Enhancing the Asset Recovery Capacity of Africa: Time for Paradigm Shift

By
Prof. Bolaji Owasanoye, SAN, OFR, NPOM
Research Professor, Nigerian Institute of Advanced Legal Studies,
former Chairman, Indep. Corrupt Practices & Other Related Offences Commission (ICPC Nigeria)
Former Executive Secretary, Presidential Advisory Committee Against Corruption (Nigeria)

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Introduction
First let me congratulate AUABC and its partners for the initiative to professionalize and enhance the ability of Africa to negotiate and manage return of assets by establishing an association of asset recovery practitioners. This is important because capacity building on the objective of asset recovery is likely to be one of the main focus of the association.

Twenty five years ago there was hardly any conversation around asset recovery between the global north and the global south or between south south countries. But today, the idea and ideal of a global system for recovering proceeds of corruption, money laundering and financing of terrorism is no longer in debate. It is no longer in debate because global peace and security in the world is threatened by corruption. While asset recovery is a fresh principle in the anti-corruption struggle, ‘the looting of African assets and the hoarding of same in western institutions is not a new phenomenon. It has always been there since time of slavery from the 17th century.

The common narrative since that period has always been that of greedy African leaders and statesmen looting and taking public assets abroad. But this is not exclusive of a historical background as well as the complicity of global players. Using force and slavery, colonial governments looted objects of spiritual and historical significance and identity, raw materials, natural resources and quality human labour from African lands while they invested little or nothing in the regions they claimed to be governing. ‘Much of the wealth of today’s Europe rests on African colonial assets’ and in recent times partially if not substantially sustained by illicit financial flows rooted in tax evasion, profit shifting, and use of tax havens to continue post colonial asset diversion. The most implicated source of stolen and diverted assets is in the extractive industry with the collusion and collaboration of corrupt African leaders. This historical background is important because any conversation around asset recovery
should not exclude return of looted African artefacts and objects of historical and spiritual identity.

Between 1947 and the 90s, African assets were also stolen through so called donor governments that supported one side of the political and military tension post World War II by ‘overlooking the pillage of aid and public funds in state coffers in return for continued support from despotic leaders. Today, several cases of bribery by transnational organizations reveal almost equal complicity from demand and supply sides. Export credit agencies that sponsor business extension can equally take some portion of the blame for underwriting companies that used bribery as a prevailing means of business.

What is Asset Recovery
Asset recovery can be described as the process of tracing, freezing, confiscating and repatriating to source or the origin of such assets obtained through illegitimate means. This process is usually complex and extensive and it may be through local or sometimes multiple foreign jurisdictions. It requires utilisation of multiple skills of technical, legal, diplomatic and political effort to make any impact.

Asset recovery is an integral part of UNCAC to which the whole of chapter 5 of the convention is devoted. The intention of the committee of nations is unequivocal that return of assets is as important as prevention and punishment of corruption.
States Parties are obligated to afford one another the ‘widest measure of cooperation and assistance in this regard’.

UNCAC further outlines mechanisms for mutual legal assistance and the need for international cooperation regarding the tracing, freezing, seizing, forfeiture, and return of looted assets’, including adequate techniques to ensure that banks and financial institutions employ ‘enhanced scrutiny’ and pay attention to ‘suspicious activities’ involving the private banking accounts of politically exposed persons as well as their ‘family members and close associates.’

States Parties further obligated themselves to take necessary measures to ‘give effect to an order of confiscation issued by a court of another State Party,’ authorizing its competent authorities, where they have jurisdiction, ‘to order the confiscation of such property’ and to take such measures as may be necessary to ‘permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party”; including confiscation of such property ‘without a criminal conviction in
cases in which the offender cannot be prosecuted by reason of death, flight or absence’.

UNCAC encourages state parties to forward ‘investigations, prosecutions or judicial proceedings’ on proceeds of offences to other states even without prior request if such disclosure will assist the receiving state party. On the critical issue of embezzlement of public funds, UNCAC requests state parties to return confiscated properties and give priority consideration to returning them to their ‘prior legitimate owners, or compensating the victims of the crime.’

These provisions reflect the intention of the international community towards asset recovery and return in the context of the fight against corruption. Unfortunately the experience of victim states especially from Africa has so far not been as positive as the letters of the convention talk less of the spirit.

**International Cooperation via UNCAC- COSP**

The biennial Conference of State Parties to UNCAC has offered a platform for concerned nations to advance the intention of the international community by sponsorships of resolutions to push forward the intention of the international community. For example, Nigeria and other state parties signatory to UNCAC who have expressed and continue to experience challenges with recovery of illicit assets or proceeds of crime taken outside their jurisdictions, have used COSP to ventilate the issues. In 2013, Nigeria with others sponsored a resolution 5/3 titled “Facilitating Effective Asset Recovery” in Panama. The Resolution was significantly watered down and ended up not addressing the challenges of asset recovery.


Given the importance of the subject to Nigeria’s national interest and economic well being, Nigeria continued to propose or co-sponsor Resolutions on asset recovery at the Conference of States Parties (COSP) resulting in the following resolutions -

➢ 5/3 - Facilitating international cooperation in asset recovery
➢ 6/2 - Facilitating international cooperation in asset recovery and the return of proceeds of crime
➢ 7/1 - Strengthening mutual legal assistance for international cooperation and asset recovery
➢ 8/9 - Strengthening asset recovery to support the 2030 Agenda for Sustainable Development
➢ 9/7 - Enhancing the use of beneficial ownership information to facilitate the identification, recovery and return of proceeds of crime
➢ 10/6 - Enhancing the use of Beneficial Ownership Information to strengthen Asset Recovery

Some of the issues addressed by these resolutions include: Treating requests for asset recovery in a timely fashion, waiver or reduction of the cost of recovery, particularly when it involves developing countries because such assets are needed for sustainable development, identification of victims of corruption; identifying parameters for compensation and identifying why small fractions of the stolen funds are returned from settlements agreements and the need to develop guidelines for cooperation to ensure more appropriate returns amongst other issues.

UNCAC and AUCPCC as leading conventions in support of asset recovery do not provide guidelines on how to negotiate asset return therefore no two processes need follow the same route but the intention and process requires bilateral conversation. In order to close the practice and knowledge gap, the UNODC came up with the GFAR Principles following the first Global Forum on Asset Recovery hosted by USA and UK with support of UNODC and World Bank Star initiative in Washington DC December 2017.

The ten point principles are -
1. Partnership
2. Mutual interests
3. Early dialogue
4. Transparency and accountability
5. Beneficiaries
6. Strengthening anti-corruption and development
7. Case-Specific Treatment
8. Consider Case Specific Agreements made under UNCAC Article 57(5)
9. Preclude Benefit to Offenders
10. Include non-government stakeholders

The GFAR principles say everything but diplomatically fail to mandate anything in its effort to balance the tension between the requesting states that want assets back and the requested states reluctant to let go of stolen but recovered or recoverable assets. This tension is found in use of words like “where possible” (eg. Principles 5 and 6) to soften the tension. Nevertheless the GFAR principles offer practical insights into what should be considered in an
asset recovery endeavor and offers a pathway to understanding the complexities involved.

The Common African Position on Asset Recovery (CAPAR)
Africa has not been resting on its oars in this very topical contemporary issue of asset recovery because Africa remains at the receiving end of an unfair and inequitable international financial system and economic order.

As previously mentioned loss of African resources and assets over the centuries has not necessarily abated but mutated into new methods and techniques of exploitation by the global North and its multinational corporations and entities. Estimates of Africa’s losses to IFFs makes Africa a net creditor to the rest of the world. In the face of declining development assistance which was nevertheless grossly inadequate but now significantly diminished, in the face of increasing debt profile of many African countries and with the experience of blatant discrimination against Africa during COVID 19 pandemic, it become more imperative for Africa to take her destiny in her hands.


In addition, the Assembly resolved to ensure that all the financial resources lost through illicit capital flight and illicit financial flows are identified and returned to Africa to finance the continent’s development agenda. The Assembly thus directed the African Union Commission, supported by Member States, to mount a diplomatic and media campaign for the return of illicitly acquired African assets.

In July 2017, the 29th Ordinary Session of the Assembly via Assembly/AU/Dec.657(XXIX) adopted the theme“Winning the Fight Against Corruption: A Sustainable Path to Africa’s Transformation”, as a landmark measure to combat corruption on the continent. To lead this effort President Muhammadu Buhari of Nigeria was appointed Champion of the African Anti-Corruption Year.

One of the key objectives of the thematic year was to develop a Common African Position on Asset Recovery (CAPAR). Following this decision, the Assembly in 2018 called upon international partners to agree on a transparent
and efficient timetable for the recovery and return of illicitly acquired African assets. The call covered the following categories
- illicit assets originating from Africa, which include but are not limited to: natural resources;
- African artefacts;
- “Proceeds of Crime” as defined in Article 1 of the African Convention on Preventing and Combatting Corruption (AUCPC);
- all proceeds and assets referred to in Article 19 of the AUCPC;
- assets as referred to in the High Level Panel Report;
- “Property” and “Proceeds of Crime” as defined in Article 2 of the United Nations Convention Against Corruption (UNCAC);
- all assets referred to in Chapter 5 of UNCAC (particularly those referred to in Article 57);
- all resources from abusive transfer pricing, trade misinvoicing, tax evasion, aggressive tax avoidance and double taxation, money laundering, smuggling, trafficking, and
- abuse of entrusted power.

While presenting his report on the progress and implementation of the African Anti-Corruption Year to the 32nd Ordinary Session of the Assembly in February 2019, H.E. Muhammadu Buhari reiterated the need for a Common African Position on Asset Recovery. His call aligned the Mbeki panel report that IFFs and illicit consignment of African assets to foreign jurisdictions would continue to inhibit Africa’s development goals and aspirations, Post-2015 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.

The need for resource mobilization to finance Africa’s development remains an obvious necessity which does not require extrapolation in view of obvious facts that -
- African assets taken to foreign jurisdictions has severe negative impact on its development agenda and enjoyment of human and socio-economic rights;
- Recovery and return of African assets must be situated and contextualized in a broader historical, political, economic and social narrative;
- Need for the international community to support and cooperate with the efforts of AU Member States to recover African assets.

The High Level Panel Report calls attention to obvious gaps with possible solutions and in light of the critical needs identified by the panel and the need for it to continue its work towards overseeing implementation of its recommendations, and in light of the Nouakchott Declaration on the African
Anti-Corruption Year, and the leadership and report of H.E. Muhammadu Buhari reiterating the need for CAPAR. It was imperative to come up with CAPAR as part of critical steps in stemming/reversing IFFs, fighting corruption and enhancing asset recovery in Africa.

This objective was actualized by the important collaboration of AU-ABC working with other stakeholders like the HLP coordinated by its secretariat the Coalition on Dialogue on Africa (CODA), with the political and technical support of Nigeria and a number of experts including this writer and with the inputs of critical stakeholders.

In 2020 CAPAR was adopted by AU Executive Council at the Thirty-Sixth Ordinary Session 06-07 February 2020 as a political, policy, and advocacy instrument aimed at assisting 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.

Some Practical Challenges of Asset Recovery
As the popular saying goes that “Experience is the best teacher” asset recovery requires experience. Asset return and enhancement of capacity in the area has become an existential issue for Africa because as indicated above, ODA is declining while global conflicts are diverting potential ODA to conflict zones. The ability to enhance domestic resource mobilization, influence global discussion and architecture on illicit financial flows block corruption, money laundering and other forms of economic crimes become more imperative for Africa. Africa has no choice but to learn the ropes.

In practical terms asset recovery begins with asset tracing as part of the investigation process. Asset tracing often involves the cooperation of other entities within and outside the country of origin. The nature and context of investigation will determine who to approach for information and or assistance. Asset tracing across national boundaries is more difficult as most of the time laundering transforms stolen assets into different formats eg stocks, artwork, rare animal or wildlife, and of course digital assets.

Asset tracing is a challenging prospect and access to information is crucial. In desperation some countries incentivize information on location of assets. For example, Iraq operates an incentive scheme on asset recovery ranging from 10% - 25%. This is because it is finding it difficult to trace assets frozen by the west in the wake of conflict with Saddam Hussein. Out of frustration and in order to get information about where assets are held it introduced the incentive
scheme. This is why whistleblower schemes are vital especially those with incentives such as that of Nigeria in 2016.

When serving as Executive Secretary of the Presidential Advisory Committee Against Corruption between 2015 and 2019 I experienced similar frustration with asset tracing and access to information. Nigeria received varied communication mostly from international firms and professional bodies claiming access to information on location of stolen assets by Nigerian PEPs. They offered to recover such assets for fees as high as 40% cut of recoveries. Others offered their services at overhead cost of $100,000 monthly with no guarantees of recoveries. Eventually, Nigeria adopted a 5% recovery fee inclusive of all out of pocket costs.

For international asset tracing, the assistance of asset recovery facilitating international bodies such as the IACC; ICAR and Egmont Group may be required.

- The IACC (International Anti Corruption Center) established 2017 after the London Anti Corruption conference focuses on grand corruption. They do not do domestic investigations but overseas investigations only; it assists with informal requests to strengthen formal MLA requests when made; direct formal requests tend to be slow and if not in accordance with extant procedure it will never progress.

- ICAR - International Centre for Asset Recovery provides some level of technical assistance

- StAR initiative which helps countries with data; capacity building and other technical assistance.

- GlobE Network
  - helps ACAs verify documents quickly
  - Enables quick informal consultation and advise on corruption cases before issue of MLA
  - Enables quick tracking of suspects before involving Interpol
  - Enables peer to peer learning
  - Helps to build synergy with other networks
  - Other networks are OECD Anti-Bribery network; IACCC (International Anti Corruption Coordination Centre and Globe Network

Negotiations team could comprise combinations of private practitioners with expertise in asset recovery and officials of investigation or law enforcement
agencies and officers of the Ministry of Justice depending on the configuration of the public service in the requesting stated. Some requested states are very uncomfortable dealing with private lawyers only because they are seen as conduits for money laundering and corruption especially where the state ministry or justice officials could easily negotiate asset return directly.

Some countries allow requesting countries or CSO to litigate in their jurisdiction for asset return. This is in line with the political declaration of UNGASS 2022 but requested countries have generally not amended or passed laws to make this possible.

**Key Factors of Consideration**

In practical terms asset recovery is impacted by several factors including the following:

1. Legal framework of the requesting and requested state. No country will break its laws to satisfy a request or desire by another, therefore knowledge of the law on the other side is critical. Where there are multiple jurisdictions the same principle applies. In the minimum, existence of laws that facilitate tracing, freezing, forfeiture, recovery, collation and transfer or exchange of evidence and repatriation of stolen assets across borders are important.

More specifically, the law must recognize and establish asset recovery and management unit, departments or agency to focus on the very important subject. Asset recovery can be complex as demonstrated above but more importantly asset management. The long gestation periods that attend the process requires effective management systems while court proceedings are on going and to maintain the value of assets and also prevent re-looting, mismanagement or erosion of value to the detriment of ultimate beneficiaries.

One sticky point related to asset management is that in asset return negotiation, the absence of clear legal framework and asset management processes can impede progress and also undermine sovereignty of the requesting state as the requested state may impose conditions in asset utilization contrary to the best interest of the requested state. Where there is clear legislative guidelines this is unlikely to happen.

Another required element within the legal framework is the use of non conviction based asset forfeiture mechanisms otherwise referred to as civil forfeiture mechanisms. This is essential to enhance asset recovery because there are many situations in which law enforcement agencies cannot prove “mala fide” or wrongful intention which is the “mens rea” or mental element required
in many criminal law systems. This means the prosecution is unable to prove beyond reasonable doubt that illegality was intended by the defendant from the beginning. However with civil forfeiture or non conviction mechanisms the prosecution can show that the assets in question are beyond the legitimate income of the defendant. It then behoves the defendant to prove the legality of origin of asset or simply refrain from contesting the forfeiture proceedings.

Requesting states should learn to use existing legal mechanisms available in requested countries such as court civil procedure rules for garnishees or recovery of assets. To take maximum advantage of existing local mechanisms may require hiring a local expert or requesting your high commission or embassy to conduct preliminary research on available local remedies for asset recovery.

2. Local and International Cooperation cannot be over emphasized especially for exchange of information and collection and exchange of evidence. Strengthening cooperation at domestic level and internationally through mutual legal assistance treaties (MLATs), extradition treaties, and active participation in implementation of international treaties like UNCAC and FATF recommendations can be of great assistance. At the local levels unhealthy rivalry between law enforcement agencies negatively impact anti corruption efforts. This is enhanced where the country has multiple agencies focused on corruption prevention.

3. Institutional capacity is key to success. In this regard the independence of institutions and the capacity of investigators and prosecutors to understand what they are looking for, where to find it and how to find it is important thus underscoring the need for continued capacity building of operatives. Institutional independence by law, funding and operations is crucial to effectiveness. Weakness in any of the areas will undermine the ability of the institution to function.

4. Capacity Building and technical assistance. Africa definitely needs more support for capacity to enhance ability to investigate financial crimes, trace illicit assets, navigate complex legal procedures and how to negotiate asset return agreements because both UNCAC and existing principles like GFAR principles advise taking matters on case by case basis. While this approach does not help put clarity into what requesting states need to do to facilitate asset recovery, it is advisable to prepare negotiators to understand basic principles. For example, audit expenses related to negotiations should be captured to eliminate suspicions of dissipation of assets and an anti corruption clause should be included in any negotiated or outcome
agreement. Similarly the administrative costs allowed by UNCAC to be charged by requested states should be negotiated and not arbitrary. It is one avenue through which requested states have further eroded the value of return to requesting states.

5. Enhanced use of technology will continue to be relevant as the state digitizes process and more and more services become digital. Utilizing advanced technologies such as blockchain, artificial intelligence, and big data analytics to trace and monitor money laundering, illicit financial flows and illicit enrichment will increase. Technology is a moving target and law enforcement agencies must be able to meet up with progress. Simple issues such as annual subscription fees for digital forensic software should not hinder anti corruption efforts. They must be anticipated and budgeted for.

6. Functional criminal justice process especially the Judiciary : Sanctions and enforcement are key to the anti corruption efforts. Asset recovery is a sanction and where the criminal justice process encourages impunity by tolerating dilatory tactics, delay, emphasis of technical over social justice, the society is doomed and crime will be interpreted as rewarding and criminals will be richer and stronger than the state. Enforcing sanctions against individuals and entities especially PEPs involved in corruption, money laundering, and other financial crimes, and ensuring compliance with international standards and obligations is a critical element of the anti corruption agenda.

7. Citizen Education and Public Enlightenment. The role of citizens in anti corruption is well proven therefore awareness raising among policymakers, law enforcement agencies, financial institutions, and the public about the importance of asset recovery in combating corruption and illicit financial activities is crucial. More importantly, as recommended by the GFAR principles the role of civil society must be enhanced with the recovery, management and asset utilization space.

8. Establish Asset Recovery Networks: for information and experience sharing and capacity enhancement.

10. Actively participate in implementing international conventions and treaties that facilitate asset recovery, such as the UN Convention against Corruption and regional agreements like the African Union Convention on Preventing and Combating Corruption. Active engagement will enhance learning and networking that is essential in this regard.
**Brief Note on Nigeria Legal Framework**

Nigeria has different laws that facilitate the recovery of assets globally especially after a court judgment is obtained. The laws are Code of Conduct Bureau and Tribunal Act focussed on asset declarations and prevention of illicit enrichment; Corrupt Practices and Other Related Offences Act (ICPC) Act 2000 focused more on public sector corruption and abuse of office; Economic and Financial Crimes Commission Act 2004 focused on money laundering, economic and financial crimes and digital crimes. Supporting laws are found in the Money Laundering Prohibition Act 2011 repealed and reenacted 2022; Proceeds of Crimes Act 2022 and Terrorism Prevention Act of 2011 repealed and reenacted 2022. All these are complemented by the Nigeria Financial Intelligence Unit Act of 2018. Irrespective of where an asset is located in the world Nigeria can obtain a court order against it and subject to local laws and existing reciprocal arrangements in requested country, register the judgment or court order for asset repatriation.

During investigation law enforcement agencies work with their counterparts abroad to locate asset and obtain evidence. Furthermore, laws of the requested country may require additional steps to be taken before assets may be returned. Often suspects may challenge court cases or order either locally or abroad to frustrate asset repatriation. Success will depend on each case and strength of the local laws. Once a case of corruption or money laundering is successfully established and judgment obtained the next step is asset repatriation.

Difficulty with assets repatriation and utilization of assets arises in cases where the requesting African country has not obtained a court judgment, played no role in investigation or prosecution of suspect but expects to be handed all or part of the proceed of crime by the recovering foreign government. This request results in agreements to regulate how return of asset will be done and how the money will be used. The two scenarios need to be understood.

**IFFS and Tax Asset Recovery**

Illicit financial flows (IFFs) and tax asset recovery present another area of concern in which Africa requires action. As mentioned above, the ground breaking work of the HLP on IFFs already show the extent of losses by Africa to iiffs through three main channels viz. corrupt, criminal and commercial channels. Of these three the commercial channels which appear legitimate account for over 60% of losses. The bill of this is due to tax evasion and aggressive tax avoidance schemes by MNCs operating mostly in the extractive industry in Africa.
Africa’s drive for foreign direct investments sometimes come with anomalous practices by investors and MNCs through the use of tax practices and profit shifting to tax havens to deprive the continent of legitimate tax revenue.

The dilemma commences with definition of transactions though not illegal is yet not ethical and thus illicit. Its ultimate intent being to deprive the state of legitimate tax revenue without which development cannot take place.

In a recent study for the EU conducted by the Directorate for International Partnerships (INTPA) titled Study on Tax Motivated Illicit Financial Flows, it was recommended that the EU promote ethical financial activities and information sharing on beneficial ownership amongst other important recommendations.

The issues on the matter of definition centers on - 1. what is IFF; illicit is not illegal but crosses ethical boundary. The study looked at various definitions and whichever is adopted has an impact on how far tax authorities can pursue illicit flows. The issue will always be whether the narrow or broad route is taken.

2. Tax evasion is wrong but not tax avoidance however aggressive tax avoidance crosses the line and is what diverts resource therefore a broader legal definition of illicit to cover a substantial part of the window now recognised as tax avoidance will bring more tax into the net.

3. International tax treaty negotiation is focusing on widening the definition of illicit to cover more of the window in tax avoidance. Local legal reform needs to follow the same trajectory.

What is of importance to Africa is to recognise IFFs and how to treat them. The HLP report is pragmatically titled “IFFS - Track it, Get it, Stop it”. He ability to recognise iiffs is importantly if we are to improve domestic resource mobilisation. So far not many African countries are showing promise in tackling IFFS which represent the biggest source of capital outflows from the continent.

Happily however, international effort to reform the international tax system to adopt a uniform tax rate, mitigate the use of tax havens and low tax jurisdictions to divert resources is making progress. The African group and Group,of 77 led by Nigeria in November 2023 succeeded in pushing through at the UN a resolution on Promotion of Inclusive and Effective International Tax Cooperation at the UN ( Res A/C.2/78/L.18/Rev.1 of 22 November 2023). Africa is enjoined to be actively involved in this process which promises to be a
marathon as entrenched interests are expected to oppose or try to whittle down the outcomes for Africa.

**Victim Compensation**

 Victim compensation is an integral part of asset recovery. Some countries have specific rules that guide compensation of victims. For example, the UK developed principles for victim compensation after the 2016 London Anti-Corruption Summit.

 The UK also published a framework in January 2022 on asset return to victim countries and it publishes agreements and conditions of asset return on its website from time to time.

 Quantum of compensation paid by requested countries is often dependent on degree of harm suffered by victims in the requesting country, identification of victims, risk management, why is compensation being pursued or why is not being pursued etc. There is no single approach that fits all situations so a case by case approach is advised.

**Conclusion and Recommendations**

1. **Use of Escrow Accounts**

 Asset recovery though critical for Africa is presently mired in and hindered by complex legal proceedings, absence of civil recovery framework in some countries, multiple legal jurisdictional challenges including quality of evidence admissible in court, refusal of requested states to allow recovery proceedings in their courts based on forum convenience and other excuses, absence of cooperation in the MLAT process, power imbalances between requesting and requested states, prohibitive cost of asset tracing and recovery, unjustifiable high administrative charges by requested states, demands by requested states that undermine sovereignty of requesting state, refusal of requested states to consider placing disputed funds in escrow and other interest yielding accounts, etc.

 Use of escrow accounts to hold disputed funds and enable the principal sum gain value is a recommendation of the HLP that found support and endorsement in the FACTI Panel report.

 The simple proposal is that to avoid depreciation and dissipation of assets in the hands of requested states, such asset from Africa should be placed in an escrow account with the AFDB for investment while negotiations are on going between requested and requesting states. At the end of negotiations, the value accretion to the asset is to the benefit of both parties but more importantly the requesting
state is able to get enhanced value from the asset after years of protracted investigation, prosecution and asset return negotiations.

2. Africa requires every opportunity and platform to ventilate its position on this very important subject of asset recovery. It must therefore use global platforms such as UNCAC-COSP and TI-IACC, Commonwealth CHOGM, etc. effectively. Last year Nigeria working with other African stakeholders including AU-ABC struggled to secure a slot to discuss CAPAR and asset recovery at 2023 UNCAC-COSP. We ended up with a shared 40 minute panel slot. This is unacceptable but it requires Africa to engage UNODC early and to demand equal platforms and opportunities with enough time at such international event for AU promoted issues such as CAPAR being the position of a region/continent of the UN.

3. AUC Commissioner PAPS is advised to update next AU summit on progress towards popularizing CAPAR, its opportunities and the challenges and need for equal opportunities to use global platforms such as COSP to promote same as an AU position. In this regard, it is advisable to commence preparations for the next COSP.

4. AU-ABC, CODA and PALU are advised to register as observers at COSP and other relevant international engagement platforms that recognize stakeholders and civil society besides state parties.

5. The value of a strong advocacy strategy for instruments like CAPAR cannot be over emphasised. A strong secretariat is therefore required to promote CAPAR. The AU, African stakeholders and the Mbeki Panel is advised to ensure that CODA as of the HLP is strengthened for it to fulfil it’s mission and the vision of its founders.

6. AU-ABC is advised to use more effectively the annual AU designated day of anti corruption to ventilate CAPAR leveraging on the AU convention on prevention of corruption as well as AU decisions on the Mbeki Panel report.