



Participants at a regional workshop in November 2021 shared experiences on applying NCBF mechanisms to recover illicit assets in their domestic contexts. It's not always easy, but there is huge potential, they said.

Supporting stakeholders in adopting non-conviction based forfeiture as a tool for asset recovery

A 10-country project to help authorities increase their capacity to recover stolen assets through effective, appropriate non-conviction based forfeiture (NCBF) legislation.

→ KEY FACTS



→ **Two-year project**
launched in October 2020



→ **Budget:**
USD 1.4 million



→ **10 partner countries:**
Angola, Brazil, Chile, Cabo Verde, Colombia, Kenya, Mozambique, Sierra Leone, Timor Leste and Zambia



→ **Funded**
by the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the US Department of State



→ **Implemented**
by the International Centre for Asset Recovery (ICAR) of the Basel Institute on Governance

What we do

Our asset recovery experts provide hands-on support to partner governments in the adoption and implementation of non-conviction based forfeiture (NCBF) legislation as a tool to fight corruption and recover stolen assets.

Where appropriate, we help lawmakers to design NCBF legislation that is appropriate to the local justice system and context, as well as fully compliant with human rights considerations. We also work with law enforcement and judicial practitioners to build their capacity to implement new or existing NCBF laws effectively in practice.

Why we do it

NCBF laws allow courts to confiscate assets of a criminal nature, even where no conviction has been obtained in relation to criminal conduct. They have existed for many years in several countries in a wide variety of forms, and are supported by international treaties and standard-setting bodies as a critical complement to other asset recovery mechanisms.

By increasing the possibilities of authorities to recover stolen assets, NCBF laws help ensure that “crime doesn’t pay”. In this way, NCBF helps to deter corruption and other proceeds-generating crimes.

Despite their promise, some countries either do not make effective use of their NCBF mechanisms or remain cautious about adopting them. This is partly because the benefits and safeguards are not yet well understood. And while a growing number of countries have expressed interest in NCBF, as with any new legal tool there is a risk of copy-pasting legislation without the detailed analysis that is needed to ensure its compatibility with domestic laws and institutions.

The project

Our aim in this project is to increase the number of countries adopting and actively applying NCBF legislation by:

1. Increasing knowledge-sharing and -building through regional learning communities that bring together practitioners, academics, law enforcement officials and specialists.
2. Identifying how NCBF might be applied in target countries, with the aim of triggering demand and the adoption of NCBF regimes appropriate to their context.
3. Supporting interested partner countries in adopting NCBF legislation that is aligned with domestic laws and institutions, as well as international standards of due process.

4. Providing technical assistance to prosecutors, investigators and judges in high-impact cases involving NCBF, thus building capacity in its application and helping overcome challenges in international cooperation.

Ultimately, by helping more countries to introduce and use effective NCBF legislation, the project will increase the recovery of stolen assets and, by doing so, disincentivise further corrupt acts in the target countries.

About the Basel Institute

The Basel Institute on Governance is an independent non-profit organisation working around the world to strengthen governance and counter corruption and other financial crimes.

Headquartered in Basel, Switzerland since 2003, its 90+ staff work with partners in the public and private sectors, alongside international and civil society organisations, across Africa, Latin America and Asia. It is a leading player in the following key areas: Asset Recovery, Public Governance, Green Corruption, Compliance and Corporate Governance, Anti-Corruption Collective Action with the private sector, and Public Finance Management.

The Basel Institute's International Centre for Asset Recovery (ICAR) works extensively with government anti-corruption authorities to build their capacity to recover stolen assets and deter further acts of corruption.

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