



CONCEPT NOTE

50TH PLENARY ASSEMBLY OF THE SADC PARLIAMENTARY FORUM

**10TH-12TH DECEMBER 2021
VIRTUAL HOSTING BY THE PARLIAMENT OF LESOTHO,
MASERU**

“CELEBRATING A NEW ERA OF CONSOLIDATING DEMOCRACY THROUGH THE VIBRANT VOICES OF SADC PARLIAMENTARIANS”

I. BACKGROUND

1. The SADC region has flourished in democratic governance over the past decades, with accountability and transparency increasingly becoming the pervasive norm rather than being an isolated exception. Established under Article 9(2) of the SADC Treaty, the SADC Parliamentary Forum took birth in September 1997 as an institution of the SADC to improve inter-parliamentary dialogue around issues of mutual interest, including good governance and accountability. The Forum has relentlessly raised awareness and built the capacity of SADC Parliamentarians to understand and interact on themes that are crucial to democracy such as the rule of law, parliamentary sovereignty, public financial management, gender, natural resources governance, trade, finance, human rights and constitutionalism, to cite but a few. Since the Windhoek Initiative which paved the steps for the creation of the Forum in the early 90s to current day, the Forum prides itself with over a thousand capacity building initiatives in various forms in view of empowering Parliaments to function more efficiently and to engage one another on shared values.
2. Over the years, the Forum has made it its maxim to promote parliamentary democracy in all its forms and in accordance with the African Charter on Democracy, Elections and Governance (2007). In this respect, both representative democracy and participatory democracy are

the resolute hallmarks of the SADC-PF. The Strategic Plan (2019-2023) of the Forum has further delineated the mandate of the SADC-PF in line with its visionary ambition as being the Flag-Bearer of Democratisation and Socio-Economic Development for the SADC region. Indeed, the Forum has promoted the notion of development as earmarked in the Banjul Charter to the effect that socio-economic human rights cannot be dissociated from civil and political rights and that both categories of rights are the legitimate aspirations of the African people to lead a life with equality and dignity. In other words, it is trite that democracy involves more than going to the polling stations, and that every healthy democracy is to be accompanied by a supportive framework that favours human-centric development.

3. In order to ensure progress in the advancement of democratic principles, the Forum has promoted its own Bill of Rights through normative standard-setting: the Norms and Standards for Elections in the SADC region, (2001), the SADC Model Laws on HIV (2008), Child Marriage (2016) and Elections (2019) as well as the Minimum Standards for Key Populations (2018) have heralded a new era of guided domestication initiatives towards democratisation and socio-economic development. The robust normative standards under the SADC Model Laws have also brought the region closer to regional economic integration anticipated under the SADC regional strategies. Today, the SADC region is blessed with inclusive legal instruments that have been meticulously worked at regional level in view of acting as legislative yardsticks for national Parliaments.
4. The numerous initiatives of the Forum have served the region for the enactment of enhanced legislation and the adoption of apt policies over the years against the backdrop of good governance and accountability principles. Notable achievements have been to mitigate the effects of child marriage and betrothals across many SADC countries, introduce Comprehensive Sexuality Education (CSE), initiate discussions for safe abortion, set the legal age of marriage at 18, promote Universal Health Coverage (UHC) or enhance the impartiality and fairness of electoral systems. Through independent Electoral Observation Missions (EOMs), the Forum has applied and reported on criteria which are now part of the SADC Model Law on Elections in view of ensuring the regularity of election processes across SADC. By so doing, the Forum has demonstrated that Parliaments, and thus Parliamentarians, have a powerful voice which deserves to be heard with all its merit.
5. In the post-pandemic era, the Forum is positioned to spearhead multilateral cooperation which will constitute a healthy symptom of economic growth. Indeed, the African Economic Outlook 2021 has identified the fostering of regional and multinational cooperation to ensure sustained and widespread recovery, as one of the key policy priorities to accelerate Africa's transformation to a more resilient,

inclusive, and sustainable post-pandemic recovery¹. Undeniably, the Forum and thereafter the SADC Parliament will take part in building multinational cooperation ties within the SADC through parliamentary interventions that advance economic growth and integration whilst playing a pivotal part in mitigating public debt. As earmarked in the Changing Wealth of Nations Report released by the World Bank Group on 27th October 2021, sustainable economic development depends on building assets as well as driving GDP growth², which are both factors that are closely considered by the Forum through thematic capacity building initiatives. The SADC Model Law on Public Financial Management (PFM) which is currently in the offing will establish best practices for Parliaments to oversee efficiently the state finances and monitor economic growth.

6. As the Forum celebrates its Golden Jubilee in the form of its 50th Plenary Assembly, the SADC-PF aims to turn into a paragon of parliamentary excellence that further empowers SADC MPs to exercise parliamentary prerogatives by passing legislation, adopting the State budget, exercising oversight on the Executive, and representing adequately their constituencies, in order to reinforce the democratic framework. In that respect, the 50th Plenary Assembly of the Forum marks a true turning point for regional parliamentary integration.

II. THE GOLDEN JUBILEE 50TH PLENARY ASSEMBLY OF THE FORUM: A TIME TO CELEBRATE GROUND-BREAKING ADVANCEMENTS

7. The Vision of the Forum's founders becoming a reality through transformation to a SADC Regional Parliament

The Golden Jubilee is first and foremost a prime occasion for the SADC-PF to reminisce and pay tribute to the immense efforts accomplished by the founders of the Forum, in particular to mark the justness of their words and visionary foresight, almost three decades ago through the Windhoek Initiative in 1993:

“To that end, the onus rests squarely on the SADC parliamentarians, headed by their Speakers, to encourage effective implementation of SADC policies and projects through democratic and popular participation by the citizens of the region. In short, the Windhoek Initiative focuses on the need for SADC governments to develop a sophisticated appreciation of the workings of the global economies, and the impact of these on SADC as a whole. It is in this context that the SADC Parliamentary Forum will facilitate an increasingly firm governmental COMMITMENT to the integration and development projects and programmes that will ensure the survival and happiness of its own people³.”

¹ Africa Economic Outlook 2021, African Development Bank Group, Page 7.

² Changing Wealth of Nations 2021, World Bank Group, p63.

³ Windhoek Initiative, Consultative Meeting Report, Windhoek, Namibia, 20th-22nd October 1993, p6

8. At the Golden Jubilee celebrations, it is pertinent to note that the Forum has not only exceeded the expectations of the Windhoek Initiative but has gone beyond to open the doors for transformation to a SADC Parliament. The Golden Jubilee of the Forum has struck at the opportune moment when momentous developments on the much-awaited transformation agenda of the SADC-PF have occurred at the level of the SADC Summit of Heads of State and Government. Indeed, the 41st SADC Summit meeting in Lilongwe, Malawi, on the 17th-18th August 2021 has decided that the transformation of the Forum into a SADC Regional Parliament is approved as a matter of policy, with the accomplishment of other formalities such as the amendment to the SADC treaty and the drafting of the Protocol to establish the SADC Parliament well underway. This development has been made in the trail of several years of consolidated efforts by SADC national Parliaments to canvass the inherent value of regional parliamentary work conducted under the banner of a SADC Parliament without interfering with the sacrosanct principle of state sovereignty. While this development has augured well for the 50th Plenary Assembly celebrations, it also demonstrates the steadfast solidarity prevailing between SADC Parliaments that surpasses physical borders, cultures and nationalities.

9. The prominence of the SADC Identity

Throughout the years, the Forum has also promoted the coveted SADC identity which refers to the identity as an individual of the SADC region rather than individual countries within the same geographical area. This identity is quintessential for SADC citizens and parliamentarians to think in terms of mutually beneficial solutions for the region and to work towards shared values and objectives. For the first time ever, the Forum has administered an Oath of Adherence of SADC parliamentarians in 2020 to ensure that the Plenary Assembly of the Forum operates by bearing in mind the regional interests of the SADC as a whole. The strength of the Oath of Adherence will be heightened with the transition of the Forum to a SADC Parliament, therefore giving greater prestige and revamped earnestness to the position of the SADC MP sitting in the House during Plenary proceedings.

10. The SADC Model Law on Gender-Based Violence beckoning reinforced protection for SADC citizens

The 50th Plenary Assembly of the Forum will also be a festive celebration that will mark a germane addition to the Bill of Rights of the SADC-PF: the adoption of the SADC Model Law on Gender-Based Violence (GBV). The SADC Model Law has been arrived at after extensive consultations with over twenty-one (21) stakeholder groups including human rights commissioners, SADC judicial officers and Line Ministries, to cite but a few. While there has been general consensus by stakeholders under the Model Law to address GBV from a rule-based perspective and to do away

with harmful traditional practices that mainly afflict women in the SADC region, there has been common agreement that GBV should be treated with confidentiality in order to allay the fears of social repression of GBV complainants. The Model Law is poised to change the social landscape of the region with reinforced protection to GBV complainants from a human rights friendly approach. Pursuant to the validation of the Model Law by a Joint Sitting of Standing Committees of the Forum and the Regional Women Parliamentary Caucus, the instrument is scheduled for adoption at the Golden Jubilee Plenary Assembly.

11. The switch to green and renewable energy sources that nurture a healthy SADC ecosystem

It is also timely to salute the immense progress made by the Forum in the field of green energy and sustainable development. Since the devastation caused by cyclone Idai in Mozambique, Malawi and Zimbabwe in 2019, the Forum has consistently mainstreamed climate change mitigation in its deliberations, including those of the 45th Plenary Assembly of the SADC-PF. Green and renewable energy sources are no longer an option but a necessity to do away with harmful greenhouse gases, global warming and the rising of sea-levels, in line with Africa Agenda 2063. The Forum has been mindful that climate change is detrimental to the whole SADC Membership, in particular island nations such as Seychelles and Mauritius which rely on coastal zones to promote tourism as an economic pillar. In the years to come, the SADC-PF will continue to trigger parliamentary debates on climate change action and promote domestication of the UN Framework Convention on Climate Change (UNFCCC), the Paris Agreement, the Kyoto Protocol and other environment-related treaties.

12. Promoting digitalisation, e-governance and technological innovation through parliamentary interventions

The 50th Plenary Assembly also marks the beginning of a fascinating journey in the discovery of new technologies for Southern Africa. While technology has become an ally in the fight against the COVID-19 pandemic and has helped SADC nations stay connected, digitalisation of citizen facilities, e-banking and e-government initiatives powered by 5G technology are likely to shape the future of Southern Africa. By the establishment of standard normative frameworks, the Forum will continue to ensure that the digital economy is adequately regulated and contributes to sustainable development. In addition, the Forum will explore new trends in the digital world such as the use of cryptocurrencies, blockchain and digital art in view of assessing the opportunities that they present for the region. Technological innovation will also be promoted side by side with robust Intellectual Property (IP) norms, be it copyright, trademarks, or patents, which are the drivers of a conducive business environment.

13. Adopting a structured approach to progressive domestication of international norms

Tribute needs also be paid to the Forum's zeal to promote domestication of SADC Model Laws and related Treaties. Domestication is imperative, especially as SADC Member States are mainly dualist states under international law, with a clear demarcation between the international and domestic realms. While Treaties, Covenants and Protocols continue to be signed and ratified, there is a need for constant follow-up to determine the extent to which they have been applied and enforced at the domestic level. Against this backdrop, the Forum is the first inter-parliamentary entity which has a dedicated organ to monitor domestication in the form of the Regional Parliamentary Model Laws Oversight Committee (RPMLOC). Since the creation of the organ in 2019, the Forum has started to monitor the SADC Model Law on Child Marriage and is making immense progress with the development of monitoring tools such as domestication Scorecards. Domestication is a live topic, especially as it extends to commitments inclusive of political declarations and common objectives such as the Sustainable Development Goals (SDGs) which are crucial to monitor in view of ensuring a steady implementation.

14. A new beginning in inter-parliamentarism on international Human Rights Day

The Golden Jubilee of the SADC-PF will thus mark a new beginning in inter-parliamentarism which calls for a celebration of progress made in the democratic framework through parliamentary initiatives under the umbrella of the Forum. It is befitting that the opening ceremony of the 50th Plenary Assembly has been coincided with Human Rights Day which is being celebrated worldwide under the theme “**Recover Better- Stand up for Human Rights**”. The Forum will seize this landmark opportunity to express its commitment to be guided by human rights, including those of the Universal Declaration of Human Rights (UDHR). Indeed, Model Laws of the Forum as well as Minimum Standards developed so far are firmly grounded in human rights literature, with the UDHR and the ensuing International Covenants on human rights⁴ considered as central reference documents.

III. OBJECTIVES AND EXPECTED OUTCOMES OF THE 50TH PLENARY ASSEMBLY

- 15.** The Plenary Assembly of the Forum is held by each of its Member Parliament on a rotational basis in accordance with the Forum's Constitution. Since the Forum's existence, delegates have met physically in nearly all SADC Member States and have celebrated friendship, solidarity and the SADC identity. The 50th Plenary Assembly has the

⁴ *The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights (ICESCR) 1976.*

overarching objective to commemorate this sterling union of Member Parliaments and pay a special tribute to their long-lasting dedication and commitment.

16. The objectives and expected outcomes of the 50th Plenary Assembly are:

- a) to promote solidarity and inter-parliamentary cohesion amongst SADC Member Parliaments;
- b) to take stock of the progress made thus far by the Forum through its diverse thematic initiatives and to look forward towards a promising future;
- c) to promote inter-parliamentary policy among SADC Member Parliaments with respect to shared values and common agendas;
- d) to consider the progress made on the transformation of the Forum into a SADC Regional Parliament;
- e) to consider and adopt the SADC Model Law on Gender-Based Violence as well as ensuing advocacy initiatives with partners;
- f) to commemorate Human Rights Day on the 10th December 2021;
- g) to consider motions and statements by MPs which are in line with the theme of the Plenary Assembly; and
- h) to applaud and commend SADC Member Parliaments, Speakers/Presiding Officers, Clerks and Secretaries General and their staff, for the tremendous progress made in upholding parliamentary democracy in the SADC region.

IV. VENUE

17. The 50th Plenary Assembly of the SADC-PF will be hosted by the Parliament of the Kingdom of Lesotho, broadcasted virtually from Maseru, on the 10th-12th December 2021.
