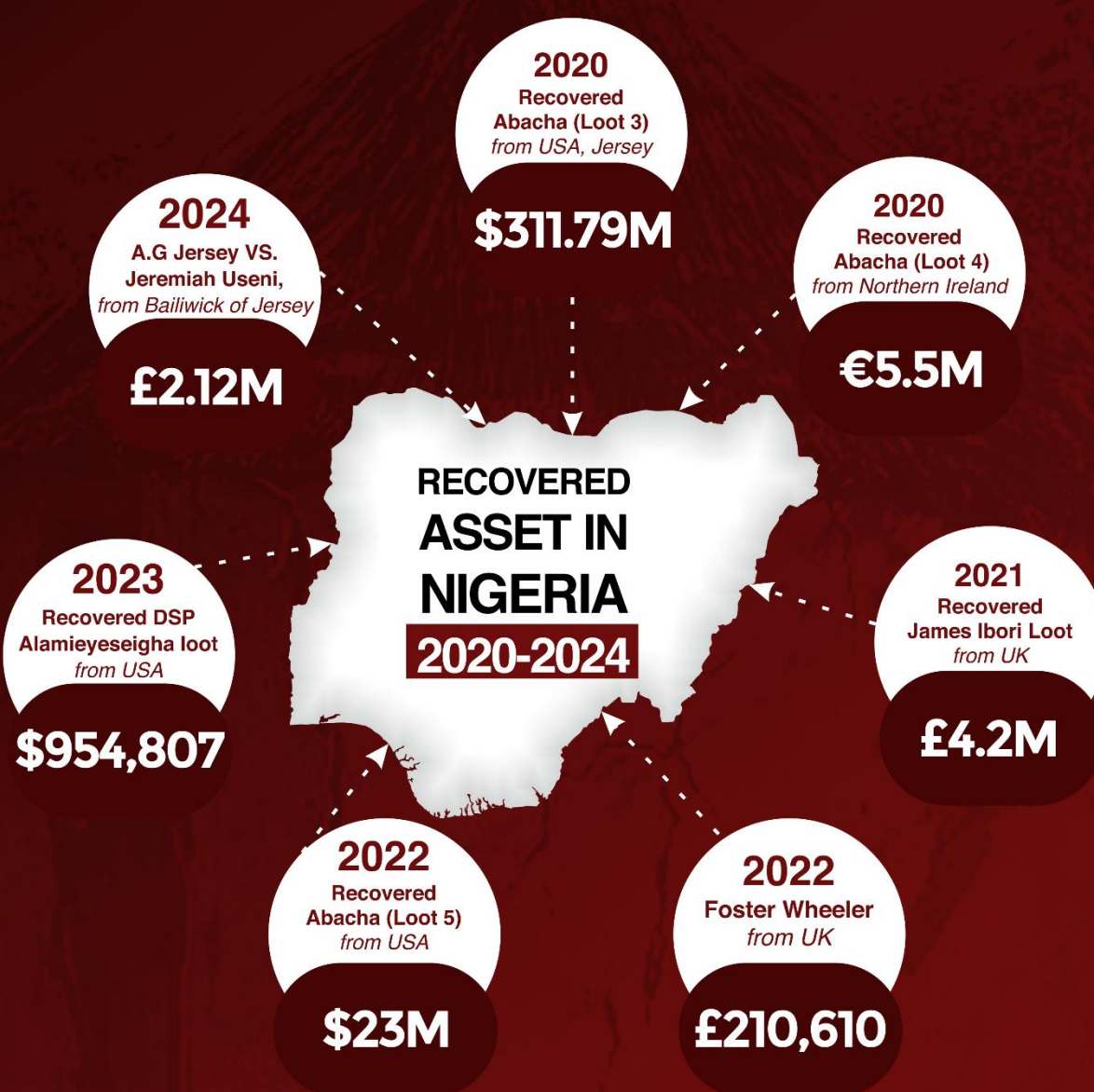


SPOTLIGHT ON

GFAR PRINCIPLES IN NIGERIA



A Policy Brief Assessing the Implementation of Key
Global Forum on Asset Recovery (GFAR) Principles In
Asset Return and Management
In Nigeria

Supported by: Foreign Commonwealth Development Office



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When I served as civil society representative in the Inter-Ministerial Committee (IMC) on Asset Recovery and Management set up by President Muhammadu Buhari, I saw first-hand the urgent need to adopt the GFAR Principles to address the colossal waste of recovered assets and policy inconsistencies, which have led to the loss of billions of naira that could have been utilized for sustainable development. This experience inspired and informed the direction of this research.

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We will work with our partners and also engage key stakeholders in the Federal Ministry of Justice, Open Government Partnership (OGP) Secretariat, and Nigeria Extractive Industry Transparency Initiative (NEITI) to ensure the effective implementation of the recommendations of this research.

Rev. David Ugolor
Executive Director,
Africa Network for Environment and Economic Justice (ANEEJ)

ACRONYMS

Item	Meaning
ACAs	Anti-Corruption Agencies
AFAR	Arab Forum on Asset Recovery
AFRICML	African Centre for Information and Literacy
AGF	Attorney General of the Federation
AML/CFT/PF	Anti-money Laundering / Counter-terrorist financing / and Countering Proliferation Financing
ANEEJ	Africa Network for Environmental and Economic Justice
AKE	Abuja-Kano Expressway
ARMU	Asset Recovery Management Unit
BANGOF	Bayelsa Non-Governmental Organisations Forum
BOR	Beneficiary Ownership Register
BPP	Bureau of Public Procurement
CAC	Corporate Affairs Commission
CBN	Central Bank of Nigeria
CAMA	Companies and Allied Matters Act
CCB	Code of Conduct Bureau
Centre LSD	African Centre for Leadership, Strategy and Development
CISLAC	Civil Society Legislative Advocacy Centre
CPI	Corruption Perception Index
CRIMS	Crime Records Information Management System
CSOs	Civil Society Organizations
EFCC	Economic and Financial Crimes Commission
EITI	Extractive Industries Transparency Initiative
FAFT	Financial Action Task Force
FMW	Federal Ministry of Works
FGDs	Focused Group Discussions
FGN	Federal Government of Nigeria
FMoJ	Federal Ministry of Justice
FRACCK	Framework for the Recovery of Funds from Crime and Corruption in Kenya
GFAR	Global Forum on Asset Recovery
GIFMIS	Government Integrated Financial Management Information System
HAG	Honorable Attorney General
HEDA	Human and Environmental Development Agenda
IATT	Inter-Agency Task Team
ICPC	Independent Corrupt Practices and Other Related Offences Commission
IDA	International Development Association
KII	Key Informant Interview
LEAs	Law Enforcement Agencies
LIE	Lagos-Ibadan Expressway
MDAs	Ministries, Department and Agencies
MoU	Memorandum of Understanding
NACS	National Anti-Corruption Strategy
NAP	National Action Plan
NDDC	Niger Delta Development Commission
NEITI	Nigeria Extractive Industries Transparency Initiative

NFIU	Nigerian Financial Intelligence Unit
NGOs	Non-Governmental Organizations
NSIA	Nigeria Sovereign Investment Authority
NOA	National Orientation Agency
NOCOPO	Nigeria Open Contracting Portal
OCDS	Open Contracting Data Standard
OGP	Open Government Partnership
PACAC	Presidential Advisory Committee Against Corruption
PEPs	Politically Exposed Persons
POCA	Proceed of Crime Act
SCALE	Strengthening Civic Advocacy and Local Engagement
SCUML	Special Control Unit Against Money Laundry
SDGs	Sustainable Development Goals
StAR	Stolen Asset Recovery Initiative
TI	Transparency International
ToR	Terms of Reference
TSA	Treasury Single Account
TUGAR	Technical Unit on Governance and Anti-Corruption Reforms
UAE	United Arab Emirate
UFAR	Ukraine Forum on Asset Recovery
UK	United Kingdom
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crimes
USA	United States of America
USAID	United State Agency for International Development
USDoJ	United States Department of Justice

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EXECUTIVE SUMMARY

This research assesses the implementation of key Global Forum on Asset Recovery (GFAR) principles in asset return and management in Nigeria. It examines the policies, processes, and institutional reforms that have shaped Nigeria's approach to asset return while identifying key successes, challenges, and areas for improvement.

The study employs both qualitative and quantitative research methodologies to provide a comprehensive analysis. A robust literature review situates Nigeria within the global landscape of asset return and management, defining key terms and highlighting the country's legal and institutional framework that facilitates end-to-end asset recovery processes. This is against the background of illicit financial flows of over \$88 billion from Africa and how the GFAR principles have facilitated the recoveries of stolen assets.

The research further investigates the practical aspects of asset return, focusing on the roles of returning and receiving countries. It highlights successful cases of institutionalized asset return while identifying existing gaps that need to be addressed for a more efficient process. Additionally, civil society engagement in fiduciary disclosures and project monitoring is explored, underscoring its role in enhancing transparency and accountability.

A crucial part of the study evaluates the extent to which victims of stolen assets are identified and benefit from recovered wealth. It also examines mechanisms that ensure that offenders do not profit from their illicit activities, thus reinforcing principles of justice and equitable wealth distribution.

The research concludes with key findings and recommendations. While Nigeria has emerged as a leader in asset recovery efforts, policy inconsistencies remain a significant challenge. The study provides recommendations aimed at enhancing the management of future asset returns and preventing the re-looting of returned assets. These measures are essential for bolstering public confidence in Nigeria's fight against illicit financial flows and reinforcing global cooperation in asset recovery.

CHAPTER ONE

BACKGROUND

GFAR PRINCIPLES AND RELEVANCE OF ASSET RETURN AND MANAGEMENT

1. Introduction

This policy brief on the assessment of the implementation of the Global Forum for Asset Recovery (GFAR) principles in recent asset return agreements to Nigeria, focuses on transparency and accountability, the inclusion of non-government stakeholders, the extent of benefits to victims of stolen asset and the preclusion of benefit to offenders. Nigeria is making inroads in the return of stolen funds from foreign jurisdictions and locally but grappling with challenges of management of returned assets due to the multi-layered institutions and policy reforms required to deliver social benefits to the victims of corruption, mainly the poor. The research identified gaps in the current asset return and management process in Nigeria, and proffered policy recommendations for improving future asset return agreements and MOUs.

1.2. Project Background

The Nigeria Illicit Finance Resilience Project, implemented by the Africa Network for Environment and Economic Justice (ANEEJ), with support of the United Kingdom's Foreign, Commonwealth and Development Office (FCDO), broadly focused on a review of the implementation of key Global Forum on Asset Recovery (GFAR) Principles in asset return and Money laundering (ML), financing of terrorism (FT), and proliferation financing (PF) risk assessment of the Legal Profession in Nigeria. It provides an understanding of Nigeria's asset return and management process covering 2020-2024, as well as how to improve future asset return Agreements and Memoranda of Understanding (MOU). The project location covered the six geo-political zones. ANEEJ is working with its partner, Africa Centre for Governance, Asset recovery and Sustainable development (African Centre), and the donor agency, Foreign, Commonwealth and Development Office (FCDO).

1.3. The Relevance of GFAR Principles in Asset Return and Management

GFAR was established as an outcome of the 2016 London Anti-Corruption Summit, hosted by the United Kingdom. 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.ⁱ It presupposes that once corrupt assets have been identified and legally confiscated, they must be returned to their “prior legitimate owners” as specified also in the UNCAC, Article 57. At the inaugural [Global Forum on Asset Recovery \(GFAR\)](#) in Washington, DC, in December 2017, which was supported by the StAR Initiative, the two co-hosts (UK and US) and the four focus countries namely, Nigeria, Ukraine, Tunisia, Sri Lanka, developed and adopted ten principles for disposition and transfer of confiscated stolen assets, which are referred to as [the GFAR Principles](#). Since then, Nigeria and its international partners have worked to build these principles into a range of international asset return agreements, including the Tripartite Agreement between Nigeria, the United States and Bailiwick of Jersey, which has been utilized by a range of jurisdictions beyond the signatory parties.ⁱⁱ

GFAR principles emphasise among other things transparency and accountability, stakeholder inclusion, the return of assets to their rightful beneficiaries and the preclusion of offenders. These principles aim to ensure that recovered assets are managed effectively and benefit the citizens of the countries from which they were stolen. Nigeria has been a significant recipient

of returned assets, particularly through the tripartite agreements involving Nigeria, the repatriating country, and Jersey. However, the practical implementation of these principles in Nigeria remains under-researched, especially in terms of transparency and accountability, stakeholder involvement, the effectiveness of funds reaching intended beneficiaries and the preclusion of offenders from the benefit of the recovered asset.

In Nigeria, the domestic framework for asset recovery and management is the Proceeds of Crime (Recovery and Management) Act (POCA), 2022.ⁱⁱⁱ Box 1 shows the legal provisions of the law including non-conviction-based confiscation, seizures, establishing standards for handling forfeited assets, and ensuring accountability. Importantly, under the Act, the Attorney General of the Federation (AGF) and relevant organizations can enact regulations for a standardized automated asset forfeiture management system, crucial for effective enforcement of the Act's provisions. In the context of improving on future assets recovery, the anti-corruption agencies can also be strengthened by fostering collaboration among domestic and international agencies for efficient asset recovery and management.

Box 1: Showing POCA provisions and national context of asset recovery

- ✓ The Proceeds of Crime (Recovery and Management) Act, 2022 in Nigeria establishes a framework for the seizure, confiscation, forfeiture, and management of assets believed to be obtained through illegal activities. It allows for the recovery of criminal proceeds without requiring a conviction and regulates the repatriation of misappropriated public funds hidden in offshore accounts.^{iv} This is in line with Article 54(1)(c) of the United Nations Convention against Corruption, which advises nations to adopt measures that allow asset confiscation without a criminal conviction when the perpetrator cannot be prosecuted due to death, flight, absence, or other relevant circumstances. This Act defines “non-conviction-based confiscation” as judicial seizure of property linked to a criminal offense.
- ✓ The Act presents a novel framework by assigning powers and responsibilities to several law enforcement and security entities, collectively termed “Relevant Organizations” within the Act in relation to seizures, forfeitures and disposal of assets. The Act grants the Relevant Organisations the authority to make decisive actions and critical choices regarding the controlled property to guarantee its preservation and effective management.
- ✓ The legislation also authorizes a designated officer of the relevant organization to confiscate and hold any cash (including jewellery and gold) being transported into or out of Nigeria if there are justifiable reasons to believe that the cash is derived from illegal activities, is meant for use in committing a crime, or surpasses the legally established limit without being reported to the relevant authorities. This happens until the court determines whether the cash was legally held or otherwise.
- ✓ Section 33 of the Act outlines the procedures for the seizure of assets obtained through the criminal actions of a convicted individual. The main aim of this provision is to prevent a convicted individual from profiting from their illegal activities by establishing a robust system for assessing and seizing the total gains from such conduct. This is in line with GFAR principles.
- ✓ The Act authorizes the establishment of the Proceeds of Crime Management Directorate (or the Directorate) within the designated Relevant Organizations and grant the Directorate specific functions such as
- ✓ Taking over and assuming responsibility for the proper and effective management of properties forfeited to the Federal Government of Nigeria (FGN).
- ✓ Establishing standards for the handling of forfeited properties.

- ✓ Ensuring accountability in the management of all forfeited properties.
- ✓ Administering forfeited properties effectively.
- ✓ Recommending training related to the management of proceeds of crime and associated matters.
- ✓ Appointing private asset managers and ensuring that such managers are properly bonded and insured.

The Africa Network for Environment and Economic Justice (ANEEJ) and its partner, the African Center for Governance, Asset Recovery and Sustainable Development (African Center), undertook a project entitled: “A review of the implementation of key GFAR principles in asset return and AML/CFT/PF risk assessment of the Legal Profession in Nigeria,” as part of the Nigeria Illicit Finance Resilience project funded by the Foreign, Commonwealth and Development Office (FCDO) which forms part of this initiative.

1.4.1. Research Aims and Objectives

- ✓ The research presents a robust analysis of the implementation of GFAR principles in Nigeria's asset recovery process and contribute to the improvement of future asset return Agreements and practices.

The research was guided by two main questions in line with the two objectives, covering GFAR Principle 4 on “transparency and accountability”; GFAR Principle 10 on “inclusion of non-government stakeholders”; as well as GFAR Principle 5 on “beneficiaries” and GFAR Principle 9 on “preclusion of benefits to offenders.”

- ✓ Objective 1: To evaluate the implementation of GFAR principles in recent asset return agreements to Nigeria, focusing on transparency, accountability, inclusion of non-government stakeholders, the return of funds to beneficiaries and the preclusion of benefits to offenders.
- ✓ Objective 2: To identify gaps in the current asset recovery process in Nigeria and provide recommendations for improving future asset return Agreements.

The focus on these principles is based on the fact that they touch on the fundamentals of collaboration amongst all stakeholders and protection of returned assets for delivery to the ultimate victims of corruption.

1.4.2. Methods of Data Gathering and Analysis

- ✓ Deployed qualitative and quantitative research methodologies to allow for rich data and triangulation to assess some key elements of transparency and accountability.
- ✓ Desk review, pre-field work to test the research instruments, Key Informant Interviews (KIIs), Focus Group Discussions (FGDs), beneficiary impact assessment, site visits, and case studies. Details of the methodology deployed in the research is available on demand.

1.4.3. Focus Group Discussions

The ANEEJ/FCDO Study Team worked closely with the project technical team to hold focus group discussions (FGDs) with key stakeholders drawn from diverse organisations and the project affected communities. Figure 1 shows the number of attendees from each FGDs with gender disaggregated data and cuts across the age group brackets.

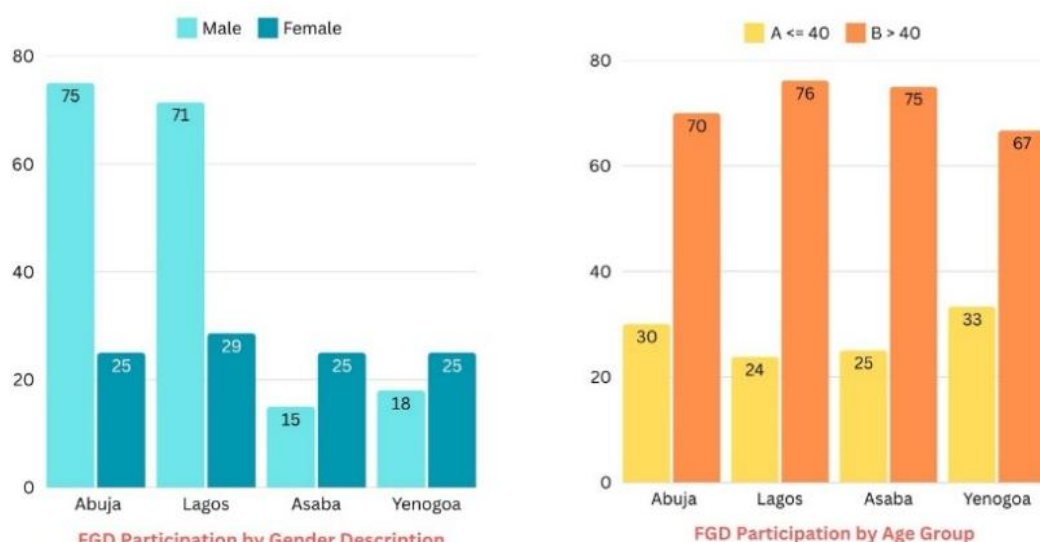


Figure 1: Descriptive Statistics of FGD Participants

Source: Fieldwork (December 2024).

- ✓ FCT, Abuja FGD held Wednesday, 11th December 2024, with 20 participants.
- ✓ Lagos Monday, 16th December 2024), with 21 participants.
- ✓ Asaba, Wednesday, 18th December 2024), with 24 participants, and
- ✓ Yenagoa (Tuesday, 21st January 2025), with 43 participants.

1.5. Understanding Corruption, Cycle of Poverty in Asset Recovery and Management

A major factor of underdevelopment in Nigeria is corruption mainly from illicit financial flows.

- ✓ **Corruption remains a perennial challenge:** Despite Nigeria's wealth, it continues to experience widespread poverty and underdevelopment while her human development indicators remain low.
- ✓ **Nigeria is witnessing multidimensional poverty** from a combination of political and socio-economic factors that has affected health conditions, poor educational facilities, and lowering living standards.^v There is endemic poverty, and the country has become the global poverty capital. According to the 2023 World Poverty Clock report, approximately 70 million Nigerians are living in extreme poverty.^{vi} Also current data from the National Bureau of Statistics (NBS) also highlights that poverty levels in the country remain significantly high.
- ✓ Government grappling with Corruption and poverty and is already threatening the United Nations Sustainable Development Goals, which target ending extreme poverty and the elimination of hunger by 2030.^{vii}
- ✓ There is explicit links between corruption and underdevelopment due to mismanagement, embezzlement, and misappropriation. Corruption impoverishes communities, undermines development and limits human rights. By eroding public trust in democratic institutions and exacerbating inequality, corruption also breeds social unrest and poses a threat to the stability and health of democracy.
- ✓ Some Recent Incidents of Corruption and asset recovery that have renewed citizens' interest and concerns on the stolen wealth of the country.

- ✓ The alleged missing ₦57 billion in the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development of which ₦32.7 billion and \$445,000 were recovered following the Economic and Financial Crimes Commission (EFCC) investigations of the officials of the Ministry.^{viii}
- ✓ Another is the recent returned asset of \$52.88m linked to ex-Petroleum Minister Diezani from the Government of the United States of America and has prompted citizens interest on asset recovery and management of such funds.^{ix}
- ✓ **Illicit Financial flows around US\$10 billion:** There is humongous illicit financial flow from corrupt practices of government officials which has stripped the country of infrastructure development opportunities. According to the High-Level Panel on Illicit Financial Flows from Africa, headed by former South African president Thabo Mbeki, Africa is facing financial hemorrhage such that it will be difficult to address underdevelopment unless the menace is curbed. Specifically, Transparency International reports widespread corruption and Nigeria ranks 140th out of 180 countries. The Economic Development in Africa 2020 report by the UNCTAD puts illicit financial flight from Africa alone at \$88 billion a year, making the continent a “net creditor to the world.”^x
- ✓ The Panama Papers on illicit financial flows sent shockwaves throughout the world on some names and opaque businesses listed in tax havens made public in April 2016.^{xi} In Nigeria, some high profile cases included the former Minister of Petroleum, Diezani Alison-Madueke, allegedly involved in the theft of \$20 billion; Sambo Dasuki, former National Security Adviser, who was alleged to be involved in over \$2 billion theft; Mohammed Adoke, former Minister of Justice, who was alleged to be involved in OPL245 deal that short-changed Nigeria by over \$1billion; and various sums running into billions of dollars of Abacha loot.^{xii} Apart from Late General Sani Abacha, the others are standing trial in cases initiated by the EFCC along with hundreds of other corruption cases in the Nigerian courts although these cases are fraught with many challenges including threats to judicial independence.
- ✓ **Nigeria’s economy is facing a crippling debt burden making it difficult to meet its development obligations.** There is a strong relationship between the burden of debt, illicit financial flows, and systemic poverty. According to the National Bureau of Statistics, Nigeria's external and domestic debt, stood at ₦121.67 trillion (US\$91.46 billion) in Q1 2024, up from ₦97.34 trillion (US\$ 108.23 billion) in Q4 2023, indicating a growth rate of 24.99 percent on a quarter-on-quarter basis.^{xiii} According to the Central Bank of Nigeria (CBN) the country spent a total of \$15.55bn on debt servicing between 2019 and 2024, hence many question if the debt burden is sustainable.^{xiv}
- ✓ **There is hardship and suffering in the land** due to the poor living conditions of the majority The federal government of President Bola Ahmed Tinubu on assuming the reigns of state in May 2023, announced the deregulation of the downstream oil sector and the complete removal of the controversial fuel subsidy. This led to unprecedented skyrocketing of petrol prices, and transport, shelter, food prices and Medi care costs were affected making life unbearable especially for the poor. According to the Nigerian Economic Summit Group, the 28-year high rate of inflation engendered a roller coaster chain of reactions, with inflation soaring from 22.8 percent in June 2023 to 34.2 in June 2024, and the devaluation of the Naira resulting in weak purchasing power parity.^{xv}

1.6. Importance of Asset Recovery and Management to National Development

The setbacks outlined explain why asset return is important for tackling poverty and development. In the last two decades, anti-corruption remains a major focus for the past and present Government of Nigeria. The relevant government agencies along with foreign jurisdictions are making efforts to track, trace, recover, repatriate and utilise the proceeds of corruption to address poverty and finance development initiatives. This effort seeks to unlock asset recovery and management potentials to funding social infrastructure projects while seeking to punish offenders as a deterrent to illicit financial flows. There are several reasons why stolen assets should be returned and applied to national development.

- ✓ Effective tool for helping to combat corruption and other organised crimes, such as financial fraud and theft, human and narcotics trafficking, migrant smuggling, money laundering, tax related offences, and terrorism financing.
- ✓ Asset recovery weakens the ability of criminals who are part of asset return cases to commit future crime and discourage these criminals from interfering with due process. Criminals are more hurt when they are stripped of the legal possession of their properties than being sent to prison.^{xvi}
- ✓ Helps remove the incentives for crime, by conveying ‘crime-does-not-pay’ message to present and future criminals.
- ✓ Repairs social injustice and restore social trust. This is true in cases where huge earnings from corruption have been frozen, seized, and confiscated in a foreign country are then returned or repatriated to the country of origin. According to the Stolen Asset Recovery Initiative (StAR) ‘Asset Recovery Watch database’, between the period 2010- 2023, 141 jurisdictions were involved in international asset recovery cases, and a total sum of \$16.5 billion was frozen/confiscated/returned, of which \$10.0 billion was returned internationally.^{xvii}
- ✓ Vital for promoting development in developing countries. By recovering assets that were stolen or diverted from their intended purpose, it secures the much-needed funding for development, in line with SDGs 16.4, and the fulfilment of SDGs 1 on ending poverty, and goal 2 on ending hunger.
- ✓ Mechanism for compensating the victims of corruption. As observed, “if a percentage of the billions of stolen monies were recovered and returned to the victims, citizens would benefit and corrupt officials would be held accountable, all at no cost to taxpayers.”^{xviii}
- ✓ Reimburses the state for its costs in fighting crime and can strengthen law enforcement agencies.

These reasons explain why asset recovery and return is important for tackling corruption, poverty and underdevelopment. In the last two decades, anti-corruption remains a major focus for the past and present Government of Nigeria. The relevant government agencies are making efforts to track, trace, recover, repatriate and utilise the proceeds of corruption to address poverty and finance development initiatives in the country.

1.7. Research Limitations

There were delays in accessing some relevant information and project technical documents. The Deloitte audit report was obtained only at the end of the research and after persistent requests. This impacted on the project timelines.

Some Ministries, Departments and Agencies (MDAs) were unwilling to participate and did not acknowledge letters of invitation to the KII or the FGDs including, Federal Ministry of Finance,

Federal Ministry of Works and Housing, Bureau of Public Procurement, and Central Bank of Nigeria.

1.8. Some Key Findings

The research concludes with key findings and recommendations.

- ✓ Nigeria has come of age in assets recovery and management in relation to the GFAR principle 4 on transparency and accountability and in the asset management of Abacha Loot III (US\$311.8m).
- ✓ CSOs monitoring contributed significantly to the quality implementation and management of returned assets on the three government roads and bridges infrastructure projects.
- ✓ There is low citizens' awareness on asset recovery and management
- ✓ The project audit report released for the research appears open-ended and with no Audit Management Letter.

While Nigeria has emerged as a leader in asset recovery efforts, policy inconsistencies remain a significant challenge. The study draws attention of policy makers, provided recommendations aimed at enhancing the management of future asset returns, closing legal loopholes that enable financial safe havens, and preventing the re-looting of returned assets. These measures are essential for bolstering public confidence in Nigeria's fight against illicit financial flows and reinforcing global cooperation in asset recovery.

1.9. Research Relevance and Contributions

- ✓ The rising level of illicit financial flow in Nigeria justifies the need for studies focusing on ways to curb this menace. Empirical studies focusing on asset return and management are rare, under-researched, and this effort fills the lacuna.
- ✓ It contributes to knowledge and enhancing understanding to improve theory and practice on how GFAR principles on transparency and accountability can address some development needs, feedback from stakeholders, and level of benefits.
- ✓ Serves as important resource guide and the recommendations will feed into the government of Nigeria's subsequent efforts on asset recovery and management, facilitation of the Pre-CSO Summit to amplify Nigerian civil society voice in the proposed National Summit on Asset Recovery; inputs to the 4th International Conference on Financing for Development (FfD4) in Seville, Spain; and the 11th Conference of State Party (CoSP) in Doha, Qatar, 2025.

CHAPTER TWO

GFAR PRINCIPLE 4 AND ELEMENTS OF TRANSPARENCY

2.1. Introduction

The hallmark of transparency is to the extent that timely reports on returned assets are accessible, and in ways that the negotiated agreements and MOU of the process can be deemed to be compatible. An element of transparency is that such multilateral and bilateral agreements and MoU shall be made public in a timely fashion and accessible manner.

Article 15 of the signed agreement between Nigeria Bailiwick of Jersey and USA on Abacha III (\$311.80m) requires public disclosure of the agreement itself and publishing easily accessible information on how the funds are utilised. These requirements mirror the GFAR principles on transparency and accountability. According to government officials interviewed, the returned funds are promptly reported to the citizens.

2.2. Transparency: Disclosures on Receipts of Returned Assets

2.2.1. Key Findings: The 2020 Tripartite Agreement has been the flagship template for subsequent Agreements in terms of details on the elements of transparency and accountability.

The implementing agency, FMoJ and NSIA held press conferences, published the reports and maintains a website that supports the transparency criterion by publishing some fiscal information as part of its fiscal transparency and openness and specified the date each asset returned was received. Figure 2.1 shows a mapping of the asset returned since 2017 and about **US\$827.5 million** was returned to Nigeria as at the end of 2024. Table 2.1 shows that about US\$355 million has been received so far during the five-year period. In all Agreements in the last five years, FMoJ holds press conferences on signing the various Agreements and MoU with the international jurisdictions and disclosed amounts returned and the date each was received.

Some argue that the rate of recovery and return is below the pass mark since stolen assets is humongous and could be in the neighbourhood of well over US\$10billion. The amount of US\$355 million returned asset from international jurisdictions was committed to the three infrastructure projects of the federal government, and the other planned on primary health care delivery in Bayelsa state. The allocation and disbursements of returned assets are discussed in Chapter 5.

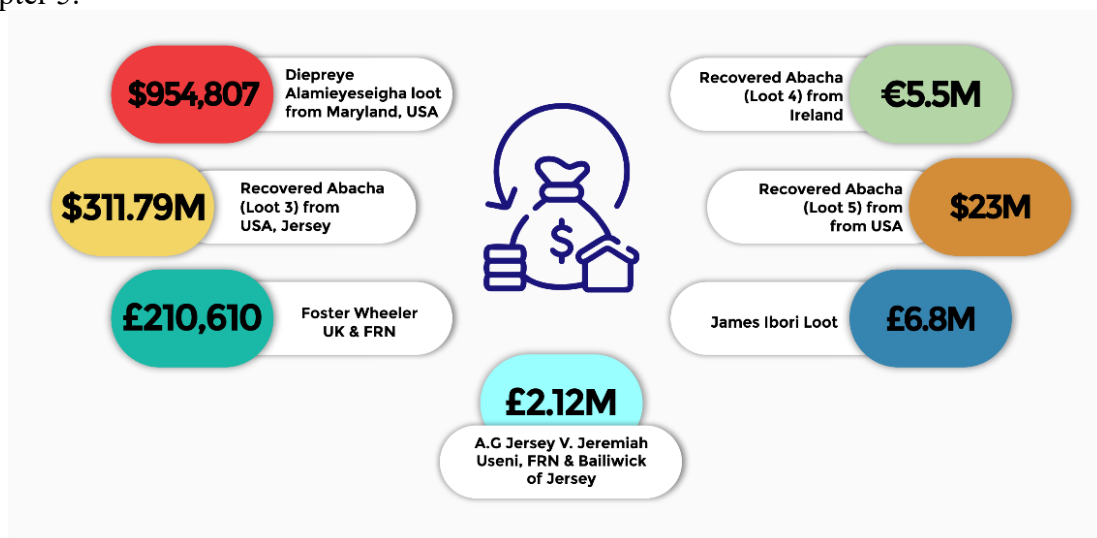


Figure 2.1 showing recovered assets as of December 2024

Table 2.1: Returned Assets (2020-2024)

<i>No.</i>	<i>Description of Returned Assets</i>	<i>Asset Location</i>	<i>Assets Returned (Date)</i>	<i>Purpose in Agreement</i>	<i>Parties to the Agreement</i>
1	Abacha US Civil Forfeiture Case Doraville Properties Corp. (Abacha III)	Jersey	\$311 million (Feb. 2020)	2NB, AKR, LIE	FRN, Bailiwick of Jersey, & USA
2	HSBC Life (Europe) Limited (Abacha IV)	Northern Ireland	€5.5m (\$6.3m) (Aug 2020)	2NB, AKR, LIE	FRN & Ireland
3	Associates of James Ibori (UK 2021 Asset Return)	UK	£4,214,017.68 (March 2021)	2NB, AKR, LIE	UK & FRN
4	Foster Wheeler (Court based compensation payment).	UK	£210,610 (Feb. 2022)	2NB, AKR, LIE	UK & FRN
5	Forfeited Mecosta/ Sani Mohammed Assets (Abacha V)	USA	\$23,493,724.98 (Aug. 2022)	2NB, AKR, LIE	FRN & USA
6	DSP Alamieyeseigha (Bayelsa)	USA	\$954,807.40 (Feb. 2023)	Bayelsa State (PHCs)	FRN & USA
7	A.G. Jersey V. Jeremiah Useni	Jersey	£2,125,944 (Feb. 2024)	2NB, AKR, LIE	FRN & Bailiwick of Jersey

Source: FMOJ (2024).

The third-party monitor noted that the press releases are covered by the conventional media outlets, which are visible on the various social media platforms. This is a pillar of accountability because it provides opportunities for the civil society to interrogate the signed Agreements when evaluating how they were being implemented.

2.2.1.1. Limitations

No public presentations on the release of quarterly progress reports on returned assets to further demonstrate transparency and accountability in the returned asset management.

There were manifest delays on the part of some of the project implementing agencies (e.g., “the NSIA”) in sharing projects financial documents with the ANEEJ/FCDO study team. Further review of the NSIA’s official website revealed that the 16 quarterly reports on the utilisation of returned assets, covering the period (2020-2024), were uploaded belatedly on 3rd to 5th February 2025.

The non-availability of financial records is detrimental to transparency and accountability credentials and erodes public trust in returned asset management process.

Disbursements to the third-part monitor: Article 9(6) of the 2020 Tripartite Agreement states that the monitoring CSO shall be funded with a portion of the interests earned on the recovered Assets. In Article 12(5), payments can only be made when a monitoring CSO and an NSIA designated auditor are under contract and has secured its approval of the monitoring programme.

No disclosures of payments for contractual obligations to third-party monitor and such information was not available in the organisation’s website or the federal government’s website even though it is included in the Deloitte’s audit report.

CHAPTER THREE

ASSESSING THE IMPLEMENTATION OF PROVISIONS IN INTERNATIONAL ASSET RETURN AGREEMENTS IN DELIVERING ON GFAR PRINCIPLE 4: ACCOUNTABILITY

3. Evolving Elements of Transparency and Accountability in Asset Recovery and Management

Some scholars and writers have applied the GFAR principles to present case studies involving asset recovery and management in international jurisdictions. Jean-Peirre Brun et. al., *Asset Recovery Handbook* provides a robust framework from the start on asset recovery to asset return and management including court process and enforcing orders with cases from Africa, Asia and Latin America.^{xx} Also, UNODC x-rays confiscated asset returns and the United Nations Convention against Corruption, “a net for all fish” to illustrate the application of article 57 to asset returns in law and practice.^{xx} In particular, the study also took into consideration the scholarly work of Bostwick et.al., (2023) on *Managing Seized and Confiscated Assets: A Guide for Practitioners on Stolen Asset Recovery Initiative (StAR)* showcasing the framework and key elements of assessing asset recovery systems that has successfully been demonstrated combining UNCAC elements and GFAR principles, to promote transparency and accountability in asset recovery and management and as a framework for analysis.^{xxi} Key elements included transparency and accountability measures in relation to how Nigeria has evolved policy reforms in the conduct of asset recovery and management.

The GFAR Principle 4 – ‘transparency and accountability’ states that:

“Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets. Information on the transfer and administration of returned assets should be made public and be available to the people in both the transferring and receiving country. The use of unspecified or contingent fee arrangements should be discouraged.”

The GFAR principle 4 implicitly requires that elements of transparency and accountability on the part of the transferring country and that of receiving countries should not only be put in place but that there should be enforcement of such protocols during implementation. Table 3.1 presents a summary of key findings and recommendations based on the six elements, the role of the diverse social actors in asset recovery and management, anti-corruption, rule of law and policy reforms that are based on global best practices,^{xxii} including UNCAC^{xxiii}, GFAR principles^{xxiv}, and ‘Civil Society Principles for Accountable Asset Return’^{xxv} to provide a robust framework for analysis. The United Kingdom Home Office framework for transparent and accountable asset return is ambitious in creating room for civil society participation and was useful in this study.^{xxvi} The evidence generated from the qualitative data and analysis were measured in relation to the extent of ‘accountability’, ‘transparency’, ‘participation’, ‘benefits’, ‘disbursements’ and ‘victims’ as elements of the GFAR principles and as emerging global best practices in asset recovery and management.

The Nigerian government has made significant progress although there is room for improvement. While this Chapter focuses on the elements of accountability and transparency, subsequent chapters dealt with elements related to participation, benefits, disbursements and the role of victims in asset recovery and management.

Table 3.1 presents some key findings and challenges in the implementation of GFAR principles with suggestions on areas for improvement in subsequent asset returns and who should do what.

Table 3.1: 'Asset Returns and Management Recommendations for Improved Outcomes'

S / n	Challenge(s)	Indicator(s)	Goal(s)	Monitoring	Responsibility (Govts, non-govt stakeholders)	Outcome(s)
	<i>Elements of GFAR Principles on asset recovery and management</i>	<i>Description of areas for improvements</i>	<i>Recommendations</i>	<i>Activity</i>	<i>Who</i>	<i>Result(s)</i>
1	<i>Accountability</i> <i>GFAR Principle 4 on accountability</i>	Non-availability of audit reports on the use of recovered assets under PIDF	Publish audit reports	Ensure audit reports are available on government official websites.	Asset returning countries	-Increased awareness on recovery and management of asset
		Timely information made available to the public and law enforcement agencies through citizens involvement	Timely publication of information on websites	On the job-training	Asset receiving countries Engaged auditor(s)	-Improved accountability
2	<i>Transparency</i> <i>GFAR Principle 4 on transparency</i>	Non-consultation of stakeholders on asset utilisation	Develop policy guidelines for holding consultations	Ensure the weak and vulnerable are included	Asset returning countries. Asset receiving countries NGOs, CSOs, CBOs	Increased awareness on asset returns
			Unburden the technicalities of CSOs procurement process to allow CSOs joint bidding	Include Charter in Agreements/ MOU		Agreements & MOU; Needs assessment
		Delays in accessing projects financial documents	Develop Charter of Demand through inclusive participation.			
3	<i>Participation</i> <i>GFAR Principles 3 on</i>	Limited monitoring role for CSO(s)	Clearly state roles for CSO(s) involving the end-to-end monitoring	State roles in Agreements/ MOU	-Asset returning countries -Asset receiving countries -Non-government stakeholders	-Inclusive participation -Less opacity/scepticism -Independent CSO(s)
		Perceived state influence on monitoring CSO(s)	Inclusion of independent CSO(s)	Ensure fairness, transparency, openness, non-		

	<i>participation, and 10 on inclusion of non-government stakeholders</i>			discrimination		-Enhanced civic space -Fast-track asset return process
		There should be no CSO’s right of first refusal (or preferential treatment) to ensure a level playing field	Case-by-case recruitment of CSO(s) should apply	Include in Agreements/ MOU		
		Non-disclosure of Framework Agreement on CSOs monitoring	Display of Agreements with service providers	Ensure inclusion in future Agreements & MOU		
		NGOs roles from Returning country	Joint Advocacy and campaigns on asset recovery and management in future Agreements and MOU	Ensure specific roles		
4	Benefits <i>GFAR Principle 5 on beneficiaries and benefits</i>					
		Overburdened by Bureaucracy (Bayelsa)	-Review Agreement, -Fast-track implementation of agreement between the US and Nigerian government and identified projects in Bayelsa State	Draw insights from the 2020 Tripartite Agreement	Asset returning countries Asset receiving countries (Nigeria, Bayelsa, NGOs/CSOs)	Effective and speedy implementation of Agreement
		Sectoral funding deficits	CSOs-led broad based engagement for community Charter of needs to address social needs	Ensure health, education cash transfers, anti-corruption, electricity	Asset returning countries Asset receiving countries (Govts, NGOs, CSOs)	Improvement in pro-poor services and benefits to victims of corruption
		Perceived inclusion of offenders	Direct benefits to pro-poor public services	Ensure provision of pro-poor services	Asset returning countries Asset receiving countries Non-government stakeholders	-Benefits to the victims and the weak -Preclusion of offenders
			Beneficial ownership transparency	Include in Agreements & MOU		
			Develop offenders register			
5	Disbursements <i>GFAR Principle 9 on preclusion of offenders in</i>	Unclear funding of returned asset operations	Disclose policy framework on funding from returned assets	Ensure funding inclusion in Agreements & MOUs	Asset returning countries Asset receiving countries	Public trust in asset returns funding
		Limited role of parliament	Provide for parliamentary oversights	Ensure inclusion of parliamentar	Asset returning countries	Effective public financial

	<i>the disposition of confiscated proceeds</i>			y oversights in the future	Asset receiving countries	managemen t
6	Victims GFAR Principle 9 on benefits to victims and the preclusion of offenders.	Rigid Agreements/MOU lacking subnational contexts	Flexible Agreements/ MOU to take cognisance of limited local CSOs capacity	Ensure greater flexibility, and capacity building for CSOs	Asset returning countries Asset receiving countries	Effective Agreements / MOU
		Non-involvement of Subnational government/con texts (Bayelsa)	Consider peculiar conditions relating to local contexts	Involve subnational governments		
		Poor awareness of local communities	Use locally relevant languages	Ensure adoption of locally relevant languages in projects implementati on	Asset receiving countries NGOs, CSOs	Effective implementat ion

Source: ANEEJ 2024, adapted.

3.1. GFAR Principle 4: Recovered Assets Agreements and Elements of Accountability

The GFAR principle 4 implicitly requires transparency and accountability on the part of the transferring country and receiving countries. Table 2.1 shows that asset returned agreements fulfilled GFAR principle 4 on transparency and accountability. Nigeria has signed several return agreements and MOU that enabled the transfer and return of assets for the implementation of critical infrastructures under the Presidential Infrastructure Development Fund (PIDF), managed by the Nigeria Sovereign Investment Authority (NSIA). They are described and analysed below.

3.1.1. Tripartite Agreement Among Nigeria, Jersey and USA (\$311.8m): The returned Abacha Loot (III) of \$311.8 million was covered by a Tripartite Agreement with the Federal Republic of Nigeria, the Bailiwick of Jersey, and the USA, and was signed in Washington, DC, on 3rd February 2020.^{xxvii} The Agreement in Article 3(1), “sets out the basis and mechanisms for the transfer to and disposition of the Forfeited Assets by the Government of the Federal Republic of Nigeria for the benefit of the people of Nigeria.” The legal proceedings associated with the assets took significant time, from 2007 to 2019. This was due to legal complexities as well as appeals. The Agreement to return the assets was concluded on 3 February 2020.

3.1.2. MOU Between Nigeria and Ireland (€5,494,743.71; \$6.3M): The MOU between the Government of the Federal Republic of Nigeria and the Government of Ireland regarding the return, disposition and management of certain forfeited assets linked to Mohammed Sani Abacha in the amount of US\$6.3m, inclusive of interest (current equivalent value of €5.494, 743, 71m), (Abacha IV) was signed on 11th August 2020.^{xxviii}

3.1.3. MOU Between UK and Nigeria (£4,214,017.68, \$ 5.59M): The MOU between the Government of the United Kingdom of Great Britain and Northern Ireland and the Federal Government of Nigeria, on the modalities for the return of assets confiscated by the UK in

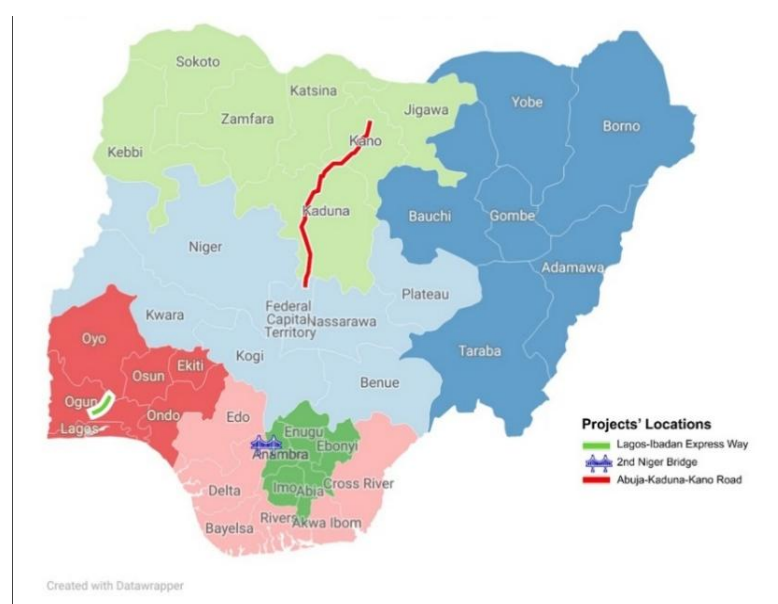
relation to the associates of former Delta State Governor, James Onanefe Ibori was signed on 9th March 2021.^{xxxix}

3.1.4. Agreement Between Nigeria and USA (\$23,493,724.98): The Agreement between the Government of the Federal Republic of Nigeria and the Government of the United States of America (Mecosta/ Sani), signed August 2022.^{xxx} The forfeited Mecosta/Sani assets were linked to Mohammed Sani with funds traced to the HSBC, UK.

3.1.5. MoU Between UK and Nigeria (£210,610): This MoU, regarding the application of the compensation amount derived from the Deferred Prosecution Agreement between the Senior Fraud Office and Amec Foster Wheeler Energy Limited, was signed between the Government of the United Kingdom of Great Britain and Northern Ireland and the Federal Government of Nigeria on 21st February 2022.^{xxxi xxxii} The MoU followed a successful investigation by the UK's Serious Fraud Office relating to the use of corrupt agents in the oil and gas sector. "The compensation payment from the UK to Nigeria was secured after a four-year corruption investigation led by the Serious Fraud Office (SFO) in the UK."^{xxxiii}

3.1.6. Agreement Between Nigeria and Jersey (£2,125,944): The Agreement between the Government of Nigeria and the Bailiwick of Jersey, regarding the return of forfeited assets of the sum of £2,125,944 in respect of the bank accounts held by Mr. Jeremiah T. Useni and Mr. Selcan Miner, was signed on 13th February 2024.^{xxxiv} The assets were reportedly transferred into the island's Standard Chartered Bank accounts between the 1980s and 1990s by Mr. Useni, using a false identity, when he was in Nigeria's military service. The Bailiwick of Jersey willingly transferred the Forfeited Assets, based on an existing framework for the return of funds to Nigeria linked to the Abacha regime, namely the 2020 Tripartite Agreement between Nigeria, Jersey and USA.^{xxxv}

The parties agreed that these recovered assets listed above were exclusively allocated to finance roads and bridges infrastructure projects: (a) Lagos-Ibadan Expressway (LIE), (b) Abuja-Kano Road (AKR), and (c) Second Niger Bridge (2NB).



Projects Location: Figure 3 shows the projects' locations and regional spread. The three projects cut across a total of nine States: Oyo, Ogun, Lagos, Delta, Anambra, FCT (Abuja), Niger, Kaduna and Kano States. They were priority projects previously authorized by Nigerian President Muhammadu Buhari and the Nigerian Legislature but were stalled due to scarce resources and delays in the allocation of funds. How the funds were disbursed are presented in the next chapter.

Figure 3: Location of the three legacy projects

3.1.7. Agreement Between USA and Nigeria on Alamieyeseigha Loot (\$954,807.40)

This Agreement between the Government of the US and Nigeria on the repatriation of \$954,807.40 in frozen funds linked to corrupt activities involving former Bayelsa State Governor, D.S.P Alamieyeseigha, was signed on 16th February 2023.^{xxxvi} The Agreement marked the conclusion of a 15-year-long legal process to recover some assets unlawfully acquired by Alamieyeseigha while he served as governor of Bayelsa State from 1999 until he was impeached in 2005.

The Solicitor General of the Federation and Permanent Secretary in the Federal Ministry of Justice signed on behalf of the Attorney General of the Federation and Minister of Justice, Abubakar Malami, for Nigeria, while the U.S. Ambassador to Nigeria, Mary Beth Leonard, signed for her country.”^{xxxvii}

3.1.8. Common Trends of Elements of Accountability in Returned Agreements and MoU

There are some common trends that emerge from the specifics of the Agreements.

- ✓ “Asset confiscation” applied to that of Abacha Loot and in the Alamieyeseigha’s case, funds were recovered through a non-conviction-based forfeiture.
- ✓ The Agreements and MoU meet the requirements of GFAR Principle (1) on partnership and Principle (4) on transparency and accountability of cooperating parties.
- ✓ The recovery of stolen assets requires close cooperation and coordination by a large retinue of government and private sector representatives from the collaborating countries, especially from the Departments of Justice, Foreign Affairs, and the apex banks where the stolen funds are deposited in the respective countries. For example, while the Abacha Loot covered in the 2020 Tripartite Agreement was in Jersey that of Diepreye Alamieyeseigha was located across 5 countries; United States, United Kingdom, Cyprus, Denmark and South Africa.^{xxxviii}
- ✓ The parties through the agreements demonstrated a level of political commitment for asset recovery and management. Note that some of these agreements are codified by inter-governmental MoU, and may not have a legally binding status, yet because they are codified in the first place demonstrates significant commitment of the respective Parties to asset recovery and return. Further, it should be noted that the 2020 Tripartite and Useni Agreements have Treaty status and therefore are legally binding.

3.2. Accountability: Policy Reforms and Maintaining Anticorruption Institutions

3.2.1. Key Findings: The element of accountability pertains to strengthening anti-corruption, rule of law and accountability mechanisms in line with international protocols to provide oversight of returned assets. With increasing political will, Nigeria has developed its country-specific mechanisms over the past 25 years, particularly since return to civil rule on May 29, 1999. Table 3.2 presents this evolution, showing the trends and significant milestones achieved over the years.

Nigeria has been working to ensure organisational continuity of its agencies, such as the Ministry of Justice and its Asset Recovery and Management Unit (ARMU), EFCC, Independent Corrupt Practices and Other Related Offences Commission (ICPC), and other Nigeria federal government’s agencies involved in asset recovery. Nigeria is emerging as top on the list of countries conducting policy reforms, that has led to the Proceeds of Crime (Recovery and Management) Act, 2022, and the National Social Investment Agency Act 2023.

Sustaining existing institutions is critical for the institutional memory connected to effectively manage the entire process of asset recovery and management although there is room for improvement.

Table 3.2: Evolving laws and regulations on anti-corruption and asset recovery and management in Nigeria.

- ✓ The Companies and Allied Matters Act 1990
- ✓ The Constitution of the Federal Republic of Nigeria 1999
- ✓ The Corrupt Practices and Other Related Offences Act 2000
- ✓ The Economic and Financial Crimes Commission Act 2004 (EFCC Act)
- ✓ Independent Corrupt Practices and Other Related Offences Commission (ICPC)
- ✓ The Criminal Code Act, Laws of The Federation of Nigeria (LFN) 2007
- ✓ The Criminal Procedure Act, LFN 2007
- ✓ The Investment and Securities Act 2007
- ✓ The Asset Management Corporation of Nigeria Act 2010
- ✓ The Money Laundering (Prohibition) Act 2011
- ✓ The Evidence Act 2011
- ✓ The Administration of Criminal Justice Act, 2015
- ✓ The Open Government Partnership principles
- ✓ Nigeria Financial Intelligence Unit Act, 2018.
- ✓ The Mutual Assistance in Criminal Matters Act, 2019
- ✓ Proceeds of Crime Act in 2022
- ✓ National Social Investment Agency Act 2023 (NSIA).

Source: ANEEJ Compilation

3.2.1.1. Limitations

There are identifiable gaps in Nigeria's asset return and management framework which included limited data on disposed assets, lack of clarity in funding for asset returns operations, and pre-recovery issues relating to lack of centralised asset management agency, and inter-agency rivalries. Addressing these issues would require an amendment to the Proceeds of Crime (Recovery and Management) Act, 2022 through stakeholders' engagement.

Government representatives at the FGDs pointed to the persistence of inter-agency, as well as inter-governmental rivalries amongst the anti-corruption institutions of the Nigerian government. This may also affect the possibilities of Nigeria's quest for stolen asset restitution.

Additional funding is also required to maintain these institutions to continue to carry out their responsibilities and training for enhanced efficiency and enforcement actions.

3.3. Establishment of Open Public Procurement and Tendering Processes

This involves the adoption of open public procurement and tendering processes that meet international standards, and the National Open Public Procurement Act 2007.

3.3.1 Key Findings: The inclusion of non-government stakeholders is becoming central to asset returns and management.

For example, the 2020 Tripartite Agreement mentioned procurement panel in Schedule 7 'Selection and Terms of Reference for Monitoring and Civil Society Organisation(s). The invitation for bids for the selection and engagement of the monitoring CSO(s) shall be done pursuant to the Nigerian Bureau of Public Procurement Act, as well as the requirements of the Agreement and its Schedules.

The designated implementing agency for the asset return agreement was the Nigeria Sovereign Investment Authority (NSIA). One component of the agreements and MoU was the setting up of a Procurement Panel/Committee which is an expanded panel drawn from the FMOJ's Asset Recovery and Management Unit (ARMU), Bureau of Public Procurement (BPP), and the FMOJ's Procurement Department.

The panel was responsible for evaluating tenders for the returned asset management, based on the advertised criteria. After a preferred entity is pre-qualified, it is taken to the Ministerial Tenders Board for approval. In cases of returned assets, the FMOJ was responsible for conducting the bidding process and providing procurement contracts for services to contractors and vendors.

3.4. Plugging Safe Havens from Illicit Financial Flows:

Addressing safe havens against illicit flows was flagged as a priority. As the saying goes, it takes two to tango, hence both countries where funds were stolen and countries where funds are stashed away need to work together to curb illicit flows from corruption. While corruption is still ongoing in Nigeria and other African countries, the United States, United Kingdom, and Europe remain safe havens for illicit wealth stockpiles. Some respondents from international jurisdictions from the UK acknowledged this situation of their countries or Europe being safe havens for illicit wealth and noted the challenges of changing this situation due to insufficient laws or the secrecy associated with such illicit transactions. For example, the UK's FCDO acknowledges this as a big challenge and the new government has identified the role of "professional enablers" as a policy priority for tackling the UK's role as a hub for dirty money.^{xxxix} The FCDO publication also acknowledges this including effort towards addressing illicit wealth with new sanctions.

3.4.1. Key Findings: Adherence to strict accountability measures in line with GFAR principle 4 will reduce illicit financial flows. The aim of the criminal justice proceedings and Court Orders on asset recovery and return is to ensure justice is done and prevention of illicit financial flows to serve as deterrent to would be offenders.

Safeguard the international financial system from criminal money laundering, recover the proceeds of foreign official corruption, and to ensure that the funds are returned to benefit the victims of corruption and abuse of public trust.

3.5. Efforts at Awareness Raising: Government instructed the contractors to install signposts at every 30 kilometres intervals to indicate that the infrastructure projects were completed with a part of "proceeds from Returned Assets."

Limitations: Both government officials and the monitoring CSO agreed that a lot needs to be done to address the poor awareness on asset recovery and utilisation.

Government appears reticence in showcasing milestones recorded so far to serve as a deterrent to would be offenders.

Work of anticorruption agencies not well appreciated as much as desired because of the prevailing erroneous and negative perception that "monies looted and monies returned equals monies re-looted." This perception is pervasive, harmful, counter-productive, and requires addressing now and in future asset return efforts.

Government and civil society should develop an awareness raising strategy and provide political prominence to asset recovery and management.

CHAPTER FOUR

PARTICIPATION: GFAR PRINCIPLE 10 ON PARTICIPATION AND INCLUSION OF CIVIL SOCIETY ORGANISATION

4.1. Introduction

Participation is an element of the GFAR Principle 10 and entails individuals and groups outside the public sector such as civil society, NGOs and community-based organisations that should be encouraged to participate in the asset return process, including by helping to identify how harm can be remedied, contributing to decisions on return and disposition, and fostering transparency and accountability in the transfer, disposition and administration of the recovered assets. The World Bank/StAR website provides sufficient in-road for the traceability of all recovered assets by the public.

4.2. Key Findings:

Participation of CSO Monitoring: Provisions for civil society monitoring was included as part of the Asset Return Agreements. The agreements and MOU require advertisement and strict adherence to the Public Procurement Act (2007) in the procurement process. Following a six-month bidding process that was published nationally and internationally (including in *The Economist*), a third-party monitor was selected as the preferred CSO monitor for the 2020 tripartite Agreement on Abacha Loot III.

Although the agreements and MoU did not stipulate that only Nigerian-based CSO would be preferred, the Government of Nigeria preferred Nigerian-based CSO to garner the opportunity for policy monitoring and learning in returned asset management. The original contract for the third-party monitor was initially twelve months from 10th February 2021 to 9th January 2022 and extended afterwards.

The agreements and MOU (2020-2024) provide for the engagement of CSOs to monitor the disbursement and utilisation of the returned assets.

The agreements and MOU also support the GFAR Principles, as well as the United Kingdom (UK) framework for transparent and accountable asset return, recognising the important role of CSOs in asset recovery and management.

Participation of third-part monitor: included KII, FGD, and field visits conducted and deployed citizens' monitoring approaches that allowed real time feedback and site visits that contributed to the project implementation.

The avoidance of incidence of child labour during the project implementation.

The third-part monitor also worked to produce documentaries and jingles on the projects, especially in local languages to improve citizens' awareness that is awaiting release.

4.2.1. Limitations: Three of the agreements did not clearly provide for monitoring by civil society.

No provision for CSOs participation in the end-to-end stages of asset returns and management processes including "early dialogue" between returning and receiving countries as provided in GFAR principle 3.

The Framework Agreement for retaining service providers is not in the public domain, as all fiscal transactions should be made available to the public for scrutiny.

Additionally, payments for contractual obligations were not disclosed and not available on the websites of the third-party monitor. The issues of CSOs' credibility and autonomy were stressed.

In the monitoring of the \$311.8m by third-part monitor, CSOs were sceptical of any process that throws up which non-state actors are pre-selected for asset return and management in a selection process presided over by state actors. The issues of CSOs' credibility and autonomy were stressed.

Therefore, the full application of the principles of fairness, transparency, openness, and non-discrimination would help to ensure CSOs' full participation in asset return and management and in ways that maintains their independence.

4.3. Benefit Assessment and Relevance to Victims

4.3.1. Introduction

An element of benefit states that recovered assets shall be used to benefit the people of the country from which the assets were stolen. The beneficiary impact assessment visits to the three roads and bridge infrastructure project locations showed that the projects were impacting lives and businesses positively.

4.4. Key Findings

The projects were of high benefits to the beneficiaries who are drivers and commuters

4.4.1. The Lagos – Ibadan Road has fostered increased mobility for road users, trade across regions, and reduces the vehicular wear and tear and frequent spate of accidents from the bad roads.

Commuters and drivers on the road expressed gratitude to the Federal government for the road rehabilitation work that has reduced travelling time from about 5-6 hours to about 2-3 hours from Lagos to Ibadan.

Limitations: Some failed portions are already emerging and aspects of the road surface are undulating due to uneven asphalt application. Access by persons with disability is poor and no braille and sign language, ramps, at relevant places.

4.4.2. The Abuja-Kaduna Road has impacted lives for commuters and drivers plying the roads and this has helped to improve mobility of people, goods and services.

Limitations: lack of provision of packing lots in designated places, and pedestrian bridges needed to save lives. The non-completion of the project, especially in the cases of abandoned carriageway is affecting businesses, prolonged journeys, incessant road crashes and death of motorists and community people.

4.4.3. The Second Niger Bridge has effectively alleviated traffic congestion, thereby enabling more efficient tax collection and remittances to the government.

Enhancing accessibility to key commercial hubs, such as Aba and the Port Harcourt Bypass, thereby reducing travel time and improving economic activities for both business owners and transport operators.

Lack of access road linking communities to the bridge but now receiving attention by the flag off for the construction of the 17.7 kilometres road bypass, March 2025.

4.5. GFAR Principle 9 on preclusion of offenders from benefits

4.5.1. Introduction

GFAR Principle 9 states that “all steps should be taken to ensure that the disposition of confiscated proceeds of crime do not benefit persons involved in the commission of the offence(s)”, and this provision has been reflected across the Agreements and MOU on Forfeited Assets (2020-2024).

4.5.2. Key Findings

Table 4.1 shows alleged perpetrators and list of offenders covered in the various Agreements and MOUs. The procurement process and the non-government stakeholders' work is to review the contract documents to ensure that the offenders are not beneficiaries, and by implication, do not participate as contractors or in any other form during the asset management process.

The Agreements and MOU largely provide for how to deal with preclusion in terms of procurement, monitoring and auditing. Additionally, due diligence was carried out on bidders before contract awards.

Offenders precluded from participating in the bidding and overall procurement process, and the use of the CAC Beneficiary Ownership Register (BOR) to tracking and unveiling corporate ownership.

Table 4.1. Alleged Perpetrators of, or Participants in, Offences or Related Conduct

Agreement/ MOU	Alleged Perpetrators (or 'Participants')
2020 Agreement Among Nigeria, Bailiwick and USA (Abacha III): Schedule 2	General Sani Abacha, Ibrahim Sani Abacha, Mohammed Sani Abacha, Abubakar Atiku Bagudu, Ismaila Gwarzo, Alhaji Ahmadu Daura, Chief Anthony Ani, David Umaru, Doraville Properties Corporation, Eagle Alliance International Ltd., Harbour Eng. & Construction Ltd., Mecosta Securities Inc., Morgan Procurement Corporation, Rayville Interventional SA, The Ridley Trust, Ridley Group Ltd., Standard Alliance Financial Services Ltd.
2020 MOU Between Nigeria and Ireland (Abacha IV)	Mohammed Sani Abacha
2021 MOU Between UK & Nigeria (James Ibori & Associates)	Associates of James Ibori
2022 Agreement Between Nigeria & USA (Abacha V)	Mecosta Securities, Mohammed Sani,
2022 MOU Between UK & FGN (Foster Wheeler)	Amec Foster Wheeler Energy Limited
2023 Agreement Between USA & FRN (Alamieyeseigha)	Diepreye S.P. Alamieyeseigha, Domingo Obende, Ehigie Uzamere, Nicholas Aiyegbemi, their heirs or assigns, or any corporations or legal persons established by or for their benefits
2024 Agreement Between FRN and Jersey (Useni/Miner Funds): Schedule 2	Jeremiah Timbut Useni, Selcan Miner, C&C Construction Co. Ltd. Plazatour SA, Dantata & Sawoe Construction Company (Nig.) Ltd., Lordmart Nigeria Ltd., Mr. Hamza Abdullahi, Alhaji Salami

Source: Compiled from the signed Agreements and MOUs.

4.5.2.1. Limitations: Non-extension of beneficial ownership checks and due diligence to sub-contractors, value-chain vendors and suppliers of construction materials to ensure preclusion from benefiting from recovered stolen wealth.

Lack of Offenders Register that should be maintained and published in the federal government and other public platforms to serve as deterrent to would be offenders.

Preclusion of alleged offenders and their families and stooges from benefiting from social goods such as roads and bridges proved difficult to implement, and in fact, impracticable.

Therefore, relevant stakeholders should promote the use of Beneficial Ownership Register to identify offenders and preclude them from the bidding process including sub-contracts in future Agreements.

CHAPTER FIVE

CASE STUDY OF DISBURSEMENTS FOR THREE INFRASTRUCTURE PROJECTS AND VICTIMS' IDENTIFICATION

5.1. Introduction

In ensuring transparency and accountability in returned asset disbursement, emphasis is placed on 'fiscal transparency' which involves "public sector accounts, and projections", and ready access to reliable information so that citizens can provide monitoring to scrutinise them. Table 5.1 shows funding disbursements as of December 2024 and share of the returned assets.

5.2. Key Findings

The agreements and MOU placed fiduciary responsibilities on the Central Bank of Nigeria (CBN) and the Nigeria Sovereign Investment Authority (NSIA), on behalf of the Federal Republic of Nigeria.

NSIA operates under transparency guidelines and a corporate governance framework that is aligned with the Santiago Principles, alluding to a voluntary set of principles and practices developed by the International Working Group of Sovereign Wealth Funds.

5.3. Disbursements of Returned Funds

The record shows the Lagos-Ibadan Road with the cost of ₦331.80 billion and disbursement from the returned asset was ₦51.30b.

The Second Niger Bridge was at the cost of ₦234 billion and asset recovered disbursement was ₦46.20b. The Abuja- Kaduna-Kano cost was ₦655.20 billion and disbursement from the asset recovered was ₦50.40b.

The total current project cost was N1,221.00 trillion, while total disbursement from the recovered assets was N147.90 billion representing 12 percent. The 12 percent from the returned assets is significant since the yearly budgetary allocations were insufficient to bring the projects to completion.

Table 5.1: NSIA/PIDF funding disbursements for the infrastructure projects

Project	Original Contract Sum (₦'bn)	Addition (₦'bn)	Current Project Cost (₦'bn)	Recovered Assets /Fund (₦'bn)	
				Allocated	Disbursed
Lagos- Ibadan Expressway	311.40	20.40	331.80	49.90	51.30
Second Niger Bridge	206.20	27.80	234.00	49.90	46.20
Abuja- Kano Road	655.20	-	655.20	49.90	50.40
Total	1,172.80	48.20	1,221.00	149.70	147.90

Source: PIDF 2024 Q4 Annual Report

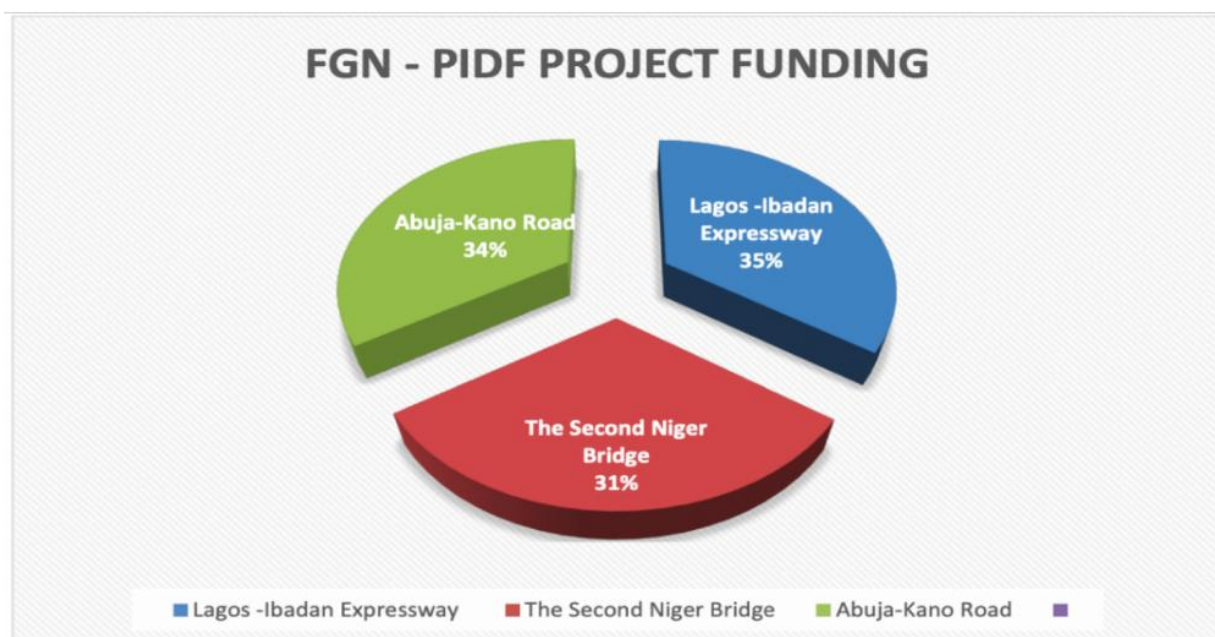


Figure 5.1: shows the share of returned assets disbursements to the three projects

5.4. Provision for an Independent Audit for the Three Infrastructure Projects

5.4.1. Key Findings: NSIA as its internal auditor, and Deloitte's services retained as the external auditors for the scrutiny of the use of returned assets for the three road infrastructure projects. The audit also serves as part of the framework for transparency and accountability.

ANEEJ Consultants for Third Party review of the financial records show that total disbursement for the three projects amounted to N147.90 billion as against N149.70 allocated, resulting to a difference of N1.8 billion.^{xi} Further, the LIE received an additional disbursement of ₦3.225 billion in 2024 against the allocation of ₦49.90, and bringing the total of disbursement to ₦51.30 billion. The returned funds disbursements to the three projects were inequitably distributed even though budget allocations were ₦49.90 billion for each of the three projects.

5.4.1.1. Limitations:

It has been difficult accessing the Deloitte audit reports as it is not available on either the NSIA website or the third-part monitor's website even though they monitored the projects. The audit report should be made available on the websites of the returning countries and that of the receiving country.

Third party monitoring and review of the PIDF financial statements audited by Deloitte shows some limitations.^{xii} According to the review, an Independent Auditor's Report was not included in the financial statements. There was also no Audit Management Letter specifying significant weakness, areas of improving internal controls, and other management issues. Project fund disbursement also shows some discrepancies resulting in a difference of ₦1.8 billion.

5.4.2. Limitations on the 2023 Agreement with USA on the Return of Forfeited Alamiyeseigha Assets (\$954,807.40).

Fund is safe and secure in CBN but there has been no disbursement because of prolonged procurement process occasioned by the challenge of the authority to get qualified CSOs and NGO in line with the Agreement. There were also issue of getting local NGOs and CSOs with the requisite procurement requirement to satisfy the agreement requirement. A huge 40

percentage of the Returned Alamieyeseigha Assets is allocated to monitoring project activities, while the actual project on renovation and building of primary health care centres, purchases of medical equipment and medical facilities was allocated 60 percent.

Greater transparency is required in the management of the recovered asset domiciled in the CBN.

5.5. Identification of Victims and Projects Prioritisation

5.5.1 Introduction

The nature of the agreements and MOU, which is framed by Nigerian government and the returning country hardly provides the opportunity for subnational government participation.

Nigeria as a victim of stolen wealth, to some extent, enjoys partnership with the relevant foreign jurisdictions on asset recovery and returns with special mention of the United Kingdom, USA, and France. Victims can also be extended to mean the communities or sub-nationals where the fund was stolen and should be involved in determining projects and programmes that will benefit them. For the Bayelsa State return, the people were involved in determining what the funds would be used for. Bayelsa State government initially proposed to use the fund to build judges quarters but CSOs and other groups met and decided that it would be used to build, renovate and equip primary health care centres. Due to prolonged procurement, the new Bayelsa government prefers a change of priority.

5.5.2. Findings:

In the case of Alamieyesiegha loot, the returned fund was planned for primary health care delivery in Bayelsa state. There was some level of cooperation between the FGN and Bayelsa state government.

In the case of Ibori Loot the reverse was the case and the returned fund was committed to the three Federal Government projects due to lack of support on the claim that funds were missing from Delta State coffers.

5.5.3. Limitations

No stakeholder consultation. During the FGD and KII all the respondents mostly non-state actors, CSOs and communities' representatives said they were not consulted or availed the opportunity to participate in the project prioritization process. The respondents stated that they were not consulted in the identification of victims or in the project prioritisation process, and 100 percent of the respondents said they would want to be consulted in subsequent selection of projects. Only in the case of Bayelsa State that some stakeholders acknowledged being consulted in terms of deciding what the fund would be used for.

5.6. Mapping Stakeholders' Projects Preferences

The process for the selection of priority projects did not begin with the identification of victims of the stolen wealth in question. Apart from roads and bridges, other social projects are begging for attention. Figure 5.2 shows FGD participants from the three project areas and their preferences. Not surprisingly, majority of the respondents from the FGDs placed the top priorities on education and health sectors. In summary, the health sector had the highest priorities with 53 score (38.4%), followed by education with 48 score (34.8%), social protection/ cash transfers with 14 score (10.1%), anti-corruption scored 11 (8.0%), and "Others" scored 12 (8.7%) comprising electricity, water, agriculture, and shoreline protection.

The essence of the exercise is to build a culture of stakeholders' engagement that is inclusive based on informed participation and involvement in decision-making on the choice of projects by the victims who are mostly vulnerable groups.

Although civil society and communities were not consulted in the projects' prioritisation process, it cannot be said that the Nigerian government is unmindful of the citizens overwhelming needs. This is particularly in the face of the current socio-economic conditions following recent policy reforms prioritising investment programmes in infrastructure, health, education and social protection.^{xliii} Box 1 shows the government current investment priorities that could benefit from future returned assets. In particular, in addition to roads infrastructure projects, preference for education and health projects was indicated by targeted beneficiaries. The government's current priority investment programmes can largely be integrated with the participants' priority programmes and infrastructure. Therefore, the government's priority investment programmes would be suitable for asset returns utilisation. However, concerted efforts must be made by government to validate the priority programmes, through stakeholders' or victims' engagement, before deploying future returned assets.

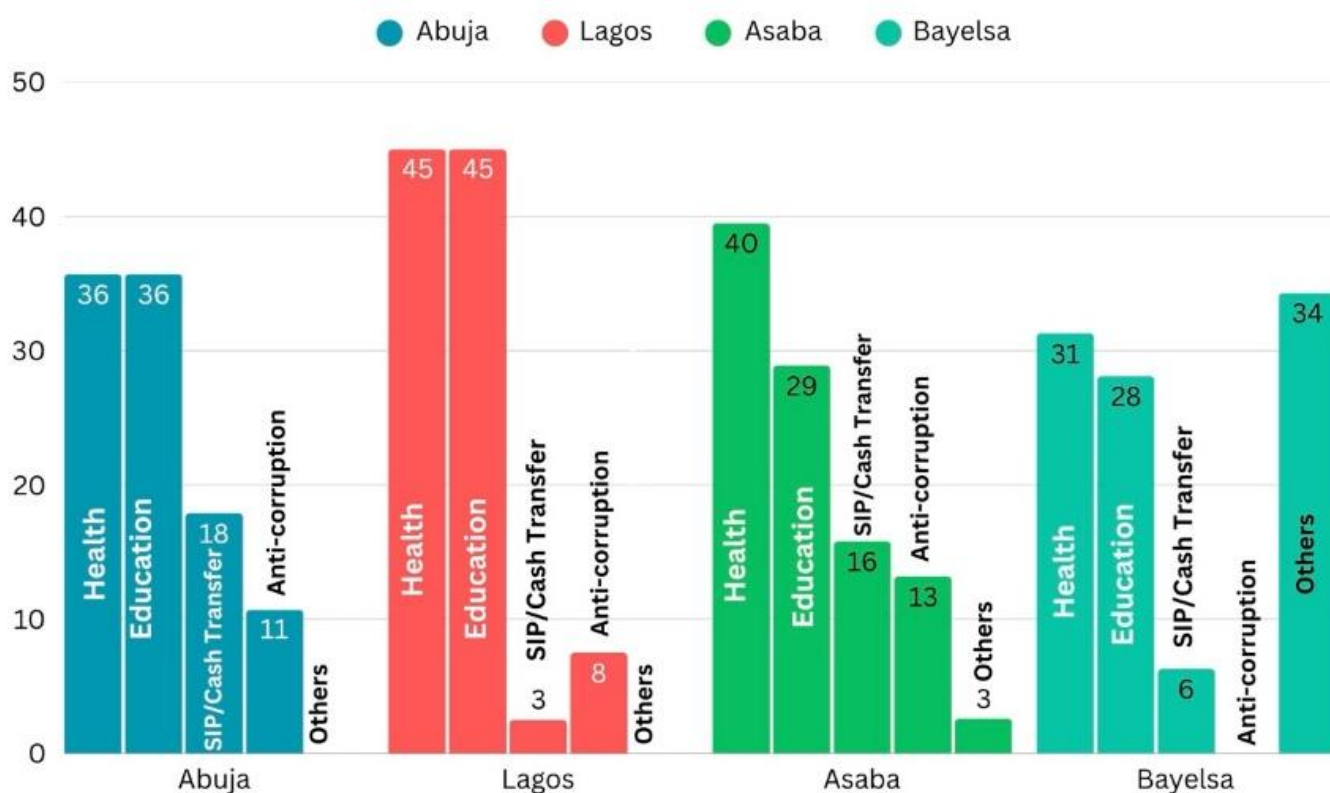


Figure 5.2: Participants' Priority of Programmes and Infrastructure

Source: Fieldwork (Dec 2024- Jan. 2025).

Box 1: FGN Present and Future Infrastructure and Social Protection Investment Priorities

Nigeria's \$25bn per annum infrastructure funding gap informed the government of President Tinubu's approval of the Renewed Hope Infrastructure Development Fund to facilitate effective infrastructure development across the pivotal areas of agriculture, transportation, ports, aviation, energy, healthcare, and education in Nigeria. The President proposed ₦4.06 trillion for infrastructure in the 2025 budget. In terms of road infrastructure, President Tinubu is currently embarking on at least, 13 major projects across the country, namely: Abuja-Kaduna-Zaria-Kano Dual Carriageway, 9th Mile-Oturkpo-Makurdi Road, Sokoto-Badagry Highway, Abuja-Lokoja-Benin Road, Lagos-Calabar Coastal Highway (Phase 1), Enugu-Onitsha Expressway, Benin-Asaba Superhighway, Oyo-Ogbomoso Road, Bode Saadu- Kaima- Kosubosu Road, Enugu-Port Harcourt Expressway, Second Niger Bridge Access Road, Lagos-Ibadan Expressway, and Bodo-Bonny Road.

The Nigerian federal government has also approved a \$1 billion fund to support the Nigerian federating states in tackling the issue of child and maternal deaths across the country. Further to this commitment, 774 healthcare centres nationwide are being upgraded to provide free emergency care for obstetric complications. This priority will help to address the health needs of the weak and vulnerable in rural communities. Several social protection programmes have been planned by the current Nigerian government. The Ministry of Finance Incorporated (MOFI) introduced the N10 billion Credit Access for Light and Mobility (CALM) Fund to support Nigerians in converting their vehicles to Compressed Natural Gas (CNG), for ensuring cheaper, safer, and friendlier energy. The Nigeria Education Loan Fund (NELFUND) seeks to provide easy and equal access to higher education, particularly for indigent populations. NELFUND is currently planning to introduce specialised software for the inclusion of students with disabilities in higher institution. The Nigerian Consumer Credit Corporation (CREDICORP) to ensure improved lives of economically active Nigerians who are earning modest income for necessities. Additionally, the National Social Safety Net Programme Scale-Up (NASSP-SU) is providing shock-responsive cash transfers to the poor and vulnerable. President Tinubu also launched the N50,000 non-repayable grant programme for one million Nigerians (mainly women and youths) engaged in nano businesses and skilled trades. Finally, the President's 'Renewed Hope Cities and Estates Development Programme' seeks to enhance the quality of living for residents.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

6.1. Key Findings and Conclusion

This research has assessed the implementation of selected GFAR Principles in recent asset return agreements and MoU to Nigeria covering the last five years. It concludes that Nigeria has made significant strides and is now providing guidance on asset return and management issues to other countries. It equally identified gaps and proffered recommendations aimed at enhancing future asset return and management are transparent and accountable in line with GFAR principle. These measures are essential for bolstering public confidence in Nigeria's fight against illicit financial flows and reinforcing global cooperation in asset return and management.

6.2. Recommendations

Considering the findings, the various actors have roles and responsibilities to enhance the delivery of GFAR principles on asset return and management. Some actor-focused recommendations are proffered below.

6.2.1. Accountability at Domestic level and Pre-Asset Returns

Government of Nigeria should overhaul its pre-recovery framework to improve on the following:

- ✓ Preventive measures against illicit financial flows are fundamental hence the need to strengthen institutions and deepen enforcement of existing laws NFIU, EFCC Act, ICPC Act, and Proceed of Crime (Recovery and Management) Act 2022.
- ✓ Enhanced maintenance of asset recovery institutions is required. Encourage increase of statutory budgetary allocation to the asset recovering agencies, build their capacities for efficiency and ensure continuity.
- ✓ Provisions for domestic Central Asset Management Agency by the amendment of Proceed of Crime (Recovery and Management) Act 2022 through FMoJ and its agency, ARMU to ensure a standardized automated asset forfeiture management system that is crucial for effective enforcement of the Act's provisions.
- ✓ Strengthening the Proceeds of Crime Units/Asset Recovery and Management Units within all anti-corruption agencies to enhance coordination with the Federal Ministry of Justice.
- ✓ Provide a threshold of cooperation for anticorruption agencies to subscribe to and operationalise the central data asset recovery and disposition register currently being developed by ARMU.
- ✓ Strengthen domestic anti-corruption mechanisms. Provision for capacity building and training of anticorruption agencies on the implementation of the POCA 2022 regulations.
- ✓ Implement the unexplained wealth order in Nigeria to fast track the non-conviction-based asset forfeiture approach since the criminal justice system is cumbersome and time consuming.
- ✓ Facilitate the passing of the Whistleblower Protection Bill to support asset recovery and management.

6.2.2. Transparency and Accountability - Asset Return and Management

Government of Nigeria as the receiving country

- ✓ **Encourage stakeholders' engagement.** Set policy guidelines for holding inclusive stakeholders' consultations with key stakeholders for asset management particularly the

identification, selection of projects and services that would be covered by the returned assets.

- ✓ **Raise awareness on asset return and management.** Government and civil society should develop an awareness raising strategy to enhance the sensitization of the public and provide political prominence on asset return and management.
- ✓ **Greater transparency and accountability and access to information.** Through its agency and project manager, “the NSIA”, should ensure all financial documents on the returned assets utilisation are made available to interested Parties and the general public. This will help to encourage citizens’ scrutiny and improve public trust in the returned assets management process.
- ✓ **Conduct periodic citizens’ engagements** and disclosure of asset returns as well as their utilisation on a quarterly basis and such information is made accessible to the public.
- ✓ **Promote the use of the Beneficial Ownership Data (BO)** and extend practice and due diligence to subsidiary vendors to ensure that those who committed the crime do not benefit from the use of the returned asset
- ✓ **Accessibility of projects Audit reports.** Ensure that the audit reports on the utilization of returned assets and made publicly accessible to the public
- ✓ Ensure capacity building and IT and technical skills training for asset return agency staff to improve efficiency in asset returns and management.

6.2.3. Participation

Government of Nigeria

- ✓ **Role for civil society in the Agreements.** Ensure that all future agreements and MoU should clearly state the roles of CSOs in the asset returns and utilisation process beyond monitoring. This will serve to guarantee the full participation of non-government stakeholders in the asset return and management process.
- ✓ **Validate the priority programmes and infrastructure,** through victims’ engagement, before deploying future returned assets.
- ✓ Sufficiently state the principles of fairness, transparency, openness, and non-discrimination as pre-conditions for the selection of non-government stakeholders as monitors to address the issues of skepticism and independence of the monitoring NGO.
- ✓ **Foreclose the right of first refusal** (preferential treatment) exercisable by the monitoring CSO(s) in the Agreements and MOU to ensure the independence of non-government stakeholders in exercising their monitoring role.

6.2.4. Benefits

Government of Nigeria

- ✓ **Mechanism for resolving complaints.** Through its projects manager, NSIA should ensure prompt response to address concerns of the project-affected communities to ensure the completion of Abuja – Kaduna – Kano Road, provision of packing lots, pedestrian bridges.
- ✓ **Encourage inclusive participation and involvement of victims** and the vulnerable groups in decision-making on social projects that will benefit the victims.
- ✓ **Provision of pedestrian crossings and rails,** brailled signs and ramps should be provided in buildings, hospitals, roads and other facilities built with returned assets to serve PWDs.

6.2.5. Disbursements

Government of Nigeria

- ✓ Ensure that the prevailing exchange rate of the Nigeria Naira to the US dollar at the point of disbursement should apply on the disbursement to Bayelsa state government.
- ✓ Ensure disclosures on the Framework Agreement between the asset receiving country and the engaged auditors, monitoring CSO(s), and other non-government stakeholders should be publicly displayed to encourage public scrutiny and feedback.
- ✓ **Oversight role of parliament.** Through its Legislative arm ensure that any future Agreements and MOU should clearly state the oversight role of the parliament in ensuring fiduciary controls in returned assets management.

6.2.6. Victims

- ✓ **Government of Nigeria should set up Offenders Register** for perpetrators of the crime of corruption to ensure the preclusion of offenders as stipulated by GFAR Principle 9.
- ✓ **Ensure victim's participation in decision-making** relating to projects prioritisation and identification of beneficiaries.

6.3. Returning Country-Government

Government of Returning Countries

- ✓ Ensure that they are a part of the signing of future Agreements and MoU so they can play an active part and provide oversight functions during projects implementation.
- ✓ Ensure transparency of audit reports and should be made accessible to the public and in the website of returning countries.
- ✓ Should stay engaged, support the participation of civil society, and ensure that the Agreements are complied with.
- ✓ Should ensure that in future return, proper consultations with subnational governments as victims should be encouraged.

6.4. Role of Civil Society in Returning Countries

In the monitoring of the Agreements and the three projects under review, CSOs in returning countries had no specific role or contribution. CSOs in returning countries can play a role because of the amount of information at their disposal. The 3rd party monitor for the \$311.8m did not indicate in their reports that they worked with similar NGOs outside Nigeria during the monitoring of the recovered loot. International NGOs can step up actions to ensure that assets are managed in a transparent and accountable manner in line with GFAR principles

Civil Society in Returning Countries

- ✓ Conduct advocacy and campaigns to ensure that recovered assets are returned by the returning countries as quickly as possible on conclusion of the recovery process
- ✓ Partner with the CSOs in asset-receiving countries to share information on asset return

6.5. Roles and Responsibilities for Civil Society Groups

Civil society groups and non-government stakeholders, including NGOs, communities, and CBOs should:

- ✓ Conduct a broad-based stakeholders' engagement to develop a Charter of Demand, based on community needs assessment to inform social programmes prioritisation process by governments in future asset recovery Agreements.
- ✓ Conduct stakeholders' consultations and victims' engagement to validate the priority programmes and infrastructure, before deploying future returned assets.
- ✓ Engage in policy advocacy to influence future Agreements and MOU in allocating funds to the health, and education sectors as top priorities, and also social protection, anti-corruption, and electricity as stakeholders' preferences, apart from the roads and bridges already supported via the various Agreements and MOU under reference.
- ✓ Develop CSOs Monitoring capacity and conduct joint bidding to take advantage of the 2023 Agreement on Forfeited Alamieyeseigha Assets that will lead to effective and speedy implementation of the Agreement, to address the time lag.
- ✓ Work to ensure that GFAR Principles on transparency and accountability measures are implemented in asset returns and utilization to ensure that recovered assets are not re-looted.
- ✓ Build CSOs capacity to be able to engage policy makers for policy reforms that will ensure professionalizing of asset return and management as separate units of government.
- ✓ Partner with the government to address the poor awareness on returned assets and beneficial utilization that could help to address skepticism, vandalism, theft and build public trust.
- ✓ Step up fund raising effort to undertake independent monitoring of the return and utilization of returned assets to promote transparency and accountability in the return and utilization of assets to complement the work of third party monitors.

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About ANEEJ



The Africa Network for Environment and Economic Justice (ANEEJ) is a non-governmental organization whose goal is to amplify the voice of the weak, the less privileged and the marginalized groups in the society including women, youths, and People Living With Disabilities in order to increase their participation in the democratic decision-making process. As its basis, ANEEJ believes in a democratic system for managing human interest and operates within two broad areas namely environmental and economic justice. ANEEJ advocates the importance of supporting the Nigerian national government and state governments in delivering equitable services the citizens.

For about 25 years, ANEEJ has been working in Nigeria (Niger Delta region and other parts of the country) and other parts of the World, designing and managing projects that addresses poverty, inequality, corruption, injustice, environmental degradation, democracy and governance challenges and access to WASH services among other. Working with local communities, civil society organizations (both local and international), the private sector, State, national and foreign governments, our focus has been on asset recovery and management, Debts and Structural Adjustments, sustainable development, institutional building, the alleviation of poverty and economic empowerment among others areas.

Since inception, ANEEJ worked with over 100 civil society organisations while hosting the Secretariat of the Publish What You Pay (PWYP) Campaign, Nigeria from 2004 to 2008 and the Nigerian Network on Stolen Assets. ANEEJ led the Jubilee Debt Movement in Nigeria campaigning for the cancellation of the nation's odious debt. This yielded a major result in 2005 when Nigeria got debt cancellation from the Paris and London Club of creditors. The organisation also coordinated CSOs that were involved in monitoring repatriated money looted by Late General Sani Abacha under the Public Expenditure Management and Financial Accountability Review (PEMFAR), a tripartite agreement involving The World Bank, Civil Society Organisations and Nigerian government. ANEEJ in 2003 established the Society for Water and Sanitation (NEWSAN), a coalition of over 300 CSOs working in the area of Water and Sanitation. ANEEJ is currently monitoring the utilisation of \$322.5M recovered Abacha loot now been used for National Social Investment Programme in Nigeria.

Additionally, ANEEJ is a founding member and currently the Chairperson, Board of Trustees of the Reality of Aid (RoA) Africa, a Sub-sect of Reality of Aid International. ANEEJ also chaired RoA International from 2016-2019. It is currently the Nigerian focal point for Civil Society Organisations Platform for Development Effectiveness (CPDE) and has contributed chapters to the Reality of Aid Global and Africa editions since 2004. At the country level, ANEEJ mobilises other CSOs to engage the National Planning Commission (NPC) on development effectiveness and has over the years represented a very strong voice for more effective, people-centred aid regime which guarantees transparency and accountability on both donors and the Nigerian government sides.

ANEEJ has been granted Special Consultative Status of Economic and Social Council (ECOSOC) by the United Nations with all attendant privileges and has managed (and still managing) projects funded by many donors including USAID, DFID, EU, British Council (including J4A, FOSTER, RoLAC, Palladium/MODAC), UNDP/UNODC, McArthur Foundation, OSIWA, Royal Norwegian Embassy, Canadian and Swiss Embassies, Heinrich Boel Foundation, Global Green Grant, Action Aid, EED (Now Bread for the World,) among others.

OUR MISSION

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



OUR VISION

Africa without Poverty



OUR VALUES

EMPOWERMENT
EQUITY
INTEGRITY
RELIABILITY



OUR THEMATIC AREAS



GOVERNANCE &
ANTI-CORRUPTION



CLIMATE &
ENVIRONMENTAL
JUSTICE



AID AND
DEVELOPMENT



MIGRATION AND
GLOBAL PROGRAMME



GENDER &
SOCIO-
INCLUSIVENESS



GFAR Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases

The co-hosts and four focus countries at GFAR reaffirmed their commitment to the return and disposition of confiscated stolen assets as articulated in UNCAC. They highlighted the importance of technical assistance towards successful asset recovery and disposition. They reflected further on their experiences, and emerging lessons, from previous instances of returns.

Cognisant of the work already going on under the auspices of UNODC, and the call in the Addis Ababa Action Agenda for the international community to develop good practices on asset return, GFAR participants offered the following considerations for principles that would promote successful asset return.

These Principles address approaches and mechanisms for enhancing coordination and cooperation, and for strengthening transparency and accountability of the processes involved. Nothing in these Principles is intended to infringe national sovereignty or domestic principles of law.

PRINCIPLE 1: PARTNERSHIP

It is recognised that successful return of stolen assets is fundamentally based on there being a strong partnership between transferring and receiving countries. Such partnership promotes trust and confidence.

PRINCIPLE 2: MUTUAL INTERESTS

It is recognised that both transferring and receiving countries have shared interests in a successful outcome. Hence, countries should work together to establish arrangements for transfer that are mutually agreed.

PRINCIPLE 3: EARLY DIALOGUE

It is strongly desirable to commence dialogue between transferring and receiving countries at the earliest opportunity in the process, and for there to be continuing dialogue throughout the process.

PRINCIPLE 4: TRANSPARENCY AND ACCOUNTABILITY

Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets. Information on the transfer and administration of returned assets should be made public and be available to the people in both the transferring and receiving country. The use of unspecified or contingent fee arrangements should be discouraged.

PRINCIPLE 5: BENEFICIARIES

Where possible, and without prejudice to identified victims, stolen assets recovered from corrupt officials should benefit the people of the nations harmed by the underlying corrupt conduct.

PRINCIPLE 6: STRENGTHENING ANTI-CORRUPTION AND DEVELOPMENT

Where possible, in the end use of confiscated proceeds, consideration should also be given to encouraging actions which fulfill UNCAC principles of combating corruption, repairing the damage done by corruption, and achieving development goals.

PRINCIPLE 7: CASE-SPECIFIC TREATMENT

Disposition of confiscated proceeds of crime should be considered in a case-specific manner.

PRINCIPLE 8: CONSIDER USING AN AGREEMENT UNDER UNCAC ARTICLE 57(5)

Case-specific agreements or arrangements should, where agreed by both the transferring and receiving state, be concluded to help ensure the transparent and effective use, administration and monitoring of returned proceeds. The transferring mechanism(s) should, where possible, use existing political and institutional frameworks and be in line with the country development strategy in order to ensure coherence, avoid duplication and optimize efficiency.

PRINCIPLE 9: PRECLUSION OF BENEFIT TO OFFENDERS

All steps should be taken to ensure that the disposition of confiscated proceeds of crime do not benefit persons involved in the commission of the offence(s).

PRINCIPLE 10: INCLUSION OF NON-GOVERNMENT STAKEHOLDERS

To the extent appropriate and permitted by law, individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, should be encouraged to participate in the asset return process, including by helping to identify how harm can be remedied, contributing to decisions on return and disposition, and fostering transparency and accountability in the transfer, disposition and administration of recovered assets.



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