

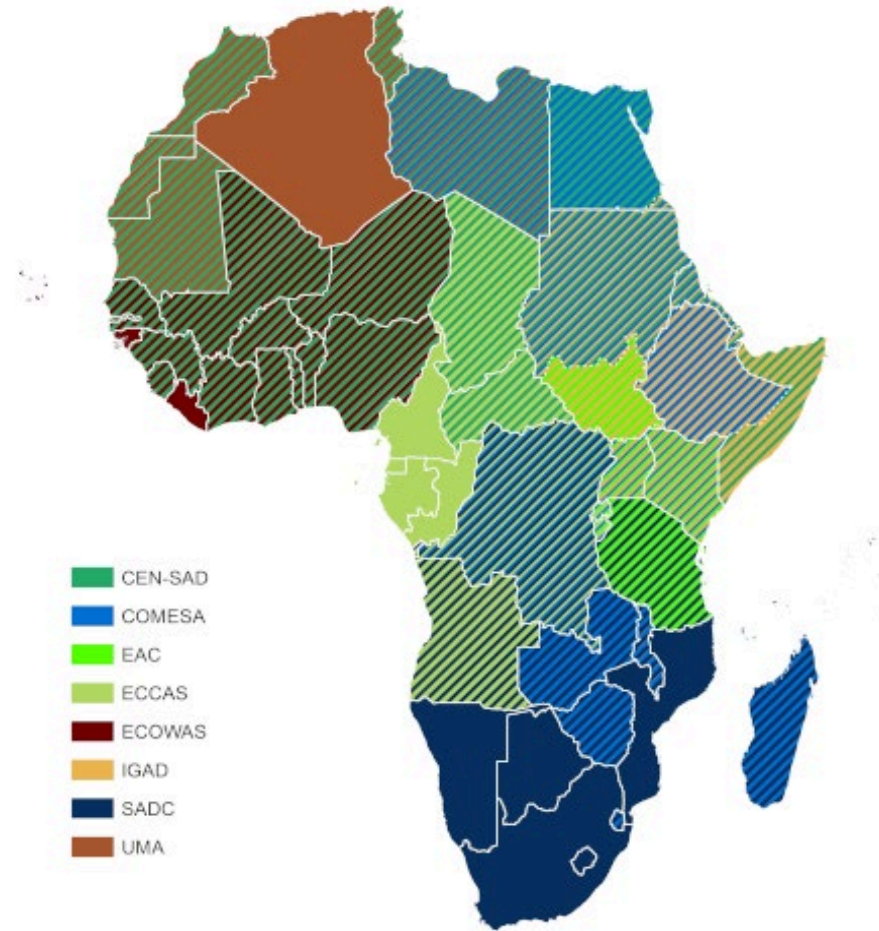
Overview of the COMMON AFRICAN POSITION ON ASSET RECOVERY (CAPAR)

EX.CL/1213(XXXVI) Add.1 Rev.1
Adopted by AU Heads of Govt. Feb 2020

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The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

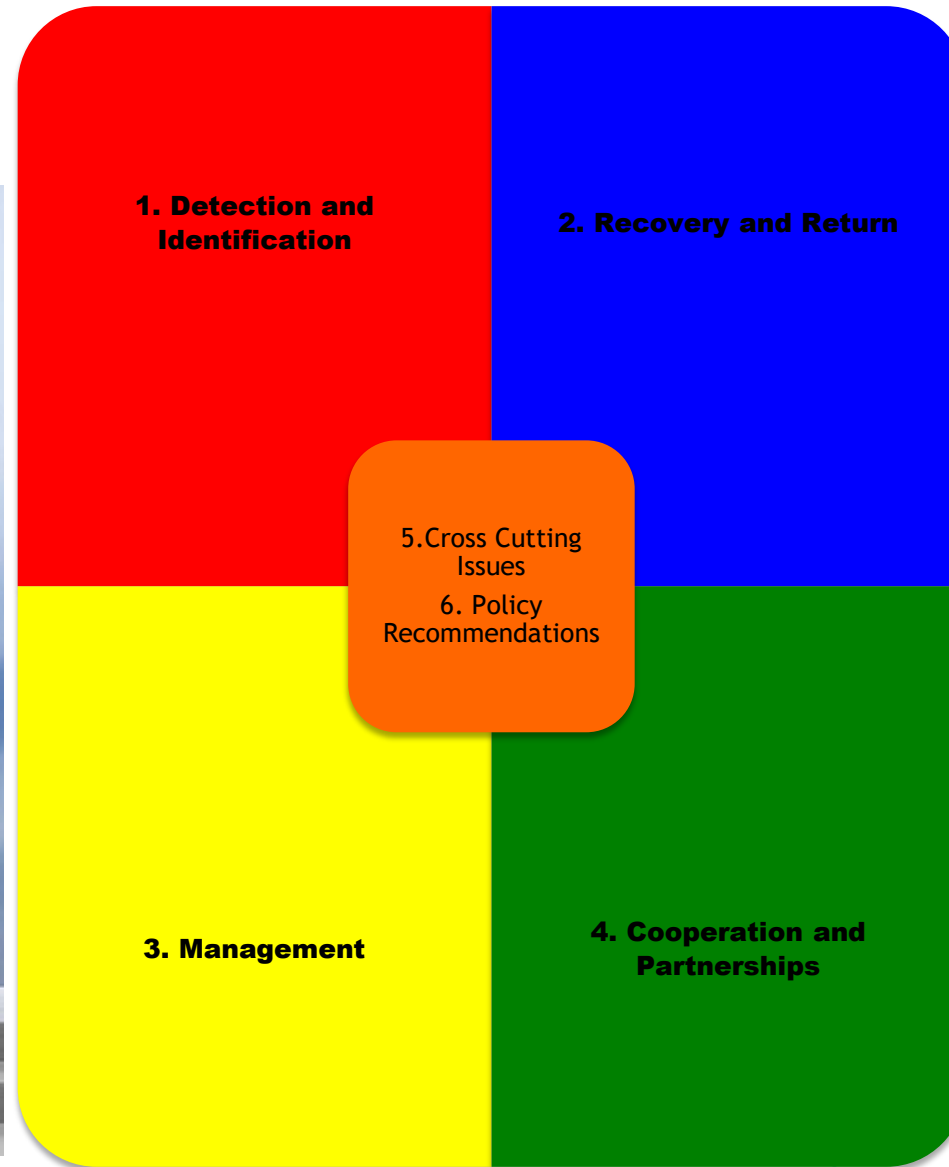
Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.

Map by: Geospatial Information Management System, ECA, 2019

Preamble

- a. **Developed from the need for resource mobilization to finance Africa's development;**
- b. **The High Level Panel Report; the continuing work of the High Level Panel; the Nouakchott Declaration on the African Anti-Corruption Year;, the leadership and report of H.E. Muhammadu Buhari reiterating the need for CAPAR; the work of AU-ABC towards attaining CAPAR; and recognized adverse impact on non-recovery and return of IFFs;**
- c. **African assets taken to foreign jurisdictions by IFF, corruption and illicit trade has severe negative impact on its development agenda and enjoyment of human and socio-economic rights;**
- d. **CAPAR is a critical step in stemming/reversing IFFs**
- e. **Recovery and return of assets must be situated and contextualized in a broader historical, political, economic and social narrative;**
- f. **Need for the international community to support and cooperate with the efforts of AU Member States to recover African assets.**

Pillars of CAPAR



Pillar 1: Detection and Identification of Assets

Element 1: Strengthen domestic and regional systems, transparency and accountability and use of technology

Element 2: Regulate, protect, incentivize whistleblowers

Element 3: Strengthen and enhancing existing institutions

Element 4: Encourage and advocate transparency

Note - Detection and identification of assets in foreign jurisdictions is technically complex and inherently political

For effective and efficient detection and identification of assets in foreign jurisdictions (both within and outside the continent) the 4 elements above are required

Pillar 2: Recovery and Return of Assets

Element 1: Prioritize recovery of assets at domestic, regional and global levels, including return of artworks and artefacts

Element 2: Strengthen legal and financial institutions to aid process of asset recovery, including establishment of funds, trusts and dedicated African escrow accounts to be held by regional financial institutions.

Pillar 3: Management of Recovered Assets

Element 1: Use of recovered assets is the sovereign right of African Member States and they are entitled to use same for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes

Element 2: Management of asset must include the power to invest returned assets, and generally adopt profitable and economically effective and efficient asset management standards in the interest of Member States and their people.

Pillar 3: Recommended Actions on Asset Management

- a) Mobilize domestic resources;**
- b) Preserve the value of seized and confiscated assets**
- c) Ensure accountability, transparency and measures to boost public confidence including monitoring of use by civil society**
- d) Institute corruption prevention & control measures**
- e) Compensate source (African) countries;**
- f) Assist source country collate data on assets in requested countries**
 - ▶ Establish or designate recovered asset management agency**
 - ▶ Create/establish a central returned assets account in local and designated foreign currencies**
 - ▶ Codify or adopt policy on use of recovered assets for development goals or implementation of any other social investment project as deemed fit by Member States**
 - ▶ Maintaining asset register**

Pillar 4: Cooperation and Partnerships

Element 1: Prioritize cooperation and partnerships through advocacy and engagement

Element 2: Enhancing coherence and cooperation between domestic, regional and global systems, frameworks and institutions.

Note: Effective and efficient cooperation between various actors, including States, regional bodies, the global community, investigative bodies, law enforcement agencies and financial intelligence institutions is crucial in curbing IFFs

5. Cross Cutting Issues

1. Strengthen Domestic, Regional and International Systems

- Prioritize domestic and regional levels
- Create strong legal, taxation, financial and justice systems
- Ensure independent well resourced domestic and regional justice systems;
- Hold facilitators of IFFs to account
- Regulate giving of gifts to public officials,
- Promote transparency and accountability of the financial services sector

2. Inclusion

Recommends equity, gender equality, environmental sustainability and mutually beneficial development within and between Member states.

Enabling Implementation

Implementation of CAPAR requires time-bound, relevant policy and strategic implementation, including allocation of resources for asset recovery activities, enhanced intra-continental cooperation and communication and experience sharing and M & E mechanisms

Policy Recommendations

- ▶ **Strengthen domestic and regional systems for detection and identification;**
- ▶ **Protect & incentivize whistleblowers;**
- ▶ **Strengthen and enhance detection and identification process;**
- ▶ **Strengthen and enhance existing bodies and institutions;**
- ▶ **Encourage and advocate domestic and regional levels transparency in aid of detection & identification of African assets;**
- ▶ **Create and maintain an agreed framework for management of recovered assets;**
- ▶ **Implement strategies to enhance transparency in the management of recovered assets**
- ▶ **Prioritize the recovery of African assets at a domestic, regional and global level;**
- ▶ **Strengthen legal and financial institutions to aid the process of asset recovery;**
- ▶ **Prioritize cooperation and partnerships towards recovery of by advocacy and engagement at a regional and global levels;**
- ▶ **Take steps to enhance coherence and cooperation between domestic, regional and global systems, frameworks and institutions**