

Short WORKSHOP REPORT FORM

Number and title of workshop: WS 1.5 State and Non-State Actors: A Multi-Stakeholder Approach to Asset Recovery

Coordinator: Tim Steele, Stolen Asset Recovery Initiative (StAR) and Pedro Gomes Pereira, Basel Institute on Governance.

Date and time of workshop: 11 November 2010, 1730-1930

Moderator: Alan Bacarese, Basel Institute on Governance

Rapporteur: Tim Steele, StAR

Panellists:

- Fabienne Aemisegger, Swiss Federal Department of Foreign Affairs (FDFA)
- Jesse Wachanga, State Counsel, Kenyan Anti-Corruption Commission
- Michael Peel, Legal Correspondent, Financial Times
- Robert Palmer, Global Activist

Main Issues Covered

- Innovative tools for asset recovery, drawing on the experience of Switzerland and Kenya
- Problems in mutual legal assistance and the exchange of information by developing States
- Asset recovery from the perspective of a journalist: what makes a good story?
- Role of civil society
- The importance of court documents as a primary source of information for both journalists and other civil society players.
- The role of non-state actors in assisting in the exposure of information leading to possible investigations and prosecution
- The increasing co-operation between the various non-state actors (StAR, ICAR and others).
- Increasing role of non-state actors in the prosecution of corruption.
- The role of non-state actors as standard setters and regulators, e.g. in the banking sector to stop funds moving out of developing countries in the first place.

Main Outcomes

- In developing countries the role of non-state actors is critical in bridging the gap between the aspirations of citizens and the will of governments to recover stolen assets.
- Anti-corruption and law enforcement agencies in both developing and developed countries face a major challenge in prosecuting asset recovery cases. There are multiple ways in which non-state actor groups can overcome these difficulties.

Main Outputs

- Increased knowledge among 170+ participants in the dissemination of knowledge on specific asset recovery cases, and challenges in the prosecution of such cases.
- Awareness of the significant challenges that are faced by financial centres and developing countries in the exchange of information and inherent problems in the mutual legal assistance process.
- Awareness of opportunities for asset recovery where both requesting and requested countries are committed.
- Need for both financial centres and developing countries to take the initiative in identifying and prosecuting corruption cases.
- Key role of non-state actors in building political will for asset recovery and the implementation of measures to tackle the laundering of the proceeds of corruption.
- Important role of anti-money laundering regime in tackling corruption and the need for effective implementation of the Financial Action Task Force recommendations.

Recommendations, Follow-up Actions

- Increase the co-operation between state and non-state actors seeking to adopt a multi-stakeholder approach to combating high-level corruption and associated looting of assets.
- Development of materials to support advocacy on these issues by a wider range of non-state actors.
- Engagement of a wider range of actors in advocating for the strengthening of FATF recommendations and effective implementation by national authorities and financial institutions.

Workshop Highlights (including interesting quotes)

“At conferences I have heard African colleagues blame financial centres for not returning stolen monies. I would have joined this blame game if I had not been involved in the practical realities of asset recovery.” Jesse Wachanga

“Any return of stolen assets would need the prior proof of illegality.” Jesse Wachanga

“Stories need excitement; cases must be interesting.” Michael Peel

“In my view civil society has played a critical role in getting looted assets back to the country

they were looted from.” Robert Palmer

“NGOs like Global Witness are targeting standard setters, regulators and banks... high level corruption is not possible without banks.” Robert Palmer

“Switzerland remains convinced that its reputation as a financial centre is critically important and it is not in its interest to harbour illicit money.” Fabienne Aemisegger

“Switzerland has repatriated more than any other country... approximately USD 1.5 billion.” Fabienne Aemisegger