

Returning stolen assets; the first step in affirming commitment to transparency

By Cobus de Swardt

This week world leaders of the G8 block of wealthy nations are discussing how to give international support and funds to the emerging democracies in Tunisia and Egypt. The timing is key. There are still very real battles for reform going on in Tunisia and Egypt, where the leaders were deposed but their legacies continue. Not only the transition governments of these countries, but also the international community and the G8 states in particular, must work hard to ensure that the revolutions lead to democratic stability and economic growth in Tunisia and Egypt.

The interim leaders must not forget that it was the anger against endemic corruption, coupled with economic hardship and high youth unemployment that ignited the revolutions; fighting corruption, therefore, should be a central pillar of the reform process.

Returning stolen assets would be a strong first step in affirming a commitment to transparency and the fight against corruption. Although there are positive signs – assets have been frozen, investigations started and suspects arrested – other developments are more worrying.

In Tunisia, courts have avoided direct reference to the corruption of the family of the former ruler (Imad Trabelsi was sentenced to two years for possession of drugs, despite his implication in a number of non-transparent business deals)¹ and a number of prominent members of the former regime continue to hold key positions.

In Egypt, the suspension of Suzanne Mubarak's indictment for illicit gain and the length of time taken to begin the court trial of Hosni Mubarak, have raised questions about the will to address the corruption of the former regime. Until now, no sentences indicating a clear and unambiguous punishment for previous acts of corruption have been passed.

The international community also has an essential role to play in the return of stolen assets. After publicly supporting the Arab Spring, it is now time for those countries, which became safe havens for the stolen wealth of the Tunisian and Egyptian people, to return them to their owners, as quickly as possible.

Most of these countries are signatories of the UN Convention against Corruption, meaning that they are legally bound to return assets proved to be obtained as a result of corrupt activities.

But stolen assets and their return is only a first step in the fight against corruption. My organisation, Transparency International, has been involved in this fight for the past 18 years. In February and March TI visited both Tunisia and Egypt to share TI's experiences at workshops and forums. We found enthusiastic interest from people in all areas of society to engage in this battle. But we were also confronted with the question of how to build integrity in a society in which corruption has become so endemic.

At TI we know there's no quick fix, especially when corrupt practices have been the norm for the leaders of the state for decades. But there are four key aspects to confronting the problem.

1 <http://www.europe1.fr/International/Tunisie-Trabelsi-condamne-a-2-ans-de-prison-530931/>

The first is a strong, comprehensive, well-defined and enforced legal foundation that prevents all forms of bribe payments or nepotism. The second is the establishment of an effective national integrity system, in which the various state institutions – parliament, law, media, anti-corruption commissions and civil society function as an effective system of checks and balances.

In Egypt and Tunisia it was clear that laws tailored by a corrupt regime contained loopholes that permitted abuse of public wealth and power. The weakness of the national integrity system meant that even where laws were broken, well-connected perpetrators had no need to fear the consequences.

The third aspect in confronting corruption is giving citizens a voice. This means a strong civil society, both permitted and capable of participating in what was previously a closed forum.

Trust must be built on both sides; access to information and the right to free speech and association must create the foundation for genuine political discourse.

The fourth aspect is raising awareness about corruption, defining it, showing how it hurts everyone and above all punishing those who abuse entrusted power for personal gain, TI's definition of corruption.

A transparent, fair and comprehensive approach to the issue of stolen assets would represent the first step in the fight against corruption in Egypt and Tunisia. Those responsible for stealing state wealth must be punished in a criminal court or, if they are granted amnesty, all the assets they stole must be returned.

The investigation of government and business representatives suspected of misuse of power or illicit gain is crucial. Garnering the technical expertise to pursue illicitly gained wealth both domestically and internationally should follow suit. With the support of the world's leading economies, there should be the funds to build up this expertise.

It is imperative for the fate of the revolutions that the international community support the struggle for democracy in Tunisia and Egypt. For this to happen, justice must be done and be seen to be done.