

ANE EJ NEWSLETTER

SPECIAL FOCUS ON GFAR & ICSW

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Editorial

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ANE EJ-SERAP ABUJA PRE-GFAR SUMMIT: BUILDING AN ENDURING ASSET RECOVERY FRAMEWORK

Background to the ANE EJ-SERAP pre-GFAR Summit

The Global Forum on Asset Recovery (GFAR) was established as an outcome of the London 2016 Anti-Corruption Summit hosted by former British Prime Minister, David Cameron. The UG government committed to hosting GFAR and the inaugural forum will be held in Washington, DC from 4 – 6, December 2017. The core objective of GFAR is to convene practitioner experts to provide an effective opportunity for States to cooperate on asset recovery cases, highlighting the importance of strong political commitment, multijurisdictional coordination, and practitioner interaction.

GFAR will bring together the Group of Seven (G-7), financial centers, and countries in transition seeking to recoup assets stolen through corruption. The inaugural GFAR will focus on the asset tracing and asset recovery efforts of four focus countries: Nigeria, Sri Lanka, Tunisia, and Ukraine. In addition to providing a venue for case specific meetings, GFAR seeks to provide a forum for training and discussion of best practices on cases, and identifies country-specific capacity building needs.

To facilitate frank discussion among counterparts, following the plenary session, the Forum will be split into three Work Streams that will focus on the specific roles of investigators,

prosecutors and policy makers in asset recovery. The sessions under the work streams will be interactive, with the moderator aiming to foster open dialogue among practitioners’ dialogue and the exchange of experiences from past practices. Practitioners are invited to attend the work stream best suited to their area of expertise.

Work Stream 1 for Investigators, Forensic Auditors, and FIU Staff

This Work Stream will focus on the experiences and lessons learned in asset tracing by selected countries. It will outline different approaches adopted by countries in opening their own domestic cases, establishing asset recovery teams, identifying and tracing assets domestically and at the international level, and using multiple channels of information communication to identify the location, nature and volume of assets.

Work Stream 2 for Prosecutors, Investigating Judges and Lawyers in Central Authorities

This Work Stream will highlight lessons learned in requesting international cooperation for the purpose of facilitating investigative cooperation that can lead to seizure and confiscation of proceeds of corruption and related offenses as well as responding to MLA requests received. It will also consider innovative legal tools for asset recovery.

Work Stream 3 for Policy Makers, Staff of Foreign Affairs and Technical Assistance Providers

This Work Stream will provide a platform to discuss and identify challenges and good practices and models in terms of policies, laws, resource allocation and coordination mechanisms providing an enabling legal, institutional and operation environment and framework to effectively identify and trace assets, ensure timely seizure and freezing, effective confiscation and recovery both at national as well as at international levels.

With support from the MacArthur Foundation, the British and American governments, the Africa Network for Environment and Economic Justice, ANE EJ, and the Socio-Economic Rights and Accountability Project, SERAP, put together a consultative summit with prominent Nigerian Civil Society Organisations, non-state actors, over 30 media institutions with one goal: to build an enduring asset recovery framework, and for Nigerians to speak with one voice in Washington DC.

ANE EJ-SERAP PRE-GFAR CONSULTATIVE FORUM: THE WHO-IS-WHO

The Forum attracted high level participation from government, the legislature, civil society, the private sector, international develop-

ment partners and the diplomatic community. —the British High Commissioner, Representative of the US Ambassador, the Swiss

Ambassador, the UNODC, MacArthur Foundation, Abubakar Malami, Nigeria Justice Minister, Prof Bolaji Owasanoye, ICPC chair, and EFCC representative.

NIGERIA REVIEWING ANTI-CORRUPTION LAWS - *ABUBAKAR MALAMI, SAN*

At the ANEEJ-SERAP pre-GFAR Consultative meeting in Abuja 26th October 2017, the Federal government of Nigeria announced that it had recovered \$US\$85million of the

Malabu deal. Other groundbreaking remarks and commitments from the Nigerian Government which the announcement above seemed to overshadow are contained in the



Abubakar Malami, SAN, making a statement

speech by the Attorney General and Minister of Justice, Hon Abubakar Mala-

mi, SAN. *It is with great pleasure I welcome you to this Pre-GFAR Consultative Meeting. I will start by thanking the organizers of this meeting, and all those who have provided necessary support for the Pre-GFAR meeting in Nigeria. No doubt, this meeting provides an opportunity for all stakeholders working on the issue of asset recovery to articulate a common position as we head to Washington from December 4th – 6th, 2017 for the GFAR meeting. More here: <http://www.aneej.org/nigeria-reviewing-anti-corruption-laws-abubakar-malami-san/>*

Returning stolen assets is an important source of financing for the 2030 Agenda and the Sustainable

SWITZERLAND COMMITTED TO FIGHT AGAINST CORRUPTION IN NIGERIA - *ERIC MAYORAZ*

Switzerland is committed to fight against corruption and changed in the last decade its legislation in order to avoid that stolen money be deposited in its banks. Our legislation against money laun-

dering is currently one of the more modern internationally and my country also ratified and respects the major international instruments in that domain. More:

<http://www.aneej.org/switzerland-committed-fight-corruption-eric-mayoraz/>



GFAR WASHINGTON DC SUMMIT - *FOCUS COUNTRIES*

The Summit communiqué points to the provisions of the [United Nations Convention against Corruption \(UNCAC\)](#) that call for the proceeds of corruption to be identified, seized, confiscated and returned. The core objective of GFAR is to convene practitioner experts to provide an effective opportunity for States to cooperate

on asset recovery cases. GFAR will highlight the importance of strong political commitment, multijurisdictional coordination, and practitioner interaction. Its inaugural meeting will focus on assistance to four priority countries - Nigeria, Sri Lanka, Tunisia and Ukraine.

The deliverables for GFAR

will include progress on cases achieved by the four focus countries, increased capacity through technical sessions, renewed commitment to advancing asset recovery cases, and increased collaboration among involved jurisdictions.

More here: <https://star.worldbank.org/star/about-us/global-forum-asset-recovery-gfar>

ASSET RECOVERY KEY TO NIGERIA/ UK TIES—*ARKWRIGHT*

I am extremely pleased to join national and international partners here today for this pre-GFAR consultative meeting, in the lead up to the main event in Washington in December. Thank you for inviting me to make these brief opening remarks. As some of you may know, GFAR was one of a number of commitments participating countries made at the London Anti-Corruption Summit in May 2016, hosted by our then Prime Minister David Cameron. This was an important international conference which demonstrated the UK Govt's commitment to this crucial agenda. That commitment continues under our cur-

rent Prime Minister, Theresa May. Frank and open dialogue and collaborative working amongst partner countries was considered crucial to the success of asset recovery moving forward. So I'm very pleased Nigeria is one of the four priority countries in this effort at the forthcoming Washington meeting. At this point, may I congratulate the Federal Government on progress made through your membership of the Open Govt Partnership. The UK is very pleased to be working with others to deliver against this commitment. **This is why we readily agreed to fund the proposal from the Africa Network for Environment**

and Economic Justice, to hold this event in Abuja in preparation for the GFAR, which will be co-hosted by the UK and US. Well done to all the planners and organisers of this event for bringing us all here together today. We continue to commend President Buhari's leadership in tackling corruption in Nigeria and also the strong efforts shown by the various anti-corruption Agencies and Committees, in pressing ahead with this challenging agenda. **Read more here:** <http://www.aneej.org/asset-recovery-important-shared-priority-uknigeria-ties-arkwright/>

STRATEGIZING AGAINST CONSTRAINTS FOR ASSET RETURN—*BOB MAJIRIOGHENE ETEMIKU*

Teodoro Nguema Obiang Mangue is first vice president of Equatorial Guinea and son of Teodoro Obiang Nguema Mbasogo, president of Equatorial Guinea. After serving in his father's cabinet as agriculture and forestry minister, he was moved to the defense and security ministry in May 2012 before he was eventually promoted to the position he currently occupies as

First Vice-President. Teodoro goes by the alias Teodorin, and at 44 years of age amassed wealth to the tune of \$USD170million, which he spent on living like the crown prince of Kandahar and Brunei put together. Most of the monies he stole from his people are in safe havens, in property mostly in France and in a fleet of exotic cars.

But last week a court in France confiscated all property and monies linked to Teodorin and handed him two suspended three-year prison sentences and a suspended fine of US\$35million for embezzling over \$174million of Equatorial Guinean public monies. More here: <https://thewillnigeria.com/news/opinion-strategizing-against-constraints-for-asset-return/>

All we need now is constructive strategy of engagement with the international community and not a rhetoric that would mess up all the work being done.

US COMMITTED TO ASSET RECOVERY & RETURN— *MICHAEL BONNER*

Against the backdrop that the United States of America has decided to return to Nigeria about \$480m (N95bn) considered to have been stolen by the late head of state, Gen. Sani Abacha and his family., and against the role played by the US as a key Nigerian ally, ANEEJ-SERAP invited the US

ambassador as a keynote speaker at the pre-GFAR Summit, 26th October, 2017 at the Reiz Continental Hotel. Representative of the US Ambassador,



Mr. Michael Bonner in a goodwill message said that the United States is still committed to the tracing, tracking and return of the Abacha loot.

TOWARDS ACCOUNTABLE AND TRANSPARENT NIGER DELTA INSTITUTIONS: **THE CITIZEN REPORT CARD APPROACH**

2017 CIVICUS
YOUTH ASSEMBLY
OUR PLANET. OUR STRUGGLES. OUR FUTURE.

The Africa Network for Environment and Economic Justice, ANEEJ, working with a USAID Civil Society project has

employed the Citizen Report Card tool to engage Niger Delta institutions at National and sub-national levels. Through this tool, ANEEJ has helped

to improve transparency while mitigating years of social justice by ensuring that institutions deliver on their mandates. ANEEJ will share key successes, challenges and opportunities in deepening inclusive, transparent and accountable governance in the Niger Delta. The event will also focus on the next stage of the work - developing a government index for states and regional institutions in the Niger Delta.

MISSION

To contribute to the emergence of a just and equitable African society through socio-economic and environmental rights protection, institutional strengthening and people's empowerment.

ABOUT

ANEEJ—AFRICA WITHOUT POVERTY

- Nonprofit NGO established in 1995
- Registered with Edo State government in January 2006 and Corporate Affairs Commission Nigeria in September 2006
- Worked for more than 15 years in the Niger Delta region and managed activities across the six geopolitical zones of Nigeria on government, environment, and human rights issues
- Has ECOSOC Status, member of UNCAC Coalition, and chairs ICC of Reality of Aid



BACKGROUND TO ANEEJ WORK IN THE NIGER DELTA, NIGERIA

- Niger Delta Budget * Transparency Network
- In 2008, ANEEJ carried out political mapping of commitment to transparency research in 9 Niger Delta states
- Launched a 6-year Project, Strengthening Oil Revenue Management in the Niger Delta, SOR-MIND, with support from Norway, Switzerland and Bread for the World, Germany.
- Led to the establishment of State interventionist agencies or oil commissions & the enactment of some laws on governance such as the Public Procurement, Fiscal Responsibility Law, Rivers Research Law and a host of others.

ANEEJ-SACE PARTNERSHIP

SACE, a Chemonics, Nigeria programme introduced the Cluster and Cross-Cluster Model to the partners, with goal to mainstream transparency and accountability in the NDIs, and purpose to improve the overall standard and practice of identified institutions through Citizens Report Card on budget performance.

Objectives:

- Assess the performance of Ministry of Niger Delta Affairs, the Niger Delta Development

Commission (NDDC), the Delta State Oil Producing Areas Commission (DESOPADEC), and Edo State Oil Producing Areas Commission (EDSOGPADEC)

through the use of citizen's score card and engage such institutions to advocate for inclusive reforms.

- Carry out public awareness for citizens to engage on budget processes and reforms

needed to make NDDC, Ministry of Niger Delta Affairs, DESOPADEC, and EDSOGPADEC more responsive to needs of citizens and share learning.

- Build the capacity of civil society organizations (CSOs) to effectively engage with government institutions and hold such institutions to account.

KEY FINDINGS OF THE ANEEJ-LITE AFRICA CITIZENS REPORT CARD, CRC.

- Simple but powerful tool to provide public agencies with feedback from beneficiaries of public services
- Entails collection of feedback on the quality and adequacy of public services from users

- Provides a rigorous basis and a proactive agenda for CSOs and communities to engage in dialogue with service providers to improve the quality of services
- Adopting the cross-cluster approach of

SACE, ANEEJ and the Leadership Initiative for Transformation and Empowerment (LITE-Africa) deployed the CRC as a social accountability tool to address the issues of NDIs.

February 2017, ANEEJ executive director, the Rev David Ugolor presented the CRC report to Acting President Yemi Osinbajo at a Niger Delta Stakeholders Forum in Benin City

KEY ANEEJ-LITE AFRICA CRC SUCCESS STORY

- CRC report used to engage NDIs and high-profile government officials
- ANEEJ had a breakthrough with NDDC top management and they accepted the reforms proposed by ANEEJ in its CRC report and memo to the NDDC
- NDDC starts quarterly

publication of its income, expenditures, and budget on its



website for the very first time since its establishment in June 2000

- In February 2017, ANEEJ

executive director presented the CRC report to Acting President Yemi Osinbajo at a Niger Delta Stakeholders Forum in Benin City

- Led to a listing of all contractors in the Niger Delta who have collected their fees and abandoned their projects.

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WELCOME ADDRESS BY ANEEJ EXECUTIVE DIRECTOR, The REV. DAVID UGOLOR DURING A PRE GFAR CONSULTATIVE MEETING @ REIZ CONTINENTAL, ABUJA, OCTOBER 26, 2017

Protocol!

I will like to first of all welcome you all to this important consultative meeting on the forthcoming Global Forum on Asset Recovery. The Africa Network for Environment and Economic Justice (ANEEJ) is partnering with the Socio-Economic Rights & Accountability Project (SERAP) and the Federal Ministry of Justice/OGP Secretariat to host this pre-GFAR consultative meeting in Nigeria. Support for this event is from the DFID and MacArthur Foundation.

The Global Forum on Asset Recovery (GFAR) was established as an outcome of the London 2016 Anti-Corruption Summit hosted by former British Prime Minister, David Cameron. The inaugural forum will be held in Washington, DC from 4 – 6, December 2017. GFAR builds upon the previous experiences of the Arab Forum on Asset Recovery (AFAR) and the Ukraine Forum on Asset Recovery (UFAR). It will be structured along similar lines, with a high-level opening session, substantive technical work streams put in place to share best practices and provide technical training for asset recovery practitioners. The emphasis as a matter of fact will be on parallel bilateral and multijurisdictional meetings for case coordination. Kindly refer to the background note for this meeting.

The core objective of GFAR is to convene practitioner experts to provide an effective opportunity for

countries to cooperate on asset recovery cases. It also tries to highlight the importance of strong political commitment, multijurisdictional coordination and practitioner interaction. Its inaugural meeting will focus on assistance to four priority countries - Nigeria, Sri Lanka, Tunisia and Ukraine.

The theme of this Pre-GFAR consultation is building an enduring framework for Asset Recovery in Nigeria. Without any shade of doubt, it is obvious that we need a new national asset recovery architecture to deal with the multiple challenges facing our country today. The anti-corruption agencies will need to explore more creative strategies to respond to the new large scale incidences of corruption in both the public and private sectors. We need to strengthen our legal and institutional anti-corruption systems through the introduction of innovative legislative agenda. The Proceeds of Crime Bill and other anti-money laundering reform bill deserve urgent attention, particularly with the increasing reports of the looting of public resources. The Panama Papers Leak and the Thambo Mbeki Report provides strong evidence why we should all work together to stop illicit financial flows out of the Nigeria.

Considering the relevance of GFAR to Nigeria's anti-corruption initiative with particular reference to asset recovery, this pre-GFAR consultative meeting in Nigeria has therefore become imperative as it provides the opportunity for the Nigerian government, anti-corruption agencies, civil society organizations and other stakeholders including development partners to interact and reach a common understanding on a number of issues ahead of the December 2017 meeting.

It is our strong hope that today's meeting will enable stakeholders to critically examine a number of issues concerning the GFAR meeting. It is our strong hope that today's meeting will enable stakeholders to critically examine a number of issues concerning the GFAR meeting. We are glad that diverse groups showed interest in this meeting, hence the event has attracted large participation. As it is, we have representatives from Federal Ministry of Justice, OGP Secretariat, Anti-corruption Agencies, CSOs from different parts of the country, journalists, Development Partners and diplomats including Ambassadors of different countries.

Let me use this opportunity to urge the international community to walk the talk and fulfil some of the commitments made during the London Summit, which have direct implication for anti-corruption in Nigeria. For instance, the UK committed to establish a public register of company beneficial ownership information for foreign companies who already own or buy property in the UK, or who bid on UK central government contracts. The United States committed to rigorously identify, trace, and ultimately recover assets related to the proceeds of corruption and the returning of the proceeds recovered for the benefit of the people harmed by the corruption. **More here:** <http://www.aneej.org/fg-announces-85million-recovery-aneej-serap-pre-gfar-meeting/>