**Paper**

**The role of civil societies in recovering stolen assets - Yemen ( AWAM )**

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**Definition** the National Authority for recovering stolen assets (AWAM)  
AWAM is a coalition of non-governmental organizations and other actors, specialists, professionals and activists from the most prominent NGO’s and groups who represent all regions in Yemen.

AWAM was established as an outcome of the Arab spring uprising (Yemen). The role of our organization is to contribute to the detection of the stolen assets.   
The most prominent components of AWAM are following bodies:  
  
- Yemen Rights, an NGO for human rights   
- Yemeni Observatory for Human Rights - One of the leading organizations in Yemen  
 - Women Journalists Without Chains - Nobel Peace Prize winner 2011  
- Hood, an Organization for Human Rights - one of the leading organizations in Yemen  
- Parliamentarians Against Corruption (Yemen Bank)  
- The Center for Economic and Media Studies - a leading organization in Yemen.

\* AWAM has a number of economists, lawyers, MP’s and former ministers as part of the team.

\* AWAM became a partnership with the Arab Forum for Stolen Asset Recovery  
\* Many of AWAM’s team are prominent locally and internationally   
\* We have an excellent coordination with the National Committee for combating money laundering and terrorism  
  \* We also have good coordination with the Anti - Corruption Commission in the Yemeni government  
\* Some Ministers in the transitional government are cooperative with AWAM, such as the Minister of Human Rights, Justice Minister, the Minister of Planning and International Cooperation and others.

**AWAM’s role in recovering the stolen funds**   
  
We are currently working on spreading awareness among Yemenis, due to the importance of asset recovery in building the country and the negative effects of the stolen funds if they are not recovered.

- AWAM is working to recover Yemeni looted wealth by the former regime during the past 33 years while it was in power .  
- AWAM is working to check and supervise the current government (with whatever possible means) to hopefully limit corruption and the manipulation of public funds.

**• What has been accomplished by AWAM**

A number of activities and events and seminars since AWAM was founded in May 2012 up to date.

These activities and events are as follows:  
  
1 Press conferences and debates related to posts in the Arab Forum for recovering money in Doha.  
2 – Several workshops to advocate domestic and international mechanisms to recover looted funds.  
3 – A special session in Sanaa to coordinate efforts with the government to recover stolen assets.  
4 – Different events, media awareness campaigns, seminars about the dangers to the country from stolen funds and the benefits of recovering the stolen assets.  
5 - Distribution of leaflets to educate the public and inform them about mechanisms to recover stolen assets   
6 - Public pressure (marches, mobilizing the streets, all events documented and covered by the media) to apply real pressure on the government to take serious steps towards recovering the looted funds.

AWAM worked to convince the Yemeni government to join the conventions and international and regional initiatives relating to the issue of stolen asset. That pressure resulted in Yemen joining the Deauville Partnership and the participation of governmental delegations in many local and international events .

7 - AWAM held several meetings with Yemeni officials, ministries and judicial bodies, as well as finding international cooperation and meeting with financial specialists from the interior (legal bodies, human rights and other civil society organizations, etc).  
8 - Coordination with G8 embassies and consulates in Sana’a to discuss aspects of cooperation regarding stolen funds recovery.  
9 - AWAM participated in workshops on transitional justice organized by the NDI - UNDP and on stolen assets recovery.  
10 - AWAM held a meeting with the envoy of the Secretary - General of the United Nations to Yemen, Jamal Benomar, in relation to the looted funds.  
11 – AWAM experts in cooperation with other specialists held many special lectures and debates on stolen asset recovery in international law, and several studies were presented to the members of the national dialogue who articulate AWAM ‘s efforts in trying to recover the stolen funds.

- AWAM submitted a draft law through the National Dialogue, suggesting that the Government must create a national governmental body to recover the looted funds from officials who misused their positions while in power.

- AWAM keeps up the pressure on the government to take responsibility, since it is committed to the signed international conventions relating to asset recovery.

- AWAM is currently working with the Ministry of Legal Affairs to draft a law regulating the recovery and to create a government agency specializing in the recovery of stolen funds.   
- AWAM mobilizes various efforts to create a common vision for the recovery with all political parties, governmental and civic organizations, and legal and economic expertise, among others.  
12 - AWAM offers all possible advice and consultancy to the decision makers in Yemen on stolen funds recovery.  
13 – AWAM is working within its means in tracing the looted funds and examining the files regarding money and wealth looted with help from the legal experts.

**What has been accomplished at regional and international level**  
  
1 - International conference for recovering stolen assets which was held on September 4th, 2012  
 I attended as AWAM’s representative.

The conference aims were to build a strong movement capable of recovering looted funds and assets in the relevant countries. Also to apply effective pressure on the international community for help in restoring the looted funds and assets, since a big part of it was deposited and invested in western and other capital cities.

2-- AWAM’s objectives at international level is to build strong links and cooperation in order to recover the Yemeni stolen funds.

3 – AWAM as a civic movement applied noticeable pressure on the Yemeni government, so the Yemeni authorities began to work with the international community on recovering the looted funds and to become part of the Deauville Partnership.

4 – AWAM has managed to put pressure on the Yemeni government and has communicated with international NGO’s and other bodies to secure a real presence for AWAM. Since AWAM represents a significant portion of the Yemeni man in the street, AWAM has the ability to mobilize them despite the challenges for AWAM as a civic movement. That has resulted in the following:

A – AWAM gained confidence to be a part of the Arab Forum on assets recovery. The Arab Forum is a regional body which has the same objectives as the Deauville Partnership.

B – AWAM managed to gain the confidence of and cooperation with Star. Star is an initiative and program between the World Bank and the UN department which tackles drug related and other criminal activities. It also helps countries that are making their transition towards democracy to recover these stolen assets which were smuggled and invested in other countries, among them the G8 countries.

C - Deauville Partnership

At the outbreak of the Arab Spring a meeting was initiated by the leaders of the Group of Eight in Deauville, France, in 2011. This lead to the establishment of the Deauville Partnership together with those Arab countries in transition, for the stated goal of the day, that is the support of the evolving Arab world towards the establishment of "free societies, democracy and tolerance." The partnership includes Canada, Egypt, the European Union, France, Germany, Italy, Japan, Jordan, Libya, Kuwait, Qatar, Russia, Saudi Arabia, Tunisia, Turkey, United Arab Emirates, Britain and the United States of America.  
There is a critical mass of financial institutions involved in the Deauville Partnership, including the African Development Bank , the Arab Fund for Economic and Social Development, the Arab Monetary Fund, the European Investment Bank, the European Bank for Reconstruction and Development, International Finance Corporation, International Monetary Fund, Islamic Development Bank, OPEC Fund for International Development, the World Bank. Other organizations supportive of the Deauville Partnership include The League of Arab States, the Organization for economic cooperation and development (OECD), and some of the organizations of the United Nations. The backing of the Deauville Partnership since that time has been present for a number of events related to the recovery of looted funds, including the establishment of the Arab Forum for the Recovery of Looted Funds.

**Parties AWAM cooperates with locally and internationally**

**1-The Yemeni government and all actors locally.**

**2- Governments into whose territory looted funds were smuggled.**

**3- International civil society organizations**

They can help AWAM in putting pressure on Yemen and the countries into which the funds were transferred to help with their recovery

**Parties encouraged by AWAM to claim the looted funds**

**The transitional Yemeni** **government** (Government of Reconciliation)   
The Yemeni government is to take the first steps to provide evidence and file a lawsuit to recover looted money .. Government may face opposition within Yemen ... so AWAM facing a real challenge.

**The Yemeni government has two options to follow for the refund of stolen assets**

**1 - via UN agencies** and intergovernmental organizations, for example, the United Nations ... World Bank .. Representation letters provided by the government and the Ministries of Planning, Justice and Human Rights to such requests, etc.  
Featured UN agencies and intergovernmental organizations to raise the issue of refund.  
It has full international legitimacy and expertise  
Without the usual costs  
With confidentiality  
With power and speedy delivery

2 **- through legal institutions** .. Working with governments to demand the best results ... and working with civil society organizations, for example solicitors Grant Thorne who were used by Tunisia for recovery of their looted funds.

**The challenges facing AWAM in its mission to recover stolen assets**

1-Penetration of the organization by the former regime.

2-Time - where there is a slowdown in the collection of the information, to freeze funds as a first stage. It is possible that the funds have been liquidated or drained by looters, and also that they may have transferred and hidden the funds so that it’s hard to reach them.

3- possible corruption of AWAM personnel by those who may stand to lose as a result of AWAM’s investigations.

4-The personal security and safety of AWAM personnel in the pursuance of their work.

5-Creation by the previous regime of similar sounding organizations, thus confusing the international community and institutions working on the recovery of looted funds.

6-The biggest challenge is the government coalition. Some members will work on a refund while others will bring obstacles or attempt to dilute the case.

**General challenges and difficulties facing the process of recovery of looted funds**

1-The lack of databases of account numbers and account holders increases the risk of money looted in Yemen being used by looters to destabilize security and stability. At worst this can result in power lines being cut and oil pipelines and roads being severely disrupted.

2-The existence of laws relating to banking secrecy to prevent access to information.

3-The large number of non-answered requests for access to information.

4-Delays or disruption to the recovery process because of appeals to or decisions by local courts.

5-There is a lack of human and financial resources to combat complex legal challenges which is necessary for effective follow-up and support of the refund process.

6-Although the provision of the United Nations Convention Against Corruption provides a comprehensive legal framework for international cooperation for the purpose of such refunds, most countries continue to apply their national laws and procedures, which are often not compatible with the requirements of the Convention.

**Fast moving, locally and internationally**

1-Enhanced communications with locals will be a source of important information and evidence for reaching the looted money objectively.

2-Strengthen international communication and work to keep the communication that was created in the recent period through our moves in Aruba and the Doha conference, and to provide preliminary data to partners so that we can initially succeed in at least freezing the looted funds.

 3-Continue our diplomatic visits to embassies in Yemen of countries that might be helpful.

4-Hosting experts to train and qualify the AWAM team, especially the legal team and the information gathering and investigative team.

5-Participation in international events with regard to recovering the looted money.

6-Constant quest for AWAM to influence the Yemeni government

7-Work locally and internationally in parallel to reach all the goals in the shortest possible time.

**Conclusion**

To reach the goal to recover the looted money AWAM is counting on the role of the international community to put pressure on the Yemeni government to recover money looted by the former regime, who are still participating in the government.

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