

For the attention of:
The Rt Hon Suella Braverman MP
Secretary of State for Home Affairs
2 Marsham Street
London SW1P 4DF

Copied to:
The Rt Hon James Cleverly MP
Secretary of State for Foreign, Commonwealth and Development Affairs
King Charles Street
London SW1A 2AH

27 September 2023

Dear Home Secretary,

Re: The return of assets confiscated from former Nigerian governor James Ibori and his associates

We write as a broad coalition of UK and Nigerian civil society organisations to urge the UK government to ensure the prompt, transparent and accountable return of assets stolen by the former Delta State Governor, James Ibori.

In July 2023, the Southwark Crown Court ordered the confiscation of more than £101 million from James Ibori and more than £28 million from his former solicitor and co-defendant Bhadresh Gohil.¹ We welcome these long-awaited confiscation orders, which are two of the largest-ever confiscations under the Proceeds of Crime Act 2002. By prosecuting Ibori and his close associates and pursuing their ill-gotten gains, the UK government sent a strong signal that Britain will not tolerate impunity for corruption or harbour its proceeds.

But the years of disruption and delay in recovering and returning these stolen assets means this message has so far rung hollow for the Nigerian people. It was more than a decade ago that Ibori and his associates were convicted in the UK of money laundering and conspiracy to defraud the Nigerian state and its people. Yet so far, only £4.2 million – less than 3% of the total confiscated from Ibori and his associates – has actually been returned to Nigeria. This return in March 2021 was the first of its kind under the Memorandum of Understanding (MOU) agreed between the UK and Nigerian governments following the 2016 Anti-Corruption Summit in London.²

We commend the efforts that the UK has made in promoting international asset recovery efforts. This includes co-hosting the Global Forum on Asset Recovery in 2017³ and setting a global precedent by publishing the UK's Framework for Transparent and Accountable Asset Return (UK Framework) in 2022.⁴ In this way, the UK has championed transparency, accountability and civil society involvement in international asset return processes.

We therefore urge the UK government to make every effort to ensure the prompt, transparent and accountable return of the remaining Ibori loot to the people of Delta State. In particular, we urge the government to uphold its commitments to:

¹ <https://www.cps.gov.uk/cps/news/former-governor-nigerias-delta-state-has-been-ordered-pay-over-ps100-million-and-his>

² <https://www.gov.uk/government/publications/return-of-stolen-assets-confiscated-by-the-uk-agreement-between-the-uk-and-nigeria>

³ <https://star.worldbank.org/sites/star/files/the-gfar-principles.pdf>

⁴ <https://www.gov.uk/government/publications/framework-for-transparent-and-accountable-asset-return>

- *Prompt action*: returning funds “within the shortest reasonable timeframe” (UK Framework para 25);
- *Early dialogue*: undertaking “early dialogue” (GFAR principle 3) about the return, including “engaging relevant domestic and international CSOs promptly once it is agreed in principle that funds should be returned” (UK Framework para 39);
- *Multi-stakeholder participation*: encouraging “civil society, non-governmental organisations and community-based organisations ... 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” (GFAR principle 10);
- *Transparency*: publishing “all memoranda of understanding or other agreements which oversee the return of funds” and recording all assets (UK Framework para 46) so that “information on the transfer and administration of returned assets” is available to the people in both the transferring and receiving country” (GFAR principle 4);
- *Accountability and civil society monitoring*: ensuring “the disposition of confiscated proceeds of crime do not benefit persons involved in the commission of the offence(s)” (GFAR principle 9), with civil society organisations supporting HMG in “monitoring the use of the funds and holding the government to account” (UK Framework para 44);
- *Benefitting victims*: “returning confiscated assets to prior legitimate owners and/or victims if they are identifiable (UK Framework para 21), giving consideration to “repairing the damage done by corruption” (GFAR principle 6).

We note that these commitments reflect the UK’s obligations in the United Nations Convention Against Corruption, including returning confiscated property to prior legitimate owners or compensating the victims of the crime (Article 57) and ensuring that those who suffered damage as a result of corruption are compensated (Article 35). We further note that Nigerian law also provides for the compensation of victims in sections 319 and 320 of the Administration of Criminal Justice Act 2015.

In view of these commitments, we are especially concerned that the March 2021 Annex to the 2016 MOU between the UK and Nigerian governments specified that the first tranche of repatriated Ibori loot would be “utilized by the Federal Government of Nigeria exclusively for the purpose of financing [infrastructure] projects” outside of Delta State, namely the second Niger Bridge, the Abuja-Kaduna-Kano Road and Lagos-Ibadan Express Way.⁵ In accordance with GFAR principles and the UK Framework, it is the people of Delta State – from whom former governor Ibori stole – who should benefit from the returned assets.

This could be achieved by ensuring the Ibori loot is returned for the specified purpose of being used for projects that benefit the people of Delta State, similar to the UK’s return of funds looted by former Governor Joshua Dariye to Plateau State or, most recently, the US’ return of funds stolen by former Governor DSP Alamiyeseigha to Bayelsa State in February 2023.⁶ There should be strong safeguards to ensure that the returned assets are managed responsibly, and that the implementation of projects is subject to independent civil society monitoring.

We therefore respectfully invite the UK and Nigerian governments to:

1. Ensure that civil society organisations, including community-based groups and victims groups, are consulted on the mechanism for returning the Ibori loot;
2. Ensure the Annex to the 2016 MOU governing the return of the second tranche of the Ibori loot complies with the GFAR principles agreed in 2017 and the UK Framework published in 2022, including by ensuring the returned funds are used to benefit the people of Delta State.

⁵ <https://www.gov.uk/government/publications/return-of-stolen-assets-confiscated-by-the-uk-agreement-between-the-uk-and-nigeria/mou-between-uk-and-nigeria-on-the-modalities-for-return-of-stolen-assets-confiscated-by-the-uk-annex-1>

⁶ <https://www.justice.gov/opa/pr/united-states-repatriate-nearly-1-million-federal-republic-nigeria>

Yours sincerely,

Spotlight on Corruption (UK)
The Corner House (UK)
Transparency International UK
Africa Network for Environment and Economic Justice (ANEEJ)
New Apostolic Centre for Development (NCD)
21st Century Community Empowerment for Youth and Women Initiative (CEYWI)
Community Empowerment and Development Initiative
Foundation For Environmental Rights, Advocacy & Development (FENRAD)
Gender and Development Action (GADA)
Komuniti in Action
Human and Environmental Development Agenda (HEDA Resource Centre)
Christian Fellowship and Care Foundation (CFCF)
Joint National Association of Persons with Disabilities (JONAPWD)
Keen and Care Initiative
Good Governance Team
Whistleblowers International Foundation
Civil Empowerment & Rule of Law Support Initiative (CERLSI)
New Initiative for Social Development (NISD)
Inclusive Friends association
Poverty Alleviation Advocacy and Justice Initiative (PAAJI)
The Civil Resource Development and Documentation Centre (CIRDDOC)
Initiative for Grassroot Advocacy in Nigeria (INGRA)
Citizens Centre for Justice, Leadership and Peace
Peace and Civic Responsibility Centre (IPCRC)
Centre for Advocacy, Katsina
Fahimta Women and Youth Development Initiative (FAWOYDI)
Basic Rights Watch
Policy Alert
African Centre for Leadership, Strategy and Development (Centre LSD)
Centre for Social Justice (CSJ)
Care Initiative
Green assembly
Fannel Women Foundation
Socio-Economic Research and Development Centre
Community Outreach for Development and Welfare Advocacy (CODWA)
Niger Delta Youth Alliance (NDYI)
Caring Hearts Initiative for Advocacy Development and Empowerment (CHIADE)
Take a Cue Development Initiative (TACDI)
Keep Hope Alive Community Development Initiative
Society for Empowered Youth Development
Development Initiators
Global initiative for Citizens Advocacy and Representation (GICAR)
Women Youths and Children Advancement Program
CAFSSO-WRAG for Development
Oghara Centre for Social Justice
Niger Delta Youth Council
Center for Peace & Environmental Justice (CEPEJ)
Niger Delta Alliance for Democracy
Indomitable Youths Organization