



ESTABLISHING ANTI-CORRUPTION PRACTICES IN THE PACIFIC REGION

A former Parliamentarian and Secretary to the Global Organization of Parliamentarians Against Corruption (GOPAC) outlines the anti-corruption practices being established in the Pacific Region.



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Parliamentarians on Nauru – the world's smallest island state with approximately 10,000 residents – are fully embracing community consultation to establish their nation's first Leadership Code.

In the 15 Pacific Island nations, many of the Parliaments have adopted ethical conduct regimes, often termed Leadership Codes, as one of the vehicles to realise their commitments made in signing and embracing the UN Convention Against Corruption (UNCAC).

The Nauru Parliament, guided by the Speaker (and former President) Ludwig Scotty, established a Standing Committee on the Leadership Code earlier in 2015, chaired by Hon. Russ Kun MP.

Hon. Russ Kun is a member of the Global Organization of Parliamentarians Against Corruption (GOPAC) and, joined by his Deputy Speaker and other Pacific Parliamentarians, attended a major workshop on anti-corruption in Nadi, Fiji, in July 2015, conducted by the UN Pacific Regional Anti-Corruption (UN-PRAC) Project and GOPAC.

The Parliament of Nauru then invited the UN-PRAC team and GOPAC Oceania to come to their Parliament in late October 2015 to undertake a workshop briefing on best

practice anti-corruption with the Parliamentary Committee, Ministers, the Speaker and President – together with 31 local community *'integrity champions'* who have been selected to canvas the views of every household on the island as the unicameral Parliament builds its Leadership Code from the grassroots up.

The UN Office on Drugs and Crime (UNODC), in partnership with UNDP, is implementing the UN-PRAC Project. This is a four-year initiative in the Pacific that aims to help Pacific Island countries fight corruption by

1. supporting ratification of UNCAC
2. implementing UNCAC through the strengthening of anti-corruption policies, laws, measures and institutional frameworks and
3. enhancing Pacific Islands States' active participation in the UNCAC processes, including the UNCAC Review Mechanism.

Since UNCAC came into force on 14 December 2005, there are now 177 State parties to the Convention. To date, there are 11 States parties in the Pacific (Papua New Guinea in 2007, Fiji in 2008, Palau in 2009, Vanuatu, Cook Islands and the Republic of the Marshall

Islands in 2011, Solomon Islands, Federated States of Micronesia and Nauru in 2012, Kiribati in 2013 and Tuvalu in 2015).

The focus in the Nauru workshop was an appreciation of the commitments that nations like Nauru, which acceded to UNCAC in 2012, have made and the important role that Parliamentarians have in the overseeing progress towards implementation.

Nauru President Baron Waqa attended the UN-PRAC-GOPAC workshop on day two and reinforced his Government's commitment to introducing a Leadership Code that was a product of genuine consultation with the community.

"We do not have a pre-conceived Leadership Code – we want to first hear from the Nauru people about what they expect of their leaders before we start drafting legislation," President Waqa told the workshop.

Leadership Code Chair, Hon. Russ Kun, encouraged the community information collectors to allow Nauru's citizens to canvas the whole range of expectations that they had of their leaders.

"In simple terms, we are creating 'table manners' for leaders – how do you expect your leaders to act at all times,"



he told the workshop.

Pacific Islands Forum Secretariat (PIFS) Governance Officer, Mr. Sione Tekiteki, who is the former Clerk to the Parliament of the Kingdom of Tonga, helped put the community consultation into a Pacific focus, briefing the Members of Parliament (MPs) and community on the PIFS 'Guiding Principles on Leadership', which have been agreed to by Member States.

"It was very encouraging to see the community representatives stress that they must be objective and welcoming to their fellow citizens to make sure people can freely and honestly share their views."

Community participants at the workshop, who aim to visit every Nauru household during the month of November, encouraged each other during the interviewing training to make sure they made people feel comfortable to express their real views and not be guided by any of the participants' opinions.

President Waqa used the analogy of the Great Wall of China to stress to the workshop how Nauru must embrace zero tolerance for corruption. *"Despite the Great Wall of China being one of mankind's most effective constructions, invaders could still enter and invade China by bribing just one gatekeeper to open a small entranceway,"* the President said.

Community members had already been invited to submit written suggestions on Nauru's Leadership Code. These suggestions were discussed at the workshop along with input from the integrity champions and Parliamentarians.

Issues canvassed, that Nauruans want addressed in the Code, include gift-giving, definition of a leader, an assets register, adherence to traditional cultural morals, penalties and a system of external oversight.

There was also discussion



of one of the most omnipresent corruption issues hanging over the Pacific – the charging, trial and conviction in 14 October of Vanuatu MPs for bribery, including the Deputy Prime Minister, the Speaker, a former Prime Minister and Foreign Minister.

The sentencing judge, Justice Mary Sey, cited the Melanesian Island nation's Leadership Code in her deliberations. She ruled that payments in 2014 by the now Deputy Prime Minister to other Opposition MPs while in Opposition were designed to influence MPs in their capacity as public officials. Of the 14 MPs who went to trial, only one, Finance Minister Willie Jimmy, pleaded guilty from the outset. The MPs were convicted on Friday 9 October 2015, with the judge having cited their failures to adhere to the strong standards within Vanuatu's recently reviewed Leadership Code. They were due to be sentenced the following week. However, on Sunday 11 October 2015, the Speaker, who was one of the convicted MPs himself, exercised his Constitutional role to serve as Acting President during the Vanuatu President Baldwin Lonsdale's official visit to Samoa. As Acting President, he cited the President's

Constitutional right to grant pardons, to grant himself and the other MPs a pardon for their bribery conviction.

The Vanuatu community were dismayed and the President was incensed. Upon his return from overseas, he rescinded the Acting President's pardons ruling they were unconstitutional. The Vanuatu Supreme Court judge then sentenced 15 of the MPs to prison terms of around three years. The judge issued a suspended sentence to Willie Jimmy in recognition of his early guilty plea. This act of justice has also sent a strong message throughout the Pacific on the need for Leadership Code transgressors to show leadership by admitting guilt.

Two key messages have come out of Vanuatu's experience for people in Nauru (and elsewhere in the Pacific). Firstly, there is very little support for the indiscriminate use of pardon powers by Parliaments and the Executive. Secondly, there is a heightened awareness of the importance of an independent judiciary and a strong separation of powers. Both of these issues are also core issues contained with UNCAC.

With the high turnovers of MPs at Pacific elections and with many of the Parliaments

Above: The Parliament of Nauru invited the UN-PRAC and GOPAC October 2015 to undertake a workshop briefing. Image courtesy: GOPAC.

young democracies, it also reinforces the need for ongoing professional development and capacity building of MPs. The UN Pacific Regional Anti-Corruption (UN-PRAC) Project has built a close partnership with GOPAC Oceania to work with Parliamentarians.

The Global Organization of Parliamentarians Against Corruption (GOPAC) was founded in October 2002 as a result of a Global Conference in Ottawa, Canada, which brought together over 170 Parliamentarians and 400 observers dedicated to fighting corruption and improving good governance. GOPAC is unique in that it is the only international network of Parliamentarians focused solely on combating corruption. Its members represent more than 50 countries in all regions of the world. They are current or former legislators. John Hyde moderated the two-day GOPAC-UN-PRAC Parliamentarians and Community workshop in Nauru in the Pacific Region in October 2015.