



**REPORT OF THE REGIONAL PARLIAMENTARY MODEL LAWS OVERSIGHT COMMITTEE (RPMLOC) TO THE 51<sup>ST</sup> PLENARY ASSEMBLY SESSION HOSTED BY THE PARLIAMENT OF MALAWI FROM 7<sup>TH</sup> TO 16<sup>TH</sup> JUNE, 2022**

**THEME: “TRACKING PROGRESS ON THE DOMESTICATION OF SADC MODEL LAWS BY MEMBER PARLIAMENTS UNDER THE THEME “IMPROVING PUBLIC FINANCIAL MANAGEMENT IN SADC: MAPPING THE ROLE OF PARLIAMENTARIANS”**

Mr President, I beg to move that this Plenary Assembly do adopt the Report of the Regional Parliamentary Model Laws Oversight Committee to the 51<sup>st</sup> Plenary Assembly Session of the SADC Parliamentary Forum, laid on the table on 12<sup>th</sup> July, 2022.

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## **1.0 COMPOSITION OF THE COMMITTEE**

The Committee consisted of the following Members:

1. Hon. Andre Leon Tumba, MP, DRC (*Chairperson*)
2. Hon. Rachel Zulu, MP, Malawi (*Vice Chairperson*)
3. Hon. Ruth Adriano Mendes, MP, Angola
4. Hon. Anne-Marie Mbilambangu, MP, DRC
5. Hon. Strydom Mpanza, MP, Eswatini
6. Hon. Lekhetho Mosito, MP, Lesotho
7. Hon. Marie Jeanne d'Arc Masy Goulamaly, MP, Madagascar
8. Hon. Jerónima Agostinho, MP, (Mozambique)
9. Hon. Darren Bergman, MP, South Africa
10. Hon. Anele Ndebele, MP, Zimbabwe

## **2.0 TERMS OF REFERENCE**

The Regional Parliamentary Model Laws Oversight Committee is guided by its mandate in Article 16(4) of the Constitution of the SADC Parliamentary Forum.

## **3.0 NUMBER OF MEETINGS HELD, MEETING DATES AND THEME**

The Regional Parliamentary Model Laws Oversight Committee held one meeting to consider the topic “Improving Public Financial Management in SADC: Mapping the Role of Parliamentarians”.

## **4.0 BACKGROUND**

Since the last decade, SADC Model Laws had played a significant role in setting benchmarks and shaping national laws and policies across SADC. While SADC Model Laws pertained to specific themes such as HIV, Child Marriage, Elections among others, their influence had gone far beyond their thematic scope and had helped to avert discrimination, promote equality of treatment and human rights, and even deepen the democratic drive that was the very foundation of social and economic progress. The Vision of the SADC Parliamentary Forum, coined in 2019 as the Flag-Bearer of Democratisation and Socio-Economic Development, thus constituted a reflection of the target required to be achieved by the Forum’s policies, inclusive of the implementation of its Model Laws.

At the regional level, the Forum in 2019 established its Regional Parliamentary Model Laws Oversight Committee (RPMLOC). The Oversight Committee was poised as a high-level organ with a clear mandate to exercise oversight over the

domestication of Model Laws developed by the Forum, as well as related policies within the Forum's Vision to advance democratisation and socio-economic development. With the recent world developments, the RPMLOC now occupied a cardinal position within the Forum's institutional framework that was crucial to spearhead domestication initiatives and advance the rule of law. While Parliament was itself an oversight organ over the Executive in accordance with the concept of separation of powers, the RPMLOC of the Forum was thus positioned to assist Member Parliaments in exercising oversight and monitoring of targeted policies linked to human rights and democratisation.

Although monitoring involved both quantitative and qualitative analysis, there was a need to make room for appropriate rationalisation and adjustments to ensure that the collection of data was an accurate and prompt process which could be conveniently monitored by the Oversight organ. It was thus necessary to develop parliamentary scorecards that could act as facilitative tools for Member Parliaments to gather data through line ministries of the Member States and transmit such data back to the Forum for monitoring.

Concerning the SADC Model Law on Elimination of Child Marriage and Protection of Children Already in Marriage, the Standing Committee on Human and Social Development and Special Programmes (HSDSP) had already developed and approved a dedicated parliamentary Scorecard to bridge the communication gap that could exist at information collection stage. The Scorecard spoke to the different Parts of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage and consisted of straightforward questions that could be answered in the affirmative or the negative, such that information collection would be as convenient and fast as possible. Furthermore, the Scorecard included an adjustment section for Member States to include comments and clarifications. The Scorecard for the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage could be replicated for other SADC Model Laws and even for other specific policies of the Forum.

The framework for the Scorecard monitoring process could be summarised as follows:

- 1) The Scorecards were developed for the RPMLOC of the Forum, with each Scorecard corresponding to one Model Law;
- 2) The Scorecards were approved by the RPMLOC for transmission to SADC Member Parliaments. In this respect, the Member Parliaments would act as the collectors and facilitators of the informative gathering process;
- 3) Once received by a SADC Member Parliament, the Scorecard would be submitted to at least three entities: the relevant line ministry; a statutory

body such as the National Human Rights Commission/ Ombudsman's Office; and a prominent CSO. This was to ensure shadow reporting and objectiveness in the gathering of information. The entities may wish to meet under the auspices of the national Parliament to align their responses but where this was not possible or practical, the filled Scorecards would be sent to the SADC Parliamentary Forum directly through the national Parliament.

- 4) The RPMLOC would consider the Scorecards at its meetings and also hear presentations made from the national stakeholders by online means, if necessary (for instance if the shadow Scorecard from the CSO showed a strong departure from the Executive Scorecard, the RPMLOC may hear the diverging views through presentations).
- 5) The RPMLOC would be the final authority in assessing the information submitted and would give a final score to the country after considering all the information communicated to it. At each meeting, the Committee may consider more than one Scorecards from SADC Member countries.
- 6) After considering the Scorecards, the RPMLOC would develop observations and identify common bottlenecks and challenges to the domestication and implementation of the Model Law.

The RPMLOC, therefore, met to reflect how Scorecards could be further utilised to monitor other Model Laws developed by the Forum, and consider and approve the development of the Scorecard on the SADC Model on Financial Management once the said Model Law was adopted by the 51<sup>st</sup> Plenary Assembly Session.

## **5.0 PRESENTATION OF THE MAPPING EXERCISE TO BRAINSTORM ON ADVOCACY AND GIVE THE GREEN LIGHT TO THE SECRETARIAT FOR THE DEVELOPMENT OF A SCORECARD ON PFM PURSUANT TO ADOPTION - MR. RODGERS KIDIYA, POLICY OFFICER, TAX JUSTICE NETWORK AFRICA**

Following the presentation, the Committee noted that the key aspects of Model Law Scorecards were: the problem identified by the Model Law, the goal of the Model Law; domestication and implementation, the specific primary and secondary targets such as partnerships with decision makers and influencers (academia, media and the general public), the message and the advocacy tools for monitoring and packaging the model law in a compelling contextual manner that talks to issues.

Further the Committee noted the outline of the scorecard: advocacy tools, and message design, in-country stakeholder mapping which was important for informing the Model Law, the staying strategy and its importance in monitoring

the Model Law. The Committee also noted the importance of building local champions with the aim of ensuring that domestication and implementation of the Model Law could have local advocates in the Member States, whose interest and energy would be invested in initiatives aimed at the implementation of the Model Law. The Committee noted that the second pillar of the staying strategy was to invest in and promote research in support of the latter.

## **6.0 PRESENTATION ON THE SCOPING ASSESSMENT OF THE SADC MODEL LAW ON ELIMINATION OF CHILD MARRIAGE AND PROTECTION OF CHILDREN ALREADY IN MARRIAGE AND ITS IMPLEMENTATION IN EAST AND SOUTHERN AFRICA – DR. SHEENA CRAWFORD, UNFPA AND EQUALITY NOW**

Members noted with satisfaction the Scoping Assessment of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage and its Implementation in East and Southern Africa. The Committee noted that the mapping would provide a basis and foundation for the monitoring of the Model Law through the Scorecard. The mapping exercise would also lead to analysis and planning by the Committee for its adoption activities towards domestication of the Model Law. Further the Committee noted that the mapping would be done in phases and that phase 1 had already been submitted. The outcomes of the exercise would also be presented in phases.

The following lessons were drawn from the presentations:

1. There were gaps in current programmes aimed at ending child marriage in the SADC Member States; these included gaps in understanding how to use the law with justice. There was also an inadequate evidence base to inform the implementation of projects so as to get the most of small scale interventions.
2. Some of the key challenges that were identified were that there is little fully documented evidence on what works to end child marriages, lack of an evaluation and monitoring tool and inadequacy of ending child marriage strategies, the confusion between the age of consent to marry and the age of consent to sex among cultures, funding constraints, the Covid-19 pandemic which had had a serious detrimental effect on child marriages, resistance and other underlying social problems.
3. The mapping would also involve carrying out a study in selected focus countries depending on how they have fared in addressing issues of child marriage and initiatives that had been taken in this regard and their progress in ending child marriage. These included Eswatini, Zimbabwe and Malawi.

4. The Committee was concerned that the Auditor General did not appear in the list of in-country stakeholders identified in the outline of the Scorecard on the PFM even though the Auditor General played a key role as an independent player in public financial management in terms of the law. The Committee emphasised that the Auditor General was a critical stakeholder and ought to be included in the list of in-country stakeholders even though the Auditor General would feature in the process through collaboration with other partners when conducting investigations and preparing the Auditor General's Report.

## **7.0 OBSERVATIONS AND RECOMMENDATIONS**

Now, therefore, the Regional Parliamentary Model Laws Oversight Committee resolves recommend to the 51<sup>st</sup> Plenary Assembly to:

**URGE** SADC Member States to work with civil society organisations and law enforcement agencies that had a readily available database in place with regard to gender-based violence and child marriage.

**ENCOURAGE** SADC Member States to set up data bases of their own regarding child marriage so that critical data can be easily accessible and retrievable.

**AUTHORISE AND DIRECT** the Secretariat to proceed with the development of the Scorecard on the Model Law on Public Financial management once the Model Law on PFM is adopted by the Forum's Plenary Assembly.

**DIRECT** the Secretariat to issue the Scorecard on the Model Law on Child Marriage the Elimination of Child Marriage and Protection of Children Already in Marriage and the Scorecard on the Model Law on Public Financial Management to SADC Member Parliaments and initiate the collection of the necessary data from the Member States through the National Parliaments for the consideration of the RPMLOC at its next meeting.

## **8.0 ELECTIONS FOR CHAIRPERSON AND VICE CHAIRPERSON OF THE RPMLOC FOR 2022 TO 2024**

Considering that the tenure of the current Chairperson and Vice Chairperson was coming to an end, an election for new office bearers of the RPMLOC was held following the meeting. In line with the rotation and gender equity principles, the following were elected as office bearers:

- (i) Honourable Ishmael Ndaila Onani, MP (Malawi) - Chairperson
- (ii) Hon. Shally Josepha Raymond, MP (Tanzania) – Vice Chairperson

## **9.0 CONCLUSION**

The SADC Parliamentary Forum had developed a number of Model laws and is currently in the process of developing several more. Model Laws provide a benchmark and a standard for Member States to check their progress towards attainment of their regional and international commitments. Therefore, it is important that the domestication of Model Laws is tracked in order to check that all Member States are making progress towards the intended goals. The RPMLOC is of the considered view that apart from giving further context to the Model Law, the Scorecard on the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage can help Member States to readily identify the bottlenecks in the domestication of Model Laws and find solutions to the bottlenecks. In that regard, the Members of the RPMLOC were in full support of the Scorecard and the Mapping Exercise as these were necessary tools in monitoring the domestication of SADC Model Laws and developing an evidential base that could be used for further analysis and comparisons.



## **10.0 APPENDIX I – LIST OF OFFICIALS**

Ms Boemo Sekgoma, Secretary General  
Ms Clare Musonda, Director – Corporate Governance  
Ms Yapoka Mungandi, Director –Finance and Corporate Services  
Mr. Sheuneni Kurasha, Programme Manager – Democracy, Governance and Human Rights  
Mr Wilfred Kongolo, ICT  
Ms Agnes Lilungwe, Executive Secretary to Madam Secretary General  
Mr Modise Kabeli, Media Officer  
Mr Ronald Windwaai, ICT Officer  
Ms Paulina Kanguatjivi, Assistant Procedural Officer & Coordinator  
Ms Edna Kanguya Zgambo, Committee Secretary  
Ms Betty Zulu, Committee Secretary  
Ms Sharon Muteto Nyirongo, Committee Secretary  
Mr Dennis Gondwe, Committee Secretary  
Ms Thoko Gumedze Committee Secretary

## **11.0 APPENDIX II – NATIONAL PARLIAMENTS**

Hon. Lekheto Mosito, Lesotho  
Hon. Lovanirina Celestin Fiarovana, Madagascar  
Hon. Jimmy Gertrude Jhonny, Madagascar  
Hon. Emiline Ramaroso, Madagascar  
Hon. Tsiliva Diddiot, Madagascar  
Ms Veronica Ribeiro, Angola  
Ms Kelly Dambuza, Botswana  
Mr. Jean Nguvulu Khoji, DRC  
Mr Edouardo Alidong Pico, DRC  
Ms Jabulile Mbazo Malaza, Eswatini  
Ms. Mammahela Matamane, Lesotho  
Mr Calvin Andriamitarijato Randriamahafanjary, Madagascar  
Bao Tsamina Bānedicte Ratahirisoa, Madagascar  
Ms. Lova Herizo, Madagascar  
Lantonirina Randriamampionontsoa, Madagascar  
Ms. Liva Norohanta Harinoelina, Madagascar  
Ms. Soatsara Marcella Diada Me Benandrasana, Madagascar  
Ms. Gomezgani Ngwira, Malawi  
Mr. Manuel Chifunga, Mozambique  
Ms Geraldina Bonifacio, Mozambique  
Mr Jaime Numaio, Mozambique  
Ms Elizabeth Andreas, Namibia  
Ms Genevieve Morel, Seychelles  
Ms Siphokazi Mhlambiso, South Africa  
Ms Natalie Leibrandt – Loxton, South Africa  
Ms Hazel Gooding, South Africa  
Mr Graham Greenfield, South Africa  
Ms. Ifoma Hamabele, Zambia  
Ms Catherine Jere, Zambia  
Ms Angela Machonesa, Zimbabwe  
Mr Adolf Mavheneke, Zimbabwe  
Kelebileng Kokoro  
Ms Josefina Manuel  
Tanyaradzwa Manyembo  
Ms Faith Shange