CONFERENCE ON PROMOTING INTERNATIONAL CO-OPERATION IN COMBATING ILLICIT FINANCIAL FLOWS AND ENHANCING ASSET RECOVERY TO FOSTER SUSTAINABLE DEVELOPMENT

5th–7th June 2017

State House Banquet Hall

NATIONAL ANTHEM

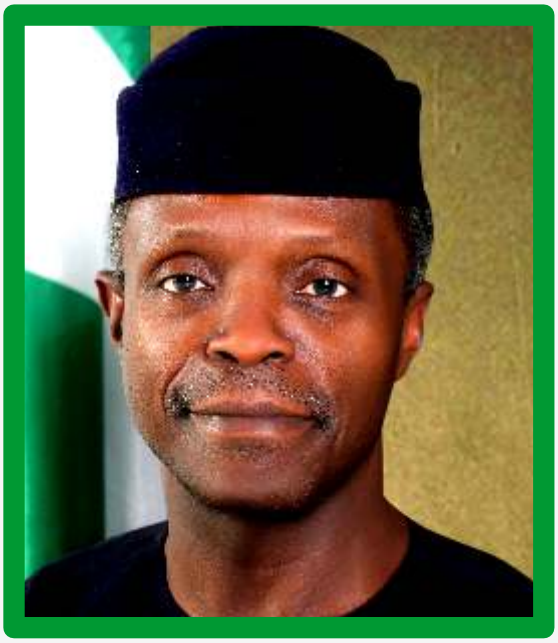
Arise, O compatriots,
Nigeria's call obey
To serve our Fatherland
With love and strength and faith.
The labour of our heroes past
Shall never be in vain,
To serve with heart and might
One nation bound in freedom,
peace and unity.

O God of creation
Direct our noble cause
Guide our leaders right
Help our youth the truth to know
In love and honesty to grow
And living just and true
Great lofty heights attain
To build a nation where peace
And justice shall reign.

NATIONAL PLEDGE

I pledge to Nigeria my country
To be faithful loyal and honest
To serve Nigeria with all my strength
To defend her unity
And uphold her honour and glory
So help me God.

H.E. MUHAMMADU BUHARI,
President, Federal Republic of Nigeria



H.E. PROF. YEMI OSINBAJO, SAN
Vice President, Federal Republic of Nigeria

ABUBAKAR MALAMI, SAN
Honourable Attorney-General of the Federation

GEOFFREY ONYEAMA
Minister of Foreign Affairs

PRESIDENTIAL ADVISORY COMMITTEE AGAINST CORRUPTION (PACAC)

PROFESSOR ITSE SAGAY, SAN
CHAIRMAN, PACAC

PROFESSOR SADIQ ISAH RADDA
MEMBER, PACAC

PROFESSOR ETANNIBI ALEMIKA
MEMBER, PACAC

PROFESSOR FEMI ODEKUNLE
MEMBER, PACAC

HADIZA BALA USMAN
MEMBER, PACAC

PROFESSOR BOLAJI OWASANOYE
MEMBER / EXECUTIVE SECRETARY, PACAC

CONCEPT NOTE FOR THE CONFERENCE ON PROMOTING INTERNATIONAL COOPERATION IN COMBATING ILLICIT FINANCIAL FLOWS (IFF) AND ENHANCING ASSETS RECOVERY TO FOSTER SUSTAINABLE DEVELOPMENT

BACKGROUND

The international community is conducting a series of engagements and initiatives to ensure that the Sustainable Development Goals (SDGs) are met by 2030 through adequate financial provisions by all countries.
One of the ways through which these goals could be achieved is by ensuring that assets recovered as proceeds of corruption are returned to requesting states and channeled towards meeting the SDGs by various social welfare and social protection projects.

The strategy by which UN member states intend to achieve this goal is by implementing Resolution 69/313 of the UN General Assembly of 27th July 2015 on strategies for financing social development projects towards achieving the SDGs by 2030. The agenda known as the Addis Action Agenda is founded on the outcome of the Third International Conference on Financing for Development and lists seven action areas that are an integral part of the means of implementation of achieving the SDGs, through a series of financing measures, comprised by the Addis Ababa Action Agenda.

At a recent International Expert Meeting on Management and Disposal of Recovered and Returned Stolen Assets organized by the United Nations Office on Drugs and Crime (UNODC) together with the Governments of Ethiopia and Switzerland, held in Addis Ababa from 14 to 16 February 2017, Nigeria was recognized as an example of successful use of an asset return. A case highlighted was one that returned $700m to Nigeria by Switzerland for the NEEDS project involving a number of CSOs in the planning and monitoring of social investment projects. This serves as a best-case example that demonstrates how the effective return of assets can directly contribute to a concrete measure of public social good in line with the sustainable development goals. There is a need to collect and demonstrate such and other best practices, so that requesting states and requested states may promote a successful agenda through more expeditious and effective means in the future.

Despite the internationally recognized integrity and transparency of the current government, and its determination to recover stolen public assets and fight corruption, Nigeria has not frontally taken any initiative to make its voice heard within the international community. This conference aims to improve asset return and raise the awareness around the use of returned assets for sustainable development. Furthermore, punishment measures for perpetrators of acts of corruption within national borders will be highlighted, as well as internationally. Ultimately, there is a need for national legal systems to increase its corruption response, and ensure that the international legal systems back up and complement national efforts when these fall short due to inherent weaknesses,

Nigeria recently led the passage of a UN General Assembly (UNGA) Resolution on Promotion of International Cooperation to Combat Illicit Financial Flows in Order to Foster Sustainable Developments following the President's visit and address to UNGA in 2016. Nigeria is stepping up its efforts by advancing this position by further activity. Other key reasons why this activity should be implemented are as follows;

1. CLOSING KNOWLEDGE GAP ON ILLICIT FINANCIAL FLOWS.

It is generally recognized that there is a knowledge gap on the nature and effect of annual cross border flow of proceeds of criminal activity currently estimated at between US$1-1.6trillion. Half of these flows come from developing and transitional economies. The global shadow financial system sustains illicit financial flows by public and private sector through various means including direct

looting, money laundering, tax evasion, profit shifting by multinational corporations, trade mis-pricing and mis-invoicing etc.
It is important that developing countries improve their capacity in order to understand and stem illicit financial flows, enhance cooperation of tax authorities, share information for peer learning and develop a corps of experts to advise and work in this area.

2. ENHANCING ASSET RETURN PROCESS

Where illicit flows are successfully traced, the effective return of assets remains a major challenge for developing countries and various legal and administrative obstacles still stand in the way of the effective and efficient return of assets.
A number of African countries are currently struggling with asset return notably Nigeria and a number of Arab countries. Other African countries are struggling with return of valuable assets or illegal flows proceeding from natural resources.

3. IMPROVING SANCTIONS AND ENFORCEMENT

In light of weaknesses in governance systems and institutions of states including judicial institutions, many requesting states are unable to prosecute or bring suspects of crime of corruption and illicit flows to justice. Nigeria for example was unable to prosecute the former governor of Delta State in Nigeria. She had to depend on British courts to convict the suspect using evidence gathered in Nigeria but largely ignored by Nigerian court. Such situations calls for examining more effective liability measures and sanctions of perpetrators of illicit financial flows and other acts of corruption in accordance with the UNCAC Conference of State Parties Resolution 6/6 on Asset Recovery and Asset Return.

4. BUILDING ON EXISTING INTERNATIONAL RESOLUTIONS ON IFF AND ASSET RETURN

G77 Resolution 17 of Dec. 2016 and UNCAC Conference of State Parties Resolution 6/6 on Asset Recovery and Asset Return are recent key instruments towards improving the asset return process. These resolutions were both sponsored and supported by requesting states who face frustration in the asset return process. However, requesting states have yet to initiate a platform to express their concerns about the challenges of illicit financial flows, asset return and associated issues. And although the globally acclaimed Thabo Mbeki Report made major headway in addressing and raising awareness on the magnitude of this problem, far more needs to be done.

In furtherance of these observations, Nigeria is proposing the convening of this conference on the issues of Illicit Financial Flows and Asset Return with a view to raise further awareness and enhance international cooperation around these issues. An important step to that effect will be to further the discussion through a GA-resolution on promoting international cooperation in combatting illicit financial flows and enhancing asset recovery. Furthermore, the conference will assist the delegates in evaluating the role that appropriate use of returned assets can play in achieving the sustainable development goals.

Day One – 5th June 2017

10.00am – 11.30am - Opening Ceremony

1. National Anthem

2. Welcome Address - Prof. ItseSagay SAN, Chairman, Presidential Advisory Committee Against Corruption (Nigeria) PACAC

3. Remarks
   a. Minister of Justice - AbubakarMalami SAN
   b. Minister of Foreign Affairs - Geoffrey Onyeama

4. Keynote Address - Akere Muna Chair, International Anti-Corruption Conference Council, former Vice-Chair, Transparency International, and Member, High Level Panel on Illicit Financial Flows (Thabo Mbeki Panel)

5. Speech By Special Guest of Honor - Acting President, Prof. Yemi Osinbajo, SAN

11.30am – 12.00pm Tea Break

Session One - 12.00pm – 1.30pm

Combating Cross Border Flow of Corrupt and Criminal Assets

This session seeks to widen the conversation around cross border flow of corrupt and criminal assets and the negative impact on the development and economic growth of developing countries. It is important to note that free and uninhibited flow of corrupt and criminal assets is one of the major causes of underdevelopment in developing countries. The session will examine practical measures to curb this trend and strengthen international legal mechanisms aimed at combating cross border flow of corrupt and criminal assets.

Chairman of Session - Mallam Nuhu Ribadu, Former Chairman EFCC, Nigeria

Panelists:

1. Kayode Oladele - Chair, Committee on Economic and Financial Crimes House of Representatives, National Assembly, Nigeria
2. Laurentiu Dumitrica, - UNODC, former Prosecutor at EU Lex Kosovo
3. Prof. Abdullahi Shehu - Former D-G, Inter-Governmental Action Group Against Money Laundering in West Africa
4. Olav Lundstol - Policy Director, Tax and Capital Flight, Norad, Norway
5. Amina Oyagbola - Former Executive, MTN Nigeria
6. Ibrahim Magu, - Ag. Executive Chairman EFCC

General Discussion

1.30pm – 2.30pm – Lunch

Session Two - 2.30pm – 4.00.pm

Understanding Illicit Flows in Commercial Transactions

This session will focus on the phenomenon of illicit financial flows (IFF) generally and how it takes place in commercial activities. The session will discuss types and variants of IFF and focus on practical measures that can be taken to diminish it in the short, medium and long term. The session will also focus on major drivers of IFF in developing and developed countries and recommend effective measures for tackling IFF nationally and internationally.

Chairman of Session	- Amb.SegunApata, Chairman, Nigerian Bottling Co. Ltd. Member, High Level Panel on Illicit Financial Flows from Africa (Thabo Mbeki Panel)

Panelists:

1. Prof. J. Aremu	- Consultant, ECOWAS
2. Olajobi Makinwa	- Global Impact, New York
3. LaoyeJaiyeola	- CEO, Nigeria Economic Summit Group
4. Michael Otieno	- Member, Tax Justice Network, Nairobi, Kenya
5. Majdanska Alicja,	- WU, Global Tax Policy Center, Institute for Austrian and Int. Tax Law
6. Babatunde Fowler	- Chairman, Federal Inland Revenue Service

General Discussion

4.00am – 4.30pm Tea Break

Session Three - 4.30pm – 5.30.pm

Holding IFF Facilitators and Intermediaries Accountable

Corruption has many facilitators but only few of those complicit in the chain of organized criminality of IFF get the deserved attention. Corruption facilitators and intermediaries otherwise known as middlemen exist in all types of cases but are prominent in some categories. Middlemen may include real estate agents, brokers, trust experts, commercial actors, financial institutions, lawyers, bankers, auditors, accountants etc. all of which help to move criminal assets and falsify records. The session underscores the importance of holding these facilitators of illicit financial flows accountable for their roles in condoning its continued practice.

Chairman of Session	- Senator Chukwuka Utazi, Chair, Senate Committee on Corruption, Economic and Financial Crimes,

Panelists:

1. Dr. Andrew Nevin	- Chief Economist for West Africa Price Waterhouse Coopers
2. Simon Taylor,	- Co-Founder and Director, Global Witness, UK
3. Dr. Osai Ojigho	- Country Director, Amnesty International, Nigeria
4. Jeane Elone	- Officer in Charge, Trust Africa
5. Soji Apampa	- Executive Director, Convention on Business Integrity

General Discussion

Day Two – 6th June 2017

Showcase Session 9.30am – 10.30am

Topic: Practical Steps to Stopping Illicit Financial Flows

Session Chair – Kemi Adeosun, Hon. Minister of Finance
Guest Speaker – Raymond Baker, President Global Financial Integrity, Washington DC

General Discussion

Session Four - 10.30am -11.45am

Enhancing Asset Recovery and Asset Return

The international community demonstrated with UNCAC its strong denunciation of corruption and by extension IFF. However, the zeal accompanying asset recovery has not always been matched by the same ambition and urgency for asset return due to a myriad of factors in both requesting and requested states. Tension has thus been growing between developed countries that receive stolen assets and requesting states who are asking for their stolen assets to be returned unconditionally. This session will examine mechanisms by which cooperation can be enhanced and measures to facilitate and ease recovery and return of stolen assets back to requesting states.

Chairman of Session - Mal. Abubakar Malami, Hon. Attorney – General and Min. for Justice

Panelists:

1. Oliver Stolpe, - UNODC / Star Initiative, Vienna, Austria
2. Ekpo Nta - Chairman, ICPC, Nigeria
3. Rotimi Oladele - President, Business Club, Ikeja
4. Antonio Tricarico - Director, Re-Common Italy
5. Prof. Bolaji Owasanoye - Executive Secretary, Presidential Advisory Committee Against Corruption, Nigeria

General Discussion

11.45am – 12.15pm Tea Break

Session Five - 12.15pm -1.30pm

Management and Application of Returned Assets for SDG and Human Rights

Corruption is widely known to impede development and worsen growth indicators. It diverts resources meant for public good to private pockets for private gain. This factor is partly responsible for current advocacy that returned assets must be brought back into the sphere of the public good taking account of existing international commitments such as the SDGs and the fundamental human rights and needs of local citizens. Governments of requesting states must take into account the human rights violations occasioned by the continued mismanagement and malpractice.

Chairman of Session - Maryam Uwais, Special Adviser to the President on Social Protection

Panelists:

1. Amb. Yemi Dipeolu - Special Adviser to President on Economic Matters
2. Daniel Batidam, - Chairman AU Anti-Corruption Board
3. Prince Degun Agboade - President, National Assoc. of Small and Medium Enterprises
4. David Ugolo - African Network for Environment and Economic Justice

General Discussion

1.30pm – 2.30pm – Lunch

Session Six - 2.30pm – 4.00.pm

Framework for International Cooperation

Having identified the importance of developing a generally acceptable outline for the fight against corruption, this session will assess the current framework and guidelines for international cooperation for combating illicit financial flows, enhancing asset recovery, and seek to identify gaps that should be closed and opportunities that can be strengthened in order to foster sustainable development.

Chairman of Session	- Prof. Akin Oyebode
Panelists:	
1. Brigitte Strobel-Shaw	- Corruption and Economic Crimes Section, UNODC Vienna
2. John Cullen	- Council Member, ACCA,UK
3. Dr. AbdallaHamdok	- Acting Exec. Secretary, Economic Commission for Africa (ECA), Addis Ababa
4. Prof. EmmanNnadozie	- Executive Secretary, African Capacity Building Foundation, Harare, Zimbabwe
5. Briggs Bomba,	- Program Officer, Trust Africa, Zimbabwe

General Discussion

4.00pm – 4.30pm Tea Break

Session Seven - 4.30pm – 6.00.pm

Side Meeting – African Group

Day Three – 7th June 2017

Session Eight - 9.30am -11.00am

Wrap-up and Discussion of Way Forward

Chairman of Session: - Amb. Sola Enikanolaye,
Permanent Secretary Ministry of Foreign Affairs

11.00am – 11.30am – Tea Break

11.30am - 12.30pm - Wrap-up and Discussion of Way Forward Contd.

12.30pm – 1.30 pm – Closing Session

1.30pm – 2.30pm – Lunch

DEPART

Note:

CONFERENCE ON FINANCIAL SYSTEM INTEGRITY IMPROVEMENT

Jointly organised by

THE PRESIDENCY
PRESIDENTIAL ADVISORY COMMITTEE AGAINST CORRUPTION

The Convention on Business Integrity

Think Ahead ACCA

Date: Friday 30th JUNE, 2017. | Time: 9.00am.
Venue: Sheraton Hotel, Ladi Kwali Hall, Central Business District, Abuja.