

WEDNESDAY, 21 MARCH, 2018

MINISTERIAL STATEMENT

**THE CONFERENCE OF STATES PARTIES TO THE UNITED NATIONS CONVENTION
AGAINST CORRUPTION**

The Minister of Justice (Mr Lubinda)

Mr Speaker, on Wednesday, 14th March, 2018, the hon. Member of Parliament for Mwembezi, Mr Jamba Machila raised the following point of order:

“Madam Speaker, some people have been saying that they are corrupt people and the Anti-Corruption Commission (ACC) has also been following up certain people. Recently, the hon. Minister of Justice had gone to the United Nations (UN) Convention Against Corruption in Vienna. Since corruption is a very big vice which is taking the country in a wrong direction, is the hon. Minister of Justice in order not to tell the House on how the outcome of the conference held in Vienna will benefit the Zambian Government and how it will fight corruption.”

Sir, in her ruling, Madam First Deputy Speaker said in part as follows:

“I would like to encourage the hon. Minister of Justice to find time before the House adjourns *sine die* to bring a statement to this House to inform the people of Zambia what the meeting was about and how they stand to benefit.”

Mr Speaker, the Minister of Justice took heed of the encouragement and is ready to inform the people of Zambia what the United Nations Convention Against Corruption (UNCAC), Conference of State Parties held in Vienna, Austria in November, 2017 was about and how Zambia stand to benefit from it.

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Mr Speaker, let me start by underscoring the undeniable fact that corruption undermines development by diverting public resources and distorting the provision of goods and services. It is also a well-known fact that corruption corrodes the rule of law and destroys public confidence and trust in Government institutions and the country's leadership. It is a well recognised fact that the fight against this scourge must be engaged at various levels of society including national and international levels.

Mr Speaker, it is in recognition of this fact that the UN decided in its resolution No. 57/169 to adopt a legal binding instrument to fight corruption at global level. Thus, the adoption of the UNCAC in Merida, Mexico in December, 2003. This was remarkable milestone in the global fight against corruption.

Sir, may I at this juncture remind the House that Zambia jointed the global fight against corruption in December, 2007, when she signed and acceded to the UNCAC. Further, Zambia was among the first nine African countries that were selected to undergo the UNCAC review during the first year of the first review cycle in 2010. Zambia was reviewed by the state parties of Italy and Zimbabwe on its implementation of Cap 3 – Criminalisation and Law Enforcement and Cap 5 – International Co-operation.

Mr Speaker, the House may further wish to know that Zambia, in 2014 and 2015 selected to undertake the UNCAC peer-review of the States of Bolivia and the Bahamas, respectively.

Sir, the House may wish to know that Zambia has yet again been selected to undertake a peer review of France in conjunction with Liechtenstein following the commencement of the second cycle of the United Nations Convention against Corruption (UNCAC) reviews on Chapter II, corruption prevention, and Chapter V, asset recovery. It is worth noting that Zambia is scheduled for the second review in 2019. From the above, it is clear that Zambia is an active member of the global movement in the fight against corruption.

Mr Speaker, the Government of Zambia under President Lungu appreciates the paramount role that the UNCAC plays in combating corruption. It also recognises the fact that if Zambia is to

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win the fight against corruption, we ought to contribute to and learn from best practices and experiences of other countries. As all may know, corruption knows no political borders. It knows no geographical borders. On the contrary, proceeds of corrupt practices have a high tendency of crossing borders in much a similar manner that corrupt people tend to establish linkages in a multiplicity of countries. This is the reason the President of Zambia, His Excellency Mr Edgar Chagwa Lungu, nominated a Minister to lead the Zambian delegation to the Seventh Session of the Conference of State Parties (COSP) of the UNCAC held in Vienna, Austria, from 6th to 10th November, 2017.

Sir, the COSP of the UNCAC was established under Article 63 of the convention to improve the capacity of and co-operation between state parties to achieve the objectives set forth in the convention, and specifically to promote and review its implementation. Pursuant to Article 63 paragraphs 5 and 6 of the convention, the COSP is, among others, mandated to gather information on the measures taken by state parties in implementing the convention and the difficulties encountered in doing so. Each state party provides the COSP with information of its programmes, plans and practices as well as the legislative and administrative measures undertaken to implement the convention against corruption.

Mr Speaker, the Conferences of State Parties are held bi-annually. As I have already stated, the seventh was held in Vienna, Austria, in November, 2017. This conference was attended by 166 countries and several UN entities including the United Nations Development Programme (UNDP), the Convention on International Trade in Endangered Species (CITIES) and other intergovernmental bodies such as the International Monetary Fund (IMF), World Bank as well as several international, regional and national non-governmental organisations (NGOs). Let me hasten to report that several national parliaments and parliamentarians were also in attendance.

Sir, in my speech to the plenary session delivered on 6th November, 2017, I stated how in Zambia the fight against corruption was institutionalised way back in 1982 and how it has remained institutionalised over the years through a number of statutes including the Leadership Code, the Parliamentary and Ministerial Code of Conduct Act, the Corrupt Practices Act and the Anti-Corruption Act. I also reported how Zambia has over the years confronted the stark reality

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that fighting corruption requires the involvement of all stakeholders, including civil society organisations (CSOs), faith based organisations, the private sector, the academia and policy and law makers. The conference was further informed of the positive impact that the UNCAC has had on Zambia's governance and anti-corruption legislation.

Mr Speaker, I reported that in our resolve to adhere to the UNCAC provisions, the abuse of office clause, Article 19 of the convention, which was struck out of the Anti-Corruption Commission (ACC) Act by the previous Government, had been reinstated in the Anti-Corruption Act No. 3 of 2012 in a constitutionally compliant manner. Further, I informed the conference about the enactment into law of the Forfeiture of Proceeds of Crime Act No. 19 of 2010 and the Public Interest Disclosure or Protection of Whistle Blowers Act No. 4 of 2010, the introduction of a Case Management System and the development of a National Policy on Corruption Prevention. These are some of the positive measures taken by the Government to meet the goals and aspirations of the convention. These measures have not only enhanced the fight against transnational crimes, but also strengthened our fight against corruption.

Sir, I wish to inform you, and through the House, the nation at large that I also did bring to the attention of the conference the fact that some countries such as Zambia were victims of losses of large amounts of money which were stacked away in financial capitals that Zambian law enforcement agencies could not reach. I pointed to the fact that some countries were complicit in encouraging and facilitating corruption by enacting laws that created safe havens in which proceeds of corruption were hidden. I indicated that for the fight against corruption to be won, all countries must be prepared to put in place measures that allow for transparency in their banking and financial systems and that all countries must sign up and participate in international co-operation on stolen asset recovery.

Mr Speaker, a host of countries that attended the conference reported on the measures undertaken in their various countries to fight corruption. The measures most highlighted were the enactment, revision and updating of anti-corruption and anti-money laundering legislations. Some speakers bemoaned the challenges they are facing in seeking mutual legal assistance in