



**IACC HIGH-LEVEL SEGMENT  
MONITORING MECHANISM  
THE UNITED STATES  
2018-2022**

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# EXECUTIVE SUMMARY

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## SUMMARY OF FINDINGS

Total number of commitments made at the 18 <sup>th</sup> International Anti-Corruption Conference (IACC)	13
Total number of commitments selected for monitoring	3

Current level of progress in commitment implementation	
Number of fulfilled commitments	1
Number of partially fulfilled commitments	2
Number of commitments not fulfilled/dropped	0

## KEY CHALLENGES TO COMMITMENT IMPLEMENTATION

- 1. Vague formulation and non-ambitious commitments:** The wording of the US commitments is vague and general. There are rarely targets for how implementation should look and against which to measure it. The commitments require significant interpretation and further clarification, which leaves too much room for diverse ways of monitoring them, leading to potentially inconsistent results. They partly lack ambition and are mainly focused on continuing previous work rather than closing loopholes and advancing anti-corruption efforts.
- 2. Lack of comprehensive case databases for asset recovery, economic sanctions and visa restrictions:** Two commitments refer to enforcement of asset recovery legislation, economic sanctions and visa restrictions. However, the United States lacks comprehensive databases that provide the necessary case information to enable independent civil society monitoring. The Assets Forfeiture Fund and Seized Asset Deposit Fund provide only an overview of total sums of forfeiture revenue and victim compensation in their yearly audit reports. At international level, there is the StAR (Stolen Asset Recovery) Watch Database, an initiative of the World Bank Group and the United Nations Office on Drugs and Crime. However, the database is temporarily disabled and the World Bank does not guarantee the accuracy of the data included.
- 3. Change of government with different anti-corruption priorities:** It is important to note that the IACC anti-corruption commitments were made in 2018 during a previous US administration. Under former US representation, anti-corruption was not a priority, funding for foreign anti-corruption programmes was cut and some governmental decisions even repealed efforts to fight corruption.

# KEY OPPORTUNITIES TO ACCELERATE COMMITMENT IMPLEMENTATION

1. **National anti-corruption strategy:** Under the current administration, since 2021, anti-corruption has become a core national security interest.<sup>1</sup> This has led to the creation of the first United States Strategy on Countering Corruption, released in December 2021.<sup>2</sup> It shows a renewed and stronger commitment by the US government to formulate and implement anti-corruption commitments.
2. **Second Summit for Democracy:** In December 2021, the current administration held the first of two Summits for Democracy, focusing on “Addressing and fighting corruption” as one of three themes.<sup>3</sup> As a result, the United States released a set of national<sup>4</sup> as well as internationally focused commitments.<sup>5</sup> It was also announced that a second summit would be held around a year later to assess progress.
3. **Fifth National Action Plan for Open Government:** In December 2021, the current administration reaffirmed the country’s commitment to the Open Government Partnership (OGP),<sup>6</sup> which the United States joined in 2011.<sup>7</sup> In a process due to end in December 2022, the US government is co-creating its fifth National Action Plan for 2023-2024 with civil society and the public.<sup>8</sup>

## KEY RECOMMENDATIONS

1. **Create a comprehensive public database that includes all national and international asset recovery cases,** including the necessary case information following open data principles.
2. **Create a comprehensive public database that includes all cases of economic sanctions and visa restriction,** with links to published press releases and other documentation.

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<sup>1</sup> The White House (2021), Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/03/memorandum-on-establishing-the-fight-against-corruption-as-a-core-united-states-national-security-interest/>

<sup>2</sup> The White House (2021), United States Strategy on Countering Corruption, <https://www.whitehouse.gov/wp-content/uploads/2021/12/United-States-Strategy-on-Countering-Corruption.pdf>

<sup>3</sup> US Department of State (2021), The December 2021 Summit, <https://www.state.gov/further-information-the-summit-for-democracy/#Next>

<sup>4</sup> US Department of State (2021), Fact Sheet: The Biden-Harris Administration is Taking Action to Restore and Strengthen American Democracy, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/08/fact-sheet-the-biden-harris-administration-is-taking-action-to-restore-and-strengthen-american-democracy/>

<sup>5</sup> US Department of State (2021), Fact Sheet: Announcing the Presidential Initiative for Democratic Renewal, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/09/fact-sheet-announcing-the-presidential-initiative-for-democratic-renewal/>

<sup>6</sup> Open Government Partnership (2021), U.S. President Joe Biden Addresses the 2021 OGP Global Summit, <https://www.opengovpartnership.org/stories/u-s-president-joe-biden-addresses-the-2021-ogp-global-summit/>

<sup>7</sup> Open Government Partnership, United States, <https://www.opengovpartnership.org/members/united-states/>

<sup>8</sup> USAgov, Help create the 5th U.S. National Action Plan for Open Government, <https://open.usa.gov/national-action-plan/co-creation/>

3. **Provide public information for the United Nations Convention against Corruption (UNCAC) Review Status Tracker** on civil society briefings and public debates organised, as well as civil society participation in UNCAC subsidiary bodies, including which civil society stakeholders were part of these processes.
4. **Pro-actively publish information on funding, programme outputs and progress in holding kleptocrats accountable.**
5. **Make future anti-corruption commitments more ambitious**, by making them focused on progress instead of continuing existing work.
6. **Formulate future commitments using committal language to declare the actions the United States aims to take to achieve its goal.** Establish a benchmark and a target that serve as a references to measure whether a commitment has been fulfilled.
7. **Develop a monitoring framework for the national anti-corruption strategy** with clear targets, in consultation with civil society.
8. **Use the second Summit for Democracy to assess progress** on commitments made at the first summit, and to analyse where further targets and roadmaps are needed and what commitments are required to close existing gaps in the anti-corruption framework.
9. **Use new commitment-making opportunities to close gaps in the anti-corruption framework. For example:**
  - Introduce a central public register of beneficial ownership, and prioritise legal reforms to require foreign companies and trusts that purchase or own real estate to disclose their beneficial owners.
  - Pass the Enablers Act that would authorise the US Treasury Department to require that people who provide certain financial services to clients, and thereby serve as “gatekeepers” to the US financial system, to perform full anti-money laundering due diligence on prospective clients.
  - Strengthen whistleblower protections and establish a track record for compensating whistleblowers.

# INTRODUCTION

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The 18th International Anti-Corruption Conference (IACC) in Copenhagen featured a series of high-level meetings among countries in the Organisation for Economic Co-operation and Development (OECD) and non-OECD countries, as well as international and regional organisations. As part of these meetings, participants made a set of statements on the steps that each intends to take to make progress in the field of anti-corruption, based on existing commitments, such as Open Government Partnership (OGP) action plans, the UK Summit, the United Nations Convention against Corruption (UNCAC), OECD instruments and the Sustainable Development Goals.<sup>9</sup> Participants at the high-level meetings agreed to establish a follow-up mechanism engaging all stakeholders (including governments, international and regional organisations, companies and civil society) in monitoring implementation of these commitments.

The aims of the follow-up mechanism are to:

- assess progress towards commitment implementation
- provide further analysis on, and complement, other reporting mechanisms
- focus on the qualitative nature of the commitments, rather than quantitative scoring or ranking
- provide insights into what has and has not worked, and why
- provide insights into the opportunities and challenges for implementation, as a basis for understanding where to target technical support.

The follow-up mechanism aims to capture the context and conditions under which the commitments are being implemented, as well as recording progress in their implementation. It provides further analysis on, and complements, other reporting mechanisms, rather than duplicating them.

This report presents the results of the first round of monitoring for the United States. It contains the following sections:

1. Filtering of commitments: the results of our selection of US commitments for monitoring, based on an assessment of their levels of specificity and measurability.
2. Analysis of the US context: a brief analysis of the extent to which the commitments overall are considered pertinent to the country context.
3. Progress in implementing commitments: progress, challenges and opportunities in implementing the commitments selected for monitoring.
4. Recommendations: key recommendations to accelerate implementation of the commitments.

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<sup>9</sup> 18th IACC high-level segment commitments, <https://iaccseries.org/18th-iacc/18th-iacc-high-level-segment-commitments/>

# FILTERING OF COMMITMENTS

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The United States presented 13 commitments at the 18<sup>th</sup> IACC in 2018. Of these, 3 are deemed feasible to monitor based on their levels of specificity and measurability, as presented below:

**COMMITMENT 1: The United States is currently undergoing its second-cycle review of the UNCAC Review Mechanism and is committed to implementing the voluntary transparency measures outlined in the UNCAC Coalition’s Transparency Pledge, including civil society participation in the review process, and publishing our self-assessment questionnaire and full report, as we did in the first cycle.**

IS THE COMMITMENT SPECIFIC? YES

This commitment is specific because it refers to a narrow anti-corruption mechanism, the UNCAC Coalition’s Transparency Pledge (and its voluntary provisions), applied to the US second-cycle review of the UNCAC international standards.

IS THE COMMITMENT MEASURABLE? YES

The commitment is measurable because the UNCAC Coalition Transparency Pledge consists of very concrete actions. It is possible to monitor, as part of the US second-cycle review of the UNCAC Review Mechanism, whether the six principles of transparency included in the pledge have been implemented:

<sup>10</sup>

- 1) Publish updated review schedules for the country review.
- 2) Share information about the review institution or coordination (focal point).
- 3) Announce the completion of the country review, indicating where the report can be found.
- 4) Promptly post online the self-assessment and the full country report in an official UN language, together with an executive summary in local languages.
- 5) Organise civil society briefings and public debates about the findings of the report.
- 6) Publicly support the participation of civil society observers in UNCAC subsidiary bodies.

IS THE COMMITMENT SELECTED FOR MONITORING? YES

**COMMITMENT 2: We encourage all states to criminalise the bribery of domestic and foreign officials and to actively enforce those laws.**

IS THE COMMITMENT SPECIFIC? NO

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<sup>10</sup> United Nations Convention against Corruption (UNCAC), Transparency Pledge, <https://uncaccoalition.org/uncac-review/transparency-pledge/>

The commitment is a statement about the position of the United States regarding the actions other countries should take criminalising bribery of domestic and foreign officials, and is therefore not specific.

The United States clarified in its new anti-corruption strategy that “Using a range of diplomatic and foreign assistance programming, the U.S. Government is committed to working with allies and partners on enacting legislation criminalising the demand side of bribery, and enforcing new and existing laws, including in the countries where the bribery occurs”.<sup>11</sup> However, as the IACC commitment does not mention US support, this information cannot be used to further specify the commitment in question.

IS THE COMMITMENT MEASURABLE?

NO

The commitment is not measurable because it does not use committal language.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

**COMMITMENT 3: We will increase our focus on global corruption that facilitates drug trafficking, wildlife trafficking, other forms of transnational organised crime, and US national security threats.**

IS THE COMMITMENT SPECIFIC?

NO

The commitment is a general statement of intent to address corruption in different forms of transnational organised crime. However, although the US government clarified that this commitment means linking global corruption to different forms of transnational organised crime in future national anti-corruption strategies, this intent remains unspecific.

IS THE COMMITMENT MEASURABLE?

NO

The commitment cannot be considered measurable because it does not include any measurable actions for how the government plans to increase its focus “on global corruption that facilitates drug trafficking, wildlife trafficking [and] other forms of transnational organised crime”. Since the commitment was made, no concrete action plans have been available which could be used to measure its implementation.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

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<sup>11</sup> The White House (2021), United States Strategy on Countering Corruption, <https://www.whitehouse.gov/wp-content/uploads/2021/12/United-States-Strategy-on-Countering-Corruption.pdf>

**COMMITMENT 4: The United States will use our authorities<sup>12</sup> to seize and forfeit assets that represent the proceeds of, or were used to facilitate, crimes, including corruption. The United States is committed to returning the proceeds recovered for the benefit of the people harmed by the corruption.**

IS THE COMMITMENT SPECIFIC?

YES

The commitment can be considered specific because it refers to a defined anti-corruption mechanism (asset confiscation and asset recovery).

IS THE COMMITMENT MEASURABLE?

NO

The commitment cannot be measured because no comprehensive overview or database lists all national and international asset recovery cases with US authority involvement. The audit reports of the Assets Forfeiture Fund and Seized Asset Deposit Fund provide an overview of total sums of forfeiture revenue and victim compensation. However, they do not provide an overview of single cases.<sup>13</sup>

At the international level, there is the StAR (Stolen Asset Recovery) Watch Database, an initiative of the World Bank Group and the United Nations Office on Drugs and Crime (UNODC). The database aims “to collect and systematise information about completed and ongoing recovery efforts of proceeds of corruption that have an international dimension”. Annex 1 lists all cases where the United States is the “Jurisdiction of Asset Recovery”. However, the database is temporarily disabled, and the World Bank does not guarantee the accuracy of the data included.<sup>14</sup>

IS THE COMMITMENT SELECTED FOR MONITORING

NO

**COMMITMENT 5: We will continue to provide technical assistance and informal and formal cooperation to requesting countries to support global asset recovery efforts.<sup>15</sup>**

IS THE COMMITMENT SPECIFIC?

NO

The commitment cannot be considered specific because it is the continuation of existing work without any targets for how the government aims to advance its anti-corruption efforts related to technical assistance on asset confiscation and asset recovery provided to other countries.

IS THE COMMITMENT MEASURABLE?

NO

<sup>12</sup> “Our authorities” refers to the institution in charge of asset recovery in the United States – in this case, the Money Laundering and Asset Recovery Section within the Department of Justice.

<sup>13</sup> Annex 1: Forfeiture Revenue and Victim Compensation of the AFF/SADF.

<sup>14</sup> World Bank Group and the United Nations Office on Drugs and Crime, StAR Asset Recovery Watch Database, <https://star.worldbank.org/asset-recovery-watch-database>

<sup>15</sup> The Department of State and Department of Justice provide assistance on asset recovery to other countries through the following agencies: the Department of Justice, Criminal Division, Money Laundering and Asset Recovery Section (MLARS); the Department of Justice, Criminal Division, Office of International Affairs (OIA); the Federal Bureau of Investigation (FBI); the Department of Homeland Security, Homeland Security Investigations (HIS).

Based on the wording of the commitment, it is not clear how the United States aims to expand its technical assistance and informal and formal cooperation to requesting countries to support global asset recovery efforts.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

**COMMITMENT 6: We will also continue to partner closely with other governments, international organisations and civil society to ensure that recovered proceeds of crime are returned in a manner that furthers the goals of transparency and oversight at all stages in the asset recovery process. The United States will promote the development of internationally endorsed guidelines for the transparent and accountable return and management of stolen assets.**

IS THE COMMITMENT SPECIFIC?

NO

Even though the first part of the commitment refers to a specific policy area (the recovery of assets), it is a general statement of intent to use various stakeholder partnerships “to ensure that recovered proceeds of crime are returned”, and is therefore not specific.

The second part of the commitment cannot be considered specific either, because it is unclear in which fora these guidelines should be developed. In December 2017, the Global Forum on Asset Recovery (GFAR) – supported by the United States and the UK as co-hosts, the StAR Initiative (World Bank and UNODC) and the four focus countries of Nigeria, Sri Lanka, Tunisia and Ukraine – developed and adopted the GFAR Principles – 10 principles for disposition and transfer of confiscated stolen assets.<sup>16</sup> Principle 4, in particular, refers to transparency and accountability, stating: “Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets. Information on the transfer and administration of returned assets should be made public and be available to the people in both the transferring and receiving country. The use of unspecified or contingent fee arrangements should be discouraged.”<sup>17</sup>

IS THE COMMITMENT MEASURABLE?

NO

The first part of the commitment cannot be measured because it is unclear what “to partner” means in terms of concrete actions.

The second part can technically be measured, although it is unclear which fora or partnership will be used to develop these internationally endorsed guidelines, and what they should look like – for example, should they be binding or non-binding?

IS THE COMMITMENT SELECTED FOR MONITORING

NO

<sup>16</sup> Stolen Asset Recovery Initiative, The GFAR Principles, <https://star.worldbank.org/gfar-principles>

<sup>17</sup> Global Forum on Asset Recovery (2017), GFAR Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases, <https://star.worldbank.org/sites/star/files/the-gfar-principles.pdf>

**COMMITMENT 7: The United States will continue to actively apply financial sanctions and visa restrictions to ensure corrupt actors cannot benefit from their ill-gotten gains in the United States. We will continue to actively enforce the Global Magnitsky Human Rights Accountability Act and our visa restriction authorities and welcome civil society input into this process.**

IS THE COMMITMENT SPECIFIC?

YES

The commitment refers to enforcing a specific law, the Global Magnitsky Human Rights Accountability Act (GloMag)<sup>18</sup>, and applying financial sanctions and visa restrictions as a specific anti-corruption mechanism. The Department of the Treasury's Office of Foreign Assets Control is responsible for applying economic sanctions,<sup>19</sup> and the State Department is responsible for implementing visa restrictions.<sup>20</sup>

The GloMag Act requires the president "to consider information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees", such as Senate Banking and Foreign Relations and House Financial Services and Foreign Affairs, as well as "credible information obtained by other countries and non-governmental organisations that monitor violations of human rights" or corruption.<sup>21</sup> In 2017, Executive Order 13818 expanded the scope of GloMag by referring to "corruption", rather than "acts of significant corruption" as stated in the Act. The Executive Order also specifies additional categories of potential sanctionable persons – for example, any person determined "to be or have been a leader or official of" an entity "that has engaged in, or whose members have engaged in, serious corruption and human rights abuse".<sup>22</sup>

IS THE COMMITMENT MEASURABLE?

NO

The commitment includes two actions: applying financial sanctions and visa restrictions. The US Treasury Department and the Department of State publicise financial sanctions<sup>23</sup> and visa restrictions<sup>24</sup> via press releases on their respective websites. However, there is no comprehensive database of all cases where financial sanctions and visa restrictions have been applied, which would allow independent civil society monitoring. The commitment is therefore not measurable.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

<sup>18</sup> Global Magnitsky Human Rights Accountability Act (GloMag) Public Law 114–328, 23 December 2016,

[https://home.treasury.gov/system/files/126/glomag\\_pl\\_114-328.pdf](https://home.treasury.gov/system/files/126/glomag_pl_114-328.pdf)

<sup>19</sup> US Department of the Treasury, Office of Foreign Assets Control – Sanctions Programs and Information,

<https://home.treasury.gov/policy-issues/office-of-foreign-assets-control-sanctions-programs-and-information>

<sup>20</sup> Congressional Research Service (2020), The Global Magnitsky Human Rights Accountability Act,

<https://crsreports.congress.gov/product/pdf/IF/IF10576>

<sup>21</sup> Global Magnitsky Human Rights Accountability Act, Public Law 114–328, 23 December 2016,

[https://home.treasury.gov/system/files/126/glomag\\_pl\\_114-328.pdf](https://home.treasury.gov/system/files/126/glomag_pl_114-328.pdf)

<sup>22</sup> Executive Order 13818 of 20 December 2017, Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption, [https://home.treasury.gov/system/files/126/glomag\\_eo.pdf](https://home.treasury.gov/system/files/126/glomag_eo.pdf)

<sup>23</sup> See, for example, US Department of the Treasury (2021), Treasury Targets Corruption Linked to Dan Gertler in the Democratic Republic of Congo, <https://home.treasury.gov/news/press-releases/jy0515>

<sup>24</sup> See, for example, US Department of State (2022), State Department Actions to Promote Accountability and Impose Costs on the Russian Government for Putin's Aggression against Ukraine, <https://www.state.gov/state-department-actions-to-promote-accountability-and-impose-costs-on-the-russian-government-for-putins-aggression-against-ukraine/>

**COMMITMENT 8: The United States will continue to encourage the private sector in its efforts to detect and prevent corruption, including by providing anti-corruption information and resources through outreach domestically and abroad at conferences and on agency websites, guidance on the importance of effective compliance programmes, and a mechanism for obtaining specific guidance on whether prospective conduct violates the Foreign Corrupt Practices Act (FCPA).**

IS THE COMMITMENT SPECIFIC?

YES

The wording of the commitment is vague and requires considerable interpretation. The commitment can be divided into four parts:

- a) *Providing anti-corruption information and resources through outreach domestically and abroad at conferences*

The US government clarified that it is focusing on multilateral fora connected to the private sector, such as Asia-Pacific Economic Cooperation (APEC), the OECD, the G20 and the Summit for Democracy. However, this is also the continuation of existing work, without clear action plans for how to advance these activities. This part of the commitment is therefore not specific.

- b) *Providing anti-corruption information on agency websites*

The Department of Justice (DoJ) maintains a website dedicated to the Foreign Corrupt Practices Act (FCPA), with a special section on Corporate Enforcement Policy. The website provides relevant legislative history, an FCPA Resource Guide and selected documents from FCPA-related prosecutions and resolutions since 1977, including charging documents, plea agreements, deferred prosecution agreements, non-prosecution agreements, press releases, and other relevant pleadings and court decisions.<sup>25</sup> In addition, the Department of State webpage provides information about the National Action Plan on Responsible Business Conduct developed in 2016, which is currently being updated (the first and most recent national action plan is from 2016).<sup>26</sup> However, the website was in place before the commitment was made. Therefore, this part of the commitment is the continuation of existing work and cannot be considered specific.

- c) *Providing guidance on the importance of effective compliance programmes*

The Department of Commerce website contains information and guidance on creating an Export Compliance Programme in English and Spanish.<sup>27,28</sup> Besides several resources on compliance and enforcement, the Bureau of Industry and Security offers training on export control policies, regulations and practices, and in-depth courses on specific topics of relevance.<sup>29</sup> In 2017 the Department of Commerce also published Export Compliance

<sup>25</sup> US Department of Justice, Foreign Corrupt Practices Act, <https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>

<sup>26</sup> US Department of State (2022), National Action Plan on Responsible Business Conduct: Notice of Opportunity to Submit Written Comments, <https://www.federalregister.gov/documents/2022/02/28/2022-04178/national-action-plan-on-responsible-business-conduct-notice-of-opportunity-to-submit-written>

<sup>27</sup> US Department of Commerce, Bureau of Industry and Security, Export Compliance Program (ECP), <https://www.bis.doc.gov/index.php/2011-09-13-13-22-03/24-compliance-a-training/export-management-a-compliance/50-export-management-a-compliance-program>

<sup>28</sup> US Department of Commerce, Bureau of Industry and Security, Compliance, BIS Releases Export Compliance Guidelines in Spanish, <https://www.bis.doc.gov/index.php/licensing/24-compliance-a-training/export-management-a-compliance>

<sup>29</sup> US Department of Commerce, Bureau of Industry and Security, Compliance and Training, <https://www.bis.doc.gov/index.php/compliance-a-training>

Guidelines.<sup>30</sup> However, the website and guidance were in place before the commitment was made. This part of the commitment is therefore the continuation of existing work, without a clear action plan for how the Department of Commerce aims to advance these activities, and cannot be considered specific.

- d) *Providing a mechanism for obtaining specific guidance on whether prospective conduct violates the Foreign Corrupt Practices Act (FCPA).*

Further input from the US government indicated that this refers to publishing “A Resource Guide to the US Foreign Corrupt Practices Act”.

Only the resource guide in part d) of the commitment refers to a specific advancement of the government’s work to foster business integrity, by providing specific guidance on whether prospective conduct violates the FCPA.

IS THE COMMITMENT MEASURABLE?	YES
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The wording of the commitment is vague and requires considerable interpretation. For this monitoring report, the commitment has been limited to the publication of “A Resource Guide to the US Foreign Corrupt Practices Act” – the part of the commitment that is measurable.

IS THE COMMITMENT SELECTED FOR MONITORING	YES
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**COMMITMENT 9: The United States also provides significant incentives to the private sector to voluntarily self-disclose criminal conduct, fully cooperate, and timely and appropriately remediate through the Department of Justice’s new FCPA corporate enforcement policy.**

IS THE COMMITMENT SPECIFIC?	NO
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The commitment is not considered specific because it is merely a statement of what support the United States provides and uses non-committal language.

IS THE COMMITMENT MEASURABLE?	NO
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Rather than a commitment, this is a description of the current work of the United States, and does not announce new future action.

IS THE COMMITMENT SELECTED FOR MONITORING	NO
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**COMMITMENT 10: We remain committed to actively investigating and prosecuting domestic and international corruption, targeting ill-gotten gains, and holding kleptocrats accountable, consistent with our obligations under the UNCAC and other treaties.**

<sup>30</sup> US Department of Commerce, Bureau of Industry and Security, Export Compliance Guidelines, <https://www.bis.doc.gov/index.php/documents/pdfs/1641-ecp/file>

**IS THE COMMITMENT SPECIFIC?****YES**

Based on its wording, this commitment cannot be considered specific because it is too broad in scope. However, after further consultation with the US government, the commitment has been narrowed to “Actively holding kleptocrats accountable, consistent with our obligations under the UNCAC and other treaties”. Kleptocracy is not explicitly mentioned in UNCAC, but “kleptocratic practices” are mentioned in the “Legislative Guide for implementing the United Nations Convention against Corruption concerning confiscating and returning stolen assets”.<sup>31</sup> More specific initiatives in relation to this can be found in the 2021 US Strategy on Countering Corruption:<sup>32</sup>

- a) The establishment of a pilot Kleptocracy Asset Recovery Rewards Programme through the Treasury to enhance the US government’s ability to identify and recover stolen assets linked to foreign government corruption held at US financial institutions.
- b) The launch of an interagency Democracies Against Safe Havens Initiative, supported by up to US\$15.1 million and led by the State Department, to engage partner countries to coordinate actions to detect and disrupt kleptocracy, among other objectives.<sup>33</sup>
- c) The launch of USAID’s Global Accountability Programme, backed by US\$11.5 million, to support highly vulnerable countries to prevent, detect and mitigate corruption and build regional networks for joint action against transnational kleptocracy, illicit finance and strategic corruption.<sup>34</sup>

The commitment refers to three concrete anti-corruption initiatives to hold kleptocrats accountable, and is therefore considered specific.

**IS THE COMMITMENT MEASURABLE?****YES**

The commitment is measurable based on whether:

- a) The Kleptocracy Asset Recovery Rewards Programme has been created
- b) The Democracies Against Safe Havens Initiative has been launched, including the provision of up to US\$15.1 million
- c) The USAID Global Accountability Programme has been launched, including the provision of US\$11.5 million.

**IS THE COMMITMENT SELECTED FOR MONITORING****YES**

<sup>31</sup> United Nations Convention against Corruption (UNCAC) (2012), Legislative guide for the implementation of the United Nations Convention against Corruption, p.193, [https://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/UNCAC\\_Legislative\\_Guide\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/UNCAC_Legislative_Guide_E.pdf)

<sup>32</sup> The White House (2021), United States Strategy on Countering Corruption, <https://www.whitehouse.gov/wp-content/uploads/2021/12/United-States-Strategy-on-Countering-Corruption.pdf>

<sup>33</sup> US Department of State (2021), US Department of State Announces Initiatives to Bolster Democracy and Defend Human Rights in Support of the Presidential Initiative for Democratic Renewal, <https://www.state.gov/u-s-department-of-state-announces-initiatives-to-bolster-democracy-defend-human-rights-in-support-of-the-presidential-initiative-for-democratic-renewal/>

<sup>34</sup> The White House (2021), Fact Sheet: Announcing the Presidential Initiative for Democratic Renewal, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/09/fact-sheet-announcing-the-presidential-initiative-for-democratic-renewal/>

**COMMITMENT 11: The United States remains committed to the effective implementation of the UNCAC, the OECD Anti-Bribery Convention and relevant regional conventions, and will work with other countries, civil society, business and international organisations to strengthen implementation. We continue to advocate for all jurisdictions to effectively implement international standards on combatting money laundering and the financing of terrorism and proliferation set by the Financial Action Task Force (FATF).**

IS THE COMMITMENT SPECIFIC?

NO

The commitment is general and broad, and is not considered specific because it does not focus on a defined area or policy, but rather refers to several anti-corruption mechanisms. This goes beyond what can be monitored in this exercise. In addition, the commitment refers to actions to be taken by a third party: other countries.

IS THE COMMITMENT MEASURABLE?

NO

The commitment includes multiple actions and is beyond the scope of this monitoring exercise. Therefore, it is not considered measurable.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

**COMMITMENT 12: The United States will continue to support the critical work of investigative journalists and civil society networks in exposing corruption, encouraging reform, and informing action by foreign and US law enforcement. These initiatives, such as the Global Anti-Corruption Consortium, build on our continued partnerships with and support for non-governmental networks and promote a safer environment for them to work across borders to expose corruption globally.**

IS THE COMMITMENT SPECIFIC?

NO

The commitment is specific in focusing on US support of “the critical work of investigative journalists and civil society networks in exposing corruption, encouraging reform, and informing action by foreign and US law enforcement”. However, it cannot be considered specific enough for monitoring, because it is the continuation of existing programmes, but does not specify how the government plans to advance these programmes.

IS THE COMMITMENT MEASURABLE?

NO

The commitment does not identify measurable actions for how the US intends to advance its support to investigative journalists and civil society networks regarding anti-corruption.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

**COMMITMENT 13: Anti-corruption technical assistance and capacity building remains a significant component of US foreign policy, including sharing good practices and promoting implementation of UNCAC, as well as other international standards. We will continue to work with partner countries to create a culture of integrity to prevent corruption; mitigate risk against corruption; hold the corrupt accountable through laws and law enforcement; and strengthen civil society and oversight bodies.**

IS THE COMMITMENT SPECIFIC?

NO

The commitment is too broad in scope and lacks specificity regarding defined policy areas or thematic priorities.

IS THE COMMITMENT MEASURABLE?

NO

The commitment identifies vague objectives instead of concrete, measurable actions that could be monitored to demonstrate the achievement of those objectives. In this sense, the commitment is not considered measurable.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

# COUNTRY CONTEXT

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In recent years, perceptions about levels of public-sector corruption have worsened in the United States. In Transparency International's 2021 *Corruption Perceptions Index*, the country scored 67 (100 being exceptionally clean and 0 highly corrupt).<sup>35</sup> This showed a progressive worsening of the situation since 2017, when it scored 75, and stagnation compared with 2020. Since 2015, the United States has dropped a statistically significant nine points.<sup>36</sup>

Data from Transparency International's *US Corruption Barometer* survey, carried out in October and November 2017, shows that 44 per cent of US citizens believed that corruption was pervasive in the White House, compared to 36 per cent in 2016. Almost 7 out of 10 people thought the government was failing to fight corruption, compared to half the previous year. In addition, 55 per cent of survey respondents chose fear of retaliation as the main reason not to report corruption, up from 31 per cent in 2016.<sup>37</sup>

Transparency International US explains the country's declining rating as the result of a broader decay in US political institutions.<sup>38</sup> Public distrust towards institutions is based on disinformation, untraceable money in elections, and awareness about dirty money entering the US financial system. The 2022 Financial Secrecy Index, which measures a jurisdiction's contribution to global financial secrecy by highlighting harmful secrecy regulations, ranked the United States as the world's most significant contributor to global financial secrecy.<sup>39</sup>

The United States is known as a free country, favourable for civil society and the media. However, during the former administration (2017-2021), verbal or online attacks on those opposing the government raised concerns about the pillars of American democracy.<sup>40</sup> Data from Freedom House reflects these concerns, showing a decrease in civil liberties from 53 out of a possible 60 in 2017, to 51 in 2022, and in political rights from 36 out of 40 in 2017 to 32 in 2022.<sup>41</sup> As stated in *Freedom in the World 2022*, despite the vibrant political system, a strong rule-of-law tradition, robust freedom of expression, and a wide array of other civil liberties that usually characterises the United States, its democratic institutions have suffered erosion in recent years.<sup>42</sup>

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<sup>35</sup> Transparency International (2022), *Corruption Perceptions Index 2021*, United States of America, <https://www.transparency.org/en/cpi/2021/index/usa>

<sup>36</sup> Transparency International (2022), CPI 2021: Trouble at the Top, <https://www.transparency.org/en/news/cpi-2021-trouble-at-the-top>

<sup>37</sup> Transparency International (2017), *Corruption in the USA: The difference a year makes*, <https://www.transparency.org/en/news/corruption-in-the-usa-the-difference-a-year-makes>

<sup>38</sup> Foreign Policy (2021), *Report: Corruption in U.S. at Worst Levels in Almost a Decade*, <https://foreignpolicy.com/2021/01/28/report-transparency-international-corruption-worst-decade-united-states/>

<sup>39</sup> Tax Justice Network (2022), *Financial Secrecy Index 2022*, <https://fsi.taxjustice.net/interactive-map/>

<sup>40</sup> *The Washington Post* (2020), *Trump's attacks on political adversaries are often followed by threats to their safety*, [https://www.washingtonpost.com/national-security/threats-follow-trump-political-attacks/2020/10/28/c6dbce02-1792-11eb-82db-60b15c874105\\_story.html](https://www.washingtonpost.com/national-security/threats-follow-trump-political-attacks/2020/10/28/c6dbce02-1792-11eb-82db-60b15c874105_story.html)

<sup>41</sup> Freedom House (2022), *Freedom in the World 2022*, United States, <https://freedomhouse.org/country/united-states/freedom-world/2022>

<sup>42</sup> Freedom House (2022), *Freedom in the World 2022*, United States, <https://freedomhouse.org/country/united-states/freedom-world/2022>

## Anti-corruption framework

### *Bribery*

The main laws that criminalise the corruption of public officials are the 18 USC Section 201, the Hobbs Act 18USC Section 1951, and the Foreign Corrupt Practices Act (FCPA), enacted in 1977. The first criminalises bribery and prohibits the payment or receipt of gratuities, while the Hobbs Act criminalises extortion.<sup>43</sup> While the 18 USC Section 201 prohibits both giving and receiving bribes and gratuities, the Hobbs Act refers only to the receipt of bribes. However, there is a gap in the legislation regarding private commercial bribery,<sup>44</sup> as well as foreign bribery.<sup>45</sup>

### *Dirty money and money laundering*

The United States has several laws addressing money laundering. The most recent is the Anti-Money Laundering Act of 2020, which expanded whistleblower rewards and protection and enhanced penalties for repeat and egregious offenders. In trying to close loopholes, this law requires all US companies to register a beneficial owner, someone with substantial control<sup>46</sup> or more than 25 per cent of the ownership interest.<sup>47</sup> Reporting of beneficial ownership information is regulated by the Corporate Transparency Act, which is part of the Anti-Money Laundering Act and falls under the Financial Crimes Enforcement Network (FinCEN), in charge of combatting money laundering in the United States.<sup>48</sup>

However, the country is often used as a destination for foreign illicit financial flows. A Buzz Feed News report on the FinCEN Files uncovered that banks continued to move money for suspected criminals even if they were prosecuted or fined for financial misconduct. While banks could be doing more when complying with their due diligence requirements, the FinCEN Files showed gaps in the US system, including shortfalls in funding of Financial Intelligence Units, which limit the use of the information provided for follow-up action.<sup>49</sup>

Two of the sectors most vulnerable to corrupt individuals hiding their money are real estate and private investment. A Transparency International report shows that the United States fails to extend

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<sup>43</sup> US Department of Justice, Hobbs Act – Under Colour of Official Right, <https://www.justice.gov/archives/jm/criminal-resource-manual-2404-hobbs-act-under-color-official-right>

<sup>44</sup> The Law Reviews (2021), The Anti-Bribery and Anti-Corruption Review: USA, <https://thelawreviews.co.uk/title/the-anti-bribery-and-anti-corruption-review/usa>

<sup>45</sup> Oberheiden P.C., Does the FCPA Apply to Foreign Companies? <https://federal-lawyer.com/fcpa/apply-foreign-companies/>

<sup>46</sup> “Substantial control may consist of directing, determining, or having substantial influence over important decisions made by the reporting company. These include, for example, “major expenditures or investments” and “the selection or termination of business lines or ventures” of the reporting company, among other things.” See: Beneficial Ownership Information Reporting Requirements, Financial Crimes Enforcement Network (FinCEN), <https://www.federalregister.gov/documents/2022/09/30/2022-21020/beneficial-ownership-information-reporting-requirements#p-330>

<sup>47</sup> FindLaw (2021), Money Laundering, <https://www.findlaw.com/criminal/criminal-charges/money-laundering.html>

<sup>48</sup> Financial Crimes Enforcement Network (2020), The Anti-Money Laundering Act of 2020, <https://www.fincen.gov/anti-money-laundering-act-2020>

<sup>49</sup> BuzzFeedNews (2020), The FinCEN Files, <https://www.buzzfeednews.com/article/jasonleopold/fincen-files-financial-scandal-criminal-networks>

due diligence requirements to the full range of non-financial professionals and businesses that might be involved in real estate and private investment.<sup>50,51</sup>

### *Undue influence over the government*

In the United States, lobbying is a regulated practice. In 2007, Congress adopted the Honest Leadership and Open Government Act, which partially amended the Lobbying Disclosure Act of 1995, in response to new lobbying scandals.<sup>52</sup> This Act strengthens public disclosure requirements regarding lobbying, expenses and funding, and places more restrictions on gifts for Members of Congress and their staff. For example, it prohibits any congressperson, congressional staff member or employee of the Executive from taking or influencing an official act with the intent to make or influence private hiring decisions based on political party affiliation.

However, there is a fine line between legal influence via regulated lobbying and undue influence. A significant amount of lobbying in the United States comes from former Members of Congress or other high-ranking officials who return to Capitol Hill as lobbyists, consultants and business or trade group representatives.<sup>53</sup> Organisations such as Open Secrets question whether these individuals are hired more for their networks and contacts in Congress than their expertise.<sup>54</sup> In addition, not all of them register as lobbyists. According to Open Secrets, as of 30 May 2019, only two out of 23 members-turned-policy advisors were registered to lobby.<sup>55</sup>

### *Campaign financing*

The United States is permissive and even protective of other countries' campaign finance practices widely regarded as corrupt.<sup>56</sup> The US Supreme Court has ruled that the country's Constitution, to an extent, protects political contributions, which are permissible if made in conformity with federal and state campaign finance laws and regulations applicable to political donations.<sup>57</sup>

Legalisation of these practices means American campaign finance suffers from "dark money" – spending meant to influence political outcomes without public disclosure of the source. According to Open Secrets, from 2010 to 2020, dark money groups spent US\$1 billion to influence elections.<sup>58</sup>

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<sup>50</sup> Transparency International (2017), Doors Wide Open – Corruption and Real Estate in Four Key Markets, [https://images.transparencycdn.org/images/2017\\_DoorsWideOpen\\_EN.pdf](https://images.transparencycdn.org/images/2017_DoorsWideOpen_EN.pdf)

<sup>51</sup> Transparency International US (2021), Private Investments, Public Harm: How the Opacity of the Massive U.S. Private Investment Industry Fuels Corruption and Threatens National Security, <https://us.transparency.org/resource/private-investments-public-harm-report/>

<sup>52</sup> US Congress, H.R.2316 – Honest Leadership and Open Government Act of 2007, <https://www.congress.gov/bill/110th-congress/house-bill/2316>

<sup>53</sup> For example, out of 44 Members of Congress who retired or lost their seats in 2018 and 2019, 26 took jobs at lobbying or consulting firms or business groups working to influence federal government activities. See: Public Citizen (2019), Revolving Congress: The Revolving Door Class of 2019 Flocks to K Street, <https://www.citizen.org/wp-content/uploads/revolvingcongress.pdf?eType=EmailBlastContent&eld=8820eb33-df64-48f9-8f1a-9015f85d99f3>

<sup>54</sup> Vox (2019), Capitol Hill's revolving door, in one chart, <https://www.vox.com/2019/6/19/18683550/capitol-hill-revolving-door-in-one-chart>

<sup>55</sup> Open Secrets (2019), Open Secrets, Recent ex-members of Congress head to K Street as "shadow lobbying" escalates, <https://www.opensecrets.org/news/2019/05/recent-ex-members-of-congress-head-to-k-street-as-shadow-lobbying-escalates/>

<sup>56</sup> Harvard Law Today (2020), A history of corruption in the United States. Anti-corruption law expert Matthew Stephenson focuses his recent scholarship on anticorruption reform in U.S. history, <https://today.law.harvard.edu/a-history-of-corruption-in-the-united-states/>

<sup>57</sup> Global Compliance News, Anti-Corruption in the United States, <https://www.globalcompliancencews.com/anti-corruption/anti-corruption-in-the-united-states/>

<sup>58</sup> Open Secrets, Dark Money Basics, <https://www.opensecrets.org/dark-money/basics>

### *Political will for anti-corruption reform*

The importance given to anti-corruption and the efforts invested in it in the United States have varied depending on the administration. During former administrations, when the commitments analysed in this report were made, anti-corruption was not a priority,<sup>59</sup> funding for foreign anti-corruption programmes was cut,<sup>60</sup> and some governmental decisions even repealed efforts to fight corruption.<sup>61</sup>

Under the current administration, anti-corruption has become a core national security interest.<sup>62</sup> This has led to the creation of the first United States Strategy on Countering Corruption, released in December 2021. The strategy focuses on five pillars: 1) modernising, coordinating and resourcing US government efforts to fight corruption 2) curbing illicit finance 3) holding corrupt actors accountable 4) preserving and strengthening the multilateral anti-corruption architecture, and 5) improving diplomatic engagement and leveraging foreign assistance resources to advance policy goals.<sup>63</sup>

### **Relevance of IACC commitments in this context**

It is important to note that the IACC anti-corruption commitments were made in 2018, during the previous US administration. The commitments focused on themes such as asset recovery, national and foreign bribery, linking corruption to transnational organised crime, and supporting investigative journalists and civil society networks. However, their wording is very vague and general, and there are rarely targets against which to measure implementation. The commitments require significant interpretation and further clarifications, leaving too much room for different monitoring methods leading to potentially inconsistent results.

In addition, the commitments do not address some of the most vulnerable sectors, such as real estate and banking. Nor do they tackle other critical concerns in the country, such as campaign finance or undue influence. It is notable that the commitments are largely limited to continuing previous work, rather than closing loopholes and advancing anti-corruption efforts. In that sense, the new US anti-corruption strategy represents a more ambitious attempt to tackle corruption.

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<sup>59</sup> Human Rights Watch (2019), Self-dealing Trump is Kleptocrats' Role Model, <https://www.hrw.org/news/2019/10/31/self-dealing-trump-kleptocrats-role-model>

<sup>60</sup> For example, the Trump Administration cut funding for the anti-corruption programmes in Ukraine and Guatemala, resulting in shuttering the International Commission Against Impunity in the Latin-American country. See: Human Rights Watch (2019), Self-dealing Trump is Kleptocrats' Role Model, <https://www.hrw.org/news/2019/10/31/self-dealing-trump-kleptocrats-role-model>

<sup>61</sup> For example, in December 2017 Republicans advanced a bill that repealed the Cardin-Luger Amendment to the Dodd-Frank financial reform to increase transparency in the energy and mining industry by requiring drilling and mining companies on the US stock exchanges to report their payments to foreign governments. See: CNBC (2017), Republicans move to permanently kill rule to curb energy and mining industry corruption, <https://www.cnbc.com/2017/12/13/republicans-move-to-permanently-kill-rule-to-curb-energy-corruption.html>

<sup>62</sup> The White House (2021), Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/03/memorandum-on-establishing-the-fight-against-corruption-as-a-core-united-states-national-security-interest/>

<sup>63</sup> The White House (2021), United States Strategy on Countering Corruption, <https://www.whitehouse.gov/wp-content/uploads/2021/12/United-States-Strategy-on-Countering-Corruption.pdf>

# PROGRESS ON COMMITMENT IMPLEMENTATION

**COMMITMENT 1: The United States is currently undergoing its second-cycle review of the UNCAC Review Mechanism and is committed to implementing the voluntary transparency measures outlined in the UNCAC Coalition’s Transparency Pledge, including civil society participation in the review process, and publishing our self-assessment questionnaire and full report, as we did in the first cycle.**

**THEMATIC AREA:** Legislative and Institutional Framework

**COMMITMENT TIMEFRAME:** Not stated

**COMMITMENT SOURCE:** UK Anti-Corruption Summit

## Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

X

Not fulfilled/dropped

This commitment is monitored based on the six principles of the UNCAC Review Transparency Pledge and its voluntary transparency measures. The information below and the self-assessment are available on the UNCAC Civil Society Coalition webpage.<sup>64</sup> Progress towards the six principles is as follows:

- 1) Publish updated review schedules for our country review:  
The United States review was scheduled for 2018, but the country visit for the second-cycle review did not take place until 15-18 July 2019.
- 2) Share information about the review institution or coordinator (focal point):  
The UNCAC focal point was Mr. Kellen McClure, Anti-corruption Advisor in the US Department of State’s Bureau of International Narcotics and Law Enforcement.
- 3) Announce the completion of the country review, indicating where the report can be found:  
The review is ongoing and the United Nations Office on Drugs and Crime is still reviewing the executive summary.
- 4) Promptly post online the self-assessment and the country report in a UN language, together with the executive summary in local languages:  
The self-assessment has been published online in English.
- 5) Organise civil society briefings and public debates about the findings of the report:  
It is unknown if and which civil society stakeholders were part of the review.
- 6) Publicly support participation of civil society observers in the UNCAC subsidiary bodies:

<sup>64</sup> UNCAC Civil Society Coalition, UNCAC Review Status Tracker, <https://uncaccoalition.org/uncacreviewstatustracker/>

According to the UNCAC Review Status Tracker, “it is unknown whether the US publicly supports the participation of civil society in UNCAC subsidiary bodies, despite a statement about it as part of the G7”.<sup>65</sup>

Information provided by the US government for this report says the State Department’s Bureau of International Narcotics and Law Enforcement Affairs, which serves as the UNCAC Focal Point for the United States, invited representatives from civil society and the private sector to meet with the reviewing experts who participated in the country visit for the second-cycle review. The representatives were selected based on their expertise in US anti-corruption policies and practices, from organisations including the Project on Government Oversight, Global Financial Integrity, Global Witness, the Open Contracting Partnership, the Sunlight Foundation, and Citizens for Responsibility and Ethics in Washington. However, no public information is available about this meeting via the UNCAC Review Status Tracker.

The commitment is only **partially fulfilled** because public information is missing on principles 3, 5 and 6.

### Challenges to effective commitment implementation

The US government has not yet finalised its UNCAC second-cycle review report. The Executive Summary is currently with the UNCAC Secretariat for finalisation. Once the summary is finalised, the Secretariat plans to continue working on the report and then organise civil society briefings and public debates on the findings.<sup>66</sup>

### Recommendations

- Analyse why the report process of the second-cycle review is taking so long, given that the scheduled year for review was 2018 and four years later the review process is unfinished.
- Strengthen the participation of civil society stakeholders in the UNCAC review process, and make it transparent by publishing who participated, when and in what form.
- Make information publicly available on the support provided for the participation of civil society in UNCAC subsidiary bodies.

**COMMITMENT 8: The United States will continue to encourage the private sector in its efforts to detect and prevent corruption, including by providing anti-corruption information and resources through outreach domestically and abroad at conferences and on agency websites, guidance on the importance of effective compliance programmes, and a mechanism for obtaining specific guidance on whether prospective conduct violates the Foreign Corrupt Practices Act (FCPA).**

**THEMATIC AREA:** Business Integrity

<sup>65</sup> US Department of State (2021), G7 Ministers’ Statement on the UN General Assembly Special Session Against Corruption, <https://www.state.gov/g7-ministers-statement-on-the-un-general-assembly-special-session-against-corruption/>

<sup>66</sup> Written response to Transparency International via email, 27 July 2022.

**COMMITMENT TIMEFRAME:** Not stated

**COMMITMENT SOURCE:** Not applicable

### Current level of progress in commitment implementation

Fulfilled X

Partially fulfilled

Not fulfilled/dropped

As previously mentioned, the wording of this commitment is vague and requires significant interpretation. Only the part on the resource guide refers to a particular advancement of the government's work to foster business integrity, by providing specific guidance on whether prospective conduct violates the Foreign Corrupt Practices Act (FCPA). For that reason, the monitoring will focus only on whether a resource guide to the FCPA has been developed and published.

In 2020, the Department of Justice and the Securities and Exchange Commission released an updated version of "A Resource Guide to the US Foreign Corrupt Practices Act".<sup>67</sup> The guide aims to provide information regarding the FCPA for individuals and businesses of all types and sizes – from small businesses transacting abroad for the first time to multinational corporations with subsidiaries worldwide. Topics addressed in the guide include:

- who and what is covered by the FCPA's anti-bribery and accounting provisions
- definitions of concepts such as "corruptly", "wilfully", "anything of value" and "foreign official"
- the jurisdictional reach of the FCPA
- types of proper and improper payments
- application of successor liability in the mergers and acquisitions context
- the hallmarks of an effective corporate compliance programme
- different types of civil and criminal resolutions available in the FCPA context.

This is an updated version of the guide released in November 2012.<sup>68</sup> Therefore, we consider this commitment as **fulfilled**.

### Recommendations

- Formulate the full commitment in specific and measurable terms, including concrete new promises for business integrity support, which can be assessed in terms of fulfilment.
- Make the commitment more ambitious by going beyond continuations of previous work, in order to advance anti-corruption efforts in the area of business integrity.

<sup>67</sup> Criminal Division of the Department of Justice and the Enforcement Division of the Securities and Exchange Commission (2020), A Resource Guide to the U.S. Foreign Corrupt Practices Act, <https://www.justice.gov/criminal-fraud/file/1292051/download>

<sup>68</sup> US Department of Justice, FCPA Resource Guide, <https://www.justice.gov/criminal-fraud/fcpa-resource-guide>

**COMMITMENT 10: We remain committed to actively investigating and prosecuting domestic and international corruption, targeting ill-gotten gains, and holding kleptocrats accountable, consistent with our obligations under the UNCAC and other treaties.**

**THEMATIC AREA:** Security and Law Enforcement

**COMMITMENT TIMEFRAME:** Not stated

**COMMITMENT SOURCE:** Not applicable

#### Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

X

Not fulfilled/dropped

As outlined previously, the commitment was monitored based on three components:

a) The creation of the Kleptocracy Asset Recovery Rewards Programme

In 2020, Congress established the Kleptocracy Asset Recovery Rewards Programme, managed by the Treasury's Office of Terrorism and Financial Intelligence. The programme aims to further the US government's commitment to combatting foreign government corruption, and to serve US efforts to identify and recover stolen assets, forfeit the proceeds of corruption, and return stolen assets to the country harmed.<sup>69</sup>

Launched in March 2022, the programme<sup>70</sup> closes a gap in pre-existing whistleblower programmes according to some experts, because these only pertained to companies registered with the US Securities and Exchange Commission. In addition, the Act covers a broad range of assets, from bribes and proceeds of corruption, to money converted into US-based property. Another difference with the previous programmes is that although the newer one still offers rewards of US\$5 million, which some consider insufficient, the criteria for giving rewards are more relaxed – for example, requiring only that property be seized, rather than a conviction.<sup>71</sup>

Together with this initiative, the Task Force KleptoCapture was launched – an interagency law enforcement task force to pool federal law enforcement resources to hold corrupt Russian oligarchs accountable in response to Russia's invasion of Ukraine. Its mission includes investigating and prosecuting violations of new and future sanctions imposed in response to the invasion, and sanctions imposed for prior instances of Russian aggression and corruption. It also uses civil and

<sup>69</sup> US Department of the Treasury, Kleptocracy Asset Recovery Rewards Program.

<https://home.treasury.gov/about/offices/terrorism-and-financial-intelligence/terrorist-financing-and-financial-crimes/kleptocracy-asset-recovery-rewards-program>

<sup>70</sup> Curtis (2022), New Laws Targeting Assets of Russian Oligarchs: The US Announces Task Force KleptoCapture and the Kleptocracy Asset Recovery Rewards Program, <https://www.curtis.com/our-firm/news/new-laws-targeting-assets-of-russian-oligarchs-the-u-s-announces-task-force-kleptocapture-and-the-kleptocracy-asset-recovery-rewards-program>

<sup>71</sup> Kobre and Kim (2021), Nicholas Surmacz Unpacks the New Kleptocracy Asset Recovery Rewards in Law360, <https://kobrekim.com/insights/publications/nicholas-surmacz-unpacks-new-kleptocracy-asset-recovery-rewards-act-law360>

criminal asset forfeiture authorities to seize assets belonging to sanctioned individuals or assets identified as the proceeds of unlawful conduct.<sup>72</sup>

b) The launch of the Democracies Against Safe Havens Initiative (including the provision of up to US\$15.1 million)

In December 2021, the Democracies Against Safe Havens Initiative (DASH) was launched at the Summit for Democracy.<sup>73</sup> DASH has two main pillars, the first aimed at increasing the number of foreign partners who have the legal authorities and functional mechanisms to implement financial sanctions, visa restrictions and other accountability tools such as fines, trading exclusions and asset freezes. In this sense, information provided directly by the government declares that the United States has begun outreach to key international partners on coordinating sanctions and visa restrictions actions for countries that already have similar authorities, and on establishment of new accountability tools for partners that lack them. The second pillar focuses on capacity-building partnerships to support governments to develop and adopt preventive anti-money laundering measures.

c) The launch of USAID's Global Accountability Programme, including the provision of US\$11.5 million.

In December 2021, the United States Agency of International Development (USAID) announced details of several initiatives to advance democracy in support of the Presidential Initiative for Democratic Renewal – among them, USAID's Global Accountability Programme.<sup>74</sup>

Overall, this commitment is considered **partially fulfilled**, because the provision of funds can only be proven once the programmes have ended.

## Challenges to effective commitment implementation

The US government reported that its outreach efforts regarding DASH have been complicated by the global response to Russia's illegal invasion of Ukraine. Despite this complication, there has still been significant progress. Australian partners made their first designations under their new GloMag-style authority in response to Russia's invasion, and the US State Department and Treasury coordinated over a joint announcement of anti-corruption sanctions and visa restrictions in the Western Balkans.<sup>75</sup>

## Recommendations

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<sup>72</sup> US Department of Justice (2022), Attorney General Merrick B. Garland Announces Launch of Task Force KleptoCapture, <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-announces-launch-task-force-kleptocapture>

<sup>73</sup> US Department of State (2021), U.S. Department of State Announces Initiatives to Bolster Democracy & Defend Human Rights in Support of the Presidential Initiative for Democratic Renewal, <https://www.state.gov/u-s-department-of-state-announces-initiatives-to-bolster-democracy-defend-human-rights-in-support-of-the-presidential-initiative-for-democratic-renewal/>

<sup>74</sup> United States Agency for International Development (USAID), USAID announces initiatives to advance democracy in support of Presidential Initiative for Democratic Renewal, <https://www.usaid.gov/news-information/press-releases/dec-9-2021-usaid-announces-initiatives-advance-democracy-support-presidential>

<sup>75</sup> Written response to Transparency International via email, 27 July 2022.

- Publish information on funding provided and how it was used following the International Aid Transparency Initiative (IATI) Standard.
- The Task Force KleptoCapture should regularly report on progress, including work to date prosecuting individuals and companies; investigating, freezing, seizing and repatriating corrupt wealth, and coordinating with key partners.
- Provide more information on key milestones and targets of initiatives such as USAID's Global Accountability Programme.

# RECOMMENDATIONS

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This analysis of the anti-corruption commitments formulated by the US government presented a general challenge in terms of their being formulated too broadly, and lacking specificity and concrete, measurable actions. A specific formulation of commitments is a necessary condition for allowing civil society and other stakeholders to hold governments accountable and to monitor progress.

To advance the commitments made at the IACC 2018 and allow proper monitoring, the following steps are recommended:

- 1. Create a comprehensive public database that includes all national and international asset recovery cases**, including the necessary case information, such as start and end dates, implicated offences under UNCAC, the legal basis for asset recovery, the stage in the asset-recovery chain, and the amount frozen, adjudicated and returned. The database should follow open data principles.
- 2. Create a comprehensive public database that includes all cases of economic sanctions and visa restriction**, with links to published press releases and other documentation.
- 3. Provide public information for the UNCAC Review Status Tracker** on civil society briefings and public debates, as well as participation of civil society in UNCAC subsidiary bodies, including which civil society stakeholders were part of these processes.
  - Analyse why the report process of the second-cycle review is still unfinished, four years after the scheduled review year of 2018.
  - Strengthen the participation of civil society stakeholders in the UNCAC review process and make it transparent by publishing who participated, when and in what form.
  - Make information publicly available on the support provided for the participation of civil society in UNCAC subsidiary bodies.
- 4. Pro-actively publish information on funding, programme outputs and progress in “holding kleptocrats accountable”**
  - Publish information on funding provided and how it was used, following the International Aid Transparency Initiative (IATI) Standard.
  - Provide more information on key milestones and targets of initiatives such as USAID’s Global Accountability Programme.
  - Regularly report on the progress of Task Force KleptoCapture, including work to date prosecuting individuals and companies; investigating, freezing, seizing and repatriating corrupt wealth, and coordinating with key partners.
- 5. Make future anti-corruption commitments more ambitious, focused on progress instead of continuing existing work.** For example, instead of simply continuing to provide technical assistance and informal and formal cooperation to requesting countries, a commitment could include an initiative to generate requests from particularly vulnerable areas where such assistance is most needed.
- 6. Formulate future commitments stating clearly what change or progress they seek to achieve, and which clear, measurable actions the United States aims to take to achieve**

**the set goal.** Make the commitment as narrow and detailed as possible, instead of including general layers of intervention and including different tasks, or saying the “what” (for example “will continue to partner closely with”) but not the “how”. Where pertinent, establish in the commitment a benchmark against which to measure whether the commitment has been fulfilled. Use committal language to avoid statement positions (“we encourage”) and ambiguity that might lead to different interpretations of what is being committed to. The US government should also **develop a monitoring framework for the national anti-corruption strategy** with clear targets, in consultation with civil society.

7. **Use the second Summit for Democracy to assess progress** on commitments made at the first summit, and to analyse where further targets and roadmaps and new commitments are needed to close gaps in the existing anti-corruption framework.
8. **Use new commitment-making opportunities** such as the Fifth National Action Plan for Open Government **to close gaps in the anti-corruption framework**, identified in Transparency International’s 2022 reports on enforcement of the OECD Anti-Bribery Convention<sup>76</sup> and the state of play in countries committed to freezing and seizing Russian dirty money:<sup>77</sup>
  - Enhance transparency and accountability by publicly reporting in a centralised location statistics detailing the number of investigations commenced, ongoing and concluded without enforcement action.
  - The Department of Justice and the Securities and Exchange Commission should analyse the deterrent effect of non-prosecution and deferred prosecution agreements, and the number of referrals provided to and received from other countries.
  - Introduce a central public register of beneficial ownership, and prioritise legal reforms to require foreign companies and trusts that purchase or own real estate to disclose their beneficial owners. Establish and implement guidelines for restitution and compensation to victims in foreign bribery cases, including for indirect or diffuse harm.
  - Pass the ENABLERS Act that would authorise the US Treasury to require that people who provide certain financial services to their clients, and thereby serve as “gatekeepers” to the country’s financial system, to perform full anti-money laundering due diligence on prospective clients.<sup>78</sup>
  - Increase the resourcing of dedicated financial crime investigative units in national law enforcement, with a strategic focus on investigating complex, large-scale corruption and money laundering cases.
  - Strengthen whistleblower protections and establish a track record for compensating whistleblowers.

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<sup>76</sup> Transparency International (2022), *Exporting Corruption 2022: Assessing Enforcement of the OECD Anti-Bribery Convention*, <https://www.transparency.org/en/publications/exporting-corruption-2022>

<sup>77</sup> Transparency International (2022), *Up to the Task? The state of play in countries committed to freezing and seizing Russian dirty money*, <https://images.transparencycdn.org/images/2022-Report-Up-to-the-task.pdf>

<sup>78</sup> Transparency International US (2022), *Bipartisan Bill to Crack Down on American Enablers of Corruption Filed in Senate*, <https://us.transparency.org/news/bipartisan-bill-to-crack-down-on-american-enablers-of-corruption-filed-in-senate/>

# ANNEX 1: FORFEITURE REVENUE AND VICTIM COMPENSATION OF THE AFF/SADF<sup>79</sup>

Year	Total forfeiture revenue	Reason for increase or decrease	Victim compensation
2018	\$1.28 billion		
2019	\$2.07 billion <sup>80</sup>	The increase is explained by the deposits from large cases, including 1Malaysia Development Berhad <sup>81</sup> and Reckitt Benckiser Group <sup>82</sup> .	In 2019, payments to victims of the Bernard L. Madoff fraud were US\$1.06 billion, a smaller amount than the US\$1.33 billion in 2018. <sup>83</sup>
2020	\$1.69 billion <sup>84</sup>	The reason for the decrease is a decline in forfeiture activity in 2020, exacerbated by the limitations caused by the Covid pandemic on the capability of investigative and litigating agencies to carry out their work, and by the transition of	The 2020 Audit mentions a third-party payment to victims in the General Sani Abacha Case of US\$311 million. Victims of

<sup>79</sup> Assets Forfeiture Fund (AFF) and Seized Asset Deposit Fund SADF).

<sup>80</sup> US Department of Justice (2019), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2019, <https://oig.justice.gov/reports/2019/a20014.pdf>

<sup>81</sup> Malaysiakini (2018), "Stolen" 1MDB Funds: The DOJ Lawsuit Revisited, <https://pages.malaysiakini.com/1mdb/en/>

<sup>82</sup> US Department of Justice (2019), Justice Department Obtains \$1.4 Billion from Reckitt Benckiser Group in Largest Recovery in a Case Concerning an Opioid Drug in United States History, <https://www.justice.gov/opa/pr/justice-department-obtains-14-billion-reckitt-benckiser-group-largest-recovery-case>

<sup>83</sup> US Department of Justice (2019), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2019, <https://oig.justice.gov/reports/2019/a20014.pdf>

<sup>84</sup> US Department of Justice (2020), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2020, <https://oig.justice.gov/sites/default/files/reports/21-015.pdf>

		overnight investments to short-term investments in response to falling returns. <sup>85</sup>	the Bernard L. Madoff fraud were paid US\$848 million in 2020. <sup>86</sup>
2021	\$1.42 billion <sup>87</sup>	The decrease was due to personnel restrictions during the Covid pandemic, and limited access of investigative agencies to case work for administrative forfeitures and court closures for civil and criminal forfeitures. <sup>88</sup>	In 2021, payments to victims and equitable sharing related to large cases, including Madoff, 1MDB, Stanford International Bank and Western Union, totalled US\$1.7 billion, and payments related to non-large cases, US\$948 million. <sup>89</sup> In 2021, the Department of Justice announced that the Madoff Victim Fund had started its seven distributions, each of around US\$568 million in funds forfeited to the US government in connection with the Bernard L. Madoff Investment Securities LLC (BLMIS) fraud scheme, reaching a total distributed of over US\$3.7 billion to nearly 40,000 victims worldwide. <sup>90</sup>

<sup>85</sup> US Department of Justice (2020), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2020, <https://oig.justice.gov/sites/default/files/reports/21-015.pdf>

<sup>86</sup> US Department of Justice (2020), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2020, <https://oig.justice.gov/sites/default/files/reports/21-015.pdf>

<sup>87</sup> US Department of Justice (2021), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2021, <https://oig.justice.gov/sites/default/files/reports/22-018.pdf>

<sup>88</sup> US Department of Justice (2021), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2021, <https://oig.justice.gov/sites/default/files/reports/22-018.pdf>

<sup>89</sup> US Department of Justice (2021), Audit of the Assets Forfeiture Fund and Seized Asset Deposit Fund Annual Financial Statements Fiscal Year 2021, <https://oig.justice.gov/sites/default/files/reports/22-018.pdf>

<sup>90</sup> US Department of Justice (2021), Justice Department Announces Additional Distribution of More than \$568 Million to Victims of Madoff Ponzi Scheme, <https://www.justice.gov/opa/pr/justice-department-announces-additional-distribution-more-568-million-victims-madoff-ponzi>

# ANNEX 2: NON-EXHAUSTIVE LIST OF US INTERNATIONAL ASSET RECOVERY CASES<sup>91</sup>

Case Title (Name of Public Official or Entity Allegedly Involved)	Asset Recovery Start	Asset Recovery End	UNCAC Offences Implicated	Legal Basis for Asset Recovery	Stage in Asset Recovery Chain	Assets Frozen (US\$)	Assets Adjudicated, Not Yet Returned (US\$)	Assets Returned (US\$)
IBM / Banco de la Nacion Officials (Alfredo Adaco, Mario Dadone, Genaro Contartese, Hugo Gaggero)		1997	Art. 16, Art.23	Other				
Ferdinand Marcos and Imelda Marcos (United States)	1986	2006	Art. 15, Art. 16, Art. 17, Art. 18, Art. 19, Art.20, Art.23	Non-Conviction Based Confiscation; Private Civil Action; Actions Initiated by Foreign Jurisdiction				
Ferdinand Marcos and Imelda Marcos / Estate of Ferdinand E. Marcos Human Rights Litigation	1986	2011	Art. 15, Art. 16, Art. 17, Art. 18, Art. 19, Art.20, Art.23	Private Civil Action				\$7.5 million
John O'Halloran/ Tesoro Petroleum Case	1989	1990	Art. 16, Art.23	Private Civil Action				
Ferdinand Marcos and Imelda Marcos / Arelma Deposit Case	1990	Ongoing	Art. 15, Art. 16, Art. 17, Art. 18, Art. 19, Art.20, Art.23	Private Civil Action	Final Judgment (No Appeal)	\$40 million (approximate)		
Bruce Rappaport	1996	2009	Art. 18	Private Civil Action				\$12 million
Pavel I. Lazarenko / Northern California Criminal Case	1999	Ongoing	Art. 15, Art. 17, Art. 18, Art.20, Art.23	Criminal Prosecution and Forfeiture; Criminal Fine			Criminal fine (\$9 million), criminal forfeiture (\$20 million)	

<sup>91</sup> World Bank, StAR Asset Recovery Watch, <https://star.worldbank.org/asset-recovery-watch-database>

Vladimiro Montesinos / Victor Alberto Venero Garrido	2000	2004	Art. 15, Art. 16, Art. 17, Art. 18, Art. 23	Non-Conviction Based Confiscation; Actions Initiated by Foreign Jurisdiction	Assets Returned to Victim or Requesting Jurisdiction			\$34.7 million
Augusto Pinochet	2000	2004	Art. 19, Art. 20, Art. 23	Actions Initiated by Foreign Jurisdiction				
Xu Chaofan (also known as Hui Yat Fai), Xu Guojun (also known as Hui Kit Shun), Yu Zhendong	2002	2009	Art. 17, Art. 23	Criminal Prosecution and Forfeiture; Criminal Restitution	Assets Returned to Victim or Requesting Jurisdiction		\$482 million (Restitution ordered to be paid to Bank of China)	
Xu Chaofan (also known as Hui Yat Fai), Xu Guojun (also known as Hui Kit Shun), Yu Zhendong	2002	2004	Art. 17, Art. 23	Criminal Prosecution and Forfeiture	Assets Returned to Victim or Requesting Jurisdiction			\$3.8 million
Maria Carolina Nolasco (also referred to as Carolina Nolasco) / Brazil – New York Money Transmitters Case	2002	2007	Art. 23	Criminal Prosecution and Forfeiture; Non-Conviction Based Confiscation	Assets Returned to Victim or Requesting Jurisdiction			
Paulo Maluf (United States)	2002	Ongoing	Art. 17, Art. 23	Criminal Prosecution and Forfeiture	Before Court of First Instance			
Arnoldo Aleman	2002	2008	Art. 17, Art. 23	Non-Conviction Based Confiscation				
Carlos F. Garcia / Ian Carl and Juan Paulo Depakakibo Garcia (Northern California Case)	2003	2012	Art. 15, Art. 17, Art. 20, Art. 23		Assets Returned to Victim or Requesting Jurisdiction			\$100,000
Kazakhstan Oil Mining / James Giffen - Mercator Corporation (United States)	2003	Ongoing	Art. 16, Art. 23	Criminal Prosecution and Settlement agreements; Non-conviction Based Confiscation	Assets Returned to Victim or Requesting Jurisdiction			\$115 million
Carlos F. Garcia / Ian Carl and Juan Paulo Depakakibo Garcia (Northern California Case)	2003	2011	Art. 15, Art. 17, Art. 20, Art. 23	Criminal Prosecution and Forfeiture	Judgment by Court of First Instance			
Carlos Garcia / Clarita Garcia / Timothy Mark D. Garcia (New York Bank Accounts)	2004	2015	Art. 15, Art. 17, Art. 20, Art. 23	Non-Conviction Based Confiscation	Assets Returned to Victim or Requesting Jurisdiction			

Teodoro Nguema Obiang Mbasogo / Teodoro Nguema Obiang Mangué (United States)	2004	Ongoing	Art. 17, Art.20, Art.23	Other / Settlement Agreement in Non-Conviction Based Confiscation Case	Final Judgment (No Appeal)		Unspecified amount (includes Malibu mansion, Ferrari, two statues and US\$11.3 million)	
Vladimiro Montesinos / Marco Antonio Rodríguez Huerta	2004	2009	Art. 15, Art. 16, Art. 17, Art. 18, Art. 23	Non-Conviction Based Confiscation; Actions Initiated by Foreign Jurisdiction	Assets Returned to Victim or Requesting Jurisdiction			\$750,000
Carlos García / Clarita García / Timothy Mark D. García (New York Condominium)	2004	2015	Art. 15, Art. 17, Art. 20, Art. 23	Non-Conviction Based Confiscation	Assets Returned to Victim or Requesting Jurisdiction			\$1.4 million
Steve Ferguson / Piarco Airport case (United States)	2005	Ongoing	Art. 19, Art. 23	Criminal Prosecution; Private Civil Action				
Pavel Lazarenko (United States Civil Asset Forfeiture Case)	2005	Ongoing	Art. 15, Art. 17, Art. 18, Art. 20, Art. 23	Non-Conviction Based Confiscation	Before Court of First Instance			
Alexander Yakovlev and Vladimir Kuznetsov / United Nations Oil-for-Food Programme	2005	Ongoing	Art. 16, Art. 23	Criminal Prosecution and Forfeiture; Criminal Fine				
Sanjaya Bahel / Nishan Kohli	2006	2011	Art. 16, Art. 19	Criminal Prosecution, Criminal Restitution	Assets Returned to Victim or Requesting Jurisdiction			\$1.5 million
Juthamas Siriwan / Gerald and Patricia Green Case	2007	Ongoing	Art. 16, Art. 19, Art. 20, Art. 23	Criminal Prosecution and Forfeiture; Criminal Fine; Criminal Restitution			Judgment under appeal; restitution (\$250,000 - joint and several liability; \$1.1 million plus shares in Artist Design Corp Defined Benefit Plan; Unspecified in judgment how much, if any, restitution may be given to Thailand]	
Munari and Rovelli Settlements / Vittorio Metta (Judge) / IMI Bank Case	2007	2007	Art. 15, Art. 17, Art. 19, Art. 23	Non-Conviction Based Confiscation	Assets Returned to Victim or Requesting Jurisdiction			\$122 million
Edemar Cid Ferreira/ Banco Santos, S.A. Art Repatriation Case	2007		Art. 17, Art. 23	Non-Conviction Based Confiscation				\$4 million

Alain Gagnon / Archive Case	2008	2008	Art. 17	Other				\$113,000
Aluminum Bahrain B.S.C. / Alcoa Case (Private Civil Action)	2008	2013	Art. 16, Art. 18, Art. 21	Private Civil Action	Assets Returned to Victim or Requesting Jurisdiction			
Arafat "Koko" Rahman (United States)	2008	2013	Art. 16, Art. 18, Art. 23	Non-Conviction Based Confiscation	Assets Returned to Victim or Requesting Jurisdiction			
Haiti Teleco / Patrick Joseph	2009	Ongoing	Art. 16, Art. 23	Criminal Prosecution and Forfeiture	Before Court of First Instance			
Juthamas Siriwan (United States)	2009	Ongoing	Art. 16, Art. 19, Art. 20, Art. 23	Criminal Prosecution and Forfeiture	Before Court of First Instance			
Haiti Teleco / Jean Rene Duperval	2009	Ongoing	Art. 16, Art. 23	Criminal Prosecution and Forfeiture				
Haiti Teleco / Robert Antoine / Joel Esquenazi / Carlos Rodriguez / Juan Diaz	2009	Ongoing	Art. 16, Art. 23	Criminal Prosecution and Forfeiture; Criminal Restitution	Final Judgment (No Appeal)			
Alfonso Portillo (United States)	2009	Ongoing	Art. 16, Art. 23	Criminal Prosecution and Forfeiture	Judgment by Court of First Instance		Consent Preliminary Order of Forfeiture	
Chen Shui-Bian	2010	Ongoing	Art. 15, Art. 17, Art. 23	Non-Conviction Based Confiscation	Final Judgment (No Appeal)			
Ukrainian Government / Ukrvaksina v. Olden Group, LLC and Interfarm, LLC	2010	Ongoing	Art. 17, Art. 23	Private Civil Action	Judgment by Court of First Instance			
Charles Taylor / Viktor Bout / Richard Chichakli	2010	Ongoing	Art. 16, Art. 17, Art. 23	Criminal Prosecution and Forfeiture	Before Court of First Instance			
Fexngxia Sun	2010	Ongoing	Art. 16	Non-Conviction Based Confiscation				
Hector Javier Villareal Hernandez / U.S. Asset Forfeiture of Bermuda account	2011	Ongoing	Art. 17, Art. 19, Art. 20, Art. 23	Non-Conviction Based Confiscation and related Criminal Prosecution	Final Judgment (No Appeal)		\$2.3 million	
Ferdinand Marcos and Imelda Marcos / Vilma Bautista New York Art Case / Human Rights Victims' Settlement	2011	2013	Art. 15, Art. 16, Art. 17, Art. 18, Art. 19, Art. 20, Art. 23	Private settlement agreement	Assets Returned to Victim or Requesting Jurisdiction			\$10 million
Ferdinand Marcos and Imelda Marcos / Vilma Bautista New York Art Case	2011	Ongoing	Art. 15, Art. 16, Art. 17, Art. 18, Art. 19, Art. 20, Art. 23	Criminal Prosecution	Other			

Diepreye Alamiyeseigha (United States)	2011	Ongoing	Art.20, Art.23	Non-Conviction Based Confiscation	Final Judgment (No Appeal)		Value of Massachusetts account and estimated value of Maryland house	
Muammar el-Qaddafi (and related entities and individuals) (United States)	2011	Ongoing	Art.20	United Nations Security Council Resolutions 1970 and 1973	Investigation/Asset Tracing/Asset Restraint			
Tomas Yarrington	2012	Ongoing	Art.16, Art.19, Art.23	Non-Conviction Based Asset Forfeiture; Criminal Prosecution and Forfeiture	Before Court of First Instance (in part), Judgment by Court of First Instance		\$640,000	
Hector Javier Villarreal Hernandez / US Asset Forfeiture – Western District of Texas (Real Estate and Bank Account)	2012	Ongoing	Art.17, Art.19, Art.20, Art.23	Non-Conviction Based Asset Forfeiture	Before Court of First Instance			
James Ibori (United States)	2012	Ongoing	Art.20, Art.23	Non-Conviction Based Forfeiture; Actions Initiated by Foreign Jurisdiction	Before Court of First Instance			
James Ibori / Bhadrash Gohil (United States)	2012	Ongoing	Art.20, Art.25	Enforcement of Foreign Restraint Order	Investigation/Asset Tracing/Asset Restraint			
Sani Abacha / United States civil asset forfeiture	2013	Ongoing	Art.16, Art.17, Art.19, Art.20, Art.23	Non-Conviction Based Asset Forfeiture	Before Court of First Instance (in part), Investigation/Asset Tracing/Asset Restraint (in part)			
Jorge Juan Torres / United States	2013	Ongoing	Art.17, Art.19, Art.20, Art.23	Non-Conviction Based Asset Forfeiture; Criminal Prosecution and Forfeiture	Judgment by Court of First Instance			
Maxim Bakiyev (United States)	2014	2019	Art.15, Art.17	Criminal prosecution and forfeiture; Actions Initiated by Foreign Jurisdictions	Assets Returned to Victim or Requesting Jurisdiction			\$4.6 million
Mahamoud Adam Bechir and Nouracham Niam; Ikram Mahamat Saleh / United States (Caracal Energy [formerly Griffiths Energy] shares case)	2014	Ongoing		Non-Conviction Based Asset Forfeiture	Before Court of First Instance			

Lansana Conte / Mamadie Toure	2014	Ongoing	Art.16, Art.18, Art.23	Non-Conviction Based Confiscation	Before Court of First Instance		Unknown amount	
Tomas Yarrington / Pablo Zarate Juarez	2014	Ongoing	Art.17, Art.23	Criminal Forfeiture; Non-Conviction Based Forfeiture	Before Court of First Instance			
Mario Roberto Zelaya Rojas	2014	Ongoing	Art.15, Art.19, Art.23	Non-Conviction Based Confiscation	Before Court of First Instance			
Mahamoud Adam Bechir and Nouracham Niam / United States (South Africa account)	2014	Ongoing	Art.16, Art.18, Art.23	Non-Conviction Based Asset Forfeiture	Before Court of First Instance			
Chun Doo Hwan / US Asset Forfeiture cases	2014	2015	Art.15, Art.18, Art.19, Art.23	Non-Conviction Based Asset Forfeiture	Assets Returned to Victim or Requesting Jurisdiction			
Janet Lim Napoles / Arthur Pingoy, and many others / Philippines Development Assistance Fund (PDAF) Case	2015	Ongoing	Art.15, Art.17, Art.23	Non-Conviction Based Confiscation	Before Court of First Instance			
Unnamed Uzbek "Government Official A"/ Mobile Telesystems and Vimpelcom Telecom Case (US)	2015	Ongoing	Art.16, Art.18, Art.23	Non-Conviction Based Confiscation	Before Court of First Instance			
Qiao Jian Jun / Zhao Shilan	2015	Ongoing	Art.17, Art.23	Criminal Forfeiture	Before Court of First Instance			
1MDB 1 Malaysia Development Berhad (United States)	2016	Ongoing	Art.17, Art.23	Actions Initiated by Foreign Jurisdictions		Over \$1.6 billion	\$30 million	
Diezani Alison-Madueke	2017	Ongoing	Art.16, Art.23	Actions Initiated by Foreign Jurisdictions		\$114 million (not confirmed)		
Gautam Sengupta	2002	2002	Art.16	Criminal Prosecution and Restitution	Assets Returned to Victim or Requesting Jurisdiction			\$127,000

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