

WE WANT OUR MONEY BACK: STOLEN ASSET RECOVERY AND RESOURCING THE NEW DEVELOPMENT AGENDA

ORGANIZED BY THE TRANSPARENCY, ACCOUNTABILITY & PARTICIPATION (TAP) NETWORK AND OPEN SOCIETY FOUNDATION

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Transparency, Accountability
& Participation in Post-2015

INTRODUCTION

On Wednesday, 15 July, the Transparency, Accountability and Participation (TAP) Network and the Open Society Foundations co-hosted a side-event entitled “**We Want Our Money Back: Stolen Asset Recovery and Resourcing the New Development Agenda**” with participants and experts present from Member States, civil society, media, the private sector and the UN system.

Government investigations, civil society inquiries, legal cases and popular movements expose massive theft, misappropriation and money laundering by the very people and institutions in positions of greatest trust. Every few months, it seems, we learn of another stash of stolen money, hidden by current and former political leaders, private sector partners and the banks and other financial and legal professionals who assist them – billions of dollars of public funds siphoned out of government treasuries into private accounts of the powerful elite.

When we are fortunate, our legal systems are able to identify and seize these stolen assets. But stolen asset recovery is just the beginning of the story in making people whole again and serving basic development needs.

The return, or repatriation, of these assets reveals a host of questions government, private sector and civil society leaders must contend with to ensure legitimacy, transparency and accountability for the money in serving its intended role. By examining a broad range of solutions for sustainable asset repatriation, we have an opportunity to develop cooperative models of governance and development.

At this side event, we heard from civil society grappling with these questions in different contexts:

Panel of Speakers

- **Ms. Daria Kaleniuk**, *Director*, [Anticorruption Action Center](#)
- **Ms. Laetitia Liebert**, *Director*, [Association Sherpa](#)
- **Mr. David Ugolor**, *Director*, [African Network for Environment and Economic Justice \(ANEEJ\)](#)
- **Ms. Swathi Balasubramanian**, *Senior Program Officer*, [International Research & Exchanges Board \(IREX\)](#)

Moderator: Mr. Soji Apampa, former UN Global Compact Anticorruption Advisor and Director of [Integrity Nigeria](#)

SUMMARY

Ms. Daria Kaleniuk, *Director*, Anticorruption Action Center opened discussions by highlighting the budget of the Government of Ukraine is empty, mainly because of political corruption and the ongoing crisis in the East of Ukraine.

Ms. Kaleniuk stated her organization tries to convince the government and public that Ukraine has its own resources that could support its own development if they would eradicate corruption and prevent

abuse of the national budget. Her organization utilizes the “follow the money principle” to track, document and build legal case dossiers around stolen public assets.

Ms. Kaleniuk underlined civil society can assist in asset recovery in four key stages:

- Identify and report on stolen assets: this has included making relevant financial and ownership documents public, translating them into English and transferring, where appropriate, information to foreign jurisdiction.
- Initiate or support proceedings to seize assets and prosecute legal violations by, for example, submitting an application/complaint and the related evidence of wrongdoing to prosecuting authorities.
- Identify loopholes within existing legislation and implementation. Make recommendations for legislative reform.
- Intervene in repatriation processes to ensure money is not simply returned to the corrupt and re-laundered.

Ms. Laetitia Liebert, *Director*, Sherpa described her organization’s role as a partner to citizens whose assets have been stolen. Sherpa engages in strategic litigation to respond to grand corruption and corporate violations of human rights. She described how Sherpa developed a legal theory of concealment of misappropriated assets in order to bring the groundbreaking “biens mal acquis” case to recover assets stolen from Gabon, Equatorial Guinea and Congo-Brazzaville. Ms. Liebert underscored the significant security risks partners in the asset originating countries bear by standing up against corruption and the need, not only from partners in asset concealing countries to support their endeavors, but for legislative changes to bring about greater transparency for everyone around the true ownership of corporate vehicles used to launder criminal proceeds.

Mr. David Ugolor, *Director*, African Network for Environment and Economic Justice (ANEJ), discussed his experience monitoring the 2004-2006 Abacha monies repatriated from Switzerland to Nigeria, and the difficulties civil society faced then in being a true partner in the repatriation and monitoring the process. In looking at the current pending repatriations of further Abacha stashes from Switzerland, Lichtenstein and the US, as well as other possible jurisdictions and sources of laundering of Nigerian public assets, he called for structural changes on a global level of the understanding of the role of civil society in asset repatriation process; Mr. Ugolor stressed that citizen’s voices must be understood to be necessary to any repatriation process, and that the World Bank cannot be viewed as a stand-in for citizens’ perspectives, but rather should play a role of supporting civil society to engage directly.

Ms. Swathi Balasubramanian, *Senior Program Officer*, International Research & Exchanges Board (IREX) provided an example of how assets can be repatriated to deliver direct, accountable development impact.

Ms. Balasubramanian discussed her experience in helping to establish and support the [BOTA Foundation](#), an independent entity created in Kazakhstan to manage \$116 million of returned assets, seized in an investigation of bribery payments on behalf of US oil companies. The BOTA Foundation, she described, used the money to support programming for Kazakhstan’s most vulnerable populations, including scholarships and direct cash transfer systems. Three governments, the United States, Switzerland and Kazakhstan, and three organizations, IREX, the World Bank and Save the Children,

worked together to establish and oversee the BOTA Foundation. Ms. Balasubramanian described how over the course of five years, the Foundation improved the lives of 208,000 Kazakhstanis while building local capacity and expertise.

Ms. Balasubramanian provided key lessons from the BOTA Foundation experience:

- Ensure a safe space to transfer assets
- Include all stakeholders in setting priorities for repatriation
- Collaborate with the government but remain independent
- Prioritize careful preparation to develop a robust oversight mechanism.

In her concluding remarks, Ms. Balasubramanian stressed that we need to think about how recovered asset can augment existing development mechanisms and build capacity of groups on the ground. She called for the international community to devote more resources to the recovery process making it more efficient in order for stolen assets can go back to the people where it belongs.

ADDITIONAL MATERIALS

[Repatriating Stolen Assets: Potential Funding for Sustainable Development](#): This background paper was prepared for the side-event detailed above. It was prepared by the Open Society Justice Initiative with input from the participants in the event: African Network for Environment and Economic Justice, Nigeria; Anticorruption Action Centre Ukraine; Integrity, Nigeria; International Research & Exchanges Board (IREX), USA/Kazakhstan; and Association Sherpa, France.

[TAP Network FfD3 Position Paper](#): The paper stresses that Transparency, Accountability and Participation (TAP) must be at the heart of the Financing for Development (FfD) outcome document. The Sustainable Development Goals (SDGs) and the FfD process have both set out ambitious agendas – those in which transparent and accountable institutions and citizen participation in governance serve as linchpins for sustainable development progress at all levels.

[TAP Network Review & Accountability Position Paper](#): This paper argues that participation and transparency are key principles for robust, effective, and inclusive accountability mechanisms for the Post-2015 framework at all levels – from the local through to the global. If we have meaningful participation and transparency in place, then the Post-2015 ‘follow-up and review’ mechanisms should be able to deliver real accountability for the SDGs.

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