzerland.

At the GFAR summit, all participants committed to a set of principles including stronger partnership; promoting mutual interests, increasing transparency and accountability and strengthening the link between anti-corruption and development and the achievement of the SDGs.

Nigeria became an immediate beneficiary of the Forum when it signed a Memorandum of Understanding with the Government of Switzerland and the World Bank for the return of $322.5 million of looted funds from the infamous Abacha loot to Nigeria during GFAR. The relevant funds have since been returned to Nigeria and are currently being used to finance cash transfers to the poorest Nigerians.

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MANTRA is a Civil Society project independently monitoring the returned Abacha II assets. MANTRA is an organic project, which harnesses national knowledge and capabilities. It embodies the stepping down of the GFAR Principles. It is innovative in its aim to support Nigeria’s efforts to recover and manage stolen assets in a more accountable and transparent manner. It aims to monitor the process end to end.

MANTRA promotes system strengthening through partnerships and collaboration between government agencies and civil society, demonstrating a national effort.

It also promotes citizens awareness and mobilisation around recovered stolen loot. MANTRA is not just talking. MANTRA is taking action and also encouraging others to take action, contributing significantly to realizing SDG Goal 16 and the associated targets.

These helped to build trust and confidence between government and civil society. In addition, collaboration within civil society networks enabled the project to quickly reach scale, covering 11 states at the onset and later 29 States reaching out to 3.6million households captured in the nation’s social protection register.

MANTRA has led to more public knowledge, interest and engagement on recovered assets and it stimulates a broader interest in the management of public funds more generally. The only way to increase accountability is for citizens to engage more actively on issues that affect their lives.

The UNCAC and FATF amongst others, have been sources of recommendations on the handling of recovered assets. These instruments are treated as international standards to be emulated as they cover international cooperation and a host of other recommendations7. However, ANEEJ and its MANTRA partners recommend the following to enhance asset return and accountable use for victims of corruption:

1. Transparency in the management of seized assets is critical, such as by means of an annual examination of the asset management authority by independent auditors, including the examination and certification of financial records, which are made public; Asset recovery cases, including settlements, reconciliation agreements and negotiated agreements, should be conducted transparently and accountably from start to end, to the extent compatible with rules on confidentiality of investigation.

2. Accountability mechanisms should be in place to provide oversight of recovered assets. As a minimum, this should include transparent and accountable public procurement and tendering processes that meet international standards; transparent and publicly available registers of companies, with beneficial ownership declared; establishment of a new dedicated fund/account for the

deposit of seized and confiscated/forfeited assets/funds or their value and enactment of asset recovery and management laws. More specifically, Proceeds of Crime Act (POCA) and related legislations to safeguard recovered and confiscated assets.

3. There is the need for visa ban for all those linked with grand corruption to discouraging impunity. Visa denial for such corrupt individuals should be to all nation’s signatory to the UNCAC.

4. Restituted assets should be use for poor and vulnerable as a social protection programme and to address development project.

5. The UN General Assembly should make a political statement that will encourage developed and developing countries to increase investment in generating asset recovery data to measure the fight against grand corruption, particularly in victim countries and strengthen anti-money laundering institutions in developing and developed Countries.

6. Given the difficulties associated with legal processes in asset recovery, the UN should ratchet up support for Non-Conviction Based approach to tackle grand corruption.

7. The MANTRA model provides a strong basis for the inclusion of Civil Society in the negotiation of asset recovery and the UN support for the implementation of the Global Forum for Asset Recovery Principles.

Signed by:

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