

Part 2: Accountability and transparency in the management of returned assets

The various parties and stakeholders:

- Governments of the countries where the funds have been embezzled;
- Governments and judicial bodies from the countries where such funds have been located;
- Local Non-Governmental Organizations (NGOs) and civil society groups;
- International NGOs engaged and interested in the recovery of stolen assets; and
- International Organizations.

The interests of the various actors involved:

- The Governments of the affected countries:
 - The stolen funds are “our” money;
 - a question of sovereignty;
 - the determination of its usage is an issue of government policy;
 - could be part of the overall budget or deposited in “special funds” with a special earmarking for social (health, education, etc.) purposes.
- The Governments and judicial bodies of the financial centers:
 - Legal due process;
 - transparency in, and accountability of, the usage of the stolen assets once returned.
- The local NGOs and civil society organizations:
 - Operating in an often fragile environment;
 - depending on the country concerned, sometimes strained relationship with the government (mutual distrust, etc.);
 - arguing for their strong involvement in the management of returned assets thereby ensuring transparency and accountability.

- The International NGOs:
 - Bringing in global best practice;
 - ensuring support of the asset recovery program in the financial centers;
 - providing technical assistance and support to local counterparts;
 - supporting transparency and accountability rules and practice.

- The International Organizations:
 - technical assistance and capacity building; and
 - global best practice.

Lessons from past experience:

1. Within the countries concerned, there needs to be a strong interaction between government and civil society organizations.
2. Governments and NGOs must develop early on a strategic plan for the potential use of returned assets. Developing such a plan can also serve as a basis for establishing mutual trust among the parties involved.
3. While it is the prerogative of governments to decide on the usage of public funds, the special character of returned stolen assets should be taken into account.
4. Given that these funds were stolen “from the people”, benefits resulting from the use of such funds should go “to the people”.
5. NGOs and civil society organizations can safeguard such interests and ensure transparency and accountability in the usage of the funds.

6. A strong involvement of such entities require that they have the necessary technical expertise and capability in place to carry out their function.

7. Close collaboration between governments and civil society leads to a “win win” situation for both sides: it ensures the appropriate use of the returned funds and increases the legitimacy of the government vis-a-vis society.