

3 HARE COURT

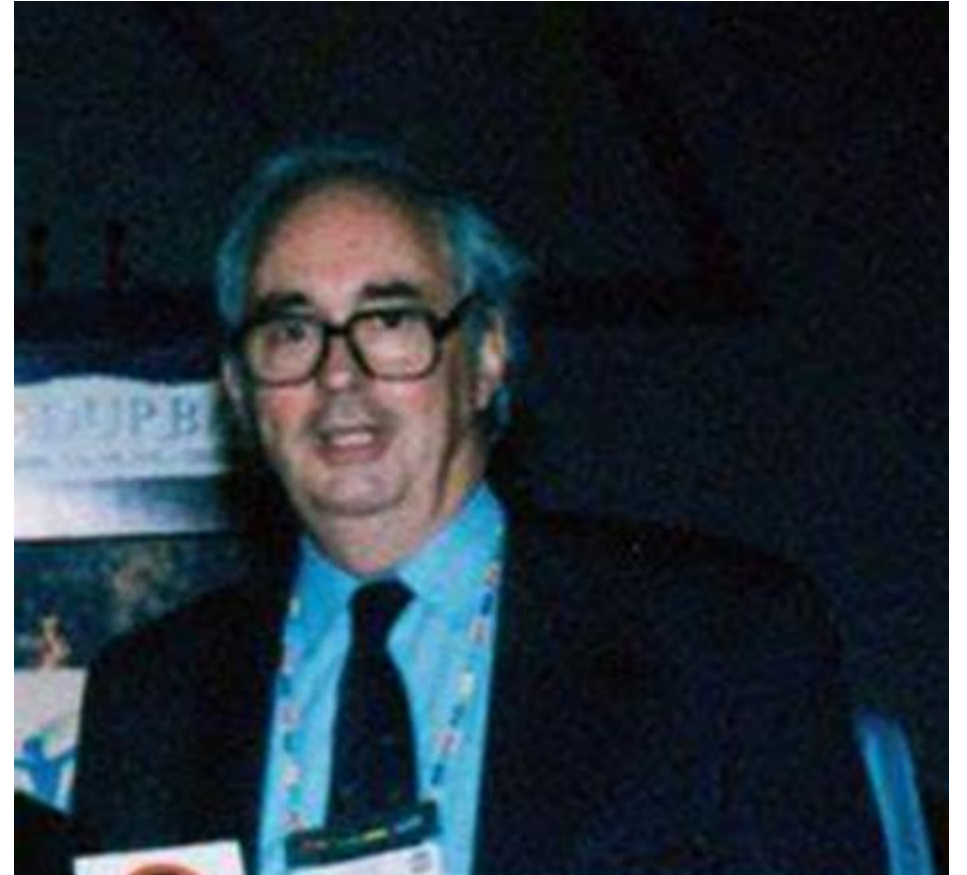
**Tackling transnational corruption,
from theory to practice, measuring
commonwealth progress**

***UNCAC & Sustainable Development:
case studies & best practices***

Key points

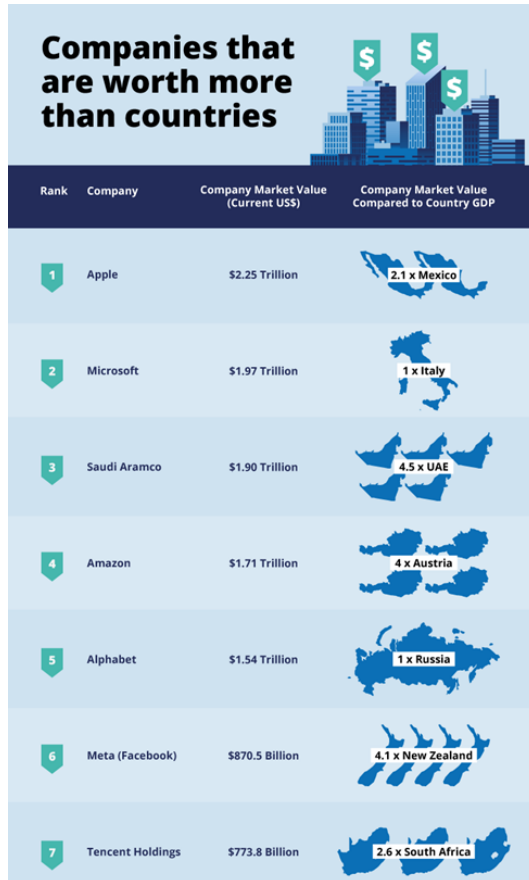
- (1) A potted history of the international anti-corruption regime**
- (2) The 'transnational' context**
- (3) Some points on the UNCAC**
- (4) The link with sustainable development**
- (5) Cases studies & comment**

A whistle-stop tour through history...



3 HARE COURT

The 'transnational' context



**UNITED NATIONS CONVENTION
AGAINST CORRUPTION**



“Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish [...]”

3 HARE COURT

The sustainable development agenda



“Corruption is the thief of economic and social development; stealing the opportunities of ordinary people to progress and to prosper.”

- Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime in his address to the Fifth Session in Panama City, 2013***

Returning the proceeds of corruption

“Indirect return mechanisms describe the practice of returning recovered money across borders indirectly via third-party entities that stand between cooperating governments.”

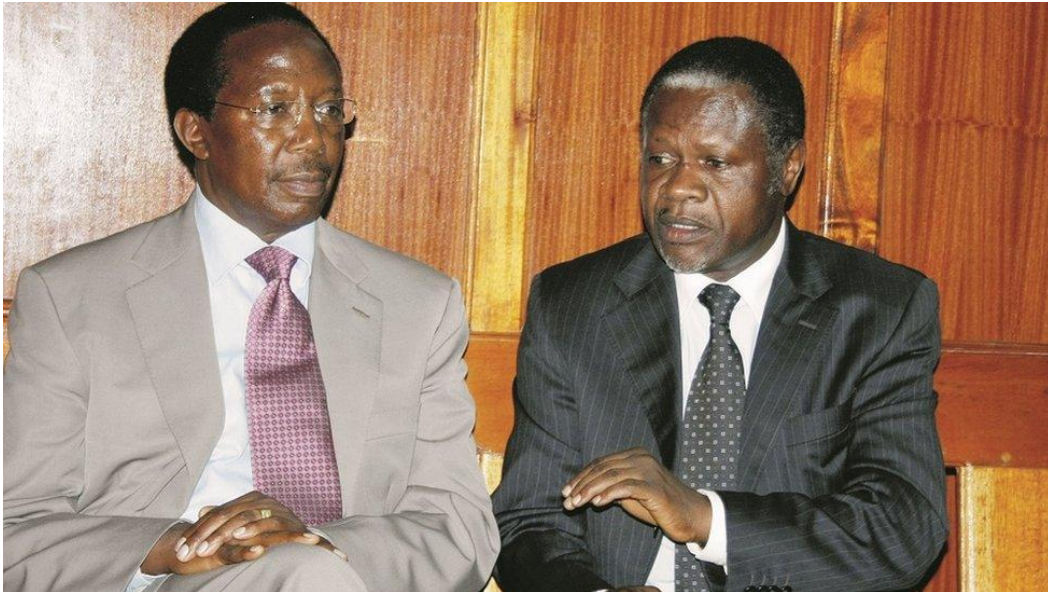
‘Indirect Asset Return Through Third Party Entities’: Civil Forum for Asset Recovery (CIFAR)

Case Study 1: BOTA / Kazakhstan



Assets confiscated:	USD 84 million
Assets returned so far:	USD 115 million (84 million + interest)
Years from confiscation to disbursement:	10 (1999 frozen in Switzerland, 2009 - 2014 BOTA operational)
Third-party entities appointed with disbursement of funds:	IREX, Save the Children
Third-party entities appointed with monitoring of disbursement	World Bank in advisory and oversight role, BOTA Board of Trustees

Case study 2: Jersey to Kenya return - FRACCK



Assets confiscated:	GBP 3 million (USD 3.7 million)
Assets returned so far:	In process
Years from confiscation to disbursement:	8+ (2016 – ongoing)
Third-party entities appointed with disbursement of funds:	Crown Agents, Amref Health Africa
Third-party entities appointed with monitoring of disbursement	Project team (representatives of government of Jersey and Kenya, Crown Agents, Amref Health Africa) and the FRACCK Steering Committee

Concluding comments and questions

- Is the end (or reversal) of globalization on the horizon?
- If so, what impact would that likely have on the spread of transnational corruption?
- Are returns processes for the dispersal of the proceeds of corruption working as they should? Are other means of direct redress (civil or criminal) more effective and efficient?