



MINUTES OF THE VIRTUAL SADC PF STANDING COMMITTEE ON DEMOCRATISATION, GOVERNANCE AND HUMAN RIGHTS MEETING HELD UNDER THE THEME “ENHANCING THE ROLE OF PARLIAMENT IN CURBING CORRUPTION AND STRENGTHENING ACCOUNTABILITY THROUGH BUILDING INSTITUTIONAL COLLABORATION WITH NATIONAL AND REGIONAL ANTI-CORRUPTION STATE AND NON-STATE ACTORS”, ON 26th OCTOBER 2020

PRESENT

- | | |
|--|--------------|
| 1. Hon. Jerónima Agostinho, Chairperson | Mozambique |
| 2. Hon. Darren Bergman, Vice Chairperson | South Africa |
| 3. Hon. Josefina P. Diakité | Angola |
| 4. Hon. Leepeetswe Lesedi | Botswana |
| 5. Hon. Mabulala Maseko | Eswatini |
| 6. Hon. Angele Solange | Madagascar |
| 7. Hon. Deus Gumba | Malawi |
| 8. Hon Hon Ashley Ittoo | Mauritius |
| 9. Hon. Chushi Caroline Kasanda | Zambia |
| 10. Hon. Dought Ndiweni | Zimbabwe |

ABSENT WITH APOLOGY

- | | |
|------------------------------|------------|
| Hon. Balamage Nkolo Boniface | DRC |
| Hon. Maimane. P. Maphathe | Lesotho |
| MP | Seychelles |
| MP | Tanzania |
| MP | Namibia |

OBSERVERS

1. Mr. Titus Gwemende, Oxfam International Southern Africa Regional Lead-Natural Resources
2. Mr. Ipyana Musopole, Anti-Corruption Enforcement Officer, Organ on Politics, Defence and Security Affairs, SADC Secretariat
3. Mr Tymon Katlholo, Director-General - Directorate on Corruption and Economic Crime (DCEC), Botswana
4. Ms. Pusetso Morapedi, Executive Director Botswana Centre for Public Integrity (Southern Africa Anti-Corruption Network)
5. Mr Glenn Farred, Executive Director SADC Council of NGOs

6. Mark Heywood Editor of Maverick Citizen, a section of the Daily Maverick newspaper
7. Justice Oagile Key Dingake, former Judge of the High Court and Industrial Court in Botswana, Residual Special Court for Sierra Leone, and the Supreme and National Courts of Papua New Guinea
8. Mr Stanley Nyamanhindi, CEO SADC Lawyers Association
9. Dr Adane Ghebremeskel GIZ and Austrian Development Agency (ADA)

IN ATTENDANCE

Boemo Sekgoma, Acting Secretary General	SADC PF Secretariat
Sheuneni Kurasha, Committee Secretary	SADC PF Secretariat
Samueline Kauvee	SADC PF Secretariat
Paulina Kangiatjivi	SADC PF Secretariat
Agnes Lilungwe	SADC PF Secretariat
Ronald Windwaai	SADC PF Secretariat
Veronica Ribeiro, staff	Angola
Rangarirai Machemedze	Rapporteur

The meeting was called to order at 09:45 hours.

AGENDA

- 1) Credentials of Delegates and Apologies.
- 2) Adoption of Agenda.
- 3) Welcome Remarks by the Chairperson.
- 4) Consideration of Minutes from the previous Meeting held Virtually on 7th and 8th July 2020 and Matters Arising.
- 5) Presentation and deliberation on Corruption Trends and Framework for Curbing Corruption and Strengthening Accountability
- 6) Presentation and deliberation on Towards a Collaborative Approach in preventing, detecting, punishing, and eradicating corruption in the Public and Private Sectors in the SADC Region
- 7) Consideration and Adoption of a Regional Policy Brief on Curbing Corruption and Strengthening Accountability in SADC

1.0 CREDENTIALS OF DELEGATES AND APOLOGIES

Quorum for the meeting was confirmed for the meeting to proceed with 10 of the Members present. It was also reported that three parliament were yet to be constituted after of recent general elections, namely Namibia, Seychelles and Tanzania.

2.0 ADOPTION OF AGENDA

The agenda was adopted without any amendment on a motion by Zimbabwe, seconded by Zambia.

3.0 WELCOME REMARKS BY THE CHAIRPERSON

The Chairperson welcomed everybody to the Standing Committee session which, she said, was taking place ahead of the 48th Plenary Assembly

Session. She observed that since this was the first meeting after Hon. Darren Bergman and herself were elected as the Vice Chairperson and Chairperson of the Standing Committee respectively, it was only proper for her to express their collective appreciation for the confidence and trust that Honourable Members had bestowed on them to lead the committee. She promised to drive the mandate of the Standing Committee forward over the next two years.

She noted the need to collectively interrogate the issue of corruption as this was one of the greatest threats to democracy undermining economic development, eroding the trust in state institutions as well as violating social justice.

She reminded the committee that the meeting must be viewed within the context of one of the functions of the Standing Committee pursuant to Rule 42(d)(iv) of the SADC PF Rules of Procedure, which is *“To promote the principles of human rights, transparent and accountable governance, peace and security through collective responsibility within the SADC Region.”*

The function, she observed, dovetailed into Strategic Objectives 1 and 2 of SADC PF as stipulated in its Strategic Plan (2019 to 2023), namely:

- *“To promote cooperation, diplomacy and dialogue on issues of regional interest in view of advancing democratisation and socio-economic development for SADC Member States;”* and
- *“To align, harmonise and create operational and institutional linkages between SADC PF Standing Committees and Programmes, and SADC Organs and Sectors, in view of promoting integration of the region.”*

On corruption, the Chairperson expressed dismay at evidence through research which shows a surge in corruption in both public and private sectors in the SADC region. For instance, she observed that the Transparency International’s Corruption Perception Index (CPI) which scores and ranks countries globally on a rating scale of 0 to 100, with 0 being highly corrupt and 100 being highly clean, suggests that corruption is becoming an increasingly widespread phenomenon in the SADC region.

She noted that only four countries of the SADC region are in the top 20 in Africa. These are Seychelles (66), Botswana (61), Mauritius (52) and Namibia (52). The rest of the Member States scored below 50. This, she said was an indication of the magnitude of the work which was ahead of the Committee in terms of curbing corruption and strengthening accountability.

She reminded everyone that the theme for the meeting, *“Enhancing the Role of Parliament in Curbing Corruption and Strengthening Accountability Through Building Institutional Collaboration with National and Regional Anti-Corruption State and Non-State Actors,”* was timely as it provided Parliamentarians and stakeholders the opportunity to engage and come up with collective solutions to the problem of corruption.

She implored members of parliament to be responsive to citizens demands for accountable governance since they were elected representatives of the people. This, she noted, was the expectation of the people and Members of Parliament should not betray this legitimate expectation and should ensure action was taken in curbing corruption and strengthening accountability by setting the relevant legal framework and exercising oversight on the Executive arms of Governments.

The Honourable Chair commended SADC for developing the SADC Protocol Against Corruption which was adopted in August 2001 in Malawi to assist Member States to prevent, detect, punish and eradicate corruption and to cooperate on related matters. She noted SADC Member States were committed to fighting corruption as was evidenced by their signatories to African Union Convention on Preventing and Combating Corruption and the United Nations Convention Against Corruption.

SADC Member State, she noted, had made steady progress in undertaking various anti-corruption initiatives in the form of laws, policies and institutions since the adoption of the SADC Protocol Against Corruption in 2001. In this regard, many of the Member States created state agencies whose mandate was to fight corruption, among other interventions. However, despite these efforts, the level corruption in the region remains high, she observed.

There was therefore a need for a collaborative approach by national and regional anti-corruption state and non-state actors, hence the meeting whose objectives were to:

- i. Create a systematic and formalised regional platform for enhancing the role of Parliament in curbing corruption and strengthening accountability through building institutional collaboration with national and regional anti-corruption state and non-state actors;
- ii. Raise awareness on the SADC Protocol Against Corruption and promote its ratification, domestication and implementation by Member States;
- iii. Develop a Regional Policy Brief to inform national and regional policy makers and stakeholders in the SADC region on strategies for preventing, detecting, punishing and eradicating corruption in the public and private sector, including accelerated domestication and implementation of the SADC Protocol Against Corruption; and
- iv. Develop knowledge tools for use by Parliaments and national and regional anti-corruption state and non-state actors in combating corruption and strengthening accountability in the SADC region.

She concluded her remarks by thanking the various experts for their support and technical expertise. She also expressed the committee's sincere appreciation to GIZ and Austrian Development Agency for the financial support towards the hosting of the meeting and wished everybody fruitful deliberations.

3.1. Point of Order-Congratulations to the New President of Seychelles

After the Chairperson's welcome remarks, Hon. Kasanda from Zambia raised a point of order. The Honourable Member requested the meeting to officially congratulate H.E. Wavel Ramkalawan, a former Member of the DGHR Committee on winning the Presidential Elections in the just ended elections in Seychelles. She said she was happy that SADC PF and indeed the Committee, had produced a President. Hon. Kasanda opined that H.E. Ramkalawan was a humble and inclusive person whose intellect was admirable. Seychelles was blessed to have such a president as he was a great leader already.

After this intervention, the Honourable Vice Chairperson took over the chairing of the meeting after the Chair developed technical hitches with internet connection. The Vice Chair congratulated the previous Chair and the deputy since this was the first meeting after the elections.

The Vice Chair also congratulated the new President of Seychelles. Angola seconded the point raised by Zambia and also congratulated the new President of Seychelles and wished him well in his new role. Angola also congratulated the Chair and Vice Chairperson of the Committee for their election. The Honourable Members expressed their commitment to support them and noted the remarks of the Chair and requested if these could be circulated. He noted that corruption was a cancer that needed to be addressed to ensure the development of the SADC countries and improve the living standards of people.

The Vice Chair thanked everyone for their interventions and concurred with the point of order raised. He noted that Africa was looking for a good news story associated with peaceful democratic transition. He noted it would be great to put up a Facebook post congratulating also the opposition in Seychelles. He noted that the works of the model Law on Elections developed under the guidance of the committee was now bearing fruits and was happy that Seychelles was leading what should be an exemplary process.

The resolution was passed to congratulate the new president of Seychelles.

4.0 CONSIDERATION OF MINUTES FROM THE PREVIOUS MEETING HELD VIRTUALLY ON 7TH AND 8TH JULY 2020 AND MATTERS ARISING

The Chairperson of the meeting was reconnected and thanked Zambia for the point of Order and the support by the Vice Chairperson in chairing the meeting. The minutes were adopted with no amendments, on a motion by Angola, seconded by Zimbabwe.

4.1. MATTERS ARISING FROM THE MINUTES FROM THE PREVIOUS MEETING HELD VIRTUALLY ON 7TH AND 8TH JULY 2020

In considering matters arising from the Minutes, the Committee noted there were no matters arising.

5.0. PRESENTATION AND DELIBERATION ON CORRUPTION TRENDS AND FRAMEWORK FOR CURBING CORRUPTION AND STRENGTHENING ACCOUNTABILITY

5.1 Mr. Titus Gwemende from Oxfam International presented on **Corruption in the region and the role of Parliament** and noted that corruption assumed different dimensions including:

- **‘Petty theft** (acts of stealing, misuse of public funds, or extortion among street-level bureaucrats).
- **Grand theft** (embezzlement or misappropriation of large sums of public monies by political elites who control state finances e.g Sani Abacha, the military dictator of Nigeria, siphoned an estimated US\$4 billion from the central bank into his overseas accounts).
- **Speed money** (petty bribes that businesses or citizens pay to bureaucrats to get around hurdles or speed things up e.g A typical supermarket must obtain a daunting list of 40 permits, forcing retailers to bribe many officers in order to get these permits faster, which cuts into their thin profit margins).
- **Access money** (encompasses high-stakes rewards extended by business actors to powerful officials, not just for speed, but to access exclusive, valuable privileges including contracts)

He equated the different corruption dimensions to drugs noting that all corruption was bad – but petty theft and grand theft were like toxic drugs [or drinking bleach, a term suggested by Jordan Schneider]; speed money is like painkillers; access money is like anabolic steroids – *they can even help one grow rapidly but come with serious side effects that accumulate over time*. He observed that access money functions as an incentive system for politicians and capitalists to work together, especially when massive infrastructure, involving huge sunk costs, is required for an emerging economy to take off. Access money overpays capitalists to do this, through cheap loans, subsidies, state backing, and in return you get feverish growth that lifts people out of poverty like China.

The presentation highlighted corruption trends in the region and touched on the different areas where it was most discernible. In terms of inequality, the presentation noted rising inequality as a major factor leading to growing corruption risks, as they see it as contributing to unequal access to power and influence for private gain. In the long term, he noted, experts highlight that inequality may become deeply ingrained in government systems and

further erode the rule of law. Rising wealth inequality is also seen by many experts as a root cause for low levels of trust in governments.

Another major driver and determinant of corruption was reported as technology, which will continue to transform the world including corruption and its many forms. By 2022, the presentation noted that 60% of the world's GDP is forecast to be digitised. As a result, many in the anti-corruption community are excited by the new opportunities technology offers. But on a second look, they acknowledge that new technologies like Cryptocurrencies and Artificial Intelligence provide new routes to engage in corrupt behaviour. The vast amount of personal data stored online can be abused if exposed to the wrong people, and illicit financial flows are expected to grow, facilitated by ICT networks.

A growing trend in the region was also highlighted aptly called "State capture", which involves "a situation where powerful individuals, institutions, companies or groups within or outside a country use corruption to influence a nation's policies, legal environment and economy to benefit their own private interests" He noted that such capture of state institutions by private persons to influence state policies and decisions for their own private benefits has become a significant concern in Africa (Lodge 2018: 23). Its main consequence is that interests of a specific group are prioritised over public interests in the operation of the state.

In like manner, government reliance on extensive patronage networks was also seen as a common feature in some African countries. These patronage networks are part of informal power structures which determine who gets access to public resources. The patronage practices include the three Cs, namely co-optation, control and camouflage, he observed.

Another challenge noted as a challenge to political integrity was the generally opaque funding of political parties. The presentation quoted a report by the International Institute for Democracy and Electoral Assistance, which observed that there is insufficient regulation of political funding and election campaigns in many African countries, making it easier for corrupt activities associated with political financing to continue unchecked. As a result, undisclosed political funding puts political parties and actors at risk of capture as secret funders will require a "payback" once their funded candidates get into power.

Finally, Mr. Gwemende told the meeting that land was heavily susceptible to corruption. According to a study by Transparency International, one in every two people encounters corruption during land administration processes in Africa, compared to one in five persons for the rest of the world. The presentation observed that private investors were engaging in corrupt deals to access land and to bypass consultations with the affected communities.

In light of the above trends, Mr. Gwemende implored parliamentarians to:

- a. ensure that state institutions – including parliaments themselves – are so transparent and accountable as to be able to withstand corruption or permit its rapid exposure;
- b. instil in parliaments' own ranks the notion that parliamentarians have a duty not only to obey the letter of the law, but to set an example of incorruptibility to society as a whole by implementing and enforcing their own codes of conduct;
- c. create clear and fair legislation, including efficient public supervision, as regards the funding of political parties and election campaigns. The proper declaration of sources of income and of potential conflicts of interest is particularly important;

He concluded the presentation by emphasising the need to question the economic and production system that was being followed by Member States as this determined corruption. There was a need to harness people's agency in the region and in Africa in order to fight corruption Addressing inequality and adopting national and regional instruments that fight corruption was one sure way of claiming victory against the menace.

- 5.2. In his presentation on **Regional Framework on Curbing Corruption and Strengthening Accountability: Unpacking the SADC Protocol Against Corruption (2001)**, Mr Ipyana Musopole from the **SADC Secretariat highlighted that the** SADC Protocol against Corruption was adopted in 2001 and came into force in July 2005. The protocol, he noted, provides the framework to fight against corruption in the SADC region and currently there are 13 Member States that are party to the Protocol (with exception of Madagascar, Seychelles and Comoros).

He highlighted the objectives of the protocol as:

- a. to promote and strengthen the development, by each of the State Parties, of mechanisms needed to prevent, detect, punish and eradicate corruption in the public and private sector,
- b. to promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the public and private sectors.
- c. to foster the development and harmonization of policies and domestic legislation of the State Parties relating to the prevention, detection, punishment and eradication of corruption in the public and private sectors.

The presentation gave a summary of the structure of the protocol and highlighted provisions of the following articles:

- **Article 3: Acts of corruption**
- **Article 4: Preventative measures**
- **Article 8: Confiscation and seizure**
- **Article 9: Extradition and**

- **Article 10:** Judicial cooperation and legal assistance focus on Cooperation between state parties in the area of Extradition, judicial cooperation and provision of legal assistance.

On the role of parliament vis a viz the protocol, Mr. Musopole observed that Domestication-passing domestic legislation or implementing other actions that conforms to agreements which the country is state party to was one of the major functions of parliaments. He noted that the onus to take the first step to domesticate may be on the executive arm who sign these agreements, however, in some jurisdictions, parliament is involved in ratification which then paves the way for domestication process. The executive introduces legislation or propose amendments to existing legislation to conform to what they have signed up to. For Parliaments, he noted, the role in this case was to scrutinize and support the legislation or proposed amendments meant to facilitate domestication by ensuring they fully conform to what the agreements requires. *(some provisions require incremental steps over a period of time so domestication may be spread over time and not achieved by one legislation).*

It was observed that Parliaments have the oversight function over the executive which is mostly discharged through its portfolio/standing committees that play a wide range of functions which include reviewing the legislation that is introduced into parliament before it is adopted by the full parliament, exercising oversight functions over the executive. He emphasised that the oversight function can also serve as a mechanism to verify the executive compliance with regional and international agreements which it has signed up to or assessing progress on the domestication process.

In addition, the presentation also articulated the role of parliament in ensuring domestic debate over what should be given priority or requires urgency in terms of domestication because there is so much to be domesticated. Examples were given that countries are normally party to a plethora of agreements even on just corruption (African Union Protocol, UNCAC etc.) hence prioritisation was of essence especially by parliaments.

The presentation concluded by advising parliamentarians to take keen interest in capacity building activities that were meant to raise their consciousness on the issues and agreements and their implications in terms of what obligations their own Governments have to meet under the agreements to enable them to facilitate the domestication process. He noted that they also need to have access to information on what assessment review mechanisms reports have made on their countries about their progress, so that they can play a role in facilitating their Governments to accelerate the domestication process.

In discussion to the above presentations, the committee resolved as follows:

- i) Appreciated the presentation by the two presenters from Oxfam and SADC Secretariat and noted the need for collaborative effort to fight corruption in the region by all stakeholders, both State and non-state actors;
- ii) Concerned about the high levels of corruption particularly in state institutions including the law enforcement agencies and concurred that corruption was a living menace which was impeding development in the region;
- iii) Reiterated the need to campaign against sanctions imposed on some countries in the region as these were providing the grounds for corruption to thrive;
- iv) Resolved to continue the fight against inequality and the need to level the playing field across different sectors of the economy to ensure equal opportunities for all, which paves the way to fight corruption;
- v) Underlined the importance of regional integration and cooperation in the fight against corruption particularly in implementing the provisions of the protocol as well as the national laws on corruption.

6.0. Presentation and deliberation on Towards a Collaborative Approach in preventing, detecting, punishing, and eradicating corruption in the Public and Private Sectors in the SADC Region

6.1. The Committee welcomed **Commissioner John Makamure, spokesperson of the Zimbabwe Anti-Corruption Commission, who, in his presentation on the theme** of the meeting observed that the major obstacle to poverty alleviation in many countries in Africa was poor governance, which includes not simply corruption, but also poor performance of government officials in their management of public resources. The poor management of public resources, he observed, translates directly into poor public service delivery implementation, and thus undermining poverty alleviation policies.

The meeting was informed of the need for good governance, which he said has the following major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. He went further to explain that good governance assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

In light of the above, Commissioner Makamure noted that countries in the region have adopted a policy of zero tolerance to corruption. This means fighting both grand and petty corruption. While this is the way to go, he observed that grand corruption must be fiercely fought. This was because it involves abuse of high level power that benefits the few at the expense of the many, and causes serious and widespread harm to individuals and society. Whilst the presentation highlighted the devastating effects of corruption on the economic, social and political fabric of a society, Commissioner

Makamure noted the existence of many stakeholders that hold the key to fighting it namely:

- Anti-corruption agency
- Independent commissions
- Police
- Judiciary
- Prosecuting Authority
- Revenue authorities
- Central Bank
- Parliament
- Auditor General

The meeting was informed that Anti-corruption agencies could only effectively execute their constitutional mandate with increased collaboration with all key stakeholders including business, labour, churches, civil society and NGOs in various shapes and sizes, educational institutions etc. This was further strengthened by the recognition of various stakeholders in the key instruments that prove the framework to fight corruption i.e. the UN Convention Against Corruption, the AU Convention on Preventing and Combating Corruption and the SADC Protocol Against Corruption. All of these underscores the critical role of a collaborative approach in the fight against corruption. He observed that greater external collaboration was key especially in the recovery of assets.

In pursuit of his argument, Commissioner Makamure explained the collaboration the Zimbabwe Anti-Corruption Commission was having with various partners and signed MoUs with the Zimbabwe Republic Police, Auditor General, Parliament of Zimbabwe, Financial Intelligence Unit, Zimbabwe Revenue Authority, National Prosecuting Authority, Immigration Department and Transparency International Zimbabwe, Immigration Department, among others. Hence cooperation among stakeholders was noted to be very critical in the fight against corruption and these engagements have gone a long way in assisting the Commission fulfil its mandate.

He also informed the meeting of the Collaboration and coordination that has been strengthened through the development of a National Anti-Corruption Strategy (NACS) which was officially launched by His Excellency President E. D. Mnangagwa on 11 July 2020. In this regard he noted that most SADC countries have a NACS and went on to highlight some of the objectives of NACS and the intervention strategies contained in the Zimbabwe NACS to fight corruption.

He concluded his presentation by noting that NACS must meet the specific needs of a country and take into account local realities. As there is no one-size-fit-all remedy for corruption, NACS need to be based on rigorous data, a sound understanding of the country-specific social, legal and institutional environment as well as a realistic assessment of the corruption-related

problems, he noted. Furthermore, he observed that a good strategy must address underlying causes and not just the symptoms of the problem.

6.2. The Committee received a presentation from **Mr. Glenn Farred from the SADC Council of NGOs, who in his contribution to the theme** noted that the SADC region had made strides in promulgating the SADC Protocol Against Corruption. In this regard he noted that many SADC Member States had made stride to fight corruption given the legal framework in place. However, he noted that the ability to sustain the fight was hampered by the historical legacies that the countries in the region continue to suffer from even in this day and age.

He opined that the particular history of colonialism in different countries & the nature of the bureaucracy inherited in the post-independent states made it difficult for reforms to be instituted smoothly. Therefore, this legacy resulted in the ugly situation of entrenchment of corruption through:

- The politicisation of anti-graft and anti-corruption actions to settle scores, gain advantage or discredit opponents which impacts public confidence in measures and institutions (Botswana; Tanzania; RSA; Angola) – selective and politically motivated actions do little to remove the systemic problems
- Shutting down media and civil society organisations, imprisonment, harassment and legal and extra-judicial means to muzzle anti-corruption information/organisations. Use of international conventions and instruments such as Anti-Money Laundering and Financing Terrorism measures to target media and civil society activists – transforming whistle-blowing into a “terrorist” act
- The horrendous incidents of corruption which we are witnessing now as COVID-19 resources are widely looted (reports suggest all MS’s have been found to have incidents of Covid related corruption)

He concluded his presentation by suggesting some way forward including that SADC-CNGO strongly supports Civil Society Accountability - a comprehensive framework for independent civil society with appropriate legislation; self-regulation; transparency and enforcement mechanism’s (Code of Conduct & Ethics; Annual Audits; Legal protections).

In this framework, he articulated The SADC WE WANT Campaign, which has called for:

- **A Regional Court of Justice & Human Rights;**
- **A Regional Parliament;**
- **A Regional Authority** (revision of the SADC Treaty to reconstitute the current Secretariat to become an effective policy making and coordinating body);
- **Free Movement of People** in SADC & AU

He observed that SADC-CNGO proposes a Liaison Unit and Engagement Framework be established by Regional CSOs & SADC-PF to facilitate

contributions to the work of the SADC-PF enabling structured linkages between the parliamentarians and civil society formations (technical support, outreach and public education, research and knowledge production, participation and advocacy).

6.3. Ms Pusetso Morapedi from Botswana Centre for Public Integrity and also representing the Southern Africa Anti-corruption network (SAACoN) as well as the Southern African Civic Education Coalition (SACEC) underscored the need for civic education in fighting corruption. She observed that the existence of protocols and other instruments was not a guarantee that corruption would be eradicated unless and until civic education was inculcated in the citizenry through various approaches including incorporating provisions of some instruments in school curricula. She informed the meeting that her organisation was working closely with SADC NGO through the establishment of a regional anticorruption taskforce whose mandate, among others was to bring together various stakeholders in the fight against corruption.

6.4. Mark Heywood, the Editor of the Maverick in his contributions from the Media perspective noted that corruption is a global problem, taking many forms and that it was not a victimless crime as it leads to human rights violations, deepening inequality and weakens the capacity of the State e gave examples of the cost of corruption in South Africa where he noted that is estimated to cost hundreds of billions of Rand per annum. He lamented that the objective of “State capture” was to facilitate corruption. During Covid-19 journalists have played a crucial role in exposing corruption in PPE procurement, for example.

Mark also reiterated that Corruption was a threat to the achievement of Sustainable Development Goals (SDGs).

He posed a fundamental question: who benefits from corruption? He noted that Corruption was not only a problem afflicting governments and the public service, but it was also deeply embedded in the conduct of private business and gave an example that:

2018, UN Secretary General: “Citing estimates by the World Economic Forum, he said the global cost of corruption is at least \$2.6 trillion, or 5 per cent of the global gross domestic product (GDP), adding that, according to the World Bank, businesses and individuals pay more than \$1 trillion in bribes every year.”

He informed the meeting that tackling corruption required visible political leadership and, in this regard, Parliament has a key role to play in terms of ensuring:

- Leadership
- Legislation
- Monitoring
- Accountability

He reiterated that the battle against corruption cannot be won by Parliament alone. We need a social compact against corruption. Journalists and the media are a key stakeholder in that compact. Hence civil society had a critical role to play in ensuring Monitoring and reporting; Eyes and ears in communities; Protectors of resources; Able to organise and educate around corruption; Able to change the culture that turns a blind eye to corruption; Working in partnership with government.

He noted particularly the importance of the media in the fight against corruption through:

- investigating and publicising corruption;
- Educating and empowering communities about the legal framework around corruption.
- Ensuring accountability.
- Monitoring and supporting the prosecuting authorities.
- A memory that doesn't forget.
- Revealing the consequences of corruption

He concluded his presentation by posing a question:

How can Parliament support the media and by doing so support the fight against corruption?

6.5 Justice Oagile Key Dingake, former Judge of the High Court and Industrial Court in Botswana, Residual Special Court for Sierra Leone, and the Supreme and National Courts of Papua New Guinea made a presentation on the role of the Judiciary in fighting corruption in the SADC region.

Justice Dinkake lamented that corruption was robbing the SADC region and the entire African continent of its future. He noted that the social costs of corruption were incalculable and incontestable. Speaking from the perspective of the judiciary Justice Dingake observed that the judiciary was the last line of defence against any encroachment on rights and freedoms under law. In this regard, he noted the importance of the independence and impartiality of the judiciary saying it was more likely to be effective in fighting corruption than the one that is not.

He reiterated that fighting corruption was fundamentally a political project as the politicians in the executive and legislature must take the lead and the people should trust that they mean what they say when they promise zero tolerance on corruption.

The presentation highlighted the need to seriously pose the question: *Are our respective national political leaders leading the war against corruption credible? Do they have the moral standing to win the confidence of our people? Are they perceived to be corrupt?*

He noted if they are, winning the war would be a Herculean task. However, the meeting was informed that the unspoken tragedy in Africa that keeps corruption alive was that the proceeds of crime and illicit money were the raw material for election campaigns and election buying, with the result that criminal cartels are now buying governments-in-waiting in advance. This phenomenon, he noted, turns the ruling elites into enemies of their own people, because they are bought in advance to pursue the interests of their sponsors when in power.

The presentation observed the importance of advocating for regulation of finance campaigning which the independent anti-corruption bodies and civil society must focus on. He implored the SADC PF to initiate a conversation about this issue to resuscitate democracy in the region.

There was emphasis that the proceeds of crime and the illicit money funding political parties will destroy any semblance of democracy existing in the region. He noted that they subvert the will of the people and make the expression of that will inarticulate.

Emphasis was made that the judiciary on its own, no matter how independent it may be, will not succeed in breaking the back of corruption until the political question was addressed, that is, – the democratic deficit that makes corruption thrive.

The role of the judiciary was discussed in detail and Justice Dingake pointed out that a judiciary that is independent and impartial is the bedrock of a democracy and the rule of law. He noted, these values were essential in earning and retaining the confidence of the people.

Thus, he observed, the building blocks of a judiciary that can effectively fight corruption start with the procedure in the appointment of judges. This was important because the selection of judges may have an adverse bearing on a judiciary that can credibly and effectively fight corruption.

He lamented the growing phenomenon of cadre deployment – a situation in which the appointment of judges is made purely on political considerations and not merit, which undermines the fight against corruption and the rule of law. Appointments of judges based on political considerations are in themselves a form of judicial capture and should be strongly discouraged.

In term of the enabling legal framework, Justice Dingake pointed out that most countries do not have such. Enabling laws that may contribute to an effective anti-corruption legal framework may comprise those that:

- Criminalise corrupt activities;
- Enhance transparency in public procurement;
- Require public officials to regularly declare assets and liabilities;
- Identify and prevent conflict of interests;
- Protect whistle-blowers;

- Enable tracing, seizure, freezing and forfeiture of all illicit earnings from corruption;
- Improve access to information (allowing citizens to obtain information from the state);
- Define basic principles for decision-making in public administration (objectivity, impartiality, fairness, proportionality, legality, and the right to appeal); and
- Have a legal framework that enables public interest litigation.

He concluded his presentation by noting the importance of MPs to pay attention to passing laws that can aid in fighting corruption. We need laws that protect whistle-blowers, laws on freedom of information, laws on declaration of assets and liabilities, laws on conflict of interests, and laws on public interest litigation – where people other than those directly involved (concerned members of the public) can file a suit on behalf of the public.

6.6 Stanley Nyamanhindi from the SADC Lawyers Association informed the meeting that tackling corruption was one of the major activities they were engaged in through:

- Direct formal engagement with SADC, and state party leadership to influence restoration of the SADC Tribunal or adoption of an alternative regional human rights apex tribunal with jurisdiction for individual cases that would also include corruption issues;
- The agreement with state party leadership to enter into Memoranda of understanding in regard to creation of economic justice infrastructure in the mould of a SADC Seat for Commercial arbitration and Investment Dispute Resolution. The agreement also includes partnership in implementing the pro bono network by enabling government legal aid and court structures to access the SADC Regional Pro Bono network for additional lawyers to assist in matters where government is overwhelmed, including on corruption cases.
- Practical Strategies to strengthen human rights and rule of law observance at domestic, regional and international level - The convention of parallel platforms and processes for both state and non-state actors to firmly build the foundational pillars of the human rights and rule of law infrastructure in SADC. Namely Public Interest Law Network. This is constituted of a pro bono network that includes public interest litigation, free legal representation and assistance with transactional legal work aimed at enhancing observation of human rights for vulnerable groups. A key approach is the engagement of big business and investment transactions with the view to ensuring they remain alive to the rights of grass roots communities and thus help in curbing corruption.

The Committee deliberated on the six presentations and resolved as follows:

Commended the presenters for bringing out different dimensions of corruption and the suggested way forward to addressing it;

- I. Welcomed the recommendations for Parliaments to be conscientized and capacitated on national and regional agreements, protocols and instruments that promote democratic governance and their implications in terms of what obligations their Governments have to meet under those instruments;
- II. Reiterated the importance of Civic education in strengthening evidence-based approach to combating corruption and the role of Parliamentarians in ensuring adherence to shared norms and principles through civic education of communities;
- III. Concerned about the slow pace on the ratification and/ or domestication and/ or implementation of national, regional and other international agreements/instruments which Member States are parties to including the SADC protocol Against Corruption and the African Charter on Democracy, Elections and Governance, African Court on Human and Peoples Rights, Protocol on Mutual legal assistance etc;
- IV. Appreciated the role of parliaments to ensure the establishment of independent institutions that support democratic governance and their funding including the independence of the judiciary
- V. Welcomed the recommendation on the establishment of a Liaison Unit and Engagement Framework for Regional CSOs & parliaments to facilitate contributions to the work of the SADC-PF, enabling structured linkages between the parliamentarians and civil society formations (technical support, outreach and public education, research and knowledge production, participation and advocacy);
- VI. Reiterated the importance of a Ministerial Committee (or some other forum) at SADC level to oversee the implementation of the Protocol Against Corruption with regards to the harmonization of legislation and mechanisms for facilitating cross-border cooperation in investigating and prosecuting cases of corruption;
- VII. Concerned with the attack perpetrated on the Media throughout the SADC especially for its role in investigating and exposing corruption including during the Covid-19 pandemic;
- VIII. Reiterated that parliaments tackles corruption through its oversight role in fulfilling civil and political rights by protecting (as provided for in the different charters and instruments):
 - Freedom of expression;
 - Access to information;
 - Freedom of assembly;
 - Freedom of association;
 - Accountability and efficient institutions of state

7.0 Closing Remarks

In her closing remarks, the Chairperson thanked the Members for their participation and robust contributions during deliberations.

There being no further business, the meeting was adjourned at 16h20 *sine die*.

Hon. Jerónima Agostinho
CHAIRPERSON

Sheuneni Kurasha
COMMITTEE SECRETARY