

The Journey to the CAPAR: Preparation and Adoption by the African Union Heads of State and Government

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Introduction

- The Common African Position on Asset Recovery (CAPAR) is a political, policy, and advocacy instrument aimed at assisting African countries in identifying, repatriating and effectively managing Africans assets for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes in a manner that respects the sovereignty of Member States.
- CAPAR was facilitated by AU Champion on Anti-Corruption, President Muhammadu Buhari of Nigeria; African Union (AU) Commission; the AU-Advisory Board on Corruption; Consortium to Stem Illicit Financial Flows from Africa; and the Coalition for Dialogue on Africa CoDA (Secretariat of the High Level Panel on IFFs from Africa)

Foundation

- The High Level Panel Report on IFFs from Africa (Thabo Mbeki Panel Report) highlighted the need to stimulate and expedite the process of asset recovery and repatriation in Africa to finance the continent's development Agenda
- Following the adoption of the Report, a Special Declaration of Assembly of Heads of State of the African Union on Illicit Financial Flows (Assembly/AU/Decl.5(XXIV) was passed and it endorsed the findings and recommendations of the High Level Panel Report
- The Special Declaration further directed the African Union Commission, supported by Member States, to mount a diplomatic and media campaign for the return of illicitly out flown assets
- Assembly Theme for 2017: “Winning the Fight Against Corruption: A Sustainable Path to Africa’s Transformation” where one of the key objectives being the development of CAPAR.

Foundation

- Subsequently, the African Union declared 2018 the African Anti-Corruption Year
- 31st Ordinary Session of the Assembly (2018) called on international partners to agree on a transparent and efficient timetable for the recovery and return of illicitly acquitted African assets.
- Supported by Articles 1 and 19 AUCPC and Article 2, Chapter 5 (particularly Art. 57) UNCAC
- Report of H.E. Muhammadu Buhari, President of Nigeria and AU Champion of the Anti-Corruption Year, on implementation of the Anti-Corruption Year theme presented to 32nd Ordinary Session of the Assembly, February 2019, reiterated need for CAPAR

Development of CAPAR

- First meeting of the Working Group on the CAPAR was held in Kigali, Rwanda on 08 October, 2019
- Group was convened by the Secretariat of the High Level Panel on Illicit Financial Flows (IFFs) from Africa
- Members:
 - Independent Corrupt Practices and Other Related Offences Commission (Federal Government of Nigeria)
 - African Union (Co-Chair)
 - African Union Advisory Board on Corruption (Co-Chair)
 - Coalition for Dialogue on Africa (Secretariat of the High Level Panel)
 - African Legal Support Facility
 - Pan African Lawyers Union



Development of CAPAR

- Objectives of the Working Group included:
 - to discuss the approach and process to be used as well as to agree on the operating modalities of the group itself
 - guiding the drafting of the document, overseeing the validation/consultation process and supporting the necessary advocacy and consultation in view of its adoption.



Development of CAPAR

- CAPAR was completed in December, 2019 on the margins of the 3rd Meeting of the Consortium to Stem IFFs from Africa held in South Africa under the Chairmanship of H.E. Thabo Mbeki
- Went through the necessary AU review and political processes for submission to African Heads of State and Government



Adoption of CAPAR

- Proposed by the government of the Federal Republic of Nigeria at the 33rd AU Assembly and was unanimously adopted by the Heads of State and Government in Addis Ababa on 9 February, 2020.



Justification and Context of the CAPAR

- Loss of African resources and assets over the centuries
- Estimates of Africa's losses to IFFs makes Africa a net creditor to the rest of the world
- IFFs and illicit consignment of African assets to foreign jurisdictions would continue to inhibit Africa's development goals and aspirations, Post-2015 Agenda and Agenda 2063 unless action is taken by the global community and AU Member States speaking with one voice and acting in unity to ensure that Africa's voice is heard and fully recognized in the shaping of global ecosystem of asset recovery.



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Next Steps

- Sensitization at national, regional and global levels on the CAPAR
- Engagement of stakeholders relevant to the success of CAPAR
- Implementation of the policy recommendations of the CAPAR
- To achieve this, the Working Group on the CAPAR has been expanded and evolved into the 'Working Group on the Implementation of the CAPAR'



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