



THE NATIONAL ASSEMBLY OF SEYCHELLES

REPORT OF THE INTERNATIONAL AFFAIRS COMMITTEE

ON THE

SADC Protocol Against Corruption

(Submitted for Ratification as per Article 64 (4) of the Constitution)

The Committee has considered this Protocol and presents its report thereon to the 7th Assembly.

This is the International Affairs Committee's seventh report on treaties, or international agreements, laid before the Assembly in accordance with Article 64 (4) of the Constitution of the Republic of Seychelles.

The International Affairs Committee (IAC), has the parliamentary responsibility for scrutinizing all international agreements submitted to the National Assembly by Recommendation of the President of the Republic of Seychelles.

This report addresses this Protocol that has been reviewed and considered at two meetings of the IAC on *Tuesday 4th May, 2021* and *Thursday 14th October, 2021* with the Assistance of the Anti-Corruption Commission, represented by the *Commissioner, Mrs. May De Silva* and the *Prevention & Education Manager, Mr. Denis Joubert*.

Officials from the Department of Foreign Affairs who accompanied the Commission on *Tuesday 4th May 2021* were: *Ms. Sandra Michel & Miss. Nathalie Young*

THE INTERNATIONAL AFFAIRS COMMITTEE is mandated to address any topic associated with the national foreign service of Seychelles, the conduct of tourism, international affairs and of international parliamentary affairs as per its Terms of Reference.

Powers

The Committee is a Select Sessional Committee, the powers of which are set out in the National Assembly Standing Orders, 2020, principally, SO 88-92.

Committee Staff

The Committee is assisted by the following Parliamentary Staff of the Secretariat:
Ms. Alexandria Faure (Secretary) and Mrs. Nada Delafontaine (Secretary Assistant)

Contact

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The following Members of the International Affairs Committee undersigned, submit this Report dated Wednesday 27th October 2021:

Hon. Waven William
Chairperson




Hon. Wavel Woodcock
Vice-Chairperson



Hon. Egbert Aglae
Member



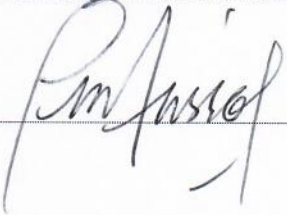
Hon. Kelly Samynadin
Member



Hon. Wallace Cosgrow
Member



Hon. Philip Monthy
Member



Hon. Philip Arissol
Member

1 SYNOPSIS OF THE PROTOCOL AND CONTENTS

- 1.1 The Committee recognizes that the Protocol aims to promote and strengthen the development of mechanisms needed to prevent, detect, punish and eradicate corruption in the public and private sector, within each Member State of the SADC region.
- 1.2 The Committee notes that the Republic of Seychelles signed the Protocol at Blantyre, Malawi on the 14th August 2001 in three original texts in English, French and Portuguese.
- 1.3 The Committee recognizes that the Protocol is to facilitate and regulate cooperation in matters of corruption amongst Member States and to foster development and harmonization of policies and to domestic legislation related to corruption.
- 1.4 The Committee recognizes that the Protocol makes a clear definition on ‘*acts of corruption*’, preventative measures, jurisdiction of Member States and extradition.
- 1.5 The Committee notes that the Protocol makes detailed provisions for preventative measures to be undertaken by the State parties. These measures include the creation, maintenance and strengthening of standards of conduct, government procedures for hiring and procurement of goods, revenue collection and control systems that deter corruption. In addition, the Protocol also makes provisions for measures to promote access to information, strict laws to punish false and malicious reports against innocent persons, institutions responsible for the implementation of these mechanisms, promotion of public awareness and the participation by the media, civil society and non-governmental organizations.
- 1.6 The Committee recognizes that ratifying the Protocol will provide grounds for the enhancement of the existing Anti-Corruption Act as well as the establishment of Bilateral Agreements on Extradition.

2 MAIN DISCUSSION POINTS

2.1 Highlighted Concerns

- **Definition of ‘Private Individuals’:** ACCS flagged that in the current ACCS Act there are no provisions made for the definition of ‘*Private Individuals*’ in the context that it exists in the Protocol. It was discussed that this will definitely be an area to be looked at further and will prompt amendments to the current act. ACCS also highlighted that the ‘private sector’ and ‘private employees’ should also be considered and included which once again is currently not covered in the Act.
- **Associations:** ACCS informed the Committee that ‘Associations’ also currently does not fall under the ACCS Act and highlighted that it should be. The proposition made was that ‘Associations’ including beneficiaries of public funds should be covered as well.
- **Article 14:** The officials heavily discussed certain concerns regarding this specific article. ACCS had reservations on the Protocol super ceding other bilateral agreements and

treaties against corruption that Seychelles is party to. The Department of Foreign Affairs clarified that the article makes reference to only agreements between SADC Member States.

It is important to note that during the second meeting held on 14th October 2021, that took place with the Anti-Corruption Commission, it was confirmed that SADC had made clarifications on certain concerns that were highlighted and the Commission fully endorses the ratification of the Protocol.

2.2 Anti-Corruption Law Reform & Establishment of National Strategies

Mrs. De Silva discussed the need for a national strategic plan on Corruption in order to establish a coordinated and multilateral front in tackling the issue. The Committee were informed that SADC are working on a strategic plan and that this will assist Seychelles in driving forward an anti-corruption strategy.

Mrs. De Silva made reference to the United Nations Convention Against Corruption (UNCAC) in relation to the Protocol and explained that there are evidently gaps which will require streamlining consequential amendments to existing laws in order to strengthen the Anti-Corruption Act such as the Criminal Procedure Act, Public Service Orders and sensitizing public official on the Public Finance Management Act.

3 RECOMMENDATIONS

The IAC recognises that fighting corruption demands a multi-faceted operation which involves, national, regional and global concerted efforts. The Committee understands the challenges of corruption and the impact it has on impairing social, economic and political development, the Government's ability to deliver efficient public services and undermines democratic values of good governance, transparency and accountability.

Further to the above concerns, the IAC also recognises corruption affects developing states by discouraging foreign investment and access to international funds that aim to address socio-economic issues.

The Committee makes the following recommendations to the Executive:

3.1 Implementation of a National Strategic Plan on Corruption

That the Government of Seychelles implements a National Strategic Plan on Corruption by initiating a meeting with the Anti-Corruption Commission and other relevant stakeholders as soon as is practicable.

3.2 Revision of Anti-Corruption Act

That the Government of Seychelles with the Office of the Attorney General and the Anti-Corruption Commission review existing laws combatting corruption to ensure streamlining with the UNCACC and the Protocol in the year 2022.