

# PROGRAMME EVALUATION: MAKING THE UK CORRUPTION SANCTIONS REGIME EFFECTIVE TO END IMPUNITY FOR GRAND CORRUPTION

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## Introduction

The ultimate goal of this programme was to ensure the new UK anti-corruption sanctions mechanism is used actively, with the cooperation, coordination and support of the UK Anti-Corruption Coalition Sanctions Working Group. These engagements were targeted to result in a significant number of strategic designations, to begin to restrict the behaviour of kleptocrats, and limit opportunities for them to launder their wealth in the UK financial system. Specific anticipated outcomes, delivered through three sets of activities – case submissions, policy advocacy and active collaboration, were:

- **Outcome 1: Strengthened quality of submissions from NGOs**, including by (a) proactively encouraging and collaborating with partners in the global south to develop strong submissions, and (b) by coordinating with other sanctions mechanisms and NGO partners (particularly in the USA and EU).
- **Outcome 2: Improved implementation of the sanctions regime** through advocacy to parliamentarians and government to encourage (a) the designation of specific targets, (b) changes to the implementation of the regime to make it more effective and (c) active oversight by MPs, encouraging more transparency in the process.
- **Outcome 3: Create an active community of NGOs** working on corruption sanctions in the UK, connected with a broader global anti-corruption community.

The programme comprised a Consortium of three partners: REDRESS (Lead partner/grant holder), International Lawyers Project (ILP) and Spotlight on Corruption (Spotlight).

This evaluation covers the period 1<sup>st</sup> November 2021 – 31<sup>st</sup> October 2023 and focuses primarily on ILP's contributions to the overall programme. It also looks at the context of anti-corruption sanctions within which the programme has been operating with the Consortium as a whole, as well as with the UK Anti-Corruption Coalition (UKACC). The evaluation also considers its impact on global sanctions more broadly.

### **Methodology**

The evaluation methodology adopted a light touch approach, based on the relevant, industry standard, OECD Development Assistance Committee evaluation criteria for this programme: Effectiveness, Efficiency and Impact. The core activities of the evaluation comprised a literature review (internal and external documents) and key informant interviews to gauge the level of achievement against outputs, anticipated outcomes and make recommendations for the future of the programme.

Interviews were conducted with various stakeholders, representing those external to the programme who had participated in the trainings and awareness raising, those who work closely with the Consortium (e.g.: working with UKACC), those who were instrumental in the initial design of the programme and those currently involved with the programme. From these interviews it is clear all three outcomes have been achieved, with Outcome 1 having surpassed expectations.

## The Programme and Consortium

### **Background and context**

Since the programme started, Russia invaded Ukraine for the second time since 2014, which resulted in much higher media attention to sanction Russian oligarchs and their money laundering through various mechanisms in the UK, such as property and asset purchases.

Unlike other countries that operate sanctions regimes, the UK has a more complex, twin track system that separates out human rights sanctions and anti-corruption sanctions; whereas, in the US, Canada, Australia and Europe, sanctions are all covered by one body and therefore only need one supporting organisation, such as Human Rights First in the US, to strengthen submissions<sup>1</sup>. This makes the process of having a 'one stop shop' to oversee the quality of sanctions submitted more complicated. The UK also has in place the right to appeal for someone against whom there has been a designation. As a result, far fewer submissions actually result in designations in the UK than in the US, for example.

It could be said that this is very much a pioneer 'pilot' programme for sanctions work in the UK, whose twin track approach is different from other countries and regions where there are sanctions regimes. This programme is focused on the anti-corruption stream, although one of the Consortium members, REDRESS, is acting as the main organisation supporting human rights sanctions within the UK, that is not a part of this programme.

### **Key Findings**

It is hard to talk about outcomes and impact at this early stage in UK sanctions work – the UK Global Anti-Corruption Sanctions regime (GACS) only came into effect in April 2021 and this programme started work in November 2021, having been designed a few months before that. However, it is clear that several positive outcomes are emerging even within this two year period of the programme.

- The programme has resulted in three designations since its inception out of 28 prepared and 13 submitted. This is a significant result as, at the time of writing, there have only been 30 designations in total in the UK since the UK GACS has been in place.
- This programme took the opportunity to get involved very early on in the evolution of the GACS regime and the overall programme has been very effective, already achieving an impact on wider sanctions within the UK context, and to some extent within the multilateral context. With the UK being much more cautious about designating sanctions than the US, it could be said that this programme is already having a positive impact on sanctions within the UK, and its engagement with UKACC has strengthened this.
- Significant time and effort is required to get the evidence in place, based within a legal framework and articulated in the right language, in order for submissions to be taken more seriously and pushed through the process. Spotlight's work in attending court cases and following up on the journeys of submissions has been seen as a valuable contribution, providing knowledge of how to strengthen future submissions.
- The Consortium's links, combined with those of UKACC, with several UK Government departments such as Business and Trade, Home Office, Treasury and FCDO, means that many of the different aspects of sanction designation are covered through all these routes, where relevant, for a more holistic approach. It was generally felt among all interviewees that the thematic expertise contributed by the Consortium, their links with government and civil society networks as well as an international and regional presence, all contributed to bring about an impact greater than the sum of its parts.
- ILP's added value was considered very clear amongst all interviewees: its network of legal experts across the globe has been a key part of the effectiveness of this programme, leading to impressive impact in a short time frame. The legal grounding of sanctions submissions has brought about a much higher quality of submissions and strengthened the process, moving towards more systematic evidence building process rooted in law, rather than a less substantiated, 'passion' process that civil society has been using up to now for advocacy purposes.
- With two of the three organisations in the Consortium focused on anti-corruption, some interviewees felt that the next phase would benefit from having a coordinator sit at ILP to better understand the anti-corruption context and ecosystem, in order to have a more representative approach to the programme.

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<sup>1</sup> These are: Raoul Wallenberg Centre for Human Rights in Canada, Australian Centre for International Justice in Australia, Open Society European Policy Institute in Europe and Human Rights First in the US

Specific results articulated by Outcome are provided in the table below.

**Table 1: Results by Outcome**

| Evaluation Criteria         | Outcome 1: Strengthened quality of submissions from NGOs  | Outcome 2: Improved the implementation of the Sanctions regime  | Outcome 3: Created an active community of NGOs   |
|-----------------------------|---|---|--|
| Activities                  | <i>Case submissions, training, awareness raising</i>  | <i>Policy advocacy</i>  | <i>Active collaboration</i>  |
| <p><b>Effectiveness</b></p> | <p>In countries where corruption is taking place, there has been very little knowledge about the UK GACS and the US Global Magnitsky sanctions tools to counter this. Therefore, this programme has started from a low awareness base on these tools to fight anti-corruption. The effect of this programme has been twofold, particularly for ILP’s partners:</p> <ol style="list-style-type: none"> <li>1. ILP’s trainings have raised awareness of this tool that can be used when domestic processes have failed or are not viable, thus raising awareness of local civil society that their options do not end with their local judiciaries or other local justice mechanisms.</li> <li>2. Raising partners’ awareness of sanction submissions templates, evidence requirements and submission authorities</li> </ol> <p>ILP’s high level legal expertise network has enabled it to bring the best experts to the programme that has raised the bar of evidence provision for civil society to ground their submissions in the law and giving greater credibility to their advocacy campaigns.</p> | <p>GACS came into effect in April 2021; this programme started in November 2021 so early on in the whole process. It is problematic to compare the number of sanctions designations with other countries where OSF is funding similar programmes, as the UK has a more complex structure around sanctions separating out human rights and anti-corruption as well as a right to appeal any submission. This results in far fewer sanctions being designated than in the US, Canada, Australia and Europe. Having said that, it was felt by most interviewees, that this was an effective programme as it was raising awareness amongst parliamentarians, there has been more reporting in the media and these are now more substantiated as the quality of submissions is based in law, which has brought about more credible advocacy campaigns.</p> | <p>In the countries where corruption is taking place, the trainings and workshops have created a community of not just NGOs campaigning on these issues but also lawyers and government officials that are now aware of these tools to use against corruption.</p> <p>Outputs as of 31st October 2023:</p> <ul style="list-style-type: none"> <li>• 32 trainings held</li> <li>• 68 organisations participated</li> <li>• 464 participants in total</li> </ul> |

|               |   |   |  |
|---------------|---|---|--|
|               | <p>Having an organisation such as ILP helping draft these submissions at the outset provides a strong basis right at the start of the process and setting a standard for submissions that will be taken seriously in destination countries. It has thus strengthened campaigns at domestic, regional and international levels, for example, in supporting civil society to advocate for strengthened state parties' implementation of the UN Convention against Corruption.</p> | <p>It was felt that the Consortium as a whole, and its links with UKACC, provided a good mix of skills, expertise and connections to provide an 'Alpha-Omega' process, ensuring that good quality cases were submitted from countries in the Global South and Europe, placed in front of the right people in the media and UK Government and advocated for</p>  | <p>ILP's networks of pro bono lawyers in countries in the Global South where many of these corruptions are taking place was seen as a real value add to the programme due to their level of expertise, experience and networks within sanctions departments in the UK.</p> <p>Having ILP staff based in Nairobi and Manila, as well as previously in the US, has been seen as a real added value added for the programme, providing an international reach. Bringing in a sanctions specialist to ILP has been seen by many as a really key engagement, bringing real credibility to ILP's role within the Consortium.</p> |
| <b>Impact</b> | <p>28 submissions have been drafted<br/>13 of these have been submitted<br/>3 of which have been designated<br/>In the UK, only a total of 30 sanctions have been designated since April 2021 when the GACS came into effect. This programme can therefore claim responsibility for 10% of total UK designations to date.</p>   | <p>It was felt that 'the dial has definitely moved' in terms of overall sanctions work in the UK and that there was no-one else really doing this kind of work in the UK context.</p>   | <p>Sharing of case studies from other countries who had been working on submissions under the UK GACS were found to be particularly helpful (eg: training in the Gambia using a case from Ghana really brought it into reality rather than just theory and provided hope that this was an effective tool to counter corruption)</p>  |
|               |   | <p>The remaining 15 pending submissions gives an indication of the work still to do. The interviewees who had undertaken the training and benefited from the pro bono support in drafting their submissions all felt that this was just the start of the process. Additionally, they now have a better sense of what they didn't know and therefore needed to know, whereas previously they were not even aware such a tool existed to counter the grand corruption in their countries.</p> | <p>Participants to the trainings and awareness raising sessions reported a much greater knowledge and confidence in using the GACS regime to counter corruption in their countries and found the tools and templates invaluable to enable them to train others. The programme has definitely led to a 'domestic awakening' in countries that are now wishing to address the root causes of corruption in order to strengthen their sanctions submissions.</p>  |

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|  |  | Now 'in the door of FCDO'. Initially they were unsure and distracted but now more dynamic and prepared to take on advice. It has been a good achievement to get this door open. Civil society has built good links to get parliamentarians to speak out that is building momentum. |  |
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## **Challenges**

- Despite putting together high-quality submissions, there is no guarantee that these will be designated. Governments will usually go for the least ambitious options with diplomatic issues 'getting in the way'. Consideration is being about which Consortium partner will focus on training focus to continue to improve the flow even if fewer are actually designated than desired because of these political constraints.
- ILP will continue to conduct virtual trainings and need more funding to deliver in person trainings, particularly for government officials and regional communities, who prefer in person trainings to enable them to switch off from their day-to-day functions and focus more on the actual training.
- An enormous amount of time and effort is required to strengthen submissions for them to be even considered for designation.
- It will take time to build sufficient momentum, capacity and political will to designate more sanctions, but it is still early days and there is obviously much more to do.
- ILP has started to build a body of research on the actual impact of sanctions regimes but will require further funding to continue this work that will inform future trainings, submissions support and dissemination of findings/recommendations to the eco-system of partners working on these issues.
- Questions around whether the Consortium should become a more diplomacy-based outfit, but much of its value is in its political neutrality.

## **Recommendations**

In terms of effectiveness and impact, the recommendation would be to continue funding this work, as many felt this programme was just the start of a much bigger process that everyone wanted to see through, that the learning had only just begun and there was a real ambition to apply this through more pro bono legal support.

Some felt that, moving forwards, the programme / Consortium could be more efficient in its ways of working, partnership approaches and therefore have greater effect and impact. Specific suggestions have therefore been separated out between programmatic (the work) and overall ways of working (the Consortium):

### **Programmatic:**

1. Those who participated in the training workshops would like to see longer, more in-depth training over several days in order to walk them through the whole process. These could perhaps involve people from UKACC so that they understand the processes towards designation once their submissions have been presented. The mentoring support was particularly appreciated, so more resources allocated to this type of follow up support would be very effective.
2. More support could be directed working at a domestic level in the source countries, for example with government departments that are starting to take it seriously but that do not have the wherewithal to act as yet.
3. An analysis of which organisations (both those funding similar work to this programme or pro bono legal organisations such as ROLE UK) have supported the other 27 UK sanction designations (if that information is available) and possibly considering partnering with them for the anti-corruption sanctions work would be a useful exercise.
4. Greater collaboration with UKACC to follow through on submissions, and time/resources allocated to this time-consuming area of work liaising with parliamentarians, advocacy organisations and Ministers.
5. Broaden out the work on domestic structural reforms. Partners taking part in the trainings and awareness-raising sessions are interested to see how they can influence their domestic laws to bring about domestic accountability for sanctions designees in areas like curtailing their ability to hold public office.

### **Operational**



6. A more even budget split between the three Consortium partners so that the groundwork in raising awareness, bringing the law into submissions work and training cohorts of lawyers, civil society actors and government officers in countries experiencing corruption, could have a wider and deeper reach.
7. ILP could benefit from hosting the anti-corruption sanctions coordinator and recruiting someone who understands all elements of the process – advocacy, law and politics – to act as a bridge between the various ‘languages’ and approaches. This role could therefore also bring about a more collaborative approach to the programme and move away from the apparently more siloed ways of working that have prevailed for some elements of the work.
8. In order to make the consortium more effective, and with two out of the three organisations within the consortium focused entirely on anti-corruption, ILP could benefit from being more intentional, for example, taking on the role of coordinating the anti-corruption workstream and having the coordinator based at ILP (fully funded). Whilst ILP is not an advocacy and campaigning organisation, much of its work feeds into these areas, so recruiting a coordinator who understands specifically the UK sanctions ‘space’ and wider sanctions regimes globally combined with advocacy / campaigning skills as well as monitoring and evaluation expertise would be a valuable addition to both ILP in its other work and also bring about a more effective partnership approach.
9. With any new consortium taking this work forward, have in place an overall Consortium Agreement, rather than individual Partner Agreements with the lead organisation / grant holder. This will encourage the group to think through more systematic ways of collaborative working, internal communications, regular sharing sessions etc and also establish, in an open document, which member of the Consortium will take the lead on which elements. That way, everyone is clear on their roles and responsibilities as well as what they are bringing as individual organisations to the Consortium.
10. Hold a meeting with the current Consortium members to decide on the way forward in the longer term, considering the unique way in which the UK carves up its sanctions work. Possibly think about having two supporting organisations/partnerships to strengthen submissions - one for human rights and another for anti-corruption, rather than a consortium for anti-corruption.

The summary points in the Year 1 report, reiterated in the Year 2 report, therefore, still stand with some further qualifications :

- Our clients and our programme partners have too little investigative capacity to be able to draft a casefile from scratch on behalf of an NGO.
  - Working with programme partners more closely and with the UKACC SWG would greatly enhance our abilities to investigate on behalf of clients;
  - Part way through the second year of the programme, REDRESS brought in an investigative partner who had capacity to support two of REDRESS’ submissions which, whilst not many, was considered a good start – not least of which it introduced another partner with complementary skillsets and greater capacity. ILP and Spotlight did not need to use this partner’s services but it might be something that Consortium 2.0 for Anti-Corruption might want to consider.
- Training sessions should not be limited to just one session if we want to receive strong submissions from the participants.
  - ILP should also encourage making submissions to multiple jurisdictions when possible, which it has done;
  - Providing a series of trainings – either virtual, in person or a mix of both – for civil society, government officials and other actors.
- ILP’s greatest strength is its ability to get legal support from a large number of different, world-class and established experts. While ILP doesn’t undertake advocacy, it could assist civil society in having informed opinions and making sure the ideas and amendments they put forward are legally sound.

- Ideas for draft amendments or potential weaknesses in the legislation can be drawn from the conclusions in the sanctions research programme to strengthen legal advisories on potential weaknesses in the legislation.

# Annexes

## Annex 1: List of Interviewees

| NAME                          | ROLE IN PROGRAM   |
|-------------------------------|---|
| <b>ILP Staff and Partners</b> |   |
| Lemarque Campbell             | Former Programme Director Anti Corruption ILP – now Senior Anti-Corruption Technical Advisor, American Bar Association – Rule of Law Initiative |
| Natalie Lucas                 | Programme Coordinator– based at REDRESS   |
| Oliver Windridge              | Consultant for ILP in Y1 of Programme; ILP staff during Y2 of Programme   |
| Peter Munro                   | Senior Coalition Coordinator - UKACC  |
| Steph Muchai                  | Programme Director, Governance and Accountability ILP   |
| Susan Hawley                  | Partner - Spotlight Executive Director  |
| <b>Trainings Given</b>        |   |
| Betina Pasteknik              | UNCAC Operations, Finance & Membership Lead   |
| Michael Oko-Davies            | Public Private Integrity, The Gambia  |
| <b>Sanctions Submissions</b>  |   |
| Vannie Lau                    | University of British Columbia Allard School of Law   |

## Annex 2: Schedule of Enquiry

1. **Effectiveness:** In what ways is the intervention achieving its objectives and in what ways is it not?
  1. In terms of ILP's delivery, were the quality / calibre of inputs useful and effective and what could they learn in order to improve their work in future interventions?
  2. What would you say has been ILP's value proposition for both the programme and the consortium? What do you think ILP adds to the consortium?
  
2. **Efficiency:** How well are resources being used?
  1. What aspects of the consortium approach have worked well for you?
    - a. Consider both the actual partnership as well as the implementation elements
  2. What aspects of the consortium approach have worked less well for you/your organisation?
  3. What would you like to see done differently?
  4. In terms of ILP's delivery, were the quality / calibre of inputs useful and efficiently employed (i.e. without unnecessary wastage?)
  5. Did [ILP's work] reflect value for money?
  
3. **Impact:** What difference does the intervention make?
  1. In terms of impact, I realise it is probably difficult to see any immediate impact as a result of the programme's activities, but are there any impacts you are seeing or the beginnings of impacts that you perceive now, (based on either your own judgement or any feedback you've had?)