



A FRAMEWORK FOR THE DISTRIBUTION OF RECOVERED ASSETS TO COMMUNITIES IN KENYA

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EXECUTIVE SUMMARY

Kenya's efforts in combatting economic crimes in recent years have yielded significant recoveries both internationally and domestically. Several cases instituted by law enforcement agencies concerning the proceeds of economic crimes are currently ongoing in the courts, including some linked to county governments.

With the decentralization of administrative powers to counties, as stipulated in the Constitution of Kenya of 2010, policy, administrative and fiscal management has been brought closer to counties. It is perceived that this has, however, also decentralised economic crimes: with greater financial autonomy at the county level, more possibilities for misappropriation have arisen, despite there being legal safeguards designed to guarantee transparency and accountability in the prudent management of resources.

While recent efforts to streamline how Kenya addresses the proceeds of crime through the development of the Criminal Assets Recovery Fund (CARF) may facilitate access to data and information on the amounts recovered and its end use, the relationship between this Fund and instances where economic crimes have occurred at the county level have been underexplored. It is notable that there is a lack of clarity on the extent to which counties and communities where the crimes have occurred will directly or indirectly receive recovered funds. The question, put simply then, is the extent to which victim communities will benefit from the recovery of assets?

This policy paper seeks to answer the questions posed above by undertaking an analysis of the current framework in place to distribute recovered assets upon their confiscation and forfeiture and conducting an initial exploration of an approach to return recovered property and funds in a way that benefits affected communities.

To do this, it draws insights from four other contexts:

1. The Swiss Federal Act on the Division of Forfeited Assets, which institutes a model to allocate the proceeds of crime to both the central authority involved in the recovery process and local regions seeking remedy.
2. The Bayelsa State Returns in Nigeria, which aimed at accountable and efficient use of assets to benefit the communities affected by the money laundering and corruption case.
3. The Ibori Case in Nigeria, where controversy arose in the use of returned funds from an international corruption case for federal projects, with critics arguing for a return to the state level.
4. The UK's Asset Recovery Incentivisation Scheme, which distributes the confiscated proceeds of crime to different agencies involved, who can in turn use these funds for community and crime prevention projects.

The paper further explores several elements that could inform a framework for the distribution of recovered assets to communities in Kenya and highlights the importance of any framework to guarantee fairness, justice, transparency, and accountability in the distribution of recovered assets. It argues that, only by doing so, the people affected, the communities, can benefit from the restitution of proceeds of crime.¹

SUMMARY RECOMMENDATIONS

Based on the lessons learnt in the examples above and international best practice, the policy paper also makes several recommendations.

In sum, it suggests that Kenya should consider building from the basis that the Criminal Assets Recovery Fund provides to develop a truly progressive framework that ties the use of recovered assets to improve the community that was harmed by the crime.

The elements of this framework should include:

- i. An allocation formula that considers each community's share, focusing on those most harmed by the crime, using factors like population size and socio-economic indicators. A possibility here is also incorporating capped portions for law enforcement agencies and national government.
- ii. Community engagement at the centre, with CSO consultations and participatory approaches, potentially establishing community committees or partnering with CSOs.
- iii. Aligning funding with community needs and ensuring that the projects are executed transparently through competitive procurement to prevent 're-corruption' and to maximize efficiency.
- iv. Developing mechanisms for ongoing monitoring and evaluation through engaging independent auditors, CSOs, and community representatives to ensure accountability and optimize project outcomes and impact.
- v. Public awareness campaigns and publishing regular reports to inform citizens about recovered asset utilization, enhancing accountability and public trust in the distribution process.

INTRODUCTION

The distribution of recovered assets to communities entails the restoration of assets to groups of people who are perceived owners or who were the intended beneficiaries of the funds stolen or who have been negatively affected by the economic crime. This restoration comes in at the disposal stage of asset recovery and it is recommended that frameworks and institutions handling the stolen assets should have mechanisms in place to guarantee that the restored assets are not stolen or misappropriated again.²

Existing literature on the restoration of assets has largely focused on indirect returns, including social re-use, and direct returns focused on victim compensation, but little focus has been given to groups or 'communities' affected by economic crimes. This is a particular concern in federal countries or countries with greater levels of devolution, where states, regions or counties may have larger budgets and greater decision-making powers. When funds are stolen from these subnational units, or when economic crimes have a substantial impact on their policies, there may need to be greater consideration to recovered assets to flow back to these units rather than to central government. When the central government is typically responsible for asset recovery, however, this may pose challenges in terms of allocation.

In Kenya, recovering assets confiscated due to economic crimes and returning it to affected communities has been largely indirect through projects aimed at the social re-use of recovered assets.³ It is also evident that in practice the restitution of assets takes place and is guided by institutional policies and principles that are not reflected in the existing legal

framework. This gap leaves open questions about how to ensure that recovered assets are allocated to persons affected by economic crime and about how authorities can ensure equitable distribution to affected communities.

Drawing on international experiences from Nigeria, Switzerland and the UK, and established principles for transparent and accountable return, this paper explores potential frameworks and considerations for the fair and equitable distribution of recovered assets in Kenya. By examining examples from other jurisdictions and aligning these with global standards, it identifies possible ways for Kenya to enhance its efforts to combat crime, promote accountability, and foster socio-economic development at the grassroots level through establishing a model for the sharing of assets recovered from economic crime.

FRAMEWORK GOVERNING THE RECOVERY OF STOLEN ASSETS

Several laws relate to the recovery of the proceeds of economic crime in Kenya. However, little in the framework exists to guide governmental actors in the extent to which the communities affected by the crime should be compensated through the asset recovery.

The Anti-Corruption and Economic Crimes Act (ACECA), 2003

The Anti-Corruption and Economic Crimes Act (ACECA) 2003⁴ is a fundamental law guiding the fight against corruption and economic crimes in Kenya. The Act outlines several strategies for combating corruption, including investigation, prosecution, prevention, education, and asset recovery. It empowers the Ethics and Anti-Corruption Commission (EACC) to investigate liability for the loss or damage of public property and to initiate civil proceedings to recover such property or seek compensation. This authority extends to recovering property or enforcing compensation orders, even if the property or assets are located outside Kenya.⁵

Section 55 of the Act authorizes the state to confiscate unexplained assets, transferring ownership to the government if a person suspected of corruption cannot provide a satisfactory explanation for their possession after being given a reasonable opportunity. Section 56A allows for preservation orders, enabling relevant agencies to appoint a receiver to manage, control, and possess any property suspected of being acquired through corrupt activities.⁶

Additionally, the EACC maintains an Asset Recovery Account to manage assets during their seizure and to hold confiscated funds before proceeding with the following

processes.⁷ According to Section 56C of the Act, any funds recovered by the EACC must be paid into the Consolidated Fund, and any assets or property, whether before or after confiscation, must be surrendered to the Permanent Secretary to the Treasury. The Consolidated Fund is designed to receive all money collected for the national government, with specific exceptions outlined by an Act of Parliament. Money can only be withdrawn from the fund through parliamentary appropriation, in accordance with specified articles, or as authorized by the Constitution or by legislation. While withdrawals from other national public funds require parliamentary approval, withdrawals from the Consolidated Fund must be approved by the Controller of Budget.⁸

The Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), 2009

POCAMLA, recently revised multiple times, facilitates asset recovery through both criminal and civil processes. The Assets Recovery Agency (ARA) is chiefly responsible for enforcing its provisions, which include identifying, tracing, freezing, seizing, and confiscating the proceeds of crime.⁹

Section 109 of the Act establishes the Criminal Assets Recovery Fund (CARF) and in Section 111 designates the ARA as its administrator to facilitate the management and **disposal** of confiscated and forfeited property and funds.

Section 112 of POCAMLA provides for the disposal of assets. This provision outlines that any money shall be paid into the Consolidated Fund, while any properties resulting from confiscation or forfeiture

shall be managed by the government and disposed of in accordance with the Public Procurement and Asset Disposal Act detailing the disposal of public property. The Act empowers the Cabinet Secretary to issue regulations in order to authorize administrative operations of the Fund and utilise money and properties deposited into it.¹⁰

The Proceeds of Crime and Anti-money Laundering (Criminal Assets Recovery Fund) Regulations, 2023

Promulgated in 2023, the Proceeds of Crime and Anti-money Laundering Regulations developed in accordance with the Section 113(1) of POCAMLA set out the implementation of a new mechanism in Kenya for disposing of the proceeds of crime – the Criminal Assets Recovery Fund (CARF). The CARF will be responsible for the management of recovered assets in Kenya. Operating under ARA, an Asset Recovery Advisory Board will be established on the administration of the fund. However, it is unclear the exact purposes for which the funds will be used, beyond stating that five percent of the proceeds realised will be allocated to the agency that recovered the assets and for administrative expenses, and that third-party interests are taken into consideration by allowing for payments with respect to their claims.¹¹

Evidently, despite the existence of legislation in Kenya, gaps in this area exist on how recovered assets should be reused or distributed,¹² leaving inadequacies in the framework to guide the return of assets to affected communities. As a result, there is currently no established legislative mechanism to determine whether and how these assets should be returned to affected communities, leaving any distribution to discretion. As can be seen in the examples below, this can be a source of conflict,

especially when the crime solely took place involving funds originally allocated to one community, county or region.

Institutional policies

Despite the inadequacies of the legislation, institutions responsible have developed policies and there is the possibility for administrative processes to direct recovered assets to communities that are the source of, or heavily affected by, economic crime.

The EACC in particular has an institutional policy that gives consideration to this idea. Its internal asset management policy provides for disposal management, with guiding principles, ownership identification, determination of amount and measures to safeguard restored assets.¹³

On **disposal management**, the policy states that disposal shall comply with legal requirements or, in judicial proceedings, follow court directives. In the absence of specific laws or court orders, disposal management will involve identifying legitimate owners or victims and determining the amounts available for restoration. Additionally, the EACC should implement measures to ensure that restored assets are not stolen or misappropriated again.¹⁴

The following principles are outlined as a guide for the disbursement of recovered assets;

- i. Disposal of assets should be conducted accountably and transparently.
- ii. Disposal mechanisms should ensure that restored assets are used for their intended purpose.
- iii. Disposal of recovered assets should be subject to both internal and external audits.

- iv. Disposal of seized and confiscated assets should meet public expectations and gain public confidence.
- v. The disposal process should be efficient and cost-effective.

In the identification of legitimate owners or victims, the policy indicates that it will be carried out by a team consisting of investigating officers, the attorney handling the case, and the Seized Assets Management Office.

In cases of conviction-based confiscation, the amount available for disposal will be the net proceeds of all the confiscated assets of the person involved in one or more offenses, minus the following:¹⁵

- i. Amounts paid as fines ordered in connection with the offenses.
- ii. Operating expenses (including service providers' costs).
- iii. Litigation costs.
- iv. Amounts reserved for:
 - a. Future claims.
 - b. Payments arising from undertakings given by the Commission.
 - c. Payments resulting from indemnifications granted by the Commission.
 - d. Taxes.

The policy also provides for measures to safeguard restored assets and directs the Seized Assets Management Office, in collaboration with investigating officers and the attorney handling the case, to identify and implement measures necessary to safeguard restored assets from being lost

or misappropriated again.¹⁶

In particular Principle II *Disposal mechanisms should ensure that restored assets are used for their intended purpose* then could provide a basis for the return of assets to affected communities, where the stolen funds can be directly attributed to a community purpose, for example in cases where funds for a school have been embezzled. This principle could also conceivably apply in cases where bribes are paid, and communities are served with sub-standard services or infrastructure as a consequence.

Nevertheless, what is missing is a systemic approach where these considerations are part of the regular process of deciding on the disposal of the recovered proceeds of economic crime. The establishment of the CARF will also alter the landscape in terms of institutional policies, as all recovered funds are moved towards disposal through the CARF.

PRINCIPLES AND STANDARDS ON THE DISTRIBUTION OF RECOVERED ASSETS

Before turning to practice from other jurisdictions, it is worth noting that several international standards and best practice have highlighted the importance of returning assets as closely as possible to the people from whom they were stolen.

GLOBAL FORUM ON ASSET RECOVERY (GFAR) PRINCIPLES

The GFAR principles give some perspective of how stolen money should be returned. While these principles do not give recommendations with regards to returns to county or state governments, they give clarity on what ought to be done as recovered funds are repatriated, managed and utilised.

Principle 5 in particular emphasizes that, whenever possible, recovered funds should be channelled back to the people who suffered from the underlying corruption.¹⁷ This implies that, where there are not identifiable direct victims, resources should be directed towards community development projects and initiatives that address the harms inflicted.

Beyond direct community benefit, Principle 6 encourages using recovered assets to strengthen anti-corruption efforts at the local level, aligning with UNCAC principles of good governance and transparency.¹⁸

Finally, Principle 10 acknowledges the crucial role of non-governmental stakeholders like NGOs and community groups in ensuring these funds are used effectively and accountably.¹⁹ Their involvement can range from identifying affected communities to shaping how resources are allocated and managed,

ultimately ensuring that stolen wealth truly benefits those who deserve it most.

CIVIL SOCIETY PRINCIPLES FOR ACCOUNTABLE ASSET RETURN

These principles establish a minimum standard for responsible and transparent asset recovery, emphasizing the crucial role of community engagement and public oversight in ensuring the rightful utilization of recovered funds.

Transparency

At every stage of the recovery process, comprehensive and accessible information must be provided to the public. This includes details about the nature and value of recovered assets, the legal framework guiding the process, and the intended use of the returned funds. Regular updates on case progress, along with the negotiating framework and agreements reached, should be readily available.²⁰ Such transparency fosters trust, empowers public scrutiny, and prevents agreements that could undermine the integrity of the process.

Stakeholder Engagement

Civil society organizations, representing the voices of those most impacted by corruption, must be active participants in asset recovery. Their expertise in identifying the harm inflicted and proposing effective remedies should be harnessed to guide decisions on the allocation and utilization of recovered funds. Moreover, victim groups must be empowered to participate in the process, potentially through dedicated representatives, ensuring their voices are

heard and their needs addressed.²¹

Public Scrutiny and Oversight

Multilateral, bilateral, and case-specific agreements regarding asset return should be made public without delay. Independent civil society watchdogs should play a crucial role in scrutinizing these agreements, ensuring they align with established principles and promote transparent, accountable, and effective utilization of recovered funds.²² This level of scrutiny is essential to safeguard against misuse and guarantee that the intended beneficiaries receive the full benefits of the recovered assets.

Safeguards and Accountability Mechanisms

To maintain public trust and prevent backsliding, robust safeguards must be in place throughout the process. Independent monitoring mechanisms, coupled with accessible complaint channels, should be established to identify and address any irregularities.²³ Additionally, strong anti-corruption, rule of law, and accountability frameworks are essential to ensure the responsible administration and distribution of recovered assets. Where such frameworks are lacking, alternative arrangements, developed in consultation with independent civil society organizations, should be implemented to ensure adequate oversight and prevent misuse.

Restitution and lasting impact

Ultimately, the goal of asset recovery should be to restore what was stolen and build a better future for the affected communities.²⁴ Recovered funds should be directed towards projects that directly address the harm inflicted by corruption, improve living standards, and strengthen the rule of law. This could include

investments in infrastructure, healthcare, education, or other critical sectors impacted by the initial theft. By prioritizing community needs and transparently demonstrating the positive impact of recovered assets, trust can be rebuilt and the cycle of corruption broken.

CIVIL SOCIETY PRINCIPLES ON THE ROLE OF VICTIMS IN ASSET RECOVERY

The Civil Society Principles on the Role of Victims in Asset Recovery were developed through a collaborative process between November 2022 and December 2023 amongst civil society organizations engaged in asset recovery on the global, regional and national levels.²⁵

Relating to the distribution of recovered assets, they emphasise in particular that:

- Funds should be returned swiftly to identifiable victims or groups. Where victims cannot be identified, funds should be returned to the countries, regions, communities and peoples from whom they were stolen.
- Legal and policy frameworks should be established for victim compensation. These should include broad definitions of victims in corruption cases and should be applicable to both domestic and international recoveries.
- Where individual victims cannot be identified, or direct compensation is impractical, open and accessible public consultations must be held to determine the allocation of funds to broader groups of victims. All victims must have the opportunity to participate without discrimination, with transparent decision-making and the right to appeal any irregularities.

EXPERIENCE FROM OTHER JURISDICTIONS

While examples of asset return to county or state-level governments are not as prevalent as returns, or allocation of recovered funds, to national governments, examples that do exist nonetheless provide valuable insights into the challenges and opportunities that exist in consider models of redistribution of recovered assets to the local level.

The examples highlighted below underscore the importance of establishing transparent and accountable mechanisms for redistributing recovered assets within devolved units, a challenge that remains largely unaddressed in Kenya's current legal framework.

SWITZERLAND

The Federal Act on the Division of Forfeited Assets (DFAA), effective since August 1, 2004, establishes the legal framework for asset sharing agreements between Switzerland and foreign states, as well as for domestic asset distribution between the Federal Government and the cantons, which are a level of local government in Switzerland. The DFAA delineates the process by which forfeited assets, primarily money seized from criminals, are divided between the Federal Government and the cantons.²⁶

The formula for division of assets applies to all assets exceeding CHF 100,000 (approx. KSH 16,215,000), with specific allocations as follows:

- 50% is designated for the canton or federal authority leading the investigation and seizure, i.e. the canton or authority where the crime occurred

- 20% is allocated to the cantons where the assets were seized to acknowledge their cooperation, and
- 30% is allotted to the Federal Government to support cantonal law enforcement.²⁷

Disputes are resolved by the Federal Office of Justice (FOJ), with recourse to the Federal Administrative Court if necessary. Recipients, whether cantons or the federal government, have complete discretion over the use of forfeited assets, without any prescribed purposes.

The allocation recognizes the efforts and resources expended by the authorities in identifying, investigating, and confiscating the assets related to criminal activities, as well as the role of the Federal government in providing overall support for asset recovery, and importantly, that the money was stolen from the people of specific cantons.

NIGERIA

The Bayelsa state returns

The Bayelsa State asset returns involve the repatriation of funds that were forfeited due to corrupt practices.²⁸ The United States (US) repatriated the sum of USD 950,000 (approx. KSH 123,500,000), which was looted by a former Governor of Bayelsa State, the late Mr. Diepreye Alamiyeseigha, back to Nigeria. The Federal Republic of Nigeria (FRN) and the US signed an Asset Return Agreement on February 20, 2023. This agreement was designed to specifically enable a transparent and efficient repatriation of funds accruing from the forfeited assets for the benefit of the people of Bayelsa State rather than the

usual practice where recovered assets are returned to the central or federal government.²⁹

The forfeited assets are to be used exclusively for the purpose of rehabilitation, renovation, refurbishment, reconstruction, and equipping of selected Primary Health Care (PHC) Centers in various communities and Local Government Areas across Bayelsa State.³⁰

The implementation and monitoring of the projects set out in the agreement will be carried out by Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) which will be chosen after meeting certain eligibility requirements. These include evidence of the organization's registration, evidence of a Personal Income Tax Certificate of the founders of the NGOs and CSOs for the last three years, and the record of audited accounts for the last three years.³¹

The Ibori case³²

The case of James Ibori, the former governor of Delta State, involves the return of GBP 4.2 million (approx. KSH 780,000,000) in assets recovered from Ibori and his associates.³³ The funds were seized by the UK government and were returned to Nigeria in 2021. In the months before the return, there was controversy over where these funds should be returned.

The Federal Government of Nigeria announced that the returned funds would be used for federal infrastructural projects such as the Second Niger Bridge, Abuja-Kano Road, and the Lagos-Ibadan road.³⁴ This decision was met with opposition from citizens, civil society and lawyers, who argued that the funds should be returned to Delta State, from where the funds were originally stolen.³⁵ The Attorney-General of the Federation, Abubakar Malami, argued that the law breached by Ibori was a federal law, and the parties involved in the repatriation of the funds were national and

not sub-national governments. Therefore, the funds should go to the federal government.³⁶

Critics argued that this decision was a breach of the Global Forum on Asset Recovery (GFAR) principles, as well as the provisions of the United Nations Convention Against Corruption and the Federal Government Gazette on Asset Tracing, Recovery and Management (2019).³⁷ They pointed out that there is a precedent in Plateau State of Nigeria, where the looted assets of former Governor Joshua Dariye were returned to Plateau State.³⁸

UNITED KINGDOM

The UK has had a scheme in place since 2002 which provides for the redistribution of the confiscated proceeds of crime to communities where the crime took place. Introduced under the Proceeds of Crime Act 2002, and similar legislation in different constituent jurisdictions of the UK, assets confiscated through court orders for crimes committed under the legislation are allocated to various involved bodies, with part of the funds able to be used for community projects.

In a typical confiscation order, under the scheme – named the Asset Recovery Incentivisation Scheme (ARIS) - the courts apportion the confiscated proceeds of crime in the following manner:

- 50 % is allocated to central government
- 18.75% is allocated to the investigating agency
- 18.75% is allocated to the prosecution (usually the central government Crown Prosecution Service), and
- 12.5% is allocated to the courts.³⁹

The latest UK Asset Recovery Statistical Bulletin highlighted that a total of GBP 117.9 million (approx. USD 145 million) of ARIS

funding was distributed to agencies in the financial year 2022 to 2023. Of this amount, around 8% was used for general community projects, typically by the investigating agency, with the remainder being used for asset recovery work, crime prevention and miscellaneous projects⁴⁰ - some of which are also returned to the community, particularly those focussed on crime prevention.

Examples of the use of ARIS funds include the use of funds for to support domestic violence community groups,⁴¹ providing arts to marginalised communities, projects to reduce criminality in young people,⁴² and providing matching funds to CSOs.⁴³

TOWARDS A FRAMEWORK GOVERNING THE DISTRIBUTION OF RECOVERED ASSETS

As highlighted above, Kenya currently lacks a framework or policy that would guide decisions over the distribution of recovered assets to affected communities or counties where the crime originally took place. Such a framework or policy could prevent controversies such as the Ibori case in Nigeria, where the community of Delta State felt disenfranchised, and in turn establish the right of harmed communities to receive assets misappropriated from their counties.⁴⁴

The distribution of recovered assets to communities in Kenya further presents an opportunity to address the adverse effects of corruption and promote socio-economic development at the grassroots level. Drawing on international experience and principles, an approach to asset distribution in Kenya should emphasize transparency, community involvement, and adherence to legal frameworks.

Key components of the approach should include:

- developing an allocation formula based on objective criteria,
- engaging local communities in decision-making and aligning projects with community needs,
- monitoring and evaluating project impact and
- ensuring public awareness and reporting.

By implementing such an approach, Kenya would ensure that recovered assets are effectively utilized to benefit affected communities, thereby promoting accountability, transparency, and

sustainable development. Additionally, adherence to international principles and best practice would enhance Kenya's reputation in the global fight against corruption and in global asset recovery efforts, positioning Kenya as a leader in victim- and community-centred asset recovery.

DEVELOPING AN ALLOCATION FORMULA

Key to any approach is developing an allocation formula that accounts for the proportion of recovered assets attributed to each county or community within the affected counties impacted by the misappropriation of public funds or criminal activities associated with the recovered assets.

Various factors, including past projects to which the misappropriated funds were allocated and could have benefited the communities, population size, and socio-economic metrics, can be used to inform the allocation process.

Drawing inspiration from Switzerland's model of distributing recovered assets, in addition to the county of origin, certain portions of the recoveries could also be allocated to law enforcement authorities and the National Government, with these allocations subject to a predetermined cap or percentage. Such an approach would aim to mitigate potential disputes akin to those observed in the Nigerian Ibori case that has seen competing claims over repatriated assets.

LOCAL COMMUNITY ENGAGEMENT

Also important is facilitating consultation and engagement with local communities to identify priority areas for investment using recovered assets through a participatory process. This is essential both when finalising allocations and in ensuring that recovered assets target those most affected within counties.

Such a consultative processes could lead to agreements on either the establishment of community committees or forums to decide on the use of assets or to oversee the distribution process and ensure transparency.

When projects are supported, these should align with the needs of affected communities, such as infrastructure development, education, healthcare, or poverty alleviation. Projects should then be implemented through a transparent and competitive procurement process to maximize efficiency and to prevent further criminality.

CSOs involved in the communities and forums can be used and their experience leveraged in project identification and implementation. The CSOs ought to also be subjected to a fair and transparent procurement process to curb re-corruption of the funds being distributed to communities.

MONITORING AND EVALUATION

Mechanisms for ongoing monitoring, evaluation and impact of projects implemented under redistribution frameworks should be considered to ensure that allocations are working as planned and to allow for correction if not.

This may include involving independent auditors, CSOs, and community representatives to ensure accountability and effectiveness.

PUBLIC AWARENESS AND REPORTING

Public awareness campaigns, including at the county level, should be used to inform citizens about the source and use of recovered assets. Regular reports with detailed information on asset recovery, distribution decisions, and project outcomes should also be published, to enhance transparency and accountability. These reports should be also available to parliament, as happens in practice when the EACC, for instance, is summomed to present it's reports to the Justice and Legal Affairs Committee (JLAC) on corruption cases.

By following an approach with these elements Kenya can ensure that recovered assets are effectively distributed and utilized to benefit communities affected by economic crime, thereby promoting accountability and socio-economic development.

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