



**15th INTERNATIONAL
ANTI-CORRUPTION
CONFERENCE**

**MOBILISING PEOPLE:
CONNECTING AGENTS OF CHANGE**

**BRASÍLIA BRAZIL
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Short Session Report: Global Solutions

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

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

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

Honourable Fernanda Borges, Former Member of Parliament in Timor-Leste, Global Organization of Parliamentarians Against Corruption

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

Main Issues Covered (500 words or more, narrative form)

This panel session, entitled “Power to the People: Parliamentarians, Citizens, and Anti-Corruption” convened experts from regions around the world, including Latin America, the Arab region, and the emerging state of Timor-Leste, to raise a host of thought-provoking issues:

First, the panel session analysed the role of the Global Organization of Parliamentarians Against Corruption (GOPAC) and parliamentarians in the fight against corruption. It highlighted GOPAC’s Global Task Forces (GTFs), which provide capacity-building for legislators on the United Nations Convention Against Corruption (UNCAC), participation of society, parliamentary ethics and conduct,

resource revenue transparency, parliamentary oversight, and anti-money laundering.

GOPAC recognizes that parliamentarians are *not* experts. Therefore, the GTFs, which offer training through workshops, are a fundamental pillar of GOPAC's work.

Only parliamentarians have the power to confer impunity on their own selves. Regrettably, however, civil society has thus far failed to mobilize demand for parliamentarians to be held accountable – just like everyone else.

Second, this panel session examined civil society as a major stakeholder in combatting corruption worldwide, with a particular focus on Latin America and Timor-Leste.

Fundamentally, there is strong public scrutiny and demand in the world today for governments to be responsive to their constituencies. Therefore, it is critical – especially in fledgling democracies – to engage parliamentarians, people, youth, women, the media, and political parties in the fight against corruption.

Soon after independence in 1999, Timor-Leste sought out to establish a sovereign state that could provide public goods and services to people against the backdrop of limited conditions. Despite ongoing challenges, corruption is being curbed by building “anti-corruption credentials”, such as establishing systems, processes, and procedures to promote integrity, transparency, and good governance.

To achieve this, parliaments everywhere should develop a national anti-corruption plan. This demands a participatory, inclusive, and transparent process. It should include the input – and commitment – of all stakeholders, including state institutions, government, parliamentarians, citizens, experts, the academia, and the media. Moreover, regular independent reviewing should occur throughout the process.

But no one size fits all. Instead, anti-corruption plans must be adapted to a country's state of democratization to ensure that sequencing and priorities can be appropriately determined. The first step to building an anti-corruption plan is to approve the UNCAC and AML laws in parliament since these laws are critical for others that will follow. Without the UNCAC and AML laws, it is difficult to achieve a coherent approach to combat corruption. Furthermore, states – especially emerging states – must examine (and, if necessary, reform) existing legislation to successfully implement the UNCAC, such as freedom of expression, access to information, and equal participation (i.e., those conditions that will foster democratization).

Third, this panel session identified complementary tools in the anti-corruption toolkit, such as legislation, the executive branch of government, codes of ethics and international conventions. For example, parliamentarians in Zambia adopted a code of ethics that binds members of the African Parliamentarians' Network Against Corruption (APNAC) to reverse public perceptions that all parliamentarians are corrupt. One participant challenged the utility of Zambia's code of ethics, arguing that it is weak because it cannot be enforced, which violates the cardinal rule: Do not be a judge in your own case. Other participants warned that, alone, legislation is not enough to fight corruption because even where good laws exist, so too does corruption.

The UNCAC establishes basic parameters for fighting corruption; however, it is ineffective *unless* they are formally adopted such that parliamentarians’ feet are held to the fire. One participant proposed the adoption by parliaments of a “super-ethical code” that frames the power to make laws.

Finally, beyond raising topical issues on corruption, this panel session provided a (necessary) platform for participants (which included former and current Members of Parliament, Senators, and civil society organizations) to share best practices and model legislation to improve outcomes in their fight against corruption.

Main Outcomes/Outputs

It is difficult to identify concrete outcomes or outputs that followed from this panel session. Arguably the most important outcome is that, beyond raising topical issues on corruption, this panel session provided a (necessary) platform for participants (which included former and current Members of Parliament, Senators, and civil society organizations) to share best practices and model legislation to improve outcomes in their fight against corruption.

Furthermore, there emerged widespread consensus that if the global anti-corruption movement is going to achieve *any* progress, it must engage parliamentarians because they are the *only* actors that have the constitutional power – and obligation – to hold the executive branch of government to account.

Recommendations, follow-up Actions (200 words narrative form)

This panel session proposed some recommendations, specifically:

1. The global anti-corruption movement must build effective anti-corruption coalitions among parliamentarians, civil society, the executive branch of government, and the judiciary.
2. Parliamentarians must be at the forefront of the fight against corruption.
3. There are two rules to tackle corruption that must be observed when creating any anti-corruption regime:
 - (a) People who are corrupt need to know that they will be caught; and
 - (b) Those people need to know that, when they are caught, they will not like the repercussions.
4. The global anti-corruption movement must recognize that only parliamentarians have the power to confer impunity on their own selves. Regrettably, however, civil society has thus far failed to mobilize demand for parliamentarians to be held to account. There must be a call to action.

5. The global anti-corruption movement must move beyond “what can we do” to “this is what we will do”.

Highlights (200 words please include interesting quotes)

Participants of this panel session had the opportunity to exchange knowledge and best practices with – and even solicit the advice of – the panellists (CEO of GOPAC, Regional Chair of GOPAC América Latina y el Caribe, Former Member of Parliament in Timor-Leste, and the Chair of GOPAC). They also had the opportunity to exchange knowledge and best practices with the other participants of the session, which included former and current Members of Parliament, Senators, and civil society organizations.

Among the “quotable quotes” of the session are:

“Alone, parliamentarians are invisible; together, they are invincible”.

The global anti-corruption movement must move beyond “what can we do” to “this is what we will do”.

There are 1.5 billion people in the world today who live in extreme poverty, but no one votes for poverty. Poverty is widespread because of bad, unaccountable governance.

Key Insights Recommended to be included in the IACC Declaration

This panel session combined hindsight and foresight of the corruption to achieve important insights. Among the most important are:

Parliamentarians have an important oversight function of the executive branch of government. In fact, they are the only actors that have the constitutional power – and obligation – to hold the executive branch of government to account for its action (or inaction). Despite this, we must not overlook – or worse, undermine – the role of civil society; it, too, has a responsibility to hold governments to account.

It is shocking that there are 1.5 billion people in the world today who live in extreme poverty, but no one votes for poverty (!). Why are these people poor? Because they suffer from bad, unaccountable governance. Therefore, the global anti-corruption movement must find new and innovative ways to make their voices heard so that they, too, can exercise oversight over the executive branch of government.

Third, despite the fact that parliamentarians are important players in the fight against corruption, the UNCAC – arguably among the most important global anti-corruption milestones – does not acknowledge the role of parliaments and parliamentarians.

Rapporteur’s name and date submitted:

Ashley Pereira, 10 November 2012.

Remember! This Short Report needs to be emailed to Mariya Gorbanova Mariya Gorbanova (mgorbanova@transparency.org) within 2 hours after the session. Thanks!

COMMUNIQUE

Parliamentarians Working with Civil Society in the Fight Against Corruption Brasilia, Brazil – 10 November 2012

We, parliamentarians and members of The Global Organization of Parliamentarians Against Corruption (GOPAC) gathered at the 15th International Anti-Corruption Conference (IACC) in Brasilia, Brazil, 7-10 November 2012:

- Having heard the concerns of international citizens and civil society groups expressed on a wide range of topics over the course of the conference;
- Recognizing that corruption is a primary root cause of poverty, insecurity and civil unrest;
- Further recognizing that corruption is an international problem which affects all sectors of society and which requires coordinated action at all levels;
- Understanding the important role that parliamentarians need to play in providing strong legislative frameworks to combat corruption and encourage transparency and good governance;
- Accepting that it is the responsibility of all parliamentarians to provide effective leadership and to represent the voice of the people;

1. Hereby resolve:

- To use our international network of parliamentarians across the political spectrum to hold governments accountable for the allocation and expenditure of public funds;
- To encourage all parliamentarians to fulfill their role in providing effective oversight of the executive;
- To lead by example through our own ethical conduct and behaviour and to encourage other parliamentarians to adopt appropriate ethical standards;
- To introduce legislation in our respective parliaments that will provide the necessary legal frameworks to combat corruption, meet international obligations under the UN Convention Against Corruption, improve transparency, and protect the rights of those who stand against corruption;
- To continue to build the capacity of our fellow parliamentarians on combatting corruption through peer education workshops and technical handbooks provided through our Global Task Forces; and
- To uphold our responsibility to represent the voice of our constituents and to work in collaboration with civil society in the fight against corruption.

2. Acknowledge and offer our thanks to:

- The IACC Council and its partners for organizing this conference and for recognizing the role parliamentarians play by inviting us to participate in such an important event;

- The Minister and Office of the Controller General of Brazil for sharing their experiences with our delegation and agreeing to collaborate in building capacity on Open Government in the region; and
 - Members of the National Congress and Senate of Brazil for receiving our delegation and agreeing to begin the process to establish a national chapter of GOPAC in Brazil.
3. Signal our intent to build, maintain and strengthen positive relationships with civil society organizations by formalizing our partnership with Transparency International by adopting a Collaboration Framework Agreement which will result in the sharing of knowledge and expertise, coordinated implementation of anti-corruption projects and programmes, and joint advocacy on anti-corruption issues at the national, regional and international levels of our respective organizations.

END