

DECISION ON THE COMMON AFRICAN POSITION ON ASSET RECOVERY

The Assembly,

- 1. RECALLS** Assembly Decision (Assembly/AU/Decl.5(XXIV) of the 24th Ordinary Session held in Addis Ababa, Ethiopia, which endorsed the Report of the AU/ECA High-Level Panel on Illicit Financial Flows and the outcomes of the 2018 AU annual theme on “Winning the Fight Against Corruption - A Sustainable Path to Africa’s Transformation”, particularly the Nouakchott Declaration on Anti-Corruption Year Assembly/AU /Decl. 1 (XXXI), through the championing of H.E. Muhammadu Buhari, President of the Federal Republic of Nigeria, as Leader of the thematic year;
- 2. COMMENDS** the follow up work of the African Union Commission, the African Union Advisory Board on Corruption (AU-ABC) and the Consortium to Stem Illicit Financial Flows (IFFs) from Africa towards developing a Common African Position on the Asset Recovery as part of the implementation of the Special Declaration on Illicit Financial Flows (Assembly/AU/Decl.5(XXIV));
- 3. RE-EMPHASIZES** that the development of the Common African Position on Asset Recovery is a critical and important step towards combatting and reversing illicit financial flows, which have and continue to drain annually, large amounts of financial resources and assets that are required for Africa’s sustainable peace, stability and development;
- 4. RECOGNIZES** that the non-recovery and non-repatriation of African assets, including the proceeds of corruption and tax evasion, illicit enrichment, consigned to foreign jurisdictions, has a severe and negative impact on the fulfilment of the African development agenda, particularly the ambition of silencing the guns, the enjoyment of human rights, with a special emphasis on the right to development;
- 5. ACKNOWLEDGES** that efforts and strategies towards the recovery of African assets must be situated and contextualized in the broader historical, political, economic and social narrative of Africa including the theft of African artefacts, slavery and colonialism;
- 6. ENDORSES** the Draft Common African Position on Asset Recovery as a continental policy and advocacy tool to strengthen the combat of illicit financial flows;
- 7. EXPRESSES** concern on the present practices by destination countries of keeping identified African assets in foreign jurisdictions during the lengthy processes involved in recovery which result in source/such countries losing out on the potential monetization, use and enjoyment of such assets to the detriment of Africa’s development;

8. **CALLS ON** the international community to support and collaborate with the African Union and Member States to recover African Assets, including the proceeds of corruption and illicit enrichment as well as to repatriate the proceeds of tax evasion;
9. **EMPHASIZES** that the use and disposal of recovered and returned African assets, is the sovereign right of individual Member States, which are entitled to use assets for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes;
10. **REQUESTS** the Commission, African Union Advisory Board on Corruption, African Development Bank, UNECA, Coalition for Dialogue on Africa and other stakeholders in the Consortium, to scale up their collaborative work, in partnership with the National Anti-Corruption Agencies;
11. **EXPRESSES APPRECIATION** to H.E. Muhammadu Buhari, President of the Federal Republic of Nigeria, Leader of the 2018 thematic year, for his steadfast commitment on winning the fight against corruption and in particular the recovery of African assets;
12. **REQUESTS** the African Union Advisory Board on Corruption and the AU Commission, to report regularly to the Assembly, on the implementation of this Decision.