



**PARLIAMENTARIAN'S FORUM: IMPLEMENTING AND OVERSEEING  
THE UNCAC  
2<sup>nd</sup> SESSION OF THE CONFERENCE OF STATES PARTIES TO THE  
UN CONVENTION AGAINST CORRUPTION  
JANUARY 31st, 2008  
NUSA DUA, INDONESIA**

**REPORT**

## **Background**

GOPAC<sup>1</sup> is a global organization committed to combating corruption by: a) providing political leadership on anti-corruption initiatives; and b) strengthening the effectiveness of its legislative, oversight and representation roles as related to integrity in governance. In GOPAC's view, implementing the United Nations Convention Against Corruption (UNCAC) is a major step forward, but for sustainability an effective parliament is also important.

The UNCAC - an international consensus about what states should be doing to address corruption: prevention, criminalization and prosecution, as well as international cooperation, asset recovery and repatriation – has been approved by the UN, ratified by almost 100 countries, and its implementation is being overseen by the Conference of the State Parties (CoSP). GOPAC has been involved from the signing ceremony in Merida, Mexico in which the Global Chair, Mr. John Williams (MP, Canada) made a statement encouraging the UN and the signing parties to include parliament and parliamentarians into the scope of the UNCAC's work. Since that time, GOPAC has uniformly promoted the Convention at global and regional events, established a Global Task Force to provide additional political leadership, and identified ways that parliamentarians can support the UNCAC through improving their own individual and institutional performance.

The first Session of the Conference of States Parties was held at the Dead Sea, Jordan. At this inaugural CoSP, the Global Organization of Parliamentarians Against Corruption (GOPAC) and its Arab Regional Chapter (ARPAC) partnered with the United Nations Office of Drugs and Crime (UNODC) to conduct a forum for parliamentarians that focused on developing a parliamentary plan of action (see Appendix 5). Parliamentarians from four continents participated in this inaugural parliamentary event.

GOPAC subsequently accepted an invitation by the UNODC to organise a second one day Parliamentarians Forum during the 2<sup>nd</sup> Session of the CoSP – in Nusa Dua, Indonesia January 28<sup>th</sup> to February 1<sup>st</sup>, 2008. Working with staff and experts from the U4 Anti Corruption Resource Centre<sup>2</sup> and the UNODC,<sup>3</sup> the Forum brought together parliamentarian and interested parties from around the world to discuss the important role that parliamentarians play in ensuring the success of the UNCAC. The following report will discuss the key conclusions of the event.

## **Parliamentarians Role in Implementing and Overseeing the UNCAC: Conclusions**

The discussions during the Parliamentarians Forum were framed around the key findings of the U4 Report *Anti-corruption policy making in practice: What can be learned for implementing Article 5 of UNCAC? Report of six country case studies: Georgia, Indonesia, Nicaragua, Pakistan, Tanzania and Zambia* conducted by Karen Hussmann and the U4 Anti-Corruption

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<sup>1</sup> [www.gopacnetwork.org](http://www.gopacnetwork.org)

<sup>2</sup> GOPAC would like to thank Hannes Hechler and Karen Hussmann for their insight, expertise and guidance.

<sup>3</sup> We would like to likewise thank Maria Adomeit, Giovanni Gallo and Alexandra Martins for all of their expertise and assistance.

Resource Centre. The report examines how countries have dealt with the challenges of anti-corruption policy making and implementation and, identifies issues for consideration in future policy making.

The report's key conclusion – at least for the Forum's participating parliamentarians<sup>4</sup> – was a clear lack of sustaining *political will*. Although political will existed during elections as political actors were aware of the need to address public and international demand for good governance, the will to implement anti corruption policies often faded away after the election was over or after the initial implementation steps.

Other results of the study with particular relevance to parliament and parliamentarians included:

- The high-level leadership of ministries and public agencies which have to implement the lion's share of the measures contained in anti-corruption policies and strategies did not participate actively in their design. Consequently, political agreements and committed buy-in were weak.
- Most anti-corruption strategies did not set priorities, nor did they consider a sequenced roll-out across agencies, which would have allowed for pilot testing and for keeping in line with capacities and resources.
- Public agencies charged with the coordination and monitoring of anti-corruption strategies usually did not have the authority, political backing and capacity to encourage or compel powerful line ministries to implement envisioned measures and to report on progress.
- Monitoring and evaluation has been almost entirely ignored: Self-assessments did not bring results and "external" reviews of progress, e.g. by parliaments, research institutes and universities, tended not to be part of the plan and these entities did not pursue these matters on their own.
- Lack of information and communication with stakeholders: The lack of information for – and communication with – implementing agencies, political actors, the media, and the public continuously hindered the creation of a sustained political debate which, in turn, could have created political pressure to move anti-corruption policies forward.<sup>5</sup>

A parliamentarians' panel, consisting of Dr. Naser Al Sane, MP (Kuwait and Chair of the Arab Regional Chapter of GOPAC) and Augustine Ruzindana, former MP (Uganda and Chair of the African Parliamentarians Regional Chapter of GOPAC), provided initial reactions to these findings before the discussion was opened up to the wider audience.

The parliamentarian's panel strongly agreed that building and sustaining political will was an important, though challenging, component in ensuring the success of anticorruption policies and strategies. Both Dr. Al Sane and Mr. Ruzindana provided examples of how GOPAC chapters have tried to build political leadership in their regions i.e. involving parliamentarians in pilot studies on regional anti corruption conventions and developing benchmarks from which to evaluate success.

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<sup>4</sup> A participants list can be found in Appendix One.

<sup>5</sup> Ibid.

The panel also emphasized the importance of involving parliamentarians in the process of anti corruption policy design and implementation due to the vital role they play in ratifying conventions, passing laws, criminalizing certain actions, and creating and strengthening institutions where they exist.

The panel further observed that parliamentarians' play a key role in expanding ownership over anti corruption strategies and in building partnerships with civil society organizations that are eager to move the anti corruption agenda forward. Finally, they noted that it was important to have peer support from the region as well as internationally to both encourage and build upon their skills in fighting corruption and building good governance.

### **How Can Parliamentarians Become Further Engaged in the UNCAC?**

As the discussion further established the importance of political leadership on anticorruption policy design and implementation – as noted was needed by the U4 study – participants began to focus on how parliamentarians could become further engaged in the UNCAC and the CoSP.

The question was raised<sup>6</sup> regarding formal recognition of parliamentarians and parliaments by the UNCAC and the CoSP either through the acknowledgement of parliament/parliamentarians as the supreme anti corruption body or through evaluations of parliament conducted by CoSP members. It was also suggested that parliaments/parliamentarians become involved by participating in and evaluating the self assessment questionnaires.

The Parliamentarians at the Forum also expressed a strong and continued commitment to the Parliamentary Action Items presented at the first CoSP at the Dead Sea, Jordan<sup>7</sup> as, it was felt, that it was a practical guide for parliamentarians to follow. However, they sought to take important additional steps, specifically: a) build stronger alliances with the UNODC and development support agencies to improve the capacity of parliamentarians to play these supporting roles; b) to seek to play a more integral role in the country self-assessment procedures of the CoSP; and c) to make this area of work the central focus of its fall 2008 Global Conference leading toward the third session of the CoSP.

A conference declaration was produced and voted on by the participants – using the previous discussions as a basis. The declaration (found at the end of this report) identifies five areas of action for parliamentarians and their partners to pursue in follow up to the Forum. Included were:

1. Provide **useful tools** for parliamentarians focusing primarily on parliamentary oversight and parliamentary ethics and conduct;
2. Informed and sustained **parliamentary political leadership** on UNCAC in support of effective implementation – focused on corruption prevention;
3. Parliamentary support for an effective **self assessment mechanism**;

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<sup>6</sup> Mr. Ghassan Moukheiber, MP – Lebanon and Member of the Arab Regional Chapter of GOPAC.

<sup>7</sup> See the action items in Appendix #4.

4. Stronger **links of parliamentarians to the CoSP process** – parliamentarians are constitutionally legitimate representative of the people in most countries: they are not simply another interest group; and
5. Influence development assistance funding for **parliamentary capacity building** to be more supportive of effective parliamentary support for preventing corruption.

The declaration was ultimately presented to the CoSP and will be included in the final report as well. GOPAC, and its partners, committed to continue to work on each aspect of the declaration and towards the ultimate success of the UNCAC.

# **DECLARATION**

## **2<sup>nd</sup> FORUM FOR PARLIAMENTARIANS**

**Conference of the States Parties**  
**Nusa Dua, Bali, Indonesia: January 30, 2008**

WE THE PARLIAMENTARIANS gathered in the second forum, parallel to the 2nd Session of the Conference of the States Parties (“CoSP”) to the UNCAC in Bali, Indonesia on January 30<sup>th</sup>, 2008, which included members of Global Organization of Parliamentarians Against Corruption (“GOPAC”) and its regional chapters;

DEEPLY AWARE that the lack of democratic governance and lack of effective parliaments have allowed corruption to flourish, resources to be misused for the self enrichment of those in power, leaving almost half the world’s population in abject poverty without adequate housing, health care, education, jobs and opportunities;

RECOGNIZING that effective parliaments and committed parliamentarians are essential to preventing and fighting corruption by performing their fundamental roles of legislation, oversight and representation, thus ensuring accountability of governments to their citizens;

RECALLING the resolution and appended “Priority Action Items From a Parliamentary Perspective” (the “Parliamentary Action Plan”) adopted by the Parliamentarians’ Forum at the First Session of the Conference of the States Parties at the Dead Sea, Jordan on December 13<sup>th</sup>, 2006;

BEING INFORMED of the rich debate about the CoSP agenda items particularly related to improving the review mechanisms and the related anti corruption oversight institutions, in addition to the very informative country studies done by the U4 Anti Corruption Resource Centre that further highlighted the linkage between good governance and anticorruption measures and showed several flaws in the design and implementation of anticorruption policies, the lessons of which should be taken into account for the implementation of the UNCAC that can serve as a basis for proper assessment and oversight:

1. AFFIRM our commitment to the full implementation of the Declaration and appended Parliamentary Action Plan adopted at the first Parliamentarians’ Forum parallel to the First Session of the Conference of the States Parties at the Dead Sea, Jordan on December 13<sup>th</sup>, 2006, in order to improve the effective role of parliaments and parliamentarians in preventing and fighting corruption in all of the fundamental functions and roles of legislation, oversight and representation;
2. CALL UPON parliamentarians and parliaments to: (i) develop and strengthen a strong national political will to prevent and fight corruption; (ii) strengthen their oversight and monitoring of government operations, particularly in the implementation of the UNCAC; (iii) improve their credibility with the public by ensuring appropriate and ethical conduct,

personal and institutional integrity and accountability; and (iv) seek to be adequately empowered and resourced to do so effectively;

3. URGE the CoSP to speedily decide upon an effective mechanism to review implementation of the UNCAC;
4. CALL FOR greater opportunity for parliamentarians to participate in, and contribute to, the effective implementation monitoring and oversight of the UNCAC and future sessions of the CoSP. (e.g. request governments to transmit copies of the governmental self assessment reports to parliaments and make them publicly available and encourage parliaments to publicly debate such reports);
5. CALL UPON governments, the CoSP and Development Assistance Organizations to support parliamentarians, parliaments and international parliamentary and parliamentarians' organizations in the implementation of this Declaration.

## **Appendices**

1. Participant List
2. Agenda
3. Presentation by U4
4. Action List from 1<sup>st</sup> CoSP

## **Appendix One: Participants' List**

**Panelists:** Dr. Naser Al Sane, MP Kuwait, Lead of GOPAC Global Task Force on the UNCAC  
Mr. Odd-Helge Fjeldstad, Director, U4 Anti-Corruption Resource Center  
Mr. Stuart Gilman, Head of the Global Programme against Corruption and of the Anti-Corruption Unit, UNODC  
Ms. Karen Hussmann  
Mr. Augustine Ruzindana, Chair, African Parliamentary Network Against Corruption (APNAC)  
Mr. John Williams, MP, Chair of GOPAC

**Parliamentarians:** Hon. Alfredo Asti, MP (Uruguay)  
Hon. Obied Al-Homer, MP (Yemen)  
Hon. Mohsen Al Bahr, MP (Yemen)  
Senator Edgardo Angara (Philippines)  
Hon. Juan Edgardo Angara, MP (Philippines)  
Hon. Heberto Clavijo, MP (Uruguay)  
Hon. Fernando Cusmao, MP (Timor-Leste)  
Hon. Ghassan Moukheiber, MP (Lebanon)  
Hon. Cipriana Pereira, MP (Timor-Leste)  
Hon. Natalino dos Santos, MP (Timor-Leste)  
Hon. Manuel Tilman, MP (Timor-Leste)

**Other Discussants:**

Ambassador Christina Funes-Noppen, Permanent Representative of Belgium to UNIDO  
Mr. Hannes Hechler, Project Coordinator, U4 Anti Corruption Resource Center  
Mr. Josel Ignacio, Department of Foreign Affairs, Philippines  
Ms. Mary Mosha, P.C.C.B  
Mr. Richard Philippant, UNODC  
Mrs. Achmao Santosa, UNDP-Indonesia

**Staff:** Meaghan Campbell, GOPAC (Canada)  
Martin Ulrich, GOPAC (Canada)

**\*Please note that not all participants signed the attendee sheet.**

**\*\* A full list of the CoSP participants will be made available by the UNODC on its website at <http://www.unodc.org/unodc/en/treaties/CAC/index.html>**

**Appendix Two: Agenda**

Second Conference of the States Parties  
to the UN Convention against Corruption  
Nusa Dua, Indonesia  
28 January -1 February 2008

**AGENDA**

Forum for Parliamentarians:  
Implementing and Overseeing  
the UN Convention against Corruption  
30 January 2008  
Bali International Convention Centre  
Nusantara Room 2



Overview: The morning session will provide an overview of the U4 report on National Anti-Corruption Policy Frameworks with a specific focus on findings related to parliamentarians' roles and areas of contribution. The afternoon session will focus on follow-up to the Parliamentary Action Items presented at the first Conference of the States Parties to the UN Convention against Corruption, held in Jordan in December 2006, as well as next steps.

Forum Chair: John Williams, MP Canada, Chair of GOPAC

9:00 - 9:15	Opening session
	Mr. John Williams, MP Canada, Chair of COPAC Mr. Stuart Gillman, UNODC Mr. Odd-Helge Fjeldstad U4 Anti-Corruption Resource Center
9:15 - 10:30	Session One: Experience with Corruption Prevention in Developing Country (U4 Report); issues for parliamentarians seeking effective implementation
	<u>Presentation of Report Findings:</u> Ms. Karen Hussmannn  <u>Observations of Parliamentary Panel:</u> Dr. Naser Al Sane, MP Kuwait, Lead of GOPAC Global Task Force on the UNCAC Mr. Augustine Ruzindana, Chair, African Parliamentary Network Against Corruption (APNAC) Mr. César Camacho, MP Mexico (Latin American Parliamentarians Against Corruption)
10:30 - 12:30	Session Two: What Parliamentarians Can Do
	Roundtable discussion with parliamentary panel, UNODC representative and U4 experts.
12:30 - 14:00	Lunch break
14:00 - 14:30	Session Three: Status of the First COSP Parliamentary Action Items
	Dr. Naser Al Sane, MP Kuwait  The session will report on what has been done since the first COSP as well as the activities of the UNCAC Global Task Force.
14:30 - 15:00	Session Four: Parliamentarians and Gap Analysis

	A presentation and discussion of how gap analysis can assist parliamentarians in understanding the legislative and institutional implications of the UNCAC on their country and how their parliamentary oversight role can affect the process. Examples from the Arab world will be used.
15:30 - 16:00	Health Break
16:00 - 17:00	Session Five: Confirmation of Declaration and Closing
	Mr. John Williams, MP Canada

**Appendix Three: Presentation by Karen Hussmann**

**Appendix Four: Declaration and Action Items from the First Parliamentarians Forum at the First Session of the Conference of the States Parties**

**DECLARATION  
FORUM FOR PARLIAMENTARIANS**

**Conference of State Parties  
Dead Sea, Jordan: December 13, 2006**

WE THE PARLIAMENTARIANS from 4 continents attending the Forum for Parliamentarians held parallel to the UN Conference of States Parties to the UNCAC, including members of Global Organization of Parliamentarians Against Corruption (“GOPAC”) and its regional chapters;

DEEPLY AWARE of the dire effects of corruption in reducing economic well-being, basic social services, standards of democracy, good governance and human rights;

FIRMLY BELIEVING that parliaments and parliamentarians should be an effective force in preventing and fighting corruption, by performing its fundamental functions and roles of legislation, oversight and representation and by engaging, educating citizens and enhancing their awareness on the Convention;

CALL UPON all governments and parliaments in all countries to ratify and implement effectively the provisions of the UN Convention Against Corruption, develop the appropriate political will to that effect as well as the effective monitoring and evaluation mechanisms and institutions, including developing capacity of parliaments.

URGE State Parties to engage and support parliaments and parliamentarians in their own respective countries and to work with international and regional organizations, particularly parliamentary organizations such as GOPAC, in the global fight against corruption.

ENDORSE the attached “Priority Action Items from a Parliamentary Perspective” as a recommended course of action for the proper implementation of the UNCAC.

**PRIORITY ACTION ITEMS  
FROM A PARLIAMENTARY PERSPECTIVE**

## **I - LEGISLATION**

- Urge parliaments who have not yet ratified the UNCAC to take the necessary steps to do so.
- Encourage the analysis of the required legislation for full compliance with the UNCAC (“Gap Analysis”); to that effect, provide the necessary capacity and technical assistance.
- Develop technical assistance for legislative drafting, including the sharing of relevant laws and best practices; develop appropriate legislative guidelines.
- Ensure that legislation regarding independent anti-corruption bodies is effective, user friendly, and clearly understandable by the general public.
- Enhance the legitimacy, credibility, and standards of integrity of Parliaments and parliamentarians in their fight against corruption, through appropriate legislative measures such as: appropriate regulation for the funding of political parties and election campaigning, including transparency measures; basic rules of conduct for parliamentarians; and more balanced parliamentary immunity regimes.
- Develop critical legislation that promotes the prevention of corruption, including: access to information laws, conflict of interest and illicit enrichment laws, rules of conduct for civil servants; strong anti-money laundering and asset recovery regimes; whistle blower protection laws; mechanisms and processes for the monitoring and implementation of the UNCAC.

## **II. PARLIAMENTARY OVERSIGHT**

- Develop the effectiveness and capacity of Parliament as the foremost oversight institution for fighting corruption by achieving the following: (i) improve financial oversight through the creation of parliamentary budget offices; (ii) reforming parliamentary Rules of Order and By-Laws wherever necessary in order to enhance and facilitate the oversight role of parliamentarians, committees and the parliament’s plenary; (iii) give parliaments the power to summon anyone in front of parliamentary committees as well as powers to punish those who refuse to appear.
- Develop collaboration between parliament and oversight bodies, e.g. courts, anti-corruption independent institutions, auditors general, ombudsmen offices, civil society.
- Share information about successful oversight experiences.
- Develop monitoring mechanisms to follow up on the compliance of legislation with the provisions of the UNCAC.

### **III. PARLIAMENTARY REPRESENTATION AND ENGAGING CIVIL SOCIETY**

- Engage parliaments in the development of national, regional and global action plans against corruption.
- Encourage awareness-raising, education and training amongst parliamentarians and the general public about the provisions of the UNCAC and its implications. “Train the trainers” on anti-corruption measures and strategies and ethics.
- Open constituency information offices to share information and make the governance process accessible to the people/constituents.
- Engage civil society organizations (particularly specialized organizations such as Transparency International), including the media, trade-unions and other non-governmental actors, on strategies and action plans against corruption.
- Make the legislation and budget process transparent to the citizens holding public hearings, open committee meetings etc.
- Develop measures that promote freedom of expression, including the media and the press. Also, conduct and share research studies on corruption with the media.
- Create platforms for inter-governmental monitoring through regional anti-corruption bodies.