

Nairobi, 9 November 2022

OUTCOME STATEMENT - GLOBAL SOUTH FORUM

Between the 7 – 9 November 30 civil society organisations, engaged on asset recovery from across the world, came together in Nairobi to discuss priorities in asset recovery with a particular focus on the priorities of the Global South and countries typically designated as 'countries of origin' - countries where the predicate offence(s) occurred - in international asset recovery cases.

Based on the experiences of our organisations and our discussions during this forum, the following recommendations were made:

OVERALL

- Asset recovery and the fight against kleptocracy is a question of justice at the global level and all efforts should be made to prevent the theft away from, and facilitate the return of illicit wealth to, the people to whom it belongs.
- Civil society organisations (CSOs) should be consciously and openly included in asset recovery and there is a need for increased transparency, accountability and participation in asset recovery in line with international standards and best practice. Particular note should be taken of the UNCAC, GFAR Principles, and Civil Society Principles for Accountable Asset Return.

ANTI-CORRUPTION SANCTIONS

- Anti-corruption sanctions alone are not enough to address kleptocracy and need to be linked to the opening of investigations into corruption and other offences.
- Sanctions should be effectively implemented, and measures should be in place to monitor and enforce compliance.
- While respecting the right to privacy, information should be publicly provided on amounts frozen, including nominative lists of assets frozen, under sanctions regimes to allow for public and civil society oversight over the implementation of sanctions.

VICTIMS OF CORRUPTION

- The provisions on victim compensation of the UNCAC, the GFAR Principles and Civil Society Principles for Accountable Asset Return should be taken account when allocating the confiscated proceeds of corruption.
- Efforts should be made to ensure that returned funds are to the maximum extent possible returned to victim groups, where identifiable, and should not benefit the perpetrators.

- Frameworks for victim compensation should be established that include broad definitions of victims in corruption cases.
- Victims' rights to be heard in court proceedings should be facilitated, including through allowing CSOs to bring complaints on behalf of victims.

PREVENTATIVE MEASURES

- Measures such as illicit enrichment laws, extinction of domain laws, publication of assets declarations and beneficial ownership laws and registries should be introduced and implemented to prevent the theft of public funds.
- Model, regional laws to prevent corruption should be developed to assist in national and cross-border asset recovery.
- Membership of FATF, its regional bodies and task forces, and compliance with its recommendations is important in preventing the theft of public funds.
- Reflection should be made on the most efficient body or bodies for asset recovery while ensuring that existing mechanisms can operate effectively in the interim.
- Attention should be paid to corrupt money moving between countries traditionally considered as countries of origin.
- Measures to address "tax havens" at the UN and regional levels should be supported.
- Safe channels for the reporting of potential corrupt wealth by citizens should be established.

ASSET MANAGEMENT AND REPATRIATION

- CSOs should be engaged throughout the management and repatriation process for stolen assets
- In the management of recovered assets:
 - Measures and mechanisms should be established to manage and maintain the value of frozen and confiscated assets.
 - Management mechanisms should have the necessary capacity and resources to undertake their work.
 - Management mechanisms should be transparent in providing records on their budgets and spending, as well as on the assets they are managing. This includes proactive and regular publishing of updated databases of recovered assets and proactive public disclosure of information on the receipt of assets. These should be digital where possible.
 - An effective oversight mechanism of asset management bodies should be in place.

- In the repatriation of stolen assets:
 - There is a need to speed up asset recovery, without sacrificing transparency, integrity or accountability, and make the process of asset recovery more flexible in international returns, including by building further cooperation between jurisdictions.
 - Public participation and CSO engagement should take place in discussions around the use of funds internationally returned and information that discussions are taking place should be clearly published.
 - Interest on stolen assets should be considered as part of overall totals of stolen assets and should form part of discussions on repatriation.
 - Clear explanations should be provided for reductions in the value of returned funds against the original fine or confiscated assets, including identifying funds retained by the destination jurisdiction or allocated to the return process itself.
 - Proactive engagement and advocacy with jurisdictions not currently engaged in stolen asset recovery should be undertaken.

TRANSNATIONAL NETWORKS

- Transnational CSO networks are crucial to fight powerful and extended kleptocracy networks.
- CSO networks are vital to share information, advance investigations, collectively advocate and develop policy, as well as to launch investigations and judicial processes into cross-border corruption, where allowed by the jurisdiction.
- Developing links between CSO networks and intergovernmental regional initiatives can be an entry point to advocate on common issues and cross-border cases.