The Kleptocratic Enterprise:

Lessons from organised crime to target transnational corruption and strengthen asset recovery in the UK

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Note: This paper draws on research conducted under the Governance & Integrity Anti-Corruption Evidence (GI ACE) programme which generates actionable evidence that policymakers, practitioners and advocates can use to design and implement more effective anti-corruption initiatives.

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Executive Summary

The UK's asset recovery gap to tackle kleptocracy

The United Kingdom has consistently claimed global leadership in the fight against corruption and illicit finance. Asset recovery is central to this ambition, featuring prominently in strategies published over the past five years. Yet the UK's volumes of confiscated wealth derived from kleptocracy have significantly decreased over the past years (Home Office 2025). While there have been some seizures, very few of these cases have translated into permanent recovery. Meanwhile, reports suggest that the country continues to function as a safe haven for stolen wealth, making improving asset recovery imperative to restore its credibility as a rule-of-law jurisdiction and creating risks for both national and international security (Walker 2025). This gap between ambition and outcome cannot be explained by a lack of legal tools alone. Rather, it reflects a combination of operational barriers and a deeper conceptual failure to understand how modern kleptocracy actually operates.

The current framework

The paper seeks to answer the following question: *could the UK more effectively recover assets derived from transnational kleptocracy by reframing it as a networked, enterprise-based phenomenon, and adapting existing legal tools and operational response accordingly?*

Drawing on prior research from the authors (Heathershaw et al 2021; Heathershaw et al 2025; Mayne & Heathershaw 2022; Nizzero 2023a), a literature review of civil society analysis and academic research, interviews with asset recovery experts, and comparative analysis of international legislative frameworks, it first identifies recurring obstacles that prevent effective recovery of kleptocratic assets in the UK (Stephenson, Gray and Power 2011; Gray et al. 2014; Nizzero 2023a). These include:

- (Ab)use of complex ownership structures by kleptocrats;
- The historical origins of criminality;
- The involvement of professional enablers;
- Uncooperative jurisdictions;
- Resource constraints.

These challenges are not unique to the UK, but the UK's status as a global financial hub makes its underperformance particularly damaging. Despite these barriers, the UK is not powerless. This paper also identifies legal instruments in the UK, including the Proceeds of Crime Act (2002), the Terrorism Act (TACT) 2000, and the Sanctions and Anti-Money Laundering Act (SAMLA) 2018, which already contain underused powers which could be deployed in combination to target kleptocratic conduct.

Reframing Kleptocracy

The paper finds that the core of the problem lies not only in the aforementioned obstacles and enforcement capacity, but also in the conceptualisation and understanding of modern kleptocracy. Building on the authors' prior research (Heathershaw et al 2025), it argues that modern kleptocracy is systemic, transnational, and networked and operates to all effects as a *kleptocratic enterprise,* defined as a cross-border enterprise to indulge elites who have used their political access to enrich themselves and maintain political power.

The paper identifies strong similarities between organised criminal enterprises and the way that modern kleptocracy operates: both types of network rely on complex structures, professional enablers, and global financial infrastructures, blending illicit funds with licit ones, with money often funnelled upward in a pyramid structure to the organisation's leaders who remain the most hidden and protected. Unlike conventional criminal organisations, however, the political element inherent to kleptocratic conduct makes it harder to tackle. Separating this from the rest of the kleptocratic conduct – by focussing on the enterprise (and as a result the similarities with organised crime groups), rather than the individuals – could break the deadlock.

Lessons from International Anti-Racketeering Laws

To operationalise this reframing, the paper examines four anti-racketeering frameworks which have demonstrated benefits of enterprise-based approaches: the US Racketeer Influenced and Corrupt Organizations (RICO) Act, South Africa's Prevention of Organised Crime Act, Switzerland's criminal organisation statutes, and Italy's Anti-Mafia Code.

Across these jurisdictions, the analysis identifies common features that directly address the barriers faced in kleptocracy cases:

- Targeting entire enterprises, rather than just individuals.
- Building cases around *patterns of conduct*.
- Combining civil and criminal powers for greater flexibility.
- Relying on different evidentiary standards and types of evidence.
- Justifying interventions by emphasising the broader societal and security impact of criminal enterprises.

These models demonstrate that weak asset recovery outcomes are not inevitable, but rather the product of framing and enforcement choices.

A proposal for the UK

Based on this analysis, the paper argues for a reorientation of the UK's asset recovery model away from a focus on discrete acts and toward systematic disruption of kleptocratic enterprises. The paper outlines a series of options which, either in isolation or in combination, may represent a way forward. These are:

1. **Adopt a networked approach:** Shift the focus from individuals to entire kleptocratic enterprises, mapping and disrupting their enablers, families, and associates.

2. **Maximise and amend POCA:** Fully deploy existing civil and criminal recovery powers, including by revising definitions of "unlawful conduct" to capture assets obtained through political patronage and systemic corruption.

3. **Integrate sanctions and proscriptions:** Clarify how sanctions freezes can evolve into confiscation and explore corruption-specific proscription frameworks to disrupt networks systematically.

4. **Recalibrate evidentiary standards:** Consider international models that rely on balance of probabilities, reverse burdens of proof, or pattern-based liability, while maintaining safeguards for due process.

5. **Operationalise an "impact" test:** Recognise kleptocratic enterprises as national security threats, linking asset recovery to systemic harms such as security vulnerabilities and threats to democratic institutions.

The paper concludes that the UK must reframe kleptocracy as a transnational enterprise rather than a collection of individual acts. Doing so would not only align asset recovery strategies with the reality of modern kleptocracy, but also reduce the burden on investigators by allowing them to focus on systemic patterns of conduct. The shift would strengthen the UK's capacity to recover stolen or corruptly acquired assets, hold enablers accountable, and demonstrate genuine leadership in global anti-corruption efforts.

Introduction

The UK has long positioned itself as a global leader in the fight against corruption, repeatedly committing to robust action against kleptocracy and the recovery of illicit assets. Not long ago labelled the "butler to tycoons, tax dodgers, kleptocrats and criminals" (Bullough 2022), the country sought to address some of its shortcomings after Russia's unlawful full-scale aggression against Ukraine put the spotlight on its role in facilitating illicit financial flows (House of Commons, Foreign Affairs Committee 2022).

Yet, despite a few high-profile arrests and asset seizures, and the prominence of asset recovery in national strategies such as the Economic Crime Plan 2 (2023-2026), initial disruption rarely translates into the permanent confiscation of illicit wealth, especially in cases of transnational corruption and kleptocracy. The 2024 Asset Recovery Statistical Bulletin shows that, while the total asset recovery volumes in the UK have increased in recent years, the trend is the opposite with regards to proceeds of grand corruption and recovery, which has been in 'steady decline' since 2021(an 87% decrease, from £87.4 million to £11.3 million) (Home Office 2025).[1]

This shortfall is not confined to the UK, as few countries globally perform well at recovering stolen assets (Nizzero 2023b). However, in the case of the UK, long favoured as a jurisdiction for corrupt political elites, this has significant implications not just for its reputation and credibility as a rule-of-law jurisdiction, but also in regards to national and international security. The UK's weak record on asset recovery is compounded by technical issues, jurisdictional matters, resource constraints and evidentiary challenges, many of which stem from the difficulty in tracing assets hidden in complex ownership structures spread over many countries. Yet, it also reflects a deeper structural problem: the failure to address modern kleptocracy as a complex, networked enterprise.

Corrupt leaders stealing their country's funds is not a new phenomenon, yet transnational kleptocracy, where foreign elites use a broad network of enablers, facilitators, and supporters, developed only with the creation of the offshore financial industry (Ogle 2017; Heathershaw et al 2025, ch.2). This, coupled with waves of deregulation and the emergence of hyper-rich petrostates, engendered perfect conditions for something that can no longer be contained within domestic borders (Palan et al 2010). Traditional asset recovery frameworks, which focus narrowly on individual wrongdoers or isolated transactions, are ill-suited to target kleptocratic proceeds (Sharman 2017; Heathershaw et al 2025). To finally unlock the challenge of asset recovery, a new approach is needed.

In the UK's Anticorruption Strategy published on 8 December 2025, the Deputy Prime Minister and Justice Secretary David Lammy also acknowledged the importance of targeting "kleptocratic networks" (HMG 2025, p.6). The strategy itself contains a number of measures,

[1] The bulletin argues that 'In the financial year ending March 2024, the total value of the proceeds of grand corruption denied via criminal mechanisms was £11.3 million, which is a 69% decrease compared to the previous financial year (£36.9 million). The value denied criminally in the financial year ending March 2024 was 71% lower than the 5-year average (£39.3 million) for this reporting period. Since the peak (£87.4 million) of proceeds of grand corruption denied criminally in financial year ending March 2021, there has been a steady decline..' (Home Office 2025).

mainly around resourcing and reorganisation, which will advance this aim. This paper seeks to assist implementation of the strategy by encouraging a conceptual change in law and policy in order to tackle the kleptocratic networks which are increasingly corrosive to the rules-based international order abroad and the rule of law at home. It proposes a new way of understanding kleptocracy, and consequentially new legal approaches to target kleptocratic proceeds, based on a growing body of evidence and supplemented by new primary research.

Methodology

The research for this paper is a composite of the findings from prior research projects over a 20-year period augmented by a new study based on our research question concerning the viability of the concept of kleptocratic enterprise. This new research was conducted between January and August 2025 using a methodology based on the following elements:

(i) A literature review of academic research and policy analysis on kleptocracy and challenges in recovery the proceeds of corruption, including authors' prior research. The review also covered government, NGO and academic policy and legal materials in English, French and Italian which were consulted for previous research, which was published in 2023, as well as additional material published since. Case studies of attempts to recover proceeds of crime involving kleptocrats or their associates were also selected to illustrate the challenges identified in the literature review and expert consultations.

(ii) Interviews and informal consultations with 15 legal practitioners, academics and subject matter experts from the UK, United States, Canada, and South Africa. The experts were also invited to attend two workshops alongside UK policymakers in August 2025 to discuss the paper's initial findings. The paper's findings were also discussed at a workshop on the Proceeds of Crime Act (POCA) reform held in December 2025, attended by 30 UK legal experts.

(iii) Analysis of legal frameworks and enforcement patterns in the UK, the United States, South Africa, Italy, and Switzerland. These jurisdictions were chosen following previous research (Nizzero 2023a) and expert consultations, which highlighted their innovative mechanisms for addressing the challenges of recovering kleptocratic assets.

Paper Structure

The paper is structured as follows. Section 1 examines the current UK approach to kleptocracy and its framework for asset recovery, with a particular focus on the challenges identified in both the literature review and expert interviews in confiscating proceeds of kleptocracy and underused tools in this framework to target kleptocratic networks, including the Proceeds of Crime Act (POCA) 2002, the Terrorism Act (TACT) 2000, and the Sanctions and Anti-Money Laundering Act (SAMLA) 2018. Each challenge is accompanied by a selected case study of attempts to recover alleged kleptocratic proceeds.

Building on the authors' previous research (Heathershaw, Prelec and Mayne 2025), Section 2 redefines kleptocracy's actors and enablers as part of a 'kleptocratic enterprise', detailing how

they operate as a networked structure, adopting practices resembling those of organised crime groups. Based on these similarities, and the need to obviate the challenges set out in Section 1, the paper explores international examples of anti-racketeering laws from the United States, Italy, Switzerland, and South Africa. These jurisdictions include those features which, according to the literature review and expert interviews, could allow the UK to reframe its approach from piecemeal asset recovery to a more systemic, enterprise-based strategy. Based on these findings, Section 3 provides a series of observations for UK policymakers to consider to improve the country's recovery rate of proceeds of kleptocracy.

This paper does not intend to propose changes that would disrupt existing asset recovery efforts. The authors are conscious that some of the proposed advances are not a quick fix that can be included in strategies in the short term. Instead, the paper seeks to support a conceptual shift in law and enforcement practice that should unlock the potential of recent initiatives and make the job of investigators and prosecutors easier.

1. The Current Framework

1.1. Approaches and challenges to target kleptocracy in the UK

In recent years, UK policymakers have shown increased attention to kleptocracy, reflecting themes long emphasised in civil society reporting and academic research (Walker and Aten 2018; Cooley et. al 2018; Heathershaw et al. 2021). However, the implication of this research is that these policy frameworks remain fundamentally limited by a narrow, nationally focused understanding of the problem, and by tools that struggle to address the complexity of modern kleptocratic networks. The Economic Crime Plan 2023-2026 provides the following definition and discussion of kleptocracy:

> A kleptocracy is a highly corrupted *political regime* where power has been consolidated for the benefit of a small elite. It is characterised by widespread theft of national wealth and resources to subvert *domestic political systems*. Kleptocrats exploit open financial centres and *professional services* in developed economies to help corrupt elites enjoy their ill-gotten gains overseas. This in turn enables grand corruption, undemocratic entrenchment of power, and *security threats to the UK and our allies* (HMG 2023, p.34, emphasis added by the authors).

This notion of "kleptocracy" contains some key propositions: 1) the enabling role of "professional services"; 2) the major negative impact of kleptocracy on national and international security; and 3) the distinction between the kleptocratic regime and the enablers who service it in the UK. While the first two of these claims hold up evidentially, the third does not, nor does it follow logically from the previous two. In the most serious cases, enablers are not extrinsic to kleptocracy but are clientelistically tied to the political elites with whom they work and have a vested interest in the hiding of illiicit assets. Research shows that kleptocracy is a threat to security and the rule of law in the UK precisely because British professionals are intrinsic actors who are transnationally connected with corrupt elites via kleptocratic networks (Heathershaw, Prelec & Mayne 2025).

Besides policy statements, the approach to kleptocracy in the UK from a regulatory and legislative perspective has placed the focus, on the one hand, on the individual perpetrator (the kleptocrat), and on the other hand, on corruption as an offence. For instance, the UK's anti-money laundering (AML) regime focusses on "politically exposed persons" (PEPs), defined as individuals who hold prominent public functions, and their immediate family members. While logical, this approach is not able to cover the nuances of transnational kleptocracy. For instance, this definition does not include influential businesspeople who hold no political office but maintain close, and often informal ties, to a country's political power, such as the Russian oligarchs or the business elites in Kazakhstan (Charap and Harm 2000).[2] It also fails to cover the broad network of professional services mentioned in the Economic Crime Plan 2 (ECP2)'s definition of kleptocracy which are exploited by kleptocrats and criminals. Furthermore, current anti-money laundering legislation removes scrutiny of relatives of a PEP as soon as their political relation steps down from office.[3] This fails to capture how the kleptocratic nature of an association, as well as the assets deriving from this conduct, do not cease the moment that an individual is removed from political power.

While 'kleptocracy' is a term used in the policy sphere, the UK's primary legislative approach to corruption is rooted in POCA 2002. This law provides for both criminal and civil asset recovery, enabling authorities to pursue assets even where a criminal conviction is not possible or practical. Legal experts interviewed for this paper and previous work regarded the POCA asset recovery framework as strong. Yet, targeting kleptocrats and their assets raises persistent and well-documented challenges (Stephenson, Gray and Power 2011; Gray et al. 2014).

These include (Nizzero 2023a):

1. ***Difficulty in targeting individuals:*** Kleptocrats rarely hold assets in their own names, but rather rely on layers of complex, multi-jurisdictional ownership structures, often in the names of associates or other proxies. This makes it exceptionally difficult for investigators to identify the true beneficial owner and directly target the individuals behind illicit wealth.

Example: The *Amadea* is a $300 million luxury vessel seized by Fijian law enforcement authorities in 2023, acting on a request from US authorities. In this case, the role of professional enablers was key in the creation of complex offshore structures which hid the yacht's real owners. After the vessel was seized, a US judge ruled that a Russian businessman who claimed to own the yacht was one of several "straw owners of the *Amadea*, who hold title to it for another party" (Berg 2025). According to US investigators, the yacht was actually beneficially owned by Suleiman Kerimov, a sanctioned Russian oligarch, despite vigorous legal opposition by the shell company officially listed as its owner, which asserted the opposite. Prosecutors additionally alleged that Kerimov's niece, Alisa Gadzhieva, had entered into a loan agreement with the company that owned the yacht. Ultimately, after

[3] Regulation 35.11.

rulings in favour of US enforcement, the *Amadea* was transferred to American authorities, and later auctioned off (Acosta 2024; Berg 2025).

2. ***Historical criminality***: the underlying criminality at the root of kleptocratic wealth is often historical, dating back decades. Over time, assets have been laundered through multiple layers and transactions, traded for other assets, erasing direct links to the original offence and leaving little concrete evidence of wrongdoing.

Example: Between 1996 and 2001, Rakhat Aliyev, then the son-in-law of Kazakhstan's first president Nursultan Nazarbayev, held senior posts in the country's tax authorities and security services. He faced allegations that he abused these positions by pressuring businessmen into relinquishing their assets to him (Global Witness 2015). During this time, he and his wife, Dariga, were reported to have acquired significant business interests, including a Kazakh bank and various media outlets, via transactions which were described by experts as 'opaque' (Mayne & Heathershaw 2022). Aliyev later fell out of political favour: after leaving Kazakhstan, he was detained in Austria in connection with the murder of two Kazakh bank officials, a matter he denied (Global Witness 2015).

In the meantime, following their divorce in 2007, Dariga assumed control of assets previously associated with her ex-husband. Public corporate and property records indicate she sold many of those holdings and invested the proceeds in UK property, using intermediaries and cross-border legal structures to obscure the beneficial ownership (Global Witness 2015). Those UK properties were later the subject of Unexplained Wealth Orders (UWOs), which were dismissed by the High Court in 2020, on the grounds that the evidence was not enough to substantiate the case. At the time, the judge observed that Dariga 'is a successful businesswoman' and that 'notwithstanding his criminality, [Rakhat Aliyev] had been a successful businessman' (Mayne & Heathershaw 2022).

3. ***International cooperation and political sensitivities***: gathering sufficient evidence to support asset confiscation is frequently hampered by two factors. On the one hand, when evidence exists, it is often located in uncooperative or hostile jurisdictions, where local authorities may be unwilling to assist due to the kleptocrat's political connections. This becomes even more complicated in situations of state capture, where the rule of law process "is rendered helpless" (Barrington 2025). On the other hand, even when countries are cooperative, mutual legal assistance (MLA) processes are slow and cumbersome for both requesting and requested countries.[4]

[4] According to research conducted in 2023, the most common reason named by 81% of senior in-house lawyers for not pursuing judgments and awards was the hostility to foreign judgments/awards by the place of recognition. 68% said they have had judgments and awards that could not be satisfied primarily because money was hidden offshore (Redman 2024). These cases pertain to all forms of recovery, not just to the recovery of the proceeds of a kleptocratic network, yet the latter would likely be higher given the political nature of this type of recovery.

Example: Gulnara Karimova, daughter of Islam Karimov, the president of Uzbekistan from 1991 to 2016, was alleged to have received hundreds of millions of dollars in bribes from telecom companies seeking access to the Uzbek market, with investigative reporting describing the laundering of these proceeds through a complex transnational network of accounts and companies using a purported front known as 'The Office' as a cover (BBC 2023). According to these reports, approximately $240 million of the suspected bribes was channelled into real estate worldwide, including $57.8 million in the United Kingdom. Companies registered in the British Virgin Islands were used to obscure the ultimate ownership, and a UK law firm reportedly facilitated the transactions.

Karimova was imprisoned on financial crime charges in Uzbekistan in 2015, after falling out with her father. She has since been indicted in both the United States and Switzerland. Despite reports as early back as 2013 indicating that she owned several UK properties, the Serious Fraud Office sought freezing orders in 2017, by which point two of the properties had been sold (Freedom for Eurasia 2023). The SFO succeeded in serving papers on Karimova in December 2020 (Cotterill 2023), though delays followed due to reported obstructions by the Uzbek authorities (Reid 2020). The SFO finally seized these assets in 2023, 13 years after the purchase of the first property.

4. ***Difficulty in establishing criminal origin of the assets***: asset recovery frameworks often require an evidentiary link between the asset and a specific predicate offence, or at least cogent evidence for the court to be satisfied that property is on balance more likely to be the proceeds of unlawful conduct than not. Besides the issue of historic criminality, kleptocrats frequently present ostensibly legitimate sources of wealth, making it difficult to prove which assets are the proceeds of crime. In situations of state capture, a major issue linked to the need to discover a predicate crime is that the funds were generated through illegal acts that were either ignored by local law enforcement or even ruled legal by a corrupted court. In many cases, the funds were generated through acts that, though corrupt, were not illegal. As a result, even if it can be demonstrated that the majority of a defendant's wealth is the product of criminal activity, prosecutors' efforts may be thwarted if the defendant's lawyers are able to cast doubt that the specific funds in question are of criminal origin.

Example: Aliya Nazarbayeva, another daughter of Nazarbayev, was reported to have sought to hire two Russian 'wealth managers' to oversee the management of approximately $300 million of her personal funds. According to reports, the managers warned her that holding the money in Kazakhstan was risky, and advised her to disguise her ownership abroad by using a network of offshore companies. The structure was then used to purchase high-value assets, including real estate in London and Dubai and a private jet.

Aliya later stated that the advisers told her she would be unable to open a bank account because she was a politically-exposed person, an incorrect claim since PEPs are subject to enhanced due diligence, but not barred from opening accounts if the funds are legitimate.

She said they therefore suggested she purchase a bank, a private bank in Switzerland, which she did. Details of these arrangements emerged after Aliya sued the two men, alleging they had profited at her expense and acted without authorisation – claims which the advisers denied. The case was ultimately settled out of court (Sawyer 2022).

Aliya has also been the subject of accusations in media reporting, including claims that part of her wealth originated from 'raiding' a business in Kazakhstan (Brussels Independent 2024). After her father lost power, Kazakh authorities repatriated a company reportedly linked to Aliya (Lillis 2022). Aliya has not faced any known investigation, asset freeze, or seizure in the United Kingdom, where a significant portion of her wealth is reported to be.

5. ***Difficulty in pursuing enablers***: the role of professional enablers in supporting corrupt individuals is well researched (Heathershaw, Prelec, & Mayne 2025). They can be divided into two buckets: 'upstream enablers' who typically enter into deals with PEPs at an early stage of the corruption and/or criminal activity, in full knowledge of the sources of their wealth and the corrupt connections which have made it possible and, much more numerous and problematic, 'downstream' enablers, professionals in large financial services and law firms who typically do not participate in the early stages of the laundering process, but rather enter at a later stage, often in a different jurisdiction, after the assets have been 'cleaned', allowing them to evade legal scrutiny by taking advantage of the respectability established by others. There is evidence to suggest that supervision over the legal sector is lacking, with significant levels of non-compliance with AML rules (Spotlight on Corruption 2022), meaning that the UK has struggled to hold either kind of enablers accountable or to effectively disrupt the networks that support kleptocrats, limiting the broader impact of asset recovery efforts. Low levels of fines for breaches of the AML rules (Spotlight on Corruption 2022) have meant a lack of accountability for enabling, which in turn also holds back asset recovery i.e., because assets can be put out of reach by these enablers or even held in their name. It means that pursuing the primary targets (corrupt elites or kleptocrats) might not lead to the assets at all.

Examples: When Azerbaijani banker Jahangir Hajiyev and his wife Zamira moved to the United Kingdom, their wealth was managed by a UK-based firm, Werner Capital. As widely reported, millions of pounds were invested into various UK properties through offshore companies (Spotlight on Corruption, 2024). One property, for example, was held via a chain running from a Guernsey company to a Cypriot one, and then to a BVI trust whose beneficiaries were Hajiyev and his family. Werner Capital was reported to have also arranged a £4.6 million mortgage from a Swiss private bank, to refinance and develop these assets.

In September 2013, Hajiyev acquired a golf club in Berkshire for £10.52 million, with two of the members of the Werner family reportedly acting as company officials, before ownership was transferred to another company in Guernsey. In October 2016 Hajiyev was

imprisoned in Baku on financial crime charges (Transparency International 2019). Despite the evident possibility, because of his imprisonment, that elements of the Hajiyevs' wealth might have derived from criminal conduct, Werner Capital continued to provide services, including placing one property on the market for nearly £9 million. The firm faced no known investigation or sanction and the eventual settlement with Zamira Hajiyeva (see next case study) "prevented detailed scrutiny being applied to those professionals [who assisted them]" (Bentham 2024).

This pattern is broadly reflected elsewhere. In the previously-mentioned Karimova case, a Swiss private bank and one of its employees were indicted in Switzerland on allegations of concealing proceeds linked to Karimova's 'Office' (Office of the Attorney General of Switzerland 2024). However, there have been no report of investigations or prosecutions in the UK, where Karimova held substantial assets.

Similarly, the two wealth managers who dealt with Aliya Nazarbayeva's assets have not faced any known investigation, despite the fact that a former employee in their asset management company was shown to be involved in a Russian money laundering network (Sommerlad 2024).

6. ***Resources constraints:*** The UK's tightly resourced law enforcement agencies often come up against the vast resources of kleptocrats and corrupt elites who can hire top law firms. As the UK parliament's 2020 Russia report commented, "it is highly probable that the oligarchy will have the financial means to ensure their lawyers, a key group of professional enablers, find ways to circumvent this legislation" (House of Commons 2020). In cases that do proceed to the asset recovery stage, proceedings are often long, sapping the enforcement agency of resources, often leading to settlements. More importantly, the biggest challenge in terms of resources is that administrators often face difficult conflicts between domestic priorities and what is seen as an offshore kleptocracy issue, despite the assets being located in the UK.

Example: In 2018, the National Crime Agency (NCA) issued the first ever UWO in the UK, targeting two properties valued at £22 million linked to Jahangir Hajiyev. The case revealed some remarkable details regarding Hajiyev and his wife's spending, including reporting that Zamira had spent £16 million in Harrods over a decade, much of it on luxury jewellery. The UWOs were upheld, and the NCA moved to civil recovery.

The process, however, was protracted. By the time UK authorities reached a settlement with Hajiyeva, the matter had been ongoing for six years. Some assets were recovered, but ultimately Hajiyeva retained through the settlement an estimated £10 million in assets, even though the NCA maintained throughout that the assets had been bought using the proceeds of crime (Bentham 2024).

One of the final delays was reportedly caused by the legal challenges in a civil recovery case involving Hajiyeva's jewellery, proceedings that had implications for the NCA's parallel pursuit of her husband's properties. Full recovery through civil procedures was further complicated by the fact that the assets were said to have been purchased with funds generated by Jahangir, who was imprisoned in Azerbaijan. In court, the NCA's barrister argued that Jahangir's refusal to communicate, directly or via his wife, had created a loophole which could allow affected individuals to obstruct civil recovery. In the barrister's words "any civil recovery or summary forfeiture proceedings brought by the NCA could be defeated by an affected person's refusal to take reasonable steps available to them to participate … and/or by the actions of a foreign state. It would amount to an easy means for affected persons to frustrate proceedings" (Bentham 2024).

1.2. The UK legal framework's underused tools to target kleptocratic networks

The challenges highlighted in the previous section continue to hinder the UK's ability to confiscate kleptocratic assets at scale. Some obstacles, such as international cooperation and resource limitations, are unlikely to be fully resolved by legal reforms alone. However, UK legal practitioners and civil society experts interviewed for this paper suggested that the UK's legal arsenal presents some underused tools which, in theory, could already address at least some of those challenges.

The Proceeds of Crime Act (POCA) 2002

POCA presents several key tools that could be leveraged in combination to target not just individuals, but entire enterprises. Even though it is often applied in a case-by-case manner, POCA's statutory framework has the potential to address the proceeds of all criminal conduct, including that generated by groups acting in concert or as part of a broader criminal enterprise.

In particular, where a person is convicted of particular offences (which include money laundering, multiple offences or an acquisitive offence carried out over 6 months or more), they are deemed to have a "criminal lifestyle". Then they must prove their assets and those passing through their hands over a prior period are not criminally derived (with no need for the prosecution to prove anything), whether or not that assumed criminal activity was prosecuted or not.

Similarly, POCA includes civil recovery provisions, which have been commended by several experts as a powerful tool to break the impasse of securing criminal convictions (Dornbierer 2024; Wood 2023). POCA's Part 5 allows authorities to recover assets obtained through unlawful conduct without the need for a criminal conviction and at a lower standard of proof ("balance of probabilities" instead of "beyond reasonable doubt"). Civil powers under POCA are not limited to property held by the principal offender, but could extend to assets held by associates, nominees, as long as they are established to be property obtained through unlawful conduct, enabling the targeting of broader enterprise structures (Section 242 POCA).

A recent case *DDP v Surin* [2025], stressed the benefits of civil cases. According to one of the legal practitioners consulted for this paper, the case highlighted that the absence of evidence

from a respondent to explain - why they do not have identifiable lawful income to warrant their lifestyle; a failure to keep records which an 'honest man' would be expected to keep; or an untruthful explanation - may allow the inference that the source of income is criminal. It also stressed that property can be derived from a specific crime without conducting a tracing exercise in relation to each piece of property.

Despite their underuse, investigative tools in the UK's framework such as unexplained wealth orders (UWOs) which can then combine with POCA's civil recovery powers, also include useful features. The main one – the reversal of the burden of proof – requires individuals to explain the origin of assets that appear disproportionate to their known income, with the potential to trigger further civil recovery action. Despite a difficult start (Wood 2022), the changes to the UWOs framework included in the Economic Crime (Transparency and Enforcement) Act 2022 support the idea that this tool might be useful: in September 2025, the Serious Fraud Office (SFO) secured £1.1 million by using a UWO for the first time, albeit *not* in a kleptocracy case (SFO 2025).

Proscriptions under the Terrorism Act (TACT) 2000

Under the Terrorism Act 2000, organisations can be designated as terrorist groups and action can be taken to target their members and assets, but also the infrastructure, facilitators, and assets of the entire organisation, often with lower evidentiary thresholds and more flexible asset-freezing powers.

Distinct from asset recovery processes, the designation process also relies on a lower evidentiary standard. The proscription is the result of a decision made by the Home Secretary based on factors such as the scale and nature of the organisation's activities, the threat posed to the UK and its nationals, the group's presence in the UK, or the broader need to support international counter-terrorism efforts.

Additionally, once an organisation is proscribed under TACT, it becomes a criminal offence to belong to, support, or promote the group itself. The resources of a proscribed organisation are then considered terrorist property and thus liable to be seized by authorities.

Sanctions under the Sanctions and Anti-Money Laundering Act 2018

Particularly since Russia's full-scale invasion of Ukraine, sanctions have been often mentioned as a tool to tackle kleptocrats. Under the Sanctions and Anti-Money Laundering Act (SAMLA) 2018 – and in particular the Global Anti-Corruption Sanctions Regime – sanctions are designed to allow for swift targeting of kleptocrats and their networks, by freezing assets and prohibiting dealings with UK persons. However, while sanctions are a powerful disruptive tool, they do not by themselves confiscate or repatriate assets. Asset freezes restrict access and use but do not transfer ownership to the state. For full asset recovery, sanctions must be paired with criminal or civil confiscation proceedings.

2. Reframing Kleptocracy

As seen in Section 1, in the UK, policy definitions of kleptocracy remain confined to the national frame; legal definitions (apart from the predicate offences that constitute it) are notably

absent; and asset recovery practices remain constrained by several operational challenges. Even underused tools in the UK legal arsenal with a strong potential to obviate some of those challenges cannot surmount the political aspects in the current understanding of "kleptocracy". While the UK has made important strides in recognising and responding to kleptocracy, its regulatory and legislative frameworks remain constrained by a focus on individual perpetrators and predicate offences, ultimately failing to effectively address the complexity of modern kleptocratic networks.

2.1 Definitions: What is a kleptocratic enterprise?

While kleptocracy and kleptocrats are certainly national and political in their origins, they are also global and professional in their wider activities and networks. Much like criminal enterprises, what begins with illegal wealth acquisition evolves into a mixture of illicit and licit business and political influencing activities. Although the nature of their operations and their ultimate goals may differ – kleptocrats aim to entrench political power and maintain their wealth, and organised criminal enterprises mainly focus on profit – their underlying tactics often overlap. Both operate within highly sophisticated, transnational networks that span multiple jurisdictions. In some cases, kleptocrats and organised crime groups may collaborate directly, with corrupt officials often turning a blind eye to illicit activities in exchange for favours (Hirschfeld, 2015). In both scenarios, wealth accumulated through illegal or unethical means, whether through the exploitation of state resources or drug sales, is laundered using similar techniques such as real estate investments, high-end luxury goods, or using complex and/or opaque financial structures. The reliance by kleptocrats on professional enablers as described in the previous section – to act as proxies and to move money and assets around – is also frequently found among organised criminal groups (Levi 2022; Home Office & HM Treasury 2025, p.6).

However, efforts to disrupt transnational organised groups and recover proceeds of crime tend to achieve more tangible results than attempts against kleptocrats. While some of the challenges presented in Section 2 can also be found for other forms of transnational criminal organisations, kleptocrats' extensive resources increase the complexity of ownership structures, their reach to a wider range of enablers, and their capacity to fight back when they are subject to investigations. As explained by Helena Wood when providing evidence before the Cullen Commission on how kleptocracy contrasts with existing forms of serious and organised crime, '(organised criminals) are less likely to use complex structures, they're less likely to need a veneer of respectability as they operate and are less likely to want to reveal the kind of greater expense of their criminal empire' (Cullen Commission 2020, p. 78-79).

Additionally, the political element that characterises kleptocrats reduces the appetite for both the investigating country and requested country to cooperate and produce evidence against them. This difference stems, in part, from the current enforcement approach, which treats organised criminal groups as external to the state, whereas kleptocrats often are understood *to be* the state. This sort of understanding is less likely to appear for organised criminal groups (with the exception, potentially, of narco or mafia states (Naim 2012)). However, it deeply affects the enforcement approach, as there is an understanding that tools that work against

mafia groups may be ineffective or even counterproductive when applied to politically-protected elites. While the other challenges can be smoothed by legal mechanisms or additional resources, both existing literature and the experts consulted for this paper agree that the diplomatic/political element of going after kleptocrats represents the biggest hurdle.

Kleptocracy has also featured less prominently in national security strategies than organised crime. For instance, in the National Security Strategy 2025 serious organised crime is defined alongside domestic threats such as terrorism and state threats and defined as 'the most corrosive, day-to-day threat to most UK citizens' (Cabinet Office 2025), while kleptocracy is mentioned only in passing in a broader point on illicit finance. However, kleptocracy has real world impacts not just on the nations where the kleptocratic networks originate, but also on recipient and/or enabling countries such as the UK (House of Commons 2020). In the UK, the creation of the new Serious and Organised Crime (SOC) Group within the Home Office at the end of 2018 was "a tangible acknowledgement of economic crime as a national security issue" (House of Commons 2020).

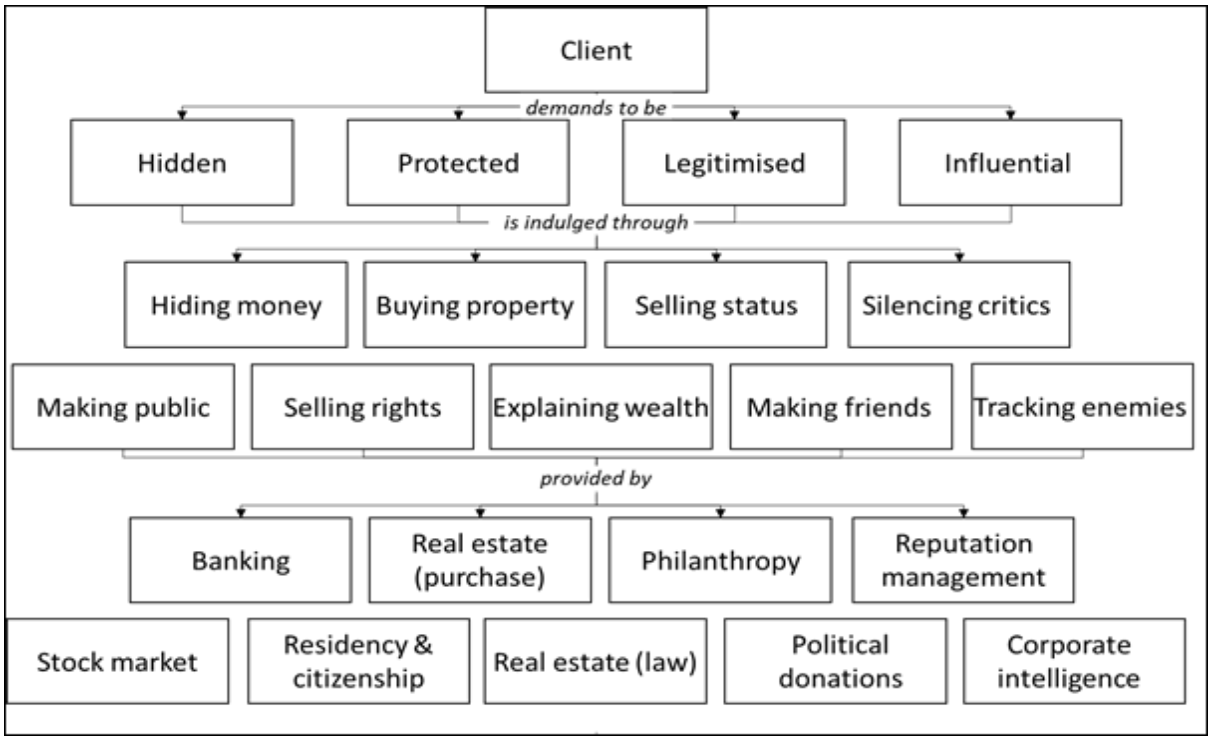
Keeping in mind the similarities between kleptocracy and organised crime, and the need to overcome the challenges presented in the previous section, previous work by the authors has defined as a form of kleptocratic enterprise:

> the transactions, relationships, and networks operating across borders for a person or entity whose wealth is fully or partially the product of kleptocratic rule, to hide and protect assets, acquire status, and achieve influence in a third country or countries (Heathershaw et al 2025, p. 12).

In brief, transnational kleptocracy is a cross-border enterprise to indulge elites who have used their political access to enrich themselves and maintain political power. A critical aspect of any such enterprise is how global actors and institutions establish networks to transform these resources into globally available assets. This typically involves the co-mingling of illicit funds with legal ones, concealing beneficial ownership and questionable sources of wealth, and establishing 'legitimate' global reputations.

The 'kleptocratic enterprise' is not equivalent to a kleptocracy or a mafia state. Instead, it constitutes the transactions, relationships, and networks operating across borders for a person or entity whose wealth is fully or partially a product of kleptocratic rule. It is a structure that can operate within a klepto-captured state but also independently of it, especially as it extends further overseas, much more like a criminal business or organisation than a government or regime. The supply side of these activities is integral to the enterprise (see figure 1).

Figure 1: Demand and supply in the kleptocratic enterprise[5]



By disentangling the state element from the kleptocratic network, then, and focusing on the 'enterprise', which is transnational and evolves from the upstream to the downstream activities of the business, it becomes possible to explore tools and mechanisms used in other frameworks, such as those for transnational organised crime.

2.2. Dismantling the Enterprise: lessons from anti-racketeering laws

If the goal is to shift the focus from the state element of kleptocracy to the criminal enterprise itself, this paper identifies features of international anti-racketeering laws from the United States, South Africa, Switzerland and Italy, that could help overcome the asset recovery hurdles identified in Section and as a result may be helpful in targeting the enterprise. These are:

1. Target the enterprise as a whole.
2. Focus on pattern over predicate offences.
3. Combination of criminal and civil tools.
4. Reliance on different evidentiary standards and typologies of evidence.
5. Focus on impact over predicate offences.

1. Targeting the enterprise as a whole

Section 1 stressed that current challenges to the recovery of proceeds of kleptocracy include the difficulty of investigating single individuals, especially professional enablers. In contrast,

[5] *Indulging Kleptocracy: British Service Providers, Postcommunist Elites, and the Enabling of Corruption* by John Heathershaw, Tena Prelec, and Tom Mayne, 2025. Reproduced by permission of Oxford University Press https://global.oup.com/academic/product/indulging-kleptocracy-9780197688229/ See also HMG (2025, p.27).

anti-racketeering laws often allow for the prosecution of entire criminal organisations, not just individual offenders. The liability is thus extended beyond those who intentionally organise or direct the criminal activities to include secondary parties and accomplices (Nizzero 2023).

For example, under the US Racketeer Influenced and Corrupt Organisations (RICO) Act, 'enterprise' includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity' (18 U.S.C. §§1961-1968). In practice, this means that the 'enterprise' can be a formal or informal group, such as a loose network of individuals working together for illicit purposes with no need for an official structure, so long as coordinated activity is established (United States v Perkins, 748 F.2d 1519 (11th Cir. 1984)). Discussions with US legal experts for this paper, however, revealed that an association-in-fact-enterprise needs to have a hierarchical structure with various persons having distinct roles and operating more-or-less together toward a common goal. Such legal practice is consistent with what we have found in our studies of grand corruption where networks form around PEPs, often in the form of family offices (Heathershaw et al 2025; Prelec & de Oliveira 2023).

Similarly to RICO, South Africa's Prevention of Organised Crime Act (POCA) broadly defines targets to include formal legal entities or informal associations of individuals acting together for a shared illicit purpose. In Italy, the Codice Antimafia (Legislative Decree No. 159/2011), allows for the prosecution of entire criminal organisations, not just individual offenders. In particular, Article 416-bis of the Code provides clear definitions of a mafia-type association.

According to US legal practitioners, the RICO enterprise approach has so far provided two principal benefits to law enforcement. First, by making it a crime to conduct the affairs of an enterprise, the statute reaches ringleaders who otherwise insulate themselves from criminal liability by acting through loyal underlings. Second, on the forfeiture side, by making each defendant's interest in the enterprise subject to forfeiture, the statute simultaneously dispenses with the need to prove that a given asset is traceable to the proceeds of the offence (as long as it is proven the assets are "interests in the enterprise" or "acquired/maintained" through the racketeering activity), and, because it reaches the assets of all convicted members of the enterprise, it makes it difficult for the ringleader to insulate his property from forfeiture by placing it in the name of someone else. Treating a kleptocracy as an enterprise could, in theory, make it easier to reach the assets involved in the concealment and layering of the criminal proceeds and target some of its professional enablers.

Corrupt schemes have been linked in the past to the concept of criminal organisations. For instance, due to a 1994 law against organised crime, Switzerland was capable of prosecuting all members of the so-called Abacha criminal organisation from Nigeria solely on the basis of its clandestine nature and general criminality but, crucially, without having to tie a specific asset to a specific predicate crime (Sharman 2017, p.97-98), the criminal activity happening, at least in part, in the country. This was based on Article 260 of Swiss Criminal Code, which includes within the members of a criminal organisation 'whoever participates in an organisation that keeps its structure and personal composition secret and pursues the purpose of committing violent crimes or enriching itself by criminal means, whoever supports such

organisation in its criminal activity' (see Monfrini 2008). It is important to highlight that, in this case, some authors stress that the structure put in place by military dictator General Sani Abacha did not correspond to the Nigerian state itself, nor his government, but to a restricted circle of a few close friends that he had placed in key positions in Nigeria's ministries (Monfrini & Klein 2010, p.124). In this case, 'the qualification of criminal organization, within the meaning of article 260ter CP, [of] structures set up by kleptocrats to plunder the public resources [was] the only means allowing confiscation of misappropriated assets and their restitution with a view to allocation to the State injured by their actions' (Monfrini & Klein 2010, p. 145, translated from French).

In Professor Jason Sharman's plain summary of the case, the Swiss law 'created the presumption that all assets owned by that organization were of criminal origin and thus subject to confiscation' (2017, p. 98), after recognising the structure as a criminal organisation. It is this law which allowed the Swiss to prosecute Gulnara Karimova's "office" in the aforementioned case.[6] Adopting a similar framework to target a broader range of kleptocrats would increase the likelihood of other countries holding not only corrupt elites, but also their enablers, accountable. This would require a clear definition of what constitutes a 'kleptocratic enterprise', either by specifying the enterprise itself, or the criminal activities that constitute a pattern of kleptocratic conduct (see below).

2. Pattern over predicate

Anti-racketeering laws focus on patterns of ongoing illegal activity. This approach addresses the broader scope of criminal enterprises and can help surmount the challenges set out in Section 1 of providing evidence for specific criminal conduct.

For instance, under the US RICO regime, the key requirements for the courts to prosecute a criminal enterprise are usually continuity of purpose, relationships among participants, and a pattern of racketeering activity (at least two predicate offences committed through or on behalf of the enterprise in the previous 10 years). If these elements are not strongly established, courts tend to be extremely unfavourable (see (Halvorssen v Simpson, 807 F. App'x 26 (2d Cir. 2020); Reich v Lopez, 858 F.3d 55 (2d Cir. 2017)). While racketeering in itself is not an offence, South Africa's POCA defines 'a pattern of racketeering' as a planned, ongoing, repeated, or continuous participation in at least two related offences within the 30 listed in Section 1 within a 10-year period. Mirroring the US approach, the courts can go after loosely-connected networks that operate with continuity and coordination. It is an offence to participate in, manage, or be associated with an enterprise engaged in racketeering, or to receive/use property derived from such activity, if one knows or ought reasonably to have known of its unlawful origin.

[6] To note, the Abacha loot has been recovered from multiple jurisdictions through civil recovery (including the UK, although this remains ongoing subject to a settlement in the United States). This shows that, as stressed in the previous section, existing civil recovery tools could at least achieve some results with regards to targeting the kleptocratic enterprise in certain circumstances.

In the United States, successful RICO cases to date involving public officials or individuals in power (see for instance multiple cases highlighting systemic corruption in Illinois) have not targeted whole governments or whole government departments for acting as a 'criminal enterprise', mostly due to sovereignty issues. However, there have been instances where foreign officials have been implicated as part of a 'criminal enterprise'. For instance, the government of the Philippines filed a civil RICO lawsuit against Ferdinand Marcos, the former president, and his wife over allegations that the Marcos family engaged in racketeering activities, effectively operating a criminal enterprise which involved state assets and using US banks and property to conceal their proceeds of crime.

US legal experts consulted for this paper have stressed that there is a difference between the *seriatim* use of third parties (i.e. assessing each in turn) to facilitate the laundering of one's criminal proceeds, and establishing that all of those people were working in tandem in a multi-levelled, structured way toward a goal. Indictments, including the Marcos' one, to date show the great length to which the government must go just to allege the existence of an association-in-fact enterprise. Adopting an enterprise approach to kleptocrats would require defining which acts constitute a pattern of activity for a kleptocratic enterprise. A blueprint could be South Africa's State Capture Inquiry (or 'Zondo Commission), which identified a pattern of racketeering activity in the 'Gupta racketeering enterprise', a system of high-level corruption during former President Jacob Zuma's nine years in power (Judicial Commission of Inquiry into State Capture, Part 2, 2022 [South Africa]).

3. Combined legal tools

Anti-racketeering laws often have both civil and criminal provisions, enabling authorities to pursue criminal penalties, while enabling the seizure of assets and civil suits against the entire enterprise. This combination of criminal and civil tools is particularly powerful given the difficulties in providing evidence beyond reasonable doubt with regards to specific criminal acts – once again a key challenge in targeting kleptocrats outlined in Section 1.

For instance, Article 4 of the Italian Anti-Mafia Code includes administrative proceedings against individuals whose past or present conduct gives rise to the suspicion that they have committed a serious crime and may commit more in the future, and those suspected of being in the process of committing a crime. In these cases, asset confiscation is preventive, and hinges on the supposed 'dangerousness' of the owner of the tainted assets – either due to their direct criminal actions, or association with an organised criminal group (Nizzero 2023).

The Anti-Mafia code also includes provisions that allow for confiscation proceedings to stem from international-level designations, without there necessarily being a direct link between the reasons for designation and the assets. This model could be used as a blueprint for mechanisms allowing the confiscation of assets belonging to individuals currently under, for instance, anti-corruption or serious organised crime sanctions. For instance, while there is currently no proscription mechanism with regards to transnational criminal organisations or mafia groups (that is, besides operational lists made by law enforcement agencies), the United States' Transnational Criminal Organizations (TCO) Sanctions (Executive Order No. 13863;

Executive Order 13581) are already designed to freeze and facilitate the seizure of assets belonging to designated transnational criminal organisations and their supporters. An expert consulted for this paper stressed an interesting pattern, whereby in the United States, civil forfeiture action is often filed at the same time as sanctioning the target. By contrast, the UK often opts for sanctions without any (known) asset recovery action.

In the United States, the use of civil forfeiture to recover all property 'involved in' a money laundering offence is an often employed tactic. It allows the recovery of property not necessarily traceable to the underlying offence, but commingled with that property, or used along the way to facilitate its concealment. Such *in rem* approach, with its focus on the property and not on the wrongdoer or on the property owner, means that the property can be recovered regardless of who the titled owner might be (unless that person has a viable innocent owner defence), thus allowing recovery from a large number of individuals beyond the original offender. Most UK legal practitioners consulted for this paper, however, commented that this is already present in the UK POCA Part V, with the recent World Uyghur Congress v NCA case making it clear that there is a 'growing family' of criminal property.

4. Reverse burden of proof and lower evidentiary thresholds

Anti-racketeering and related asset recovery laws often shift the burden of proof to the defendant, who is then required to meet a lower standard of proof, typically the 'balance of probabilities', rather than 'beyond reasonable doubt'. Unexplained Wealth Orders shift the burden of proof on to the respondent who has to show that the asset has been acquired legally. The Swiss Criminal Code shifts the burden of proof onto those suspected of participating in or supporting a criminal enterprise: they must provide evidence that the assets subject to potential confiscation are not linked to a criminal organisation.

In some countries, new legislation designed to tackle serious and organised crime allows for the admission of evidence types that would not always be admissible under higher evidentiary regimes, such as 'belief evidence', hearsay, or wiretap evidence. This is the case for Ireland, where a senior officer can produce evidence that constitutes reasonable grounds for belief that property is, or is connected to, the proceeds of crime, which then switches the burden of proof to the respondent to prove the contrary (Proceeds of Crime Act, 1996 Article 2 (ii), (Ireland)). In the Irish case, belief evidence can be presented even if the officer cannot disclose the sources of that belief due to informer privilege or security concerns (King 2017; Heffernan 2011). In South Africa, hearsay is included as acceptable evidence in Section 2 of POCA, provided that it does not compromise the defendant's right to a fair trial (Prevention of Organised Crime Act 121 of 1998, s 2(2) [South Africa]). Currently, wiretapping is regulated by the Italian Code of Criminal Procedure (Articles 266–271), and allowed under specific strict circumstances (although it rarely leads to convictions, see Pascale 2022).

Shifting the standard of proof or relaxing evidentiary standards make it easier to prosecute complex criminal enterprises and, by extension, kleptocratic networks. These practices, however, do raise concerns with regards to due process and other core legal principles such as presumption of innocence, proportionality, and just sentencing (Heffernan 2011; Nizzero

2023a). However, the courts have proven in multiple instances that these mechanisms do not violate due process.

These innovations are also less about lowering standards than supplementing evidentiary standards with those of academic research in law and criminology. By supplementing the evidential standard to include reasonable inferences from evidence of the political-economic context, better judgments may be made. Indeed, it may be that a cultural change, and training, especially of judges, is needed in the legal profession so that expert witness testimony is more commonly used in court and judges have a greater understanding of how kleptocratic enterprises operate. In Ireland, it was the murder of Jerry McCabe, a member of the Garda, around the same time as the murder of Veronica Guerin, a journalist, that sparked outrage that led to the passage of POCA legislation (Bracken 2021). Without such a broader approach, however, kleptocratic enterprises will continue to lie beyond the law.

5. Focus on impact

Section 1 of this paper stressed how one of the key challenges in going after kleptocratic proceeds is the inability by law enforcement officers to secure evidence, either due to the lack of cooperation of origin jurisdictions, or due to impossible-to-evidence historic criminality at the heart of those proceeds. For recovery to be successful, the 'best kind of evidence' is one that is available in-country, and not linked to a specific crime in the distant past. In this context, some anti-racketeering laws focus on the impact of criminal organisations on either society or national security to justify legal action (e.g. seizure of assets). The previously-mentioned Italian model, for instance, allows identifying the individual as a 'danger to society' to justify the seizure of assets. Affiliation to the group can suffice, provided the affiliation is established through individualised indicators of participation or association, as social dangerousness is a personal quality, not a collective one.

The US RICO Act works on a similar premise. The Marcos case (Republic of the Philippines v. Marcos (862 F.2d 1355)), for instance, established the purpose of the Act, highlighting that it is

> 'aimed at the destructive effect of organized criminal activity on our society. Its provisions do not focus on any adverse effect of specific activity on the nation's GNP. Its history emphasises the adverse consequences of organized crime on our democratic processes, our domestic security and our general welfare, including but not limited to the economic system.'

The case resulted in a civil settlement. While it targeted a foreign official who was already out of power, and was initiated a long time after the official had left office (Marcos fled the Philippines in 1986, and this case was brought by the Philippines government in 1998), this case provides an interesting example that highlights the potential impact of a kleptocratic enterprise.

As more research and parliamentary evidence (Nizzero 2024; Heathershaw et al 2021; House of Commons 2020) highlight the impact of kleptocrats' dirty assets in countries' economies

and security, a similar argument could be made with regards to the kleptocratic enterprise. In prior research, it was suggested that a potential model based on the Italian example could target 'individuals linked with listed kleptocratic regimes benefited from this association, thus presuming that some of their assets were the proceeds of crime' (Nizzero 2023, p. 19). Doing so would require clearly identifying the 'kleptocratic enterprise' as a 'danger to society'. This may lead to two paths – a focus on the distinctive harm of a kleptocratic enterprise, which is missing in legal terms, or on the impact of the enterprise on society/security. The latter would bring more of the consequential harms into focus, rather than conduct considered to be intrinsically harmful in some sense. This would support the translation of past offences into present concerns, framing the kleptocratic enterprise as an ongoing threat.

The Italian model has encountered limitations in tackling known kleptocracy, in particular the Russia case. When discussing potentially using the Anti-Mafia Code to target Russian kleptocrats, for instance, an Italian prosecutor told the *Financial Times* that applying similar rules to Russian oligarchs would require showing that their 'societal danger' has a 'link with Russia' (Fleming, Shotter & Kazmin 2022). This suggests a problematically state-centric understanding of oligarchy which fails to provide an accurate account of how the *sistema* works in Russia, where informal networks and power structures operate alongside state and other formal institutions (Ledenva 2013). Even though these networks often operate within the state, contrary to popular opinion, not every dangerous act by state-linked actors is tied to the Russian state or ordered by Vladimir Putin. This is similarly true for many kleptocracies. If we separated the enterprise from the regime, as Swiss prosecutors did in the Abacha case, however, new possibilities might emerge. The networked form of organisation necessitates that kleptocratic actors can and do act autonomously but on behalf of *both* state *and* private interests.

Targeting Russia-linked kleptocratic enterprises, as is currently being done successfully by the National Crime Agency (NCA) in Operation Destabilise, is relatively uncontroversial (NCA 2025). The 'danger to national security', in the words of Liberal Democrat leder Ed Davey (Liberal Democrats, 2025), is also evident in cases like the bribing of the former leader of Reform UK in Wales, Nathan Gill, by a Kremlin-linked Ukrainian oligarch. But the urgency of the need to target kleptocratic enterprises is perhaps best illustrated by the allegations of increasing presence of oligarchic rule in the UK's allies such as the United States. In 2025, voices from across the US political spectrum have identified corruption risks stemming from the Trump family and their donors' attempt to monetise public power and influence for private gain in President Trump's second term (Vittori 2025; Leach et al 2025).

3. Ways Forward

The intellectual argument that kleptocracy takes the form of a transnational enterprise, and not merely a national regime, is strong. Without such a conceptual reframing it is hard to explain the business activities of kleptocrats and their family members within democratic states. But how may that conceptual shift be realised in practice? This paper identifies a series of options which, either in isolation or in combination, may represent a way forward to unlock the kleptocratic asset seizure dilemma.

1. **Adoption of a network approach.**

Modern transnational kleptocracy, or as defined in this paper, 'the kleptocratic enterprise', requires a focus on the whole ecosystem – i.e., not just the kleptocrat, but also their enablers, facilitators, families, and associates.

Recognising this, there is a strong case for the UK to reorient its asset recovery model away from a focus on discrete acts and toward systematically disrupting the entire kleptocratic enterprise. If kleptocracy is, as argued in this paper, analogous to a criminal organisation (see Section 2), asset recovery strategies should borrow from the well-developed toolkit of organised crime investigations.

This includes methodologies such as enterprise mapping, which analyse networks of relationships, and prioritising association-based evidence and benefits, as opposed to focusing solely on underlying predicate crimes. Such a new approach could also encourage intelligence-sharing between UK agencies and international partners to trace asset flows across borders. It could also encourage cooperation with financial institutions and other private sector actors, considering their unique insight into illicit networks.

This approach would require significant doctrinal and evidentiary shifts. It would require investigative capacity and skills to undertake large-scale network mapping, and more robust public-private partnerships and real-time information exchange mechanisms. It is also important to remember that in many cases, the biggest changes in legislation (e.g. the Anti-Mafia Code in Italy, or the introduction of "belief evidence" in the Irish POCA) were strongly driven by significant events, such as the mafia killings of the 1950s (and 1990s), and the murder of journalist Veronica Guerin. For the UK, one could argue that Russia's full-scale invasion of Ukraine, and its links to oligarchs and kleptocrats in the United Kingdom, is such an event, shining a light on the impact on national security (see point 5). A networked approach to disrupt these networks, including facilitators and professional enablers, could represent a step-change in ambition and practical effect that is worth exploring.

2. **Full utilisation and amendments of POCA 2002 to target kleptocracy cases.**

Section 1.2 highlighted that there is scope to maximise POCA's reach through proactive and combined use of its existing criminal, civil, and investigative powers, particularly for those cases exhibiting the hallmarks of enterprise crime. At the same time, there is room for improvement to the legislation.

For instance, in a previous paper, it had already been highlighted that the very definition of "unlawful conduct" underpinning POCA could be revised, to reflect realities such as 'assets obtained through political patronage', or 'assets made available to support kleptocratic enterprises' (Nizzero 2023a). Broader or different definitions of unlawful conduct might lower the evidentiary hurdles in tracing and freezing assets where formal criminal conviction is unlikely due to, for example, hard-to-investigate historic criminal acts or state capture at source, as long as they are weighted against the principles of proportionality and legal certainty. In this

case, efforts should be made to (i) define what needs to be included in such definitions, without unintended consequences and (ii) persuade the government that there is a need for this.

There is a risk that calls for legislative amendments may inadvertently distract from the underutilisation of existing powers. Section 1.2 outlined how much of POCA's potential remains untapped not because of statutory gaps, but rather limited capacity, under-resourcing, lack of specialist skills, and slow international cooperation. These suggested amendments could only work if the broader content of POCA is fully utilised to target the kleptocratic enterprise. As such, several POCA instruments could be deployed together, triggered by patterns of suspicious activity and association rather than isolated criminal acts. It could potentially lead to targeting the aggregated benefit gained by the enterprise, which can significantly increase the value and volume of assets that are recoverable. Before seeking new powers, the Home Office and UK enforcement bodies must ensure that existing tools are being used to their full statutory extent, with relevant expertise and resourcing in place.

3. Exploration of proscriptions and sanctions designations' role in asset recovery

There is growing interest in borrowing from the counter-terrorism laws outlined in this paper through the creation of a dedicated "corruption proscription" framework. The introduction of a proscription mechanism targeting kleptocratic enterprises could potentially embrace entire networks, entities, or classes of individuals which could be designated as corrupt, thus unlocking tailored asset freezing and confiscation powers. The approach's strength is its capacity for systemic disruption and scale. It would also align the fight against kleptocracy with national security imperatives. However, it brings significant constitutional and procedural risks, notably around due process, scope of designations, and safeguards against abuse.

The legal and practical difficulties around proscription of a state-linked organisation have also been highlighted by the Home Secretary as part of the Intelligence Security Committee's inquiry about the potential proscription of the Iranian Revolutionary Guard Corps (IRGC): "[the] proscription decision of a state-linked entity (...) would be particularly complex (...) [due to] lots of factors that need to be weighed up, the diplomatic implications, the implications on intelligence, the implications for the region, the military implications". Other experts have discarded the option as "virtue signalling" and cited retaliation risks (Intelligence and Security Committee 2025, p. 186). It is to be noted, however, that in this case the state element is considered to be the heart of the issue. The proposal to detach the kleptocracy from the state and focus on the enterprise (see point 1) and its impact (see point 5), might reduce said risks.

Similar attention since February 2022 has been given to sanctions designations, anti-corruption sanctions in particular. However, the conversation on 'freeze to seize' which has monopolised the asset recovery field for the past three years has, if anything, diluted the understanding of the limits and the potential of sanctions, especially in the context of tackling corruption, and their capacity of acting as a disruptive tool more than as a pathway to asset recovery. Despite this, or because of this, there should be more clarity on how sanctions tools interact with asset recovery tools. At a minimum level, further strategies mentioning both tools (e.g. Anti-Corruption Strategy) should answer the following questions:

a. How and when can a sanctions freeze be converted to or complemented by a recovery or seizure, and what legal thresholds must be met?
b. What is the strategic approach for moving from designation to confiscation with appropriate due process?

4. Recalibration of evidentiary flexibility

As seen, a persistent barrier to effective asset recovery lies in the high evidential standards with regards to criminal conduct. However, Section 2 has shown that internationally, anti-racketeering laws have permitted law enforcement actors to lower evidentiary thresholds (e.g., balance of probabilities), incorporate network or pattern-based evidence, and reverse the burden of proof. The recommendation to recalibrate or diversify evidential standards is grounded in international practice and supported by the persistent failure of UK enforcement action in the absence of direct, documentary evidence of a specific predicate offence. However, as previously stated, while lowering thresholds may help operational effectiveness, it raises acute risks for property rights and due process.

5. Operationalising "impact"

To summarise, the central challenge in addressing assets linked to transnational kleptocracy lies in the fact that the crimes are often committed either in the past or in another jurisdiction, with their proceeds intricately concealed, and involving a large web of professionals. Adopting a networked approach that targets the kleptocratic enterprise itself does broaden the potential range of professionals and offences included, yet it still does not wholly resolve persistent issues such as historic criminality or uncooperative jurisdictions evidenced in this paper.

A solution, then, is to bring the case from *there* to *here* (from foreign jurisdictions to the UK's standards of legality, irrespective of what other governments say), and from *then* to *now* (reframing past offences as present concerns).

Some anti-racketeering laws have already demonstrated that prioritising the societal danger or the broad impact of criminal networks is an effective way to expand enforcement scope. This would require a clear designation of the 'kleptocratic enterprise' as a 'danger to society'. However, while the three years after Russia's full-scale invasion of Ukraine saw increased securitisation processes of illicit finance, it has failed to keep up the momentum, as the 2025 National Security Strategy has shown (Cabinet Office 2025; Nizzero 2024). Another way to approach 'impact' is by including asset recovery in the broader conversation on tying asset return to developmental goals.

Nonetheless, the focus on the impact of the kleptocratic enterprise is a promising avenue. Effectively elevating the enterprise's impact to a national security threat necessitates its integration into national security strategies. One tangible policy innovation could be the development of a formal "impact threshold" akin to the "threat level" system used in counter-terrorism. Under this model, the existence of a kleptocratic network, or the identification of "systemic impact" (e.g., threats to critical infrastructure) would activate asset recovery

intervention at the most robust and coordinated level. The focus on the enterprise impact approach would also likely require (but hopefully multiply) enforcement resources, inter-agency collaboration, and policy priority. Its credibility depends on careful design, transparent criteria, and active oversight.

Conclusions

This paper has examined the challenges that the UK – and other countries – face in their asset recovery efforts targeting transnational kleptocracy, despite the existence of an extensive legal framework and a strong political commitment. These include the reliance on complex corporate structures and professional enablers, evidentiary difficulties, the role of uncooperative jurisdictions, and resource constraints. It also found that the difficulty in recoverying assets cannot be explained solely by these operational challenges, but rather it reflects a deeper conceptual and legal mismatch between how transnational kleptocracy currently operates and how it is currently addressed.

The paper calls for a conceptual shift in how UK law treats kleptocracy. Defining kleptocracy as a corrupt government is rather like treating drug trafficking as illegal farming. Neither kleptocracy nor the trafficking of drugs can operate without destination countries. Their enterprises extend transnationally to include agents and entities across multiple jurisdictions. In most cases, there is little point in trying to establish a predicate crime in a country of origin when the putative criminal receives political protection back home. This is especially true as kleptocratic assets are harder to criminalise than drugs, which can be outlawed. Therefore, as with other complex cases of organised criminal groups it is necessary to designate kleptocratic enterprises as illegal entities.

By reframing kleptocracy as an enterprise, this paper contributes a conceptual lens that aligns more closely with empirical evidence on how kleptocratic networks operate. Drawing on comparative analysis of international anti-racketeering and organised crime frameworks, the paper has shown that enterprise-based approaches can mitigate several of the challenges that routinely obstruct kleptocratic asset recovery. These approaches emphasise a focus on pattern rather than discrete offences, the combination of civil and criminal recovery tools, and justify enforcement action by reference to criminal organisations' broader societal and security impact.

The paper does not argue that existing UK legislation is fundamentally deficient. On the contrary, it identifies significant underutilised tools, particularly in POCA, SAMLA, and TAC. While this paper proposes legislative and operational tweaks, these changes should reduce, not increase, the work of the law enforcement agencies in fighting kleptocracy. Some initial heavy lifting will be required by civil servants and legal experts to establish the process by which a kleptocratic enterprise will be determined. But when such determination has taken place, criminal conspiracy and money laundering offences will be easier to investigate and prosecute and will likely have a much greater chance of success. A greater proportion of stolen assets may be recovered. Sanctioning enablers should become easier. The risk/reward calculation for those working for kleptocratic enterprises will have shifted dramatically.

Without adopting a concept of kleptocratic enterprise, there is a serious risk that the economic crime plan will fall short of its goals and the economic crime strategy will fail to grasp the kleptocracy problem. The growth of kleptocratic enterprises within democratic states has made this challenge all the more urgent in 2025. In the present context, it is probable that legal and financial professionals working directly or indirectly for kleptocrats will find new legal ways of hiding, protecting and legitimising their assets in the UK. The ingenuity of the recent economic crime legislation passed by the previous government and the political capital expended by the current government will be in vain. To address the enablers of kleptocracy we must recognise that they are a part of the enterprise.

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