



CiFAR
Kenya Strategy
2022 - 2024

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1. SUMMARY

Illicit financial flows are a major challenge across the continent of Africa, with estimates of up to US \$50 billion per year¹ being lost in revenue that could otherwise be used to address social issues and to progress in achieving the SDGs. This loss to the public is gain for those stealing the money however, who are able to both fund lavish lifestyles at the expense of their people, and use this money to entrench official and unofficial positions, making democratic and societal reforms more difficult to achieve.

Kenya has seen major international corruption cases in recent years, with names including the *Goldenberg*, *Anglo Leasing* and *Chickengate* scandals becoming talking points across Kenya, only some of which have seen substantial progress towards resolution. Outside of these well-known examples, domestic institutions have been increasingly engaged in investigating and prosecuting less well-known cases of public officials accused of corruption and have been engaged in recovering funds stolen by them.

The impact of these scandals has been progress in commitment towards reform at the legislative, policy and practice levels. Overall, political commitment to asset recovery has been high and, alongside prioritising domestic recovery, new agreements have been signed to facilitate international recovery, such as the 2018 Framework for the Return of Assets from Corruption and Crime in Kenya (FRACCK) between Kenya, Jersey, Switzerland and the UK, aimed in particular at cases involving the former head of the Lighting Company Samuel Gichuru and the then Minister of Energy Chris Okemo.² National institutions to investigate, prosecute and recovery stolen public funds have also been strengthened and public momentum is there to make Kenya a leader in asset recovery.

Institutional challenges remain, however, particularly in the capacity and lack of clarity of role of some of these institutions, alongside questions over the management of recovered assets. Information on the work on institutions and on asset recovery is also difficult to access, making citizen engagement challenging. Underlying this in 2022 is the unknown impact of the upcoming general elections and changes this may bring to the way Kenya continues to fight corruption and seek the recovery of stolen assets.

CiFAR's 2022 – 2024 Kenya Strategy seeks to strengthen asset recovery in Kenya in a way that is able to respond to the political challenges that may be faced in the coming year and beyond. It includes five strategic priorities that underly our engagement:

- 1) building political momentum;
- 2) participation of the public and non-state actors;
- 3) strengthening laws, policies and institutions;
- 4) ensuring transparency and accountability; and

¹ https://www.unodc.org/documents/NGO/AU_ECA_Illicit_Financial_Flows_report_EN.pdf

² <https://allafrica.com/stories/202108310745.html>

- 5) compliance with global commitments.

Based in these priorities, three strategic areas and objectives will drive our work in Kenya:

- **Strategic Area 1: The politics of asset recovery**, seeks to ensure that asset recovery is kept high on the political agenda in Kenya in the coming period through engaging with politicians and the public on the importance of asset recovery. It also includes leveraging momentum in the broader East Africa region, and specifically engaging with ongoing returns.
- **Strategic Area 2: Strengthened asset recovery frameworks and accountability**, aims to improve the legislative and policy environments for asset recovery. This includes through working on bolstering the roles of Kenyan asset recovery institutions, increasing transparency on cases, and ensuring there is greater accountability for public officials. It also includes considering the legal framework and potential areas for reform that could improve how Kenya responds to large scale corruption.
- **Strategic Area 3: Strengthened civil actors in asset recovery**, aims to strengthen the capacities of Kenyan CSOs and journalists to work on asset recovery. This includes through providing topical and strategic support to CSOs, as well as developing training and mentoring programmes for investigative journalists.

2. CONTEXT/SITUATION ANALYSIS

A. The asset recovery context in Kenya

Asset recovery is a complex and long process, requiring high levels of political will, international cooperation and technical capacity. As such, governments and institutions worldwide have increasingly been making efforts to improve expertise and relationships across borders, and to make the process more efficient. This has included developing recommendations and implementing international standards and best practices on asset recovery, beneficial ownership and other measures designed to prevent large scale corruption from taking place and to respond to it. Civil society has been at the forefront of this process, both in terms of drafting policy proposals and advocating for new tools, and in exposing new cases and pressuring governments to act on them.

In Kenya, the fight against corruption gained currency during the former president Kibaki, who came into power on a promise of zero-tolerance to corruption and has continued under President Uhuru Kenyatta. During the early years of the Kibaki government, the Kenya Anticorruption Commission (KACC) was established through the 2003 Anti-corruption and Economics Crime Act. Other institutional, policy and legislative changes were also made, such as the Wealth Declarations established through the Public Ethics Act of 2003, which require public officials and their spouses to declare their wealth. Anti-corruption advocates indicated, however, that these efforts had limited success and that much stronger political commitment, institutional, global and domestic cooperation, as well as public and private engagement, was required.

Failures in addressing kleptocracy, political unrest and under-development led to the demand for inclusion of important governance and institutional anti-corruption reforms in the 2010 Constitution. This included the establishment of the Ethics and Anti-Corruption Commission (EACC), pursuant to Article 79 of the new Constitution, replacing the KACC. Reporting to the Parliament, the EACC has the mandate to prevent and fight corruption in Kenya. The law provides increased autonomy to the agency, compared to its predecessor, including in appointing its secretary and staff. Its mandate is therefore to combat and prevent corruption, economic crime and unethical conduct, including through law enforcement, prevention, public education and promotion of standards and practices of integrity. The EACC has both investigative and asset recovery powers, while prosecutorial powers are left to the Director of Public Prosecutions (see below).

Several other institutional and legal reforms have been passed in Kenya in recent years in an effort to strengthen the asset recovery and anti-money laundering framework. The main legal instruments relevant for asset recovery include the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), revised multiple times, the Mutual Legal Assistance Act of 2011 and the Foreign Judgements (Reciprocal Enforcement) Act of 2012.

The 2010 Constitutional change also established the Directorate of Criminal Investigation (DCI), a law enforcement body with the mandate to collect and provide criminal intelligence and undertake investigations on serious crimes including money laundering and other financial crimes.³ Finally, through Art. 157 of the new Constitution, the Office of the Director of Public Prosecution (ODPP) is now responsible for prosecuting corruption and economic crime investigated by EACC. It also has a mandate to coordinate Mutual Legal Assistance (MLA) requests with partners overseas.⁴

The Assets Recovery Agency (ARA), the government agency tasked with the identification, tracing, freezing, seizure and confiscation of the proceeds of crime is another key actor in this framework, established under Section 53 of the POCAMLA act of 2009. The agency operates under the office of the Attorney-General and has the mandate to confiscate any assets that are products of the proceeds of crime.⁵

POCAMLA was revised in 2014 and 2017, to incorporate constitutional requirements and international anti-money laundering standards, especially those recommended by FATF and the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG). The 2017 legal review in particular established an independent institution responsible for anti-money laundering, the Financial Reporting Centre (FRC). The FRC's objectives include, among others, tracking the proceeds of corruption and crime abroad and within Kenya's jurisdiction. It was also given the power to impose civil monetary penalties and to take administrative action for non-compliance with the legislation. Importantly, the FRC shares intelligence with the Assets Recovery Agency.⁶

³ <https://www.cid.go.ke/index.php/aboutus/our-functions.html>

⁴ <https://www.odpp.go.ke/mandate/>

⁵ <https://frc.go.ke/assets-recovery-agency.html>

⁶ https://cifar.eu/wp-content/uploads/2020/12/CiFAR_Sanctions-as-a-tool-for-asset-recovery_-_Kenya.pdf

The autonomy of the Assets Recovery Agency was also strengthened at the same time with new powers to recruit its own staff and have its own budget. Also, importantly, the act introduced a civil forfeiture regime, intending to lower the burden of proof for seizing the proceeds of crime. Consequently, the ESAAMLG Mutual Evaluation of Kenya progress report covering 2017-2018 indicated there had been substantive compliance in addressing the FATF 40 Recommendations, with the exception of 6 related to Financial Sanctions on Terrorism and Terrorist Financing. The POCAMLA was amended again in 2018 to allow its preventive measures to apply not only to anti-money laundering, but also to combating terrorism financing; and to require reporting institutions to adopt policies and procedures for non-face-to-face business relationships.

Looking at this complex institutional framework, observers have noted that the creation of these agencies was coupled with a lack of coordination and information sharing, resulting in a duplication of efforts, as well as competition among agencies. This has inevitably affected the efficiency and accountability in the investigation and prosecution of corruption cases.⁷ To address this issue, the different agencies and bodies responsible for anti-money laundering, anti-corruption and asset recovery, under the umbrella of the Kenyan Presidency, formed a Multi-Agency Team (MAT) in 2015, aimed at enhancing inter-agency synergy and promoting collaboration, such as joint investigations and information sharing. While the initiative seems to have produced some success in advancing asset recovery, the fact that it is based on an executive order, its lack of independence from political actors and limited resources and capacity indicate that more effort is needed to fully address these overlapping mandates.⁸ The risk of political interference, especially for politically highly sensitive cases is also a barrier to a fully effective asset recovery framework, as is the inadequate financial resources for the different agencies, and in some instances, a lack of technical capacity to trace assets, to investigate and to prosecute cases.⁹ While these challenges have started to be addressed especially with the cooperation and support of foreign partners and international institutions, much more needs to be done to reach the full potential of the Kenyan institutional asset recovery framework.

Additionally, the 2010 Constitution under Article 6 (2) also created two levels of government: County and National. While much attention and effort around asset recovery tends to focus on the national level, in the Kenyan context the county level is also an important player, both in terms of working on cases stemming from that level and in engaging on returns to the counties.

In the upcoming months, the general elections due to take place may have a substantial impact on the anti-corruption and asset recovery institutional framework. Any changes in support for institutions and ongoing reforms and any moves by senior politicians to move focus away from prosecuting large scale corruption and seeking the recovery of stolen assets is likely to hamper the ability of these institutions to play their role effectively. In turn, this is likely to impact progress in international cases, with countries

⁷ https://www.unafei.or.jp/publications/pdf/RS_No104/No104_21_IP_Kenya.pdf

⁸ Ibid.

⁹ <https://www.opensocietyfoundations.org/uploads/5e13f0d4-514f-455e-8965-a42acc2a7863/effectiveness-of-anticorruption-agencies-in-east-africa-rwanda-20170530.pdf>

holding stolen Kenyan assets facing less pressure to investigate and confiscate and likely to express greater concern about and resistance to return.

Kenyan civil society has been active nationally and regionally in the anti-corruption and in related fields such as tax and illicit financial flows for several years. Strong organisations exist, able to engage government and other stakeholders around key issues in Kenya and across the continent. Several of these have networks across the country that can be activated around campaigns and advocacy. Nevertheless, asset recovery is a new topic for many of them or one that has only been tangential to their work. With its growth in importance as a topic nationally, regionally and globally, Kenyan civic actors are keen to engage more deeply with the issue.

B. Important international cases

In 2018, the Framework for the Return of Assets from Corruption and Crime in Kenya (FRACCK) was set up between Kenya, Jersey, Switzerland and the UK, to facilitate the confiscation and recovery of assets acquired through corruption and crime in Kenya and subsequently hidden in those countries.¹⁰ The primary cause for FRACCK was a corruption case involving Kenya Power and Lighting Company head Samuel Gichuru and the then Minister of Energy Chris Okemo who hid kickback money in Jersey accounts. A Jersey-registered company Windward Trading cooperated during the investigation and pleaded guilty, which resulted the return of 3,777,000 USD in 2018.¹¹ A return under this agreement is pending as of January 2022 and CiFAR has been in touch with the Jersey authorities to follow-up on this case.

Another successful case concerned the return of money originating from bribe payments of the UK company Smith & Ouzman in the so-called "Chickengate" scandal. In line with the UK government's policy at the time, the authorities decided that the recovered amount of 349,057 USD should be used to purchase specialised ambulances and not go back to Kenya's general budget.¹²

Probably the biggest and most infamous scandal is the Anglo-Leasing Case, where 18 contracts between the Kenyan government and a number of domestic and foreign companies were made for overpriced security equipment and services, totalling 770 million USD. These contracts were initiated under the presidency of Daniel Arap Moi in 1990s and continued during the presidency of Mwai Kibaki.¹³ Due to the fact that some of the companies involved voluntarily returned the full amounts relating to their contracts, 13,248,234 USD of this illicit money was likely returned from Switzerland in 2004,¹⁴ and a further approx. 2 million USD is in the process of being recovered.¹⁵

¹⁰ <https://www.baselgovernance.org/news/fracck-agreement-kenya-illustrates-partnership-essential-when-disposal-confiscated-assets>

¹¹ https://star.worldbank.org/sites/default/files/2021-01/StAR%20ARW%20database_0.xlsx

¹² <https://www.baselgovernance.org/news/first-ever-uk-conviction-corporate-foreign-bribery-kenya>

¹³ <https://www.ft.com/content/bf75a7ee-c7f9-11e4-8210-00144feab7de>

¹⁴ https://star.worldbank.org/sites/default/files/2021-01/StAR%20ARW%20database_0.xlsx

¹⁵ <https://businesstoday.co.ke/swiss-govt-seizes-sh200-million-looted-in-anglo-leasing-scandal/>

C. Regional opportunities

Institutional initiatives on asset recovery at the regional and sub-regional levels have been developed in the past years, aimed to set standards and to coordinate asset recovery efforts among different governments and agencies. These regional standards and bodies provide an opportunity to push for asset recovery reform by advancing advocacy in line with their provisions and at their forums.

The most important and recent of these standards is the African Union draft 2020 "Common African Position on Asset Recovery" (CAPAR), a "political, policy, and advocacy instrument to assist in identifying, repatriating and effectively managing Africa's assets for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes in a manner that respects the sovereignty of Member States."¹⁶ CAPAR includes four pillars of collaboration: asset detection and identification, asset recovery and return, asset management, and cooperation and partnerships. The provisions of this will be built on in our engagement with authorities in Kenya.

The East African Legislative Assembly¹⁷ of the East African Community also represents a key opportunity for engagement on asset recovery. With keen interest from several members on issues of anti-corruption and asset recovery, making stronger connections between civil society and the Assembly on asset recovery will be an important step in advancing discussions in Kenya, and in the region.

Kenya is also part of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a regional body formed in 1999 to facilitate adoption and implementation of global standards to combat money laundering and the financing of terrorism. It includes 19 member states and a number of regional and international observers including UNODC, the US and UK. ESAAMLG members are committed to the Financial Action Task Force (FATF) 40 Recommendations.¹⁸ Engaging with the review process of this group is an avenue to strengthen asset recovery provisions in Kenya.

The East African Association of Anti-Corruption Authorities (EAAACA) is an initiative bringing together anti-corruption agencies in the region with the objective of providing its members with a platform for dialogue and information exchange. One of the EAAACA offshoots is the ARIN-EA, an informal network which aims to facilitate informal exchange of information on individuals, assets and companies to enhance tracing and recovery of the proceeds of crime and deprive criminals of their illicit gains.¹⁹ While the creation of such inter-agency regional platforms has been welcomed as a tool to share information and best practices, civil society engagement could be strengthened. On a related note, the chair of the Kenyan EACC was elected to the executive committee of the International Association of Anticorruption Authorities (IAACA) in January 2022.²⁰ This

¹⁶ <https://au.int/en/newsevents/20211216/common-africa-position-asset-recovery-capar-side-event-ninth-session-uncac>

¹⁷ <https://www.eala.org/>

¹⁸ <https://www.esaamlg.org/index.php/about>

¹⁹ <https://eaaaca.com/about-eaaaca>

²⁰ <https://www.the-star.co.ke/news/2022-01-05-eacc-boss-mbarak-elected-to-global-anti-graft-executive-committee/>

provides a good opportunity for Kenyan CSOs engaged with the EACC to also increase their visibility and influence at the international level.

D. CiFAR's partnership approach

Civil society has an important role in asset recovery. This spans from raising public awareness of the effects of large-scale corruption and asset recovery, to holding politicians and institutions to account for their efforts to recover stolen assets, undertaking investigations into corruption and asset recovery, proposing legislative and policy reform, and working with institutions to provide capacity support and advice. To work effectively, civil society engaged in asset recovery should be seen as a partner to government in the fight against corruption. CiFAR's approach to working on asset recovery is to collaborate with other CSOs, bringing our expertise on the issue of asset recovery and working with them to advance cases and reforms nationally and regionally.

Civil society in Kenya is historically strong and diverse, with several organisations having had a major role in promoting anti-corruption reform. Engagement in asset recovery however has been so far limited. This is linked to the fact that Kenya is a relatively new country to asset recovery. Several CSOs have however contributed at various levels of input to new legislation and regulations on asset recovery, and consultation with CSOs in Kenya has demonstrated that those involved in promoting good governance, domestic resource mobilisation and anti-corruption consider asset recovery as strategic and a natural complement to their ongoing work in advocating against illicit financial flows (IFFs) and corruption and for human rights and participation.

Government agencies CiFAR consulted with also indicated an interest in collaborating with CiFAR and recognised the potential role of CSOs in asset recovery in Kenya. Ad hoc invitations to meetings with select civil society organisations have taken place occasionally, with the EACC having had the strongest level of public and CSO engagement through their education initiatives and reporting mechanisms.²¹ Other agencies such as ARA and ODPP have had more limited engagement but expressed interest in working with CiFAR primarily in capacity building, collaboration and exchange of information.

²¹ <https://eacc.go.ke/default/report-corruption/>

3. STRATEGIC PRIORITIES

Given the political momentum and the progress on asset recovery in Kenya in recent years, CiFAR's initiative in the country is timely and has the potential to move the fight against grand corruption and the advancement of asset recovery to a stronger foundation, both in terms of citizen engagement and government action. The strategy CiFAR will take over the coming three years will be based around the following priorities:

➤ Building political momentum

Kenya is scheduled to hold general elections in August 2022. The upcoming elections are particularly significant since the incumbent president will not be running for re-election, and the risks that the fight against grand corruption is de-prioritised in the coming electoral period.

The new government should be pushed to support ongoing anti-corruption and asset recovery processes and provide an enabling environment for greater public and CSO engagement on these topics. In particular, political commitment to zero tolerance to corruption, including to prosecute high-level corruption is urgently needed.

➤ Participation of the public and non-state actors

Growing apathy among citizens that not enough is being done with regards to tackling grand corruption and advancing the recovery of stolen assets exists. A long-standing culture of corruption in the public sector has enabled these practices to take root and become a norm. Several NGOs in Kenya have challenged this culture and have long fought for more transparency and accountability of public institutions. The role of CSOs in asset recovery however, although increasingly recognised, is not fully used to its potential, with CSOs engaged in cases and policy reform only on an occasional and limited basis so far.

CSOs and the public they represent should be empowered to have a stronger voice throughout the whole process of asset recovery. Particular focus in this should be given to the management of returned assets, which has so far been underexplored.

➤ Strengthening laws, policies and institutions

Recent efforts made to establish policies, laws and institutions to fight corruption and promote asset recovery provide a unique opportunity to engage and influence. Indeed, Kenya has seen marked progress in the establishment of anti-corruption and asset recovery agencies, policies and laws in the past decade. Nevertheless, unclear mandates, overlapping roles and competing approaches among agencies have hindered progress on asset recovery cases.

To make it fully efficient and accountable, lines between actors involved in the process need to be strengthened and policies and procedures need to be aligned with international commitments, including the draft CAPAR, and best practice. New tools and methods of asset recovery, trialled in other jurisdictions and regions, also need to be explored for potential adaptation into the Kenyan context.

➤ Ensuring transparency and accountability

CiFAR has long advocated for increasing transparency and accountability in asset recovery cases: the lack of data and background information is a major issue for progress in asset recovery and civil society engagement, both in Kenya and worldwide.

Tools and initiatives are emerging across regions and in Sub-Saharan Africa relating to collecting and sharing information about individuals accused of corruption and about ongoing cases. Further, there is interest from Kenyan agencies engaged in asset recovery to promote the cases they are working on and agreements such as the FRAACK encourage transparency. These tools and initiatives should be capitalised on to encourage citizen engagement and participation in corruption and asset recovery, including in monitoring ongoing cases and agreements.

➤ Compliance with global commitments

Kenya's commitments and participation in regional and global initiatives such as ESAAMLG, FATF, the draft CAPAR at the African Union and through the UNCAC are vital to asset recovery

These represent important advocacy opportunities for Kenyan CSOs to engage with the government on strengthening accountability, transparency and participation. There is also an opportunity for Kenyan CSOs, with their experience in asset recovery so far, to take leading positions on CSO initiatives on asset recovery in East Africa.

3. STRATEGIC GOALS

It is against this background and based on our engagement with stakeholders, as well as CiFAR's strategic priorities, that this strategy document about our engagement in Kenya in the next three years has been developed.

The **overall objective** of this strategy is to make asset recovery more efficient, transparent and accountable in Kenya through a stronger involvement of CSOs in these processes.

Strategic Area 1: The politics of asset recovery

Objectives:

- 1.1 Keep asset recovery high on the political agenda**
- 1.2 Engage with the politics of asset recovery in East Africa**

Objective 1.1: Keep asset recovery high on the political agenda	
Narrative description	
<p>This general election campaign period is strategic and decisive for civil society around the fight against corruption, with the possibility for steps forward, and the risks of steps back in addressing grand corruption and in securing the recovery of stolen assets.</p> <p>Civil society should harness current momentum ahead of the elections to convince presidential and parliamentary candidates to commit to feasible and relevant actions against grand corruption and the promotion of accountable, transparent and participatory asset recovery once in office.</p> <p>Civil society should also work to influence the public view on the importance of commitments to anti-corruption and asset recovery in advance of the election and hold politicians to account for their commitments after the elections.</p>	
Result: Advancing the fight against grand corruption and asset recovery is a priority in the agenda of the new government	Potential partners: TBD
Activity 1.1.1: Outreach to key politicians	
Activities description	
<ul style="list-style-type: none"> • Hold meetings with the current Anti-corruption Parliamentary Caucus members. • Map key leadership and engage them in a dialogue on anti-corruption and asset recovery to pursue pre-election commitments on these topics. • Advocate for the establishment of a parliamentary – civil society dialogue forum on asset recovery in the next parliament. 	
Activity 1.1.2: Public events and media outreach around the election	
Activities description	
<ul style="list-style-type: none"> • Organise public awareness events with CSOs, politicians, institutions and donors. • Hold talk shows and interviews on radio and television on qualities and requirements for leadership that will promote zero tolerance to corruption, IFF and fast tracking of assets recovery. • Engage in public awareness raising events on the importance of asset recovery to the election. 	
Objective 1.2: Engage with the politics of asset recovery in East Africa and globally	
Narrative description	
<p>As a deeply transnational issue, advocacy on asset recovery requires a national, regional and global approach. The platforms for engaging the government and agencies require concerted effort on all levels. Building on commitments Kenya made on asset recovery at the regional and global level represent a particularly important opportunity that CSOs</p>	

should take. At the same time, CSOs, especially from asset origin countries, should and can play a stronger role in defining priorities and commitments made at these regional initiatives by their governments.	
Result: CiFAR and Kenyan CSOs influence the asset recovery agenda and capitalise on Kenya's commitments on asset recovery in the East Africa region	Potential partners: TBD
Activity 1.2.1: Strengthening Kenyan CSO voice on asset recovery in the African Union, EALA, ESAAMLG and UNCAC	
Activities description	
<ul style="list-style-type: none"> • Develop position papers on the implementation of FATF recommendations in Kenya and compliance with the CAPAR • Meetings and public events with MPs in EALA to push for asset recovery policy and legislation at the regional level • Prepare a shadow report on Kenya's ESAAMLG review • Participate in asset recovery events organised by StAR/CoSP at the regional and global level 	

Strategic Area 2: Strengthened asset recovery frameworks and accountability

Objectives:

- 2.1 Strengthened separation of roles and coordination of asset recovery institutions**
- 2.2 Increased transparency on asset recovery cases**
- 2.3 Increased accountability over public figures**
- 2.4 Consideration of new tools for asset recovery**

Objective 2.1: Strengthening separation of roles and coordination of asset recovery institutions	
Narrative description	
<p>Three institutions currently work on asset recovery in Kenya: the Asset Recovery Agency, the EACC and the DPP. Along with the Attorney General, they sit to decide on high profile corruption cases in the Multi-Agency Team. However, despite this, there is overlap in their roles, particularly in less high-profile cases, and this is hampering the effective enforcement of anti-corruption standards and the recovery of stolen assets. Civil society can assist in this, through evidence-based analysis and reform recommendations that would strengthen the way they operate.</p>	
Result: Involved agencies agree on improving institutional frameworks	Potential partners: TBD

Activity 2.1.1: Engage with officials on strengthening the separation of roles	
<p>Activities description</p> <ul style="list-style-type: none"> • Develop a proposed policy paper considering methods for the separation of roles and clear mandates. • Meetings with the Multi-Agency Team, incl. ARA, EACC, other agencies and bodies to discuss recommendations. • Joint CSO advocacy around recommendations. 	
Objective 2.2: Increase transparency on asset recovery cases	
<p>Narrative description</p> <p>Progress is being made on asset recovery in Kenya, but this is neither well publicised nor well reported on. This lack of information means that a) citizens are unable to engage with the topic and hold their officials accountable, b) that unrealistic expectations of developments in asset recovery are held, c) that the deterrent effect of being prosecuted and having assets lost is reduced.</p> <p>Civil society in Kenya is in a unique place to provide information on progress in asset recovery, with several organisations working across the country and with resources to directly reach the citizens. At the same time, CiFAR brings expertise in communication on asset recovery and in working with journalists on these topics. The pending Jersey return also stands as a good opportunity to capitalise on sharing information on an international case, with good contacts with Jersey authorities making in-depth discussions achievable.</p>	
<p>Result: Increased information on asset recovery cases publicly available and accessible and citizens better able to hold authorities to account</p>	<p>Potential partners: TBD</p>
Activity 2.2.1: Collaborate with ARA and EACC on publicising asset recovery cases	
<p>Activities description</p> <ul style="list-style-type: none"> • Discuss ongoing cases with the ARA and EACC, aiming to establish a memorandum on CSO-government information sharing on concluded and ongoing cases. • Develop a case tracker on ongoing and completed cases and asset recovery, enabling citizens to trace the progress of cases and assets that have been recovered. 	
Activity 2.2.2: Engage on ongoing returns, with a focus on the Jersey case	
<p>Activities description</p> <ul style="list-style-type: none"> • Provide a parallel CSO report on the Jersey 2022 return explaining the case and results to a wider audience. • Hold an event with the Governments of Jersey and Kenya on the FRACCK in the summer to consider its implementation in this return, challenges and ways it could be improved in future returns 	

Objective 2.3 Increase accountability over public officials	
Narrative description	
<p>Information about Politically Exposed Persons (PEPs) and investigations on them are often very hard to find. The development of tools such as PEP databases are increasingly being used by journalists and NGOs, as well as prosecutors and law enforcement, as a measure to help corruption investigations and advance asset recovery cases. The development of a platform of Politically Exposed Persons in Kenya would facilitate also exchange of information and contribute to discouraging corrupt individuals to commit other crimes.</p>	
Result: Increased accountability of public officials through increased accessibility of information on PEPs	Potential partners: TBD
Activity 2.3.1 Develop and promote a PEP Database	
Activities description	
<ul style="list-style-type: none"> • Consultation on the available information and potential sources. • Consultations and research on efficiency and feasibility of this initiative in Kenya. • Design and develop a public database of the most important politically exposed persons. • Promotion of that database. 	
Objective 2.4 Consideration of new tools for asset recovery	
Narrative description	
<p>Kenya has seen marked progress in the adoption of asset recovery laws, policies and regional anti-corruption and AML commitments. New tools however are constantly in development globally to assist in strengthening the response to and repatriation of stolen funds.</p> <p>These new tools can be explored in the Kenyan context. Where newer tools exist, such as Unexplained Wealth Orders, reflecting on these tools can be of benefit for other countries regionally and globally. Where tools developed elsewhere could be of use for Kenya, these can be considered for how they could be adapted to the Kenyan context. A particular consideration here will be modalities for managing returned assets.</p>	
Result: Newer tools for asset recovery are better understood by relevant actors in Kenya	Potential partners: TBD
Activity 2.4.1 Strengthen knowledge of new tools amongst policymakers	
Activities description	
<ul style="list-style-type: none"> • Policy papers on potential for new legislative and policy tools to improve Kenya's response to asset recovery. • Engagement of state actors to discuss potential options to implement existing laws. • Engagement of government agencies in dialogue on potential new tools and methods for assets recovery. 	

Strategic Area 3: Strengthened civil actors in asset recovery

Objectives:

3.1 Increased capacity of CSOs to engage in asset recovery

3.2 Support to investigative journalists

Objective 3.1 Increased capacity of CSOs to engage on asset recovery	
<p>Narrative description</p> <p>Civil society organisations in Kenya are effective and active on corruption and related topics. Asset recovery is a newer topic for many though, which often takes specialist knowledge and commitment to follow cases across several jurisdictions and several years.</p> <p>As an underlying part of our other work, and with specific activities, this objective aims to support Kenyan CSOs to be strong actors able to effectively push for asset recovery reforms and for the conclusion of cases.</p>	
<p>Result: Strengthened CSO organisations able to work more effectively on asset recovery</p>	<p>Potential partners: TBD</p>
Activity 3.1.1 CSO Capacity building and support	
<p><i>Activities description</i></p> <ul style="list-style-type: none"> • Support to CSOs to develop their work on asset recovery. • Joint fundraising on asset recovery projects. • Provision of training as needed on asset recovery and asset management. • Support to security awareness around asset recovery. • Support to CSO engagement opportunities with authorities on asset recovery. 	
Activity 3.1.2: CSO Asset Recovery Working Group	
<ul style="list-style-type: none"> • Establish a working group of interested CSOs to follow asset recovery developments. • Planning of joint activities of the working group to engage on issues of asset recovery / to follow-up on cases. 	
Objective 3.2 Support to investigative journalists	
<p>Narrative description</p> <p>The media landscape in Kenya is broad and several journalists are engaged in stories relating to the recovery of stolen assets. Weaker though is investigative journalism and the ability of Kenyan journalists to follow the money in corruption investigations and to report on processes for asset recovery.</p> <p>Strengthening financial investigative journalism in Kenya would both contribute to improved accountability of public officials and to better public understanding of how corruption is taking place and how money is being recovered.</p>	

<p>Result: Strengthened accountability through investigative reports into financial crime</p>	<p>Potential partners: TBD</p>
<p>Activity 3.3.1 Capacity building programme for investigative journalists</p>	
<p>Activities description</p> <ul style="list-style-type: none"> • Identify journalists, conduct training and support programmes for investigative journalists in Kenya. • Facilitate across border engagement between journalists in Kenya, East Africa and other regions. • Produce national level stories on AR and cross-border corruption in collaboration with journalists. 	

ANNEX

1. ALIGNMENT WITH CiFAR's 2020 – 2023 STRATEGY

CiFAR's current strategy is organised over three results areas:

- The first – *Global Priorities* – aims to improve civil society's understanding of how asset recovery is functioning currently, explore new and under-considered options for the recovery of stolen assets, and work with civil society to advocate for their adoption.
- The second – *Strengthening civil society* – builds on our work done to date and aims to continue improving the capacity of non-state actors to work across borders on asset recovery, both on cases and as a tool for broader societal reform.
- The third – *CiFAR as a strong actor* – looks internally and aims to strengthen our organisation, focussing on our capacity to be an expert, agile actor able to engage sustainably on the issue and to respond to the needs of others working on cases on the ground.

The CiFAR Kenya Strategy aligns with Pillars 1 and 2 of our global strategy. In particular, it focusses on considering New Tools for Asset Recovery (Priority Area 1), in particular engaging with the FRACC, CAPAR and consider return mechanisms, Asset Recovery as Law (Priority Area 3), in particular considering the legislative and policy frameworks, and Making Asset Recovery More Visible (Priority Area 4), including through discussion forums, the PEP database, case tracker, and engaging with politicians. It also covers Capacity Building and Strategizing (Priority Area 5), with both civil society and journalists, and Networking and Inclusion (Priority Area 6).

2. WHO IS CIFAR?

Founded in 2015 and registered as a charitable association in Berlin, Germany, CiFAR - Civil Forum for Asset Recovery is a non-profit, which works across the globe for transparency and accountability in the investigation, confiscation and return of public money stolen through corruption.

Our work encompasses investigative work to expose corruption, high-quality research on individual cases, and training and capacity building for civil society, including investigative journalists. We work in a partnership approach with non-state actors, aiming to empower their work and contribute with our networks and expertise on the topic.

Since founding, we have worked across several countries and cases and through a range of programmes. More information about our work can be found throughout our website and in our annual reports: <https://cifar.eu/about/accountability/>



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