

African Union, African Regional Bodies

Resolution on managing debt and fighting corruption in Africa

Legislation as at 17 October 2019

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PDF created on 4 October 2024 at 10:01.

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FRBR URI: /akn/aa-au/statement/resolution/pap/2019/5-3-5/eng@2019-10-17

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African Union

Resolution on managing debt and fighting corruption in Africa

Published on 17 October 2019

Commenced

[This is the version of this document from 17 October 2019.]

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the AU Assembly Special Declaration on Illicit Financial Flows on the Twenty Fourth Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia, January 2015 and the Recommendations of the Report of the High-Level Panel on Illicit Financial Flows from Africa;

RECALLING ALSO the Resolution on Winning the Fight against Corruption: A Sustainable Path to Africa's Transformation adopted by the Pan-African Parliament on 17 May 2017;

CONCERNED with the fact that corruption and illicit financial flows threaten our goals to end poverty and hunger in Africa and to achieve sustainable development in its three dimensions through promoting inclusive economic growth, protecting the environment and promoting social inclusion, strong political commitment to address the challenge posed by corruption and illicit financial flows out of Africa must be enhanced;

CONCERNED ALSO that illicit financial flows cause shortage of money available for States to spend on national development, which result in borrowing and the rising levels of sovereign debts in Africa;

CONCERNED FURTHER that poor public procurement, absence of transparency and poor tax administration by States have resulted in low revenues and need for borrowing;

NOTING WITH CONCERN THAT excessive and unlimited tax incentives without prior approval by Parliaments and the lack of monitoring and evaluation thereof expose countries to risks of reduced revenues and increase their potential to contract debts;

ACKNOWLEDGING ALSO the critical role of Public Accounts and Finance Committees in assisting Parliaments to curb corruption and IFFs, and in controlling debt;

ACKNOWLEDGING FURTHER that Parliaments can deploy their triple power of oversight on the budget cycle, accountability for the use of public funds and representation of the people to hold governments accountable for the disbursement of public funds as decided in the budget plan, including agreements on public debt;

TAKING NOTE of the Kampala Declaration of the African Organization of Public Accounts Committees (AFROPAC) adopted on 22 November 2018 and

APPRECIATING the technical presentations made by representatives of African Organization of Supreme Audit Institutions (AFROSAI-e), AFROPAC, African Parliamentarian's Network Against Corruption (APNAC), International Monetary Fund (IMF), African Tax Administration Forum (ATAF) and the African Union Anti-Corruption Board (AU-ABC);

DETERMINED to facilitate the implementation of the AU decisions on ending corruption and promoting a culture of transparency and good governance in line with the relevant AU legal and policy instruments;

CONVINCED that the establishment of an alliance within the Pan-African Parliament on managing debt and ending corruption would provide PAP Members a structured and effective platform to sustainably address and position the issue of debt management and corruption at the highest level of national and continental political and legislative agendas;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. **PROMOTE** the ratification the universal ratification, domestication and implementation of the following African Union anti-corruption-related treaties:
 - i. The African Union Convention on Preventing & Combating Corruption;
 - ii. The African Charter on Democracy, Elections and Governance;
 - iii. The Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament;
 - iv. The Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights.
2. **ENGAGE** with the African National and Reginal Parliaments for full deployment of their legislative mandates to enact or revise national policies and legislations relating to the fight against corruption, including through ensuring non-convictionbased asset forfeiture and that criminal law shifts the burden of proof from the prosecutor to the accused in cases of corruption and IFFs.
3. **ALSO ENGAGE** with the African National and Reginal Parliaments for the effective exercise of their oversight, legislative and representative roles to ensure an effective management of sovereign debt and the breaking of the cycle of corruption, particularly through timely tracking and oversight of public and private partnerships and the audit of national sovereign debt, financial flows, revenue and procurement.
4. **ADVOCATE** with the AU Policy Organs for the establishment or strengthening, where applicable, of national and continental mechanisms and strategies aimed at effective debt management and reduction in Africa, including promotion of accountability, transparency and citizen participation in processes leading up to the contracting of sovereign debts.
5. **ADVOCATE** with the AU Policy Organs and Member States for the strengthening of the mandate, independence and the capacitation of all national and continental institutions with mandate relevant to the fight against corruption, particularly Public Accounts and Finance Committees, national anti-corruption agencies, audit institutions and the justice system.
6. **SUPPORT** and **PROMOTE** the role of Parliamentary anti-corruption networks, citizenry, the media and civil society in promoting the culture of transparency, probity and accountability, and in preventing illicit financial flows and odious debts;
7. **WORK** with interested partners towards the harmonisation of national laws and standards in the field of debt management and the fight against corruption, including through development, adoption and proportion of continental model laws, model double taxation agreements and other sectoral standards for use, adaptation or adoption by the AU Member States.
8. With a view to sustainably addressing and positioning the issue of debt management and corruption at the highest level of Africa's political and legislative agendas, **ESTABLISH** a Pan-African Parliament's Alliance for Debt Management and Against Corruption (PAPA-DMAC), which shall be organised and governed as follows:
 - (i) All members of the Committee on Monetary and Financial Affairs, the Committee on Audit and Public Accounts and the Committee on Justice and Human Rights shall be members of PAPA-DMAC, provided that any Member of PAP interested in advancing the cause of debt management and the fight against corruption in Africa can participate in PAPA-DMAC activities.

- (ii) PAPA-DMAC shall have an Executive Committee, which shall consist of Chairpersons of the Committees referred to under Clause 7.1 and shall be placed under the leadership of one PAP Bureau Member.
 - (iii) The organisation and functioning of the PAPA-DMAC shall be regulated pursuant to the relevant provisions applicable to all Permanent Committees of the Pan-Africa Parliament.
9. **EXPRESS GRATITUDE** to AFROPAC, AFROSAI, APNAC, ATAF, AU-ABC and IMF for their continued support and technical assistance to the PAP and EXPRESS its willingness to formalise and strengthen existing and potential strategic partnerships to increase technical and financial support for its activities relating to breaking the cycle of corruption in Africa.

Midrand, South Africa

17 October 2019