REGIONAL INSTRUMENTS TO ACHIEVE ANTI CORRUPTION OR TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION

CONVENTIONS OR CHARTERS

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SADC Protocol: into force since 2003; little progress in implementation. It is the first sub regional treaty to fight corruption in Africa

ECOWAS Protocol: adopted in Dec 2001 but not yet into force

ECCAS?

EAC: Draft Protocol on Preventing and Combating Corruption, and Draft Protocol on Good Governance

North Africa?
THE AU CONVENTION ON PREVENTING AND COMBATING CORRUPTION

- Adopted on 11 July 2003; into force since Aug 5, 2006
- Ratified: 37 ratifications / 48 signatures
- Comprehensive framework
- Unique in containing mandatory provisions on private-to private corruption and on transparency in political party funding
- Also, mandatory requirements of declaration of assets by designated public officials and restrictions on immunity for public officials (Art. 7)
- Gives particular attention to the need for the media to have access to information
- Cape Verde, Mauritius
The AU Convention is unique among anti-corruption instruments in that it contains mandatory provisions regarding private-to-private corruption and transparency in political party funding.

Other strengths include its mandatory requirements of declaration of assets by designated public officials and restrictions on immunity for public officials.
AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

- Into force since Feb 15, 2012
- 24 ratifications; 46 signatures
- Article 2, provisions 9 and 10

- Botswana, Burundi, Cape Verde, Kenya, Mozambique, Mauritius, Senegal
AFRICAN CHARTER ON VALUES AND PRINCIPLE OF PUBLIC SERVICE AND ADMINISTRATION

- Adopted on January 31, 2011; not yet into force
- 13 ratifications; 36 signatures
- Article 3: institutionalize a culture of accountability, integrity and transparency in public service and administration
- Article 6: access to information

- Botswana, Burkina Faso, Cape Verde, Nigeria, Senegal, Sierra Leone
AFRICAN CHARTER ON VALUES AND PRINCIPLES OF DECENTRALISATION, LOCAL GOVERNANCE AND LOCAL DEVELOPMENT

- Adopted on June 27, 2014; not yet into force
- 0 ratification; 9 signatures
- Core values (f) and (h): transparency and accountability
- Article 14: brings anti corruption at local governments / authorities level

- All since no single ratification to date!
ADVOCACY OPPORTUNITIES

NATIONAL OR REGIONAL

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AGA is a “platform for dialogue between the various stakeholders” who are mandated to promote good governance and strengthen democracy in Africa, in addition to translating the objectives of the legal and policy pronouncements in the AU Shared Values.

- The overall political and institutional framework for enhancing coordination, interaction and synergies among AU organs, institutions and RECs in promoting good governance and democracy in Africa.
- AGA members include: APSA, AUC, REC, PAP, ECOSOCC, AU Advisory Board on Corruption.
- Provides a good platform for advocacy on anti-corruption!
a. **Democracy**: TO BE LAUNCHED SOON
   i. Elections
   ii. Parliaments
   iii. Political Parties

b. **Governance**: TO BE LAUNCED SOON
   i. Public service and administration
   ii. Local governance and decentralisation
   iii. Anti-corruption and accountability

c. **Human Rights and Transitional Justice** – already operational
   i. Norms and Standards
   ii. Redress Mechanisms
d. Constitutionalism and Rule of Law – already operational
   i. Rejecting Unconstitutional Changes of Government
   ii. Executive, Legislative and Judicial Systems

e. Humanitarian Assistance
   i. Free Movement of Peoples
   ii. Refugees
   iii. Protection of Civilians
AT REGIONAL LEVEL, SELECTED EXAMPLES

- ECOWAS: CSO platform can engage the NACIWA on a number of issues citing UNCAC
- Specialized Technical Committees (14): CSO should engage them on sector specific corruption issues, citing anti corruption / governance instruments (including the UNCAC)
- African Commission on Human and People’s Rights: linking anti corruption to human rights
- Pan-African Parliament / African Parliamentarians Against Corruption
- OGP Forum
- Mbeki Panel on IFFs
- In Nigeria: follow up to the UK anti-corruption summit
- Etc…
RECENT COMMITMENTS

- AGENDA 2063
  - Aspiration 3: An Africa of good governance, democracy, respect for human rights, justice and the rule of law
    - Annual stakeholder platform to review the progress of implementation of Agenda 2063 at national, regional and continental levels.
    - Annual Agenda 2063 State of the Union Report to the Assembly of the African Union

- Sustainable Development Goals:
  - Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

- UK Anti-Corruption Summit