

C/o: Africa Network for Environment and  
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20<sup>th</sup> April, 2021.

**Catriona Laing CB,**  
British High Commissioner,  
Abuja.

Dear High Commissioner,

### **OPEN LETTER TO THE UK GOVERNMENT ON THE RETURN OF CHIEF IBORI LOOT TO NIGERIA**

We, the undersigned Civil Society Organisations, actively working on issues of tracing and illicit asset recovery in Nigeria wish to express our appreciation to the governments of Nigeria and the United Kingdom over the efforts to repatriate £4.2million of Chief James Ibori's loot to Nigeria, to which a Memorandum of Understanding was signed in 2016. We also note the significant public interest that has been generated by the recently signed Annex to the Memorandum of Understanding by both countries' representatives in Abuja.

We welcome the leadership that the UK has shown in hosting the 2016 Anti-Corruption summit, and co-hosting the maiden Global Forum in Asset Recovery (GFAR) summit in Washington DC in 2017. We welcome the remarkable progress made at the GFAR summit, including the development of principles for asset return and the signing of a Memorandum of Understanding between the governments of Switzerland and Nigeria for the repatriation of \$322.5million Abacha Loot with the active participation of Civil Society in line with the GFAR principles. This approach, which included the deployment of funds to Conditional Cash Transfer Programme under the social protection programme of the Federal Government of Nigeria successfully built on the lessons learnt from the 2004 return of \$480million funds (Abacha 1) from Switzerland which our CSOs shadow report showed had been re-looted. The repatriation process and management of Abacha II has remained a model referenced globally by governments, inter-governmental agencies, Civil Society and other critical stakeholders.

Furthermore, the repatriation of \$311.9million Abacha III from the Island of Jersey being deployed to three legacy projects in Nigeria also witnessed an appreciable level of transparency with significant CSO participation. Expectations have remained high from all stakeholders in Nigeria that the nation would continue to build on this momentum going forward, given President Muhammadu Buhari's avowed commitment to tackling corruption and asset recovery.

We commend the efforts of the UK and Nigerian governments to return the funds looted by former Delta State Governor, Chief James Onenefe Ibori to Nigeria. We are also mindful that tracing, recovery and repatriation of assets is usually done between two sovereign governments and as such a Memorandum of Understanding for its repatriation to Nigeria represents an agreement between these governments, and does not include sub-national governments, in this case, the Delta State.

However, we are writing to express our concerns over the MOU governing the returned £4.2million Ibori loot to be spent on the existing three Legacy projects outside of Delta State, namely: the second Niger Bridge, the Abuja-Kaduna-Kano Road and Lagos-Ibadan Express Way.

The Global Forum on Asset Recovery (GFAR) principles provide for the repatriation of assets to benefit the victims of corruption. We note that in the cases of return of former Governor Joshua Dariye of Plateau State and DSP Alamiyeseigha of Bayelsa State, looted funds were returned to Plateau and Bayelsa states respectively from the United Kingdom.

In accordance with GFAR principles, in the case of the former Delta State Governor, it is the poor people of Delta State who are the victims of corruption and who should benefit from the returned assets in our view. There are precedents for the United Kingdom returning assets through third-party vehicles where there are concerns that a government may have been complicit in the corruption case and may not be trusted to manage the returned funds. If necessary, to ensure the integrity of such funds, this mechanism could be used by both the UK and Nigerian authorities in this instance to enable the return to the people of Delta State.

We are therefore writing to urge you to continue to work together for the return of the remaining and outstanding funds from the Ibori case in a prompt and transparent manner, but to revisit the way in which such funds will be returned. In particular, we recommend that:

1. the UK and Federal Government of Nigeria should revisit the MoU annex and amend it to provide for a return of the Ibori asset to Delta State OR in the alternative, spend the money on a legacy project in Delta State in keeping with section B (6) of the Federal Government of Nigeria Gazette of 2019 on "Tracing, Recovery and Management of Looted Assets." This, in our collective opinion, is the only way the return of the Ibori assets will be seen to have benefited the true victims of corruption and serve as a real deterrent for future corruption.
2. the UK and Federal Government of Nigeria ensure that civil society is properly consulted and invited to participate in discussions about how the future Ibori related assets are returned to Nigeria, to comply with GFAR principles.

As the UK prepares to host the G7 presidency, we urge it to show leadership in the transparency and accountability in the return and management of recovered assets.

We also expect the Nigerian authorities to continue to build on the successes achieved by the Buhari administration in the area of asset tracing, recovery and management by adherence to the provisions of its gazette on "tracing, recovery and management of assets (2019)" and the GFAR principles.

Yours faithfully,

**SIGNED**

1. Rev David Ugolor, Convener, CSO Group on Ibori Loot/Executive Director, Africa Network for Environment and Economic Justice (ANEEJ)
2. Olanrewaju Suraju, Chair, HEDA Resource Centre
3. Auwal Musa Rafsanjani, Executive Director, Civil Society Legislative Advocacy Centre (CISLAC)
4. Ene Obi, Country Director, Actionaid Nigeria

5. Dr. Ibrahim M. Zikirullahi, Executive Director, Resource Centre for human Rights & Civic Education (CHRICED)
6. Hassan Idayat, Executive Director, Centre for Democracy and Development (CDD)
7. Tijah Bolton, Executive Director, Policy Alert
8. Mr. Monday Osasah, Executive Director, Africa Centre for Leadership, Strategy and Development (Centre LSD)
9. Lukman Adekunle, Executive Director, 21st Century Community Empowerment for Youth and Women Initiative (CEYWI)
10. Mrs. Onose Martha, Executive Director, Community Empowerment and Development initiative
11. Dr. Innocent Adjenughure, Chairman, Delta State Civil Society Roundtable on Grand Corruption, Ekpan, Warri, Delta State