

REPORT



2020 STATUS OF SIGNATURE AND RATIFICATION OF ANTI-CORRUPTION INSTRUMENTS BY SADC MEMBER STATES:

FOCUS ON THE SADC PROTOCOL AGAINST CORRUPTION (SPAC), AU CONVENTION ON PREVENTING AND COMBATING CORRUPTION (AUCPCC) AND THE UN CONVENTION AGAINST CORRUPTION (UNCAC)

14 February 2020

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In addition, ACT-SA would like to thank all the SADC Member States that signed, ratified and domesticated anti-corruption instruments. This report will show that the majority of these SADC Member States have signed and ratified the SADC Protocol against Corruption (SPAC), the AU Convention on Preventing and Combating Corruption (AUCPCC) and the UN Convention against Corruption (UNCAC). This is a welcome development taking into consideration the deleterious effects of corruption on development, rule of law, human rights, security and the stability of states.

ORGANISATIONAL PROFILE

Introduction

The Anti-Corruption Trust of Southern Africa (ACT-SA) is a registered non-governmental organisation that campaigns against corruption in both the private and public sectors. ACT-SA is registered in Zimbabwe as a common law trust (MA147/2004 refers). Furthermore, the organisation is registered in South Africa, under the Non-Profit Organisation Act, 1997 (Registration Number 045-923-NPO refers). Annex 1 and 2 show the Certificates of registration in the two countries.

Vision of ACT-SA

ACT-SA has one vision which it wants to see:

“Accountable, transparent and legitimate public and private sector institutions operating alongside a well-informed, empowered and actively engaged citizenry”.

Mission Statement

The mission of ACT-SA is: to contribute to good governance, a corruption free and prosperous Southern Africa through: (1) Institutional capacity building, (2) Situational prevention of corruption, (3) Social prevention and public empowerment; (4) Anti-corruption policy and law reform and (5) Research and development.

Strategic Objectives

The following are the strategic objectives to be achieved during the period 2018 to 2023:

- a) To enhance the capacities of specialised anti-corruption bodies, auditors and audit institutions, judicial institutions, and law enforcement agents, to effectively respond to the challenge of corruption;
- b) To support national as well as sub-regional, regional and international efforts towards the formulation, implementation, adherence and coordination of anti-corruption treaties, legislation, policies and action plans;
- c) To enhance the capacities of communities, media and civil society organisations to effectively contribute to dialogue on strengthening the development and implementation of anti-corruption institutions, legislation and policies for eradication of poverty and inequality;
- d) To contribute to anti-corruption knowledge generation, codification and advocacy for improved efficiency, effectiveness and impact of anti-corruption efforts;
- e) To improve access to justice to victims of corruption, targeting marginalised communities, especially women, youths, the disabled and those living with HIV and AIDS;
- f) To strengthen national, regional and international cooperation on criminal, civil and administrative matters relating to corruption in line with regional, continental and international anti-corruption instruments.

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LIST OF ACRONYMS

ACT-SA	Anti-Corruption Trust of Southern Africa
AU	African Union
AUCPCC	African Union Convention of Preventing and Combating Corruption
SADC	Southern African Development Community
SPAC	SADC Protocol against Corruption
UN	United Nations
UNCAC	United Nations Convention against Corruption

DEFINITION OF KEY TERMS

There are several terms that make it easier for readers of to understand this report. These terms have been explained hereunder. However, the explanations have been adapted from The Concise Oxford Dictionary of Current English (8th edition), Clarendon Press, Oxford, 1990 and the United Nations Treaty Collection, Treaty Reference Guide, 1999, available at <http://untreaty.un.org/English/guide.asp>

Accede/Accession: ‘Accession’ is a demonstration shown by a State agreeing to be legally bound by the terms and conditions of a particular treaty. It binds the same way, ratification binds a State. The major difference with ratification is that it is not preceded by an act of signature. The formal procedure for accession differs according to the national legal and policy requirements of the State. To accede to a treaty, the appropriate national organ of a State follows its domestic approval procedures and makes a formal decision to be a party to the treaty. Then, the instrument of accession is prepared and deposited with the relevant authority such as the United Nations Secretary-General in New York.

Adoption: ‘Adoption’ is the formal acceptance of the form and content of a proposed treaty text. It is important to note that treaties are first negotiated and the processes is loaded with arguments. However, at the end, acceptance of the form and content thereof is made by a resolution .

Article: Articles in a treaty lay out obligations of State Parties choosing to be bound. However, these international legal instruments start with a Preamble which states the justification for the instrument..

Convention: A ‘convention’ is a formal agreement between States. It is also known as a ‘treaty’.

Deposit: After a treaty has been concluded, State Parties put their commitments in writing providing formal evidence of their consent to be bound. These formal written commitments are placed in the custody of a depository such as the Secretary-General of the United Nations as their depository with reference to Article 71 of the UNCAC.

Domesticate: To domesticate an international treaty, means to give it the force of law in a country which amends the domestic laws of that country, or incorporates the treaty into the domestic laws of the country

Entry into Force: It is important to note from the outset that a treaty does not enter into force when it is first adopted. Typically, the treaty itself determines or shows the date on which the treaty enters into force, often at a specified time following its ratification or accession by a fixed number of states. For instance Article 68 of the UNCAC states that the Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

Optional Protocol: The term ‘protocol’ is used to describe an additional instrument that complements and add to an already existing treaty. A protocol is ‘optional’ because it is not automatically binding on the State Parties that had already ratified the original treaty. These State Parties must independently and without being forced ratify or accede to a protocol for it to bind them.

Ratify/Ratification: ‘Ratification’ is an expression and agreement to be legally bound by the terms of a particular treaty. However, to ratify a treaty, the State first signs it and then fulfils its own national legislative requirements. Ratification is done after an appropriate national authority of the country follows domestic constitutional procedures and makes a formal decision to be a party to the treaty by depositing an instrument of ratification, in form of a formal sealed letter duly signed by the State’s

responsible authority. This is then prepared and deposited with institutions such as the United Nations, SADC and the AU.

Signature: 'Signature' of a treaty is an act by which a State provides a preliminary endorsement of the instrument. Signing does not create a binding legal obligation but does demonstrate the State's intent to examine the treaty domestically and consider ratifying it. While signing does not commit a State to ratification, it does oblige the State to refrain from acts that would defeat or undermine the treaty's objective and purpose.

State party: A 'State party' to a treaty is a country that has ratified or acceded to that particular treaty, and is therefore legally bound by the provisions in the instrument.

Treaty: A 'treaty' is a formally concluded and ratified agreement between States. Generally it refers to instruments binding at international law, concluded between international entities (States or organizations). However, a treaty must meet the following ingredients (1) a binding instrument, which creates legal rights and duties; (2) concluded by states or international organizations that have treaty-making powers; (3) governed by international law and (4) put in writing

EXECUTIVE SUMMARY

The status of signature and ratification of the UN Convention against Corruption (UNCAC), the AU Convention on Preventing and Combating Corruption (AUCPCC) and the SADC Protocol against Corruption (SPAC) by SADC Member States is encouraging. The findings of this study clearly illuminates that SADC Member States have made great strides in signing and ratifying anti-corruption treaties.

Having said that, the signing and the ratification of instruments, should not be misconstrued as an end in themselves considering the increasing cases of corruption. Hence, we make a strong case that implementation should begin were ratification and signing end. We still however, argue those countries still lagging behind as seen in the table immediately below, to sign and ratify these key instruments to promote the level of cooperation required in the fight against corruption.

Table 1: SADC Member States lagging behind in Signing and ratification of the SPAC

Country	Date of signing	Date of Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Comoros	Not signed	Not ratified
Madagascar	Not signed	Not ratified
Seychelles	14 August 2001	Not ratified

Furthermore, there are still other SADC Member States who are yet to ratify the AUCPCC. These include the Democratic Republic of Congo, and Eswatini. Refer to Table 2 for more information.

Table 2: SADC Member States lagging behind in Signing and ratification of the AUCPCC

Country	DATE OF/DE SIGNATURE	Date of Ratification, Acceptance, Approval and Accession
Democratic Republic of Congo	05/12/2003	Not ratified
Eswatini	07/12/2004	Not ratified

However, the most impressive progress has been noted with the ratification of the United Nations Convention against Corruption (UNCAC) in which all the SADC Member States have ratified.

Taking into consideration the deleterious effects of corruption on development, rule of law, human rights, security and the stability of states and that of the sub-region, fighting corruption should be on the list of the priorities of any State in Southern Africa. Signing and ratifying anti-corruption instruments should be prioritised in the SADC region. We therefore, make the following recommendations:

A. Recommendations to the Government of Comoros

↔ The Government of Comoros as a new member of the SADC should consider both signing and ratifying the SADC Protocol against Corruption

B. Recommendations to the Government of Madagascar

↔ The Government of Madagascar should consider both signing and ratifying the SADC Protocol against Corruption

C. Recommendations to the Government of Seychelles

↔ The Government of Seychelles should ratify the SADC Protocol against Corruption.

D. Recommendations to the Government of the Democratic Republic of Congo

↔ The Government of the Democratic Republic of Congo should ratify the AU Convention on Preventing and Combating Corruption

E. Recommendations to the Government of Eswatini

↔ The Government of the Eswatini should ratify the AU Convention on Preventing and Combating Corruption

F. Recommendations to all SADC Member States

↔ All SADC Member States are urged to domesticate the anti-corruption treaties that they have signed and ratified.

↔ All SADC Member States should sign the UNCAC Transparency Pledge.

G. Recommendations to Civil Society Organisations

↔ Monitoring state implementation of the treaties

↔ Giving technical support to SADC Member States

1. BACKGROUND INFORMATION

Transparency International (2020:20) in its 2019 Corruption Perceptions Index (CPI) rated Sub-Saharan Africa as the lowest-scoring region on the CPI, with an average of 32, which paints a bleak picture on the region's anti-corruption drive.¹ This report notes that countries in Southern Africa, that are part of the SADC are among the top and bottom scorers on the CPI.

There are several SADC Member States that have improved whilst others have declined with only two countries (Seychelles and Botswana) maintaining their positions at 66 and 61 respectively. The Table below shows that a total of 8 SADC Member states have declined whilst 6 have improved compared to the 2018 CPI.

Table 3: Corruption Perceptions Index 2019: Score and rank changes 2018-2019

Country	Membership	CPI score 2019	CPI score 2018	Change in scores 2018-2019	CPI rank 2019	CPI rank 2018	Change in rank 2018-2019
Angola	SADC Member State	26	19	7	146	165	-19
Mozambique	SADC Member State	26	23	3	146	158	-12
Zimbabwe	SADC Member State	24	22	2	158	160	-2
Mauritius	SADC Member State	52	51	1	56	56	0
South Africa	SADC Member State	44	43	1	70	73	-3
Tanzania	SADC Member State	37	36	1	96	99	-3
Seychelles	SADC Member State	66	66	0	27	28	-1
Botswana	SADC Member State	61	61	0	34	34	0
Namibia	SADC Member State	52	53	-1	56	52	4
Lesotho	SADC Member State	40	41	-1	85	78	7
Zambia	SADC Member State	34	35	-1	113	105	8
Malawi	SADC Member State	31	32	-1	123	120	3
Madagascar	SADC Member State	24	25	-1	158	152	6
Comoros	SADC Member State	25	27	-2	153	144	9
Democratic Republic of the Congo	SADC Member State	18	20	-2	168	161	7
Eswatini	SADC Member State	34	38	-4	113	89	24

This research does not explore or investigate the correlation relationship between the signing and ratification of anti-corruption and the CPI but only gives information on the progress made by the SADC Member States vis-à-vis the signature² and ratification³ of UNCAC, the AUCPCC and the SPAC by SADC Member States as at the 14th of February 2020. The report does not look at the extent of domestication by those States that have signed and ratified anti-corruption treaties. Domestication is a means that gives an regional/ international treaty the force of law in a country which amends the domestic laws of

¹ Transparency International (2020) Corruption Perception Index 2019. [online] Available at x [Accessed on 12 February 2020]

² Signature of a treaty is an act by which a State provides a preliminary endorsement of the instrument. Signing does not create a binding legal obligation but does demonstrate the State's intent to examine the treaty domestically and consider ratifying it. While signing does not commit a State to ratification, it does oblige the State to refrain from acts that would defeat or undermine the treaty's objective and purpose.

³ Ratification is an expression and agreement to be legally bound by the terms of a particular treaty.

that country, or incorporates the treaty into the domestic laws of the country⁴ However, signature and ratification should not be seen as ends in themselves but State Parties are urged to take steps to domesticate the same.

That said, this report pays special attention to the progress made by SADC Member States vis-à-vis the signature and domestication of SPAC, AUCPCC and UNCAC.

Against this backdrop, the report discusses the progresses made by SADC Member States and concludes with specific recommendations to assist those SADC Member States still lagging behind the adoption of sub-regional, regional and international anti-corruption instruments.

2. METHODOLOGY

The research heavily relied on the review of secondary data which included reports from the SADC, AU and UN. Information on the status of ratification of UNCAC as well as the AUCPCC is available on the websites of the UN and the AU respectively. Furthermore, the research was also informed by ACT-SA reports on the same subject since it has been monitoring the signing and ratification of anti-corruption treaties since 2007. In order to get current records, the research team also contacted the respective SADC Member States to update it on whether or not they had signed and ratified certain treaties. However, it appeared that the information in the public domain had not been updated which affected the research. That said, SADC Member States that have signed and ratified certain treaties should not feel offended since the problem emanated from the Secretariats of the SADC, AU and UN who did not update their records. Furthermore, it would have emanated from SADC Member States that did not give updated information when they were conducted to do so by the ACT-SA Research Team.

3. SIGNATURE AND RATIFICATION PROGRESS BY SADC MEMBER STATES

A review of relevant literature gave the following insights.

3.1 Signature and Ratification of the SADC Protocol against Corruption

The SPAC is a flagship anti-corruption protocol for the SADC Member States. The SADC should be applauded for taking measures to support the implementation of the SPAC. The setting up of the SADC Anti-Corruption Committee provided for under Article 11 of the Protocol is a welcome development.

On the progress made vis-à-vis the signature and ratification of the SPAC by SADC Member States Table 2 below shows that Comoros, Seychelles and Madagascar are still lagging behind in terms of signing and ratifying the Protocol. Comoros recently joined the SADC block and has neither signed nor ratified same, whilst Seychelles and Madagascar are still lagging behind despite being among the oldest members of the SADC.

⁴ A clear definition of domestication is described under Section 2 of the *Zambian Ratification of International Agreements* (No. 34 of 2016) which defines it as a “means giving legal effect to an international agreement or a part of an international agreement, through legislation or any other enforceable means”.

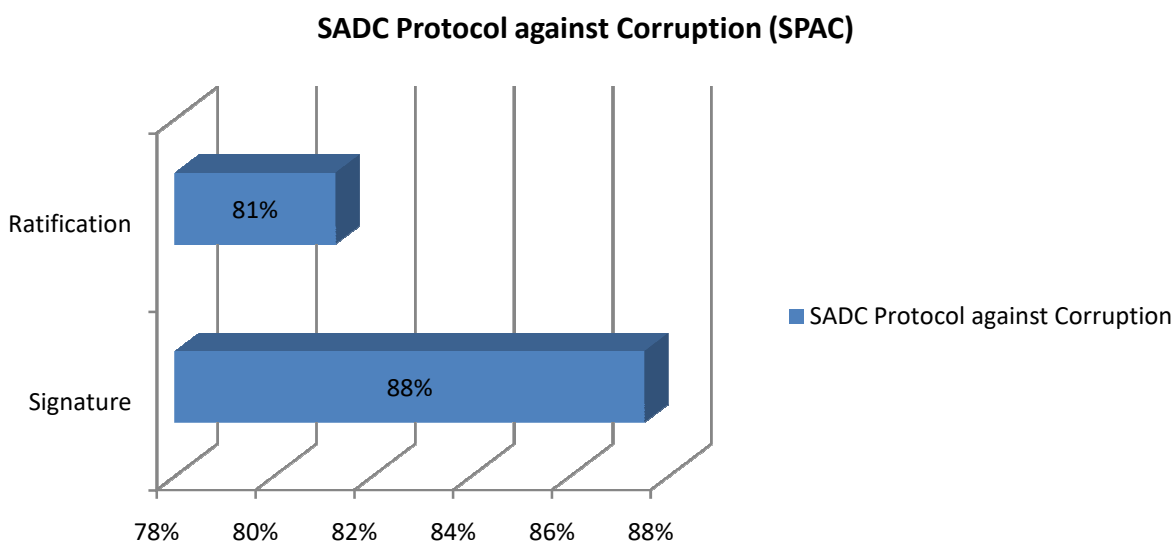
Regardless of Seychelles having not ratified the SPAC it has been rated as one of the top scorers in Sub-Saharan Africa with a CPI score of 66. However, there is potential for improvement considering that there are several countries in the world that have scored better than it.

Table 4: Signature and ratification of the SADC Protocol against corruption

Country	Date of signing	Date of Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Angola	14 August 2001	17 July 2005
Botswana	14 August 2001	14 August 2001
Comoros	Not signed	Not ratified
Democratic Republic of Congo	14 August 2001	19 May 2008
Lesotho	14 August 2001	29 July 2003
Madagascar	Not signed	Not ratified
Malawi	14 August 2001	2 September 2002
Mauritius	14 August 2001	4 January 2002
Mozambique	14 August 2001	28 December 2007
Namibia	14 August 2001	23 June 2005
Seychelles	14 August 2001	Not ratified
South Africa	14 August 2001	15 May 2003
Eswatini	14 August 2001	1 August 2006
Tanzania	14 August 2001	20 August 2003
Zambia	14 August 2001	8 July 2003
Zimbabwe	14 August 2001	8 October 2004

As shown in the Figure below, the SPAC has been signed by 88% of the SADC Member States whilst 81% have ratified it.

Figure 1: Percentage of Signing and Ratification of the SPAC by SADC Member States



3.2 Signature and Ratification of the AU Convention on Preventing and Combating Corruption

The AUCPCC is a flagship convention of the AU seeking to:

- a) Promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors.
- b) Promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa.
- c) Coordinate and harmonize the policies and legislation between State Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent
- d) Promote socio-economic development by removing obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights.
- e) Establish the necessary conditions to foster transparency and accountability in the management of public affairs.⁵

The AUCPCC was adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo on the 11th of July 2003 and entered into force on the 5th of August 2006.

According to the AU Advisory Board on Corruption (2020), the AUCPCC has been ratified by 43 AU Member States as at the 31st of December 2019. These include: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Chad, Comoros, Congo, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guinea Bissau, Guinea Conakry, Kenya, Libya, Lesotho, Liberia, Madagascar, Mali, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Niger, Rwanda, Sahrawi Arab Democratic Republic, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Uganda, Zambia and Zimbabwe among others.⁶

The AU has a total member of 55 Member States⁷ but 43 have ratified the AUCPCC which constitutes 78% of the total membership. This means that 22% of the total membership is yet to ratify the Convention. Among the AU Member States that have not ratified the AUCPCC include: Cameroon, Central African Republic, Cape Verde, Djibouti, DRC, Morocco, Mauritania, Eswatini and Tunisia.

It is recognized that some of the members of the AU are also members of the SADC which is the main centre of attention of this study.

Table 5 below selected 16 SADC Member States and checked on the extent to which they have signed and ratified the AUCPCC. The Table shows that Botswana, Malawi and Seychelles did not sign the convention but ratified it on 14/05/2014, 26/11/2007 and 01/06/2008 respectively. The fact that these three countries have ratified the AUCPCC means that they agreed to be legally bound by the same.

On the other hand, there are two SADC Member States that signed but have not ratified the AUCPCC and these include: DRC, and Eswatini. By not having ratified, it means these two countries are not bound by the AUCPCC.

The Table below gives detailed information on the same.

⁵ Article 2 of the AUCPCC

⁶ AU Advisory Board on Corruption (2020b) Status of Ratification of the Convention on Corruption. [online] Available at <http://www.auanticorruption.org/auac/about/category/status-of-the-ratification> [Accessed on 12 February 2020]

⁷ African Union (2020) Member States. [online] Available at https://au.int/en/member_states/countryprofiles2 [Accessed on 12 February 2020]

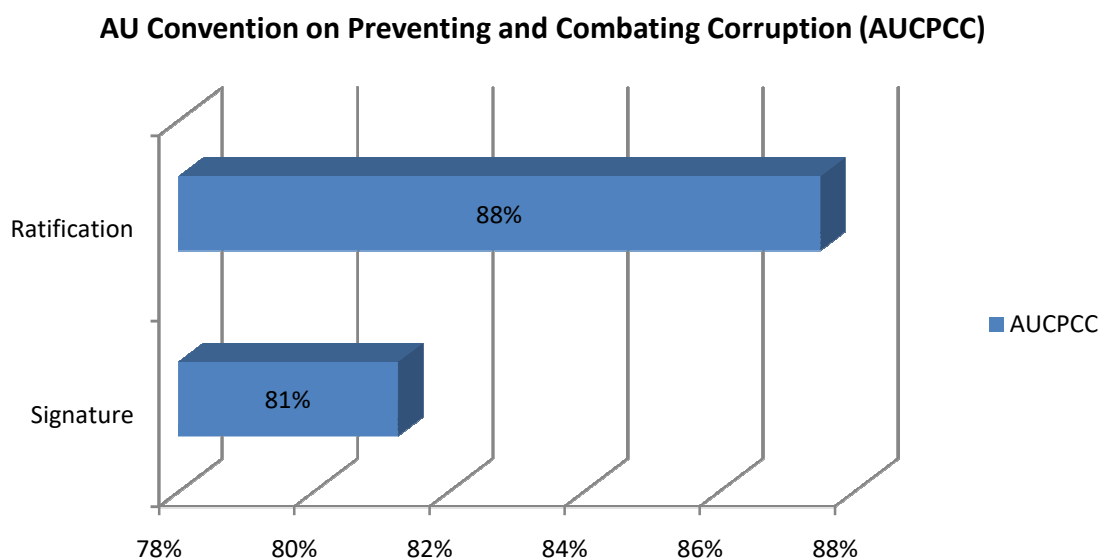
Table 5: Signature and ratification of the AUCPCC by SADC member states

Country	Date of Signature	Date of Ratification / Accession	Date deposited
Angola	22/01/2007	20/12/2017	25/01/2018
Botswana	Not signed	14/05/2014	19/08/2014
Comoros	26/02/2004	02/04/2004	16/04/2004
Democratic Republic of Congo	05/12/2003	Not ratified	-
Lesotho	27/02/2004	26/10/2004	05/11/2004
Madagascar	28/02/2004	06/10/2004	09/02/2005
Malawi	Not signed	26/11/2007	27/12/2007
Mozambique	15/12/2003	02/08/2006	24/10/2006
Mauritius	06/07/2004	04/05/2018	26/08/2019
Namibia	09/12/2003	05/08/2004	26/08/2004
South Africa	16/03/2004	11/11/2005	07/12/2005
Seychelles	Not signed	01/06/2008	17/06/2008
Eswatini	07/12/2004	Not ratified	-
Tanzania	05/11/2003	22/02/2005	12/04/2005
Zambia	03/08/2003	30/03/2007	26/04/2007
Zimbabwe	18/11/2003	17/12/2006	28/02/2007

Source: African Union Advisory Board on Corruption (2020a) African Union Convention on Preventing and Combating Corruption. [online] Available at http://www.aunicorruption.org/uploads/36382-sl-AFRICAN_UNION_CONVENTION_ON_PREVENTING_AND_COMBATING_CORRUPTION.pdf. [Accessed on 10 February 2020]

The above information shows that the AUCPCC has been signed by 81% of the SADC Member States whilst of 88% have ratified it.

Figure 2: Percentage of Signing and Ratification of the AUCPCC by SADC Member States



3.3 Signature and Ratification of the UN Convention against Corruption

The UNCAC is a landmark, international anti-corruption treaty adopted by the UN General Assembly in October 2003. It represents a remarkable achievement and commitment to fight corruption. The statement of purpose of the UNCAC is:

- a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
- b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;
- c) To promote integrity, accountability and proper management of public affairs and public property.⁸

According to information provided by the United Nations Office on Drug and Crime (2020), all the 15 SADC Member States ratified UNCAC on the dates reflected in Table 4 below.⁹ However, Botswana and DRC chose to ratify before signing. However, these two countries are legally bound by UNCAC since they have ratified the UNCAC.

Table 6: Signature and ratification of the UN Convention against Corruption

Country	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Angola	10 Dec 2003	29 Aug 2006
Botswana	Not signed	27 Jun 2011 a
Comoros	10 Dec 2003	11 Oct 2012
Democratic Republic of Congo	Not signed	23 Sep 2010 a
Eswatini	15 Sep 2005	24 Sep 2012
Lesotho	16 Sep 2005	16 Sep 2005
Madagascar	10 Dec 2003	22 Sep 2004
Malawi	21 Sep 2004	4 Dec 2007
Mauritius	9 Dec 2003	15 Dec 2004
Mozambique	25 May 2004	9 Apr 2008
Namibia	9 Dec 2003	3 Aug 2004
Seychelles	27 Feb 2004	16 Mar 2006
South Africa	9 Dec 2003	22 Nov 2004
United Republic of Tanzania	9 Dec 2003	25 May 2005
Zambia	11 Dec 2003	7 Dec 2007
Zimbabwe	20 Feb 2004	8 Mar 2007

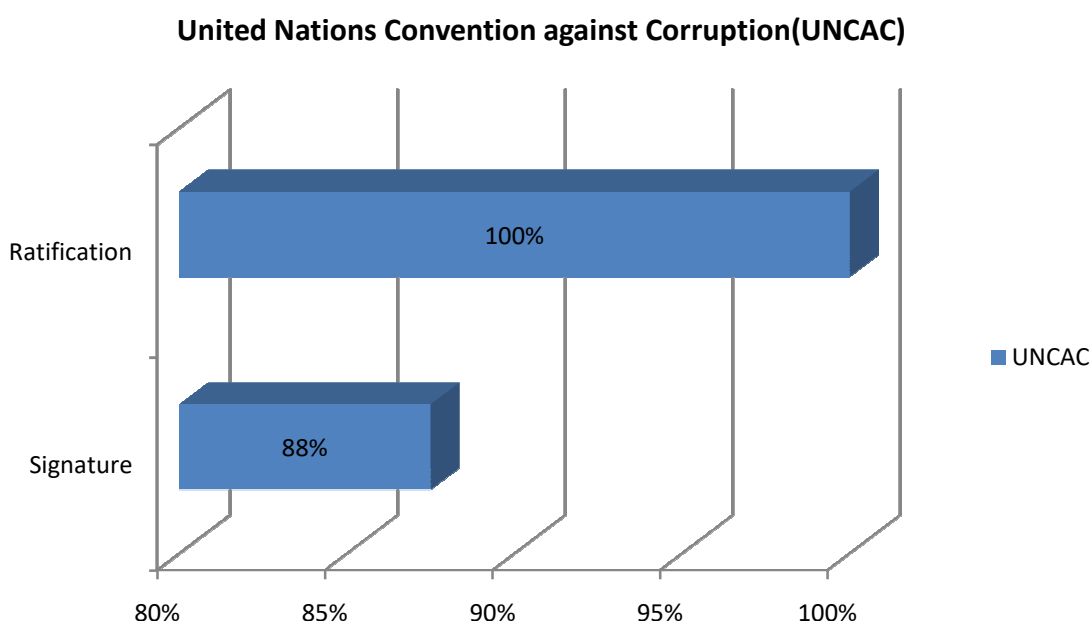
Source: UNODC (2020) Signature and Ratification Status. [online] Available at <https://www.unodc.org/unodc/en/corruption/ratification-status.html>. [Accessed on 10 February 2020]

As shown in the Figure below, all the 16 SADC Member States (100%) ratified the UNCAC. Only 12% did not sign but their failure to do so, has no effect since they all finally ratified thereby agreeing to be legally bound. This is the case for Botswana and the Democratic Republic of Congo (DRC).

⁸ Article 1 of the UNCAC

⁹ UNODC (2020) Signature and Ratification Status. [online] Available at <https://www.unodc.org/unodc/en/corruption/ratification-status.html>. [Accessed on 10 February 2020]

Figure 3: Percentage of Signing and Ratification of the UNCAC by SADC Member States



Notwithstanding the impressive progress made by all the 16 SADC Member States vis-à-vis the signing of UNCAC, they all have not signed UNCAC Review Transparency Pledge, which involves a commitment of governments to simple transparency and participation steps in the review of UNCAC. The principles of the Transparency Pledge make the review process more effective and will help to ensure greater transparency and openness. However, under the current process, governments are not required to ensure a transparent and inclusive review, which means it may lose much of its value:

- ↔ Governments are not required to involve civil society in the process;
- ↔ Key documents of the review do not have to be published, including the Self-Assessment Checklist, where a government details how it complies with the Convention, and the full Country Review Report
- ↔ Only a short Executive Summary is published by UNODC on its website.

Table 7: Purpose of the Transparency Pledge

The purpose of the Transparency Pledge is to make a voluntary commitment to six very simple transparency and participation principles:

1. We will publish updated review schedules for our country review
2. We will share information about the review institution or the coordinator (focal point)
3. We will announce the completion of the country review indicating where the report can be found
4. We will promptly post online the self-assessment and the full country report in a UN language, together with the executive summary in local languages
5. We will organise civil society briefings and public debates about the findings of the report
6. We will publicly support participation of civil society observers in UNCAC subsidiary bodies

However, according to the UNCAC Coalition (2020) only 18 governments from around the world have signed up to the pledge. You can find the full list of signatories to date and more information on the Pledge here: <https://uncaccoalition.org/uncac-review/transparency-pledge/>. These include: Austria, Belgium, Bulgaria, Cyprus, France, Germany, Italy, Latvia, Lebanon, Mexico, Norway, Peru, Poland,

Portugal, Slovenia, Spain, Sweden, United Kingdom and United States. There is no single African State that has committed itself to the pledge.¹⁰

4. CONCLUSION AND RECOMMENDATIONS

The findings of this report clearly illuminates that SADC Member States have made great strides in signing and ratifying anti-corruption instruments. However, the signing and the ratification of instruments should not be misconstrued as an end in themselves considering the increasing cases of corruption and its effects on national, and regional development.

Table 6 below shows that Comoros, Madagascar and Seychelles are still lagging behind in terms of the ratification of the SADC Protocol against Corruption (SPAC).

Table 8: SADC Member States lagging behind in Signing and ratification of the SPAC

Country	Date of Signature	Date of Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)
Comoros	Not signed	Not ratified
Madagascar	Not signed	Not ratified
Seychelles	14 August 2001	Not ratified

Furthermore, two SADC Member States are yet to ratify the African AUCPCC. These include the Democratic Republic of Congo, Mauritius and Eswatini. Refer to Table 5 for more information.

Table 9: SADC Member States lagging behind in Signing and ratification of the AUCPCC

Country	Date of Signature	Date of Ratification, Acceptance, Approval and Accession
Democratic Republic of Congo	05/12/2003	Not ratified
Eswatini	07/12/2004	Not ratified

However, the most impressive progress has been noted with the ratification of UNCAC in which all the SADC Member States (100%) have ratified.

Having said that, the signing and the ratification of instruments, should not be misconstrued as an end in themselves considering the increasing cases of corruption. Hence, we make a strong case that implementation should begin were ratification and signing end. We still however, argue those countries still lagging behind as seen in the table immediately below, to sign and ratify these key instruments to promote the level of cooperation required in the fight against corruption.

That said, the following recommendations are made:

H. Recommendations to the Government of Comoros

↔ The Government of Comoros as a new member of the SADC should consider both signing and ratifying the SADC Protocol against Corruption

I. Recommendations to the Government of Madagascar

↔ The Government of Madagascar should consider both signing and ratifying the SADC Protocol against Corruption

J. Recommendations to the Government of Seychelles

¹⁰ UNCAC Coalition (2020) Transparency Pledge.[online] Available at <https://uncaccoalition.org/uncac-review/transparency-pledge/> [Accessed on 12 February 2020]

↔ The Government of Seychelles should ratify the SADC Protocol against Corruption.

K. Recommendations to the Government of the Democratic Republic of Congo

↔ The Government of the Democratic Republic of Congo should ratify the AU Convention on Preventing and Combating Corruption

L. Recommendations to the Government of Eswatini

↔ The Government of the Eswatini should ratify the AU Convention on Preventing and Combating Corruption

M. Recommendations to all SADC Member States

↔ All SADC Member States are urged to domesticate the anti-corruption treaties that they have signed and ratified.

↔ All SADC Member States should sign the UNCAC Transparency Pledge.

N. Recommendations to Civil Society Organisations

↔ Monitoring state implementation of the treaties

↔ Giving technical support to SADC Member States

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