



GLOBAL ORGANIZATION OF PARLIAMENTARIANS AGAINST CORRUPTION
ORGANISATION MONDIALE DES PARLEMENTAIRES CONTRE LA CORRUPTION
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Long Session Report
Power to the People: Parliamentarians, Citizens, and
Anti-Corruption
10 November 2012, 14h00-16h00

LONG SESSION REPORT: GLOBAL SOLUTIONS

Session Title: Power to the People: Parliamentarians, Citizens, and Anti-Corruption

Date & Time: 10 November 2012, 14h00-16h00

Report prepared by: by Vicki Baxter Amade, Global Task Force Advisor for Participation of Society, Global Organization of Parliamentarians Against Corruption

Experts:

John Williams, CEO, Global Organization of Parliamentarians Against Corruption

Senator Ricardo García Cervantes, Regional Chair of GOPAC América Latina y el Caribe, Global Organization of Parliamentarians Against Corruption

Fernanda Borges, Chair of GOPAC Timor-Leste

Moderated by:

Dr. Naser Al-Sane, Chair, Global Organization of Parliamentarians Against Corruption

Session coordinated by:

Vicki Baxter Amade, Global Task Force Advisor, Global Organization of Parliamentarians Against Corruption

Summary of Panellists' Contributions & Discussion Points (please be as detailed as possible)

This panel session, entitled “Power to the People: Parliamentarians, Citizens, and Anti-Corruption” convened members of the Global Organization of Parliamentarians Against Corruption (GOPAC) from different regions around the world, including Latin America, the Arab region, and the emerging state of Timor-Leste, to discuss how Parliamentarians could enhance their collaboration with civil society in the shared objective of combatting corruption.

GOPAC Chair, Dr Naser al Sane, opened the session by explaining how GOPAC had been founded in 2002 by a group of parliamentarians who were keen to take positive action against corruption. He noted that the Organization had just celebrated its tenth anniversary and told the

audience how, during these past ten years, GOPAC had grown into an organization with over 500 members in 51 national chapters, with a number of new chapters currently under development. He explained how GOPAC used its Global Task Forces on Anti-Money Laundering; UN Convention Against Corruption; Parliamentary Oversight; Parliamentary Ethics and Conduct and Participation of Society to build capacity amongst parliamentarians and to help them develop legislation to tackle corruption in their respective countries.

Dr. Al Sane commented that it was fitting that our tenth anniversary should see our first formal participation at the IACC. There was a growing recognition that individual organizations could do little to combat corruption, and that we needed to work together to tackle such an enormous problem. He also noted that it was evident from some of the political upheaval, both in the Arab region and elsewhere, that the level of tolerance for corruption was diminishing and that people were demanding stronger action from their leaders. He called on parliamentarians globally to listen to the people, to work with civil society and together to try to bring an end to corruption, noting that it was time to stop talking about “what we *can* do” and start showing people “what we *will* do”.

GOPAC CEO, John Williams, stressed that it was important to remember that there were no formal education programs designed to prepare for a career as a parliamentarian and that legislators came from all walks of life. Moreover, when joining an institution for the first time human instinct meant that most people simply “go with the flow” and agree to whatever their more senior peers propose. Not only did parliamentarians start with little knowledge about what their roles actually entailed, but it was often difficult for them to “buck the trend” and ask difficult questions. GOPAC not only worked to build the capacity of parliamentarians, but also to provide leadership and support for those willing to make a stand against corruption. His message to all parliamentarians was that “alone, we are invisible, but together we are invincible”.

GOPAC’s objective was to ensure that parliamentarians fully understood their responsibilities and that they had the tools available to fulfill them. He reiterated that it was the responsibility of all parliamentarians to provide effective oversight of the executive and ensure that public finances are used to the benefit of all the people, noting that GOPAC’s Global Task Force on Parliamentary Oversight helped to build the capacity of parliamentarians so that they can fulfill these responsibilities. Mr. Williams noted that Parliamentarians also had a responsibility to ensure that their respective countries were fulfilling their international responsibilities by ratifying and upholding the UN Convention Against Corruption (UNCAC) and by enacting legislation to prevent money laundering. He introduced the Chair of GOPAC’s Global Task Force on Anti-Money Laundering, Hon. Roy Cullen, and recommended GOPAC’s Anti-Money Laundering Guide for Parliamentarians.

Mr. Williams went on to discuss the question of parliamentary immunity. He said that parliamentarians were unique in being the only group of people who could confer the privilege of immunity upon themselves. While he saw a need for parliamentarians to enjoy immunity relating to their ability to speak freely in Parliament, there was a problem when this privilege extended to crimes which went beyond their parliamentary duties. He argued that nobody should

be able to act with total impunity and that parliamentarians should be held accountable for their actions. He called on civil society to speak out against impunity and to “hold parliamentarians feet to the fire”. He added that anybody and everybody who engaged in acts of corruption should be very clear of two things: (1) that you will be caught and (2) when you are caught you are not going to like the consequences.

Mr. Williams continued by arguing that it was important to ensure that parliamentarians held themselves accountable to a stringent code of conduct. He introduced the Chair of GOPAC’s Global Task Force on Parliamentary Ethics and Conduct, Hon. Ghassan Moukheiber, and recommended the Handbook on Parliamentary Ethics and Conduct which GOPAC had produced in conjunction with the Westminster Foundation for Democracy.

Mr. Williams ended by commenting that it was absurd that 1.5 billion people in the world lived in extreme poverty, commenting that “nobody votes for poverty”. He lamented that poverty existed because of bad unaccountable governance and challenged parliamentarians to do their part to bring this to an end.

Licenciado Ricardo García Cervantes, Chair of GOPAC América Latina y el Caribe and Vice Chair of GOPAC, informed participants of the work the Regional Chapter was undertaking in order to expand the network and build partnerships in Latin America.

Over the past year new chapters had been launched in El Salvador, Chile and Nicaragua and discussions were underway for the creation of additional chapters in the region. GOPAC-LAC had also built relationships with other civil society organizations such as la Fundacion para Democracia (FUNPADEM) and the Pro Transparency Network, and had been involved in joint projects with these organizations. They had also been working to encourage the participation of civil society in Nicaragua and were planning a regional workshop on Anti-Money Laundering in Panama.

Fernanda Borges, Chair of GOPAC Timor Leste, spoke of the importance for states in transition establishing strong anti-corruption credentials and provided participants with the benefit of her experience in Timor Leste. She recalled that, when Timor Leste achieved independence in 1999, the interim government (in which she served as Minister of Finance) made it a priority to ensure that they could provide basic goods and services to the people, but recognized that their attempts to do so would be futile if they allowed corruption to flourish in their fledgling democracy. Therefore, one of their first actions was to build a coalition with civil society in order to formulate an anti-corruption action plan.

Ms. Borges noted that it was impossible to prepare a model anti-corruption plan for use by all states. There was no “one size fits all” and each plan needed to be adapted to fit the specific circumstances of the country in terms of the level of democracy and the maturity of its public institutions. In the early stages it was better to consider a simple, strategic, robust, practical and measurable plan that could deliver results quickly to build momentum for further reform. But she

also stressed that it was important that the plan remain a “living document” which was constantly reviewed and updated – with appropriate amendments to legislation – as the country developed.

Ms. Borges said that, in order to be effective, the plan should have the input of all state institutions, government, parliamentarians, civil society, experts, youth and women’s groups, academics and media. The coordinating agency preparing the anti-corruption plan should broadly consult the final plan to get the ownership, support, and commitment of all stakeholders.

Ms. Borges stated that the cornerstone of any plan to fight corruption was the ratification of the UN Convention Against Corruption (UNCAC) and the introduction of anti-money laundering and terrorism laws. There followed a need to review other existing legislation to ensure that it was consistent with UNCAC and, where appropriate, to introduce new legislation to fulfill compliance with the Convention. She stressed the importance of establishing a legal framework for an independent anti-corruption commission to investigate and process corruption allegations and to ensure that perpetrators were brought to justice, as well as empowering independent audit departments, empowered to scrutinize public spending and ensure effective oversight.

Finally, Ms. Borges highlighted the role parliamentarians had to play in championing strong anti-corruption credentials. She told participants that GOPAC had helped her members to show leadership on these issues and recommended that new parliaments and states in transition seek to establish a GOPAC chapter at an early stage.

Main Outcomes (include interesting questions from the floor)

A key outcome of this session was to improve public confidence in parliamentarians. Whilst acknowledging that too often parliamentarians have been part of the problem, this session helped to demonstrate that parliamentarians can also be part of the solution.

Non-parliamentary participants showed particular interest in the subject of parliamentary ethics and the debate surrounding the issue of parliamentary immunity. A number of participants from the floor asked what parliamentarians were doing to ensure that they had their own house in order. The Panel responded by acknowledging that many parliamentarians had engaged in corruption, but said that it was important to separate those who did from those who stood up against corruption. GOPAC encouraged all its national chapters to adopt a strong code of ethical conduct and parliamentarians who were involved in corrupt practices were not welcomed as members of GOPAC.

The Chair of the African Parliamentary Network Against Corruption (APNAC) in Zambia, Hon Cornelius Mweetwa, highlighted the role his members had played in the introduction of a code of conduct in the Zambian Parliament. Frustrated by lack of progress on the issue, the Zambian chapter drafted its own ethical code and then conducted a televised public affirmation of their membership of APNAC and acceptance of the code. Such had been the level of public interest that the National Assembly of Zambia was now set to follow suit. Mr. Mweetwa commented

that this action had also helped to change public perception that all parliamentarians were naturally corrupt.

A representative of the World Bank questioned the value of codes of conduct in the absence of an independent body empowered to ensure that the code was being upheld. He commented that there would always be a lack of public confidence in situations where parliamentarians in situations where they were able to “act as a judge in their own case”. In response, Hon. Mweetwa argued that every piece of legislation was only as good as its implementation, but that should not be seen as a barrier to the introduction of laws and rules with good intent.

The Panel also commented that there would always be issues surrounding conflict of interests for parliamentarians, given that they vote on legislation which would ultimately affect them as members of society. Mr. Williams commented that there was a very thin line for parliamentarians between “this is something which will benefit me as a member of society” and “this is something which will benefit me”. That is why GOPAC argued for parliamentarians to show leadership in their decisions and for GOPAC members to ensure that they “keep their own houses clean”.

One participant acknowledged that Parliamentarians are caught in a perpetual conflict of interest because they make laws to which they, themselves, are subject and that it went against human nature to make laws that would harm one’s own self-interest. Therefore, corruption in political systems was an effect as opposed to a cause – an effect caused by the constant conflict of interests and the notion of parliamentary inviolability which permitted a system of impunity for parliamentarians.

The consensus of the meeting was that GOPAC should continue to work to restrict parliamentary immunity and that, while the introduction of codes of conduct were commendable, more work was needed to provide for independent monitoring of compliance.

Another participant commented that, because politics is widely understood to be a zero-sum game, those who “win” treat parliament as their own private monopoly and seek to gain as much as possible, in the knowledge that they are likely to “lose” their power, status and access to public funds at the next election. How did GOPAC intend to address this?

Mr. Williams responded by reiterating the need to ensure that parliamentarians be held accountable and be made to face the consequences of indulging in corruption. He also reinforced the need to adopt effective measures to prevent money laundering in order to prevent corrupt official from enjoying the proceeds of their crimes.

In addition to opening dialogue with representatives of civil society, the session also provided a platform for parliamentarians from a diverse range of countries to share experiences (both good and bad) and to strengthen their commitment to combatting corruption. Representatives from the newly dependent state of South Sudan were able to gain valuable insight from Ms. Borges from Timor Leste on the process involved in tackling corruption at an early stage of independence.

One member of the South Sudanese delegation stressed the need for the international community to assist countries with fledgling democracies to build their anti-corruption credentials. She noted that parliamentarians in countries in transition rarely had the experience or expertise to exercise effective oversight of the executive and this in turn undermined democracy and threatened further instability. GOPAC's CEO agreed that corruption thrived where government officials counted on a lack of understanding of financial statements by parliamentarians and that some regimes had actively sought to weaken parliament so that they could govern without restraint. This was why GOPAC invested so heavily in capacity building workshops to enable parliamentarians to increase their knowledge of public accounts and carry out effective oversight of the executive.

APNAC members raised the troubling relationship between natural resources and corruption, lamenting that an abundance of natural resources too often became a "resource curse" for African nations. He encouraged APNAC members to work together to improve resource revenue transparency.

A number of people questioned the effectiveness of the UN Convention Against Corruption (UNCAC), citing the lack of effective measures for monitoring and implementation as serious weaknesses. It was agreed that the UNCAC could only be effective if nations adopted complimentary measures which helped them to fulfill their international obligations under the Treaty. Examples of these were effective anti-money laundering regimes, independent anti-corruption commissions; and legislation which promoted the participation of society by providing access to information and protected the rights of those who stood up against corruption.

One participant commented that the UNCAC failed to address, or even acknowledge, the role of parliamentarians in combatting corruption, despite the fact that parliamentarians are key to providing the legislative framework for implementation of UNAC. Participants agreed that this was an issue which ought to be addressed during the next review of the Convention.

The main outcome of this session was to build partnerships between civil society and their elected representatives in order to work together in combatting corruption. There was general consensus that, if the global anti-corruption movement was going to make progress in combatting corruption, it was imperative to harness the constitutional power to parliamentarians to hold the executive branch of government to account.

GOPAC representatives recognized that parliamentarians needed to do more to work in partnership with civil society, and pledged to ensure that the discussion at the IACC would prove the first of many initiatives to engage more actively with civil society over the coming months. But they also noted that it was a "two-way street" and appealed to civil society to play their part by involving their elected representatives through their own initiatives, and by creating an increased appetite for change through public demands for greater transparency.

The session concluded with the signing of a formal Collaboration Framework Agreement between GOPAC and Transparency International (TI) aimed at strengthening ties between the two organizations and establishing a framework for collaboration on joint projects between their respective global, national and regional chapters. The GOPAC Panel was joined by TI Chair Huguette Labelle, who spoke warmly of the relationship between GOPAC and TI, noting that the Framework Agreement did not represent a new relationship, but rather the formalization of a relationship which had already existed for many years.

Recommendations, Follow-Up Actions

1. Parliamentarians must work to enact appropriate anti-corruption legislation, including ratification of UNCAC; effective anti-money laundering regimes; establishment of independent anti-corruption commissions; access to information legislation; whistle-blower protection.
 2. The next review of the UN Convention Against Corruption should ensure that the role of parliamentarians in fighting corruption is reflected in the Convention.
 3. The global anti-corruption movement must build effective anti-corruption coalitions among parliamentarians, civil society, the executive branch of government, and the judiciary.
 4. Parliamentarians must show leadership and fulfil their responsibility to exercise effective oversight and hold the executive accountable for the use of public finance.
 5. Parliamentarians should strive to bring an end to impunity so that everybody (including parliamentarians themselves) understands that participating in corruption carries serious consequences.
 6. Parliamentarians need to build public confidence by adopting strong codes of ethical conduct with effective monitoring provisions.
 7. Civil society needs to play a more active role in demanding greater public scrutiny and should hold their representatives to account for their actions.
 8. Parliamentarians need to do more to engage their constituents and ensure that they fulfil their obligation to ensure that the voice of the people is reflected in the policies and legislation of their governments.
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Highlights

Participants of this session had the opportunity to exchange views with a diverse range of parliamentarians active and experienced in combatting corruption.

GOPAC CEO highlighted the importance of the role GOPAC played in providing parliamentarians who wanted to take a stand against corruption with a platform based on unity and shared objectives, stating that “Alone, parliamentarians are invisible, but together, they are invincible.”

He also stressed the importance of parliamentarians ensuring that they fulfil their obligations to represent the needs of their constituents, arguing that “nobody votes for poverty”.

The GOPAC Chair highlighted the need for GOPAC members to exercise leadership and to move away from talking about “what we can do” and start saying “what we *will* do”.

Fernanda Borges’ account of some of the steps taken to build anti-corruption credential in Timor Leste were appreciated by many participants, particularly parliamentarians from South Sudan who thanked “their sister” from Timor Leste for her insights.

The main highlight from the session was the participation of Transparency International Chair Huguette Labelle, who signed a Collaboration Framework Agreement with GOPAC Chair Dr Naser al Sane. Mme Labelle stated that “to ensure success in the fight against corruption, like-minded organizations must work together to realize what they might not be able to achieve on their own”, adding that

“Parliamentarians have the power to hold governments to account, and today’s framework will help ensure they have the tools and knowledge for them to fully harness this power.” This sentiment was echoed by Dr. Al Sane, who said

“TI is a strong leader in the fight against corruption on the international stage and at the country level and shares many common goals and objectives with GOPAC. By formalising our relationship we further strengthen parliamentarians’ capacity to fight corruption and promote good governance worldwide.”

Key Insights Recommended to be included in the IACC Declaration

Although parliamentarians are often perceived as part of the problem, this session demonstrated that they can and should be part of the solution. There are large numbers of parliamentarians all around the world who are taking an active stand against corruption, but they cannot do this alone. They need to work in partnership with civil society to ensure that the voice of the people is heard.

Parliamentarians have a unique position, being the only representatives of society with the power to enact anti-corruption legislation. They also have an important role in providing oversight of the executive.

However, parliamentarians frequently face conflicts of interest which undermine their ability to carry out their responsibilities effectively. In order to ensure that these conflicts do not themselves lead to corruption, it is essential for all parliamentarians to adopt a robust code of ethical conduct and to speak against the concept of total impunity for parliamentarians.

While the UNCAC is the key international agreement in the fight against corruption, the Convention fails to recognize the role parliamentarians have to play in combatting corruption. Steps need to be taken to address this during future reviews of the Convention.

On conclusion of the workshop, GOPAC issued a communique reiterating its commitment to strengthen relationships with civil society and to increase collaboration in the fight against corruption. A copy of this communique is annexed to this report.
