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LATIN AMERICAN PARLIAMENTARIANS AGAINST CORRUPTION (PLACC)



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BACKGROUND

In 1996, the OAS adopted the Inter-American Convention against Corruption and its member states declared that fighting corruption was a top priority on the inter-American agenda. So far 29 countries have ratified this international instrument.

At the Third Summit of the Americas, held in Quebec City, Canada, in April 2001, the OAS member states reiterated their commitment to work together decisively to fight corruption.

In June 2003, the international conference on "Parliaments and Controlling Corruption: Political Challenges in Latin America" took place. It was the third meeting of Latin American Parliamentarians Against Corruption (PLACC) and approved its by-laws and elected its officers. At the same time, a seminar of international experts on fighting corruption from the World Bank Institute, the Organization of American States, specialized institutions, anti-corruption programs and parliaments was held. They proposed legislative and administrative approaches to the problem, and in this way the Latin American Regional Chapter of GOPAC (Global Organization of Parliamentarians Against Corruption) was formed. This chapter is known as **Latin American Parliamentarians Against Corruption** (Spanish acronym PLACC).

In October 2003, the American states represented at the **Special Conference on Security** in Mexico City proclaimed a new multidimensional concept of security for the hemisphere, including both traditional and new threats and other challenges to states. They agreed that their cooperation to fight these threats would be based on shared values and common approaches recognized in the hemisphere, and they reaffirmed their commitment to fight passive and active corruption, to strengthen mechanisms to follow up the Inter-American Convention against Corruption and to support the United Nations Convention on this subject.

Finally, at the **Special Summit of the Americas** in Monterrey, Mexico in January 2004, the heads of state and government of the Americas reaffirmed their commitment to intensify their efforts to fight corruption and other unethical practices in the public and private sectors, and to defend and promote cooperation in the framework of the Inter-American Convention against Corruption and on the basis of the **Nuevo León Declaration**. They reiterated their commitment to promote concrete measures to implement the Convention and to encourage transparency in political processes, the administration of public finances, government transactions, bidding and contracting procedures, by building a culture of transparency and more efficient public management.

In view of the above and based on the Cooperation Agreement between PLACC and the UPD/OAS, the following joint work plan entitled [translation] "**STRATEGY TO STRENGTHEN THE ROLE OF LEGISLATIVE ASSEMBLIES IN THE AMERICAS IN FIGHTING CORRUPTION**" is proposed.

I. STRATEGIC IMPORTANCE OF THE PROPOSAL

The Legislature is the central institution of representative democracy and therefore is the key to the system of division and balance of powers that characterizes democracy.

The processes of change and transition in our countries and unequal institutional and democratic development in them make it necessary to strengthen the institution of parliament as a key player and essential condition for fighting corruption. The institutional structures, patterns of behavior, predominant



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style of government and current legislation appear unsuited for the social, economic and political challenges facing countries in the region.

Nevertheless, the soundness, legitimacy and viability of a legislature's proposal to attack corruption and mismanagement of public funds depend greatly on its ability to carry out effectively its primary functions of adequately representing the various interests of citizens, legislating in a transparent, rigorous and efficient manner and effectively overseeing the other branches of government.

By properly performing its basic legislative functions, such as producing laws in a rigorous and transparent manner, exercising political control over the powers of the state, and overseeing the acts of government through a proper and open examination of the national budget, including monitoring and evaluating its implementation, it will certainly contribute to developing a framework of legislative and legal security that will give it a reputation for being a serious and responsible body, with more credibility and legitimacy for the legislature as an institution in particular and for the democratic political system in general.

The proposal seeks to support making institutions stronger and keeping PLACC member parliaments up to date by dealing comprehensively with technical, administrative and political factors affecting institutions, especially those that enhance their presence in civil society and processes that favor accountability and transparency.

Structurally, the proposal is designed along three main lines: (1) strengthening the function of legislation in this field with assistance and support for countries to act and bring their laws into conformity with the Inter-American Convention against Corruption; (2) helping legislatures be more accountable and make parliamentary work and management more transparent and inclusive through closer relations with citizens, i.e. reinforcement of the representation function; and (3) technical assistance to reinforce political control and oversight, which are necessary and fundamental in fighting corruption.

III. GENERAL CONTEXT OF AREAS OF ACTION

1. AREA OF ACTION: SUPPORT FOR LEGISLATIVE AND REGULATORY FUNCTION

A. Strategic Objective: Promote incorporation of main provisions of the Inter-American Convention against Corruption in national legislation; collaborate with national legislatures and regional parliaments in their efforts for interparliamentary cooperation and to develop national and regional (or subregional) strategies so that they can play a significant role in fighting corruption, and to ensure the adoption and full coming into force of the terms of the Inter-American Convention against Corruption, regionally and nationally (entrenchment in law).

B. Components and Activities:

1.1 Subregional Assessment of Efforts Made and Lessons Learned in Fighting Corruption: PLACC and the UPD will conduct a hemispheric review to identify resources, investigations, documents, diagnoses, initiatives taken, lessons learned and institutions created to fight corruption in the region, and thus to have a much more comprehensive vision. The work will begin by studying what has been done in each country, making efficient use of resources and avoiding duplication of effort.



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- 1.2 Creation of a Legal and Regulatory Data Base on Corruption – Compilation of National Laws and Other Documents on Fighting Corruption: PLACC and the UPD will coordinate, in every country participating in the project, the compilation of studies, national laws, legislative and legal precedents, decrees, regulations and other legal documents related to the subject of corruption and how to fight it. This compilation of information at the national level will help to identify the main legislative and regulatory advances, as well as the flaws, deficiencies and limitations of national laws, especially in the context of implementing the Inter-American Convention against Corruption. The information compiled will also give a clear picture of the most recent progress and be a basis for preparing or updating current national legislation on corruption and the regulatory frameworks on it at the subregional level.
- 1.3 Support for Creating Subregional Framework Legislation: Based on the main international instruments (especially the Inter-American Convention against Corruption), the development of a reference regulatory framework to fight corruption (one per subregion) will be coordinated. It will be a regulatory reference on the basis of which each country will prepare and adopt its own regulations and it will serve as a basic guide in drafting the related legislation. In this way, all PLACC member countries will have common modern legislation including the world's latest regulatory advances and defining new offences.

2. AREA OF ACTION: Reinforce parliamentary accountability and transparency through better relations with civil society.

A. Strategic Objective: Relations with citizens must be seen as legitimizing the legislators' activity. It is hard to conceive of a legislature in a fully developed democracy acting on the margins of society. That is why the necessary bodies and mechanisms must be created so that the public can participate in legislative activities. Mechanisms must be considered whereby legislators can obtain information to perform their duties. For this, we propose systematically strengthening the process of accountability, transparency of parliamentary operations, and participation of civil society in the process of lawmaking.

B. Components and Activities:

- 2.1 Subregional Assessment and Methodological Proposal for Accountability at Parliamentary Level: The process by which parliament drafts and passes laws and then applies them is not always sufficiently transparent for citizens. Mechanisms for consultation between the authorities and civil society must be strengthened to bridge the gap between them and to develop an efficient system of communication between representatives and those they represent. Parliaments fail to involve citizens in preparing and drafting legislation or do so inadequately, since the political, legal and regulatory channels for civil society to really participate are lacking. Efforts are made to involve civil society in the work of parliament, but they are insufficient or even misdirected. That is why it is essential to have a diagnostic study at the hemispheric level (four subregional studies) to learn about the state of institutional relations between legislatures and civil society, and how these relate to transparency in legislative activity, clarity of information, democratization of decision making and their impact on fighting corruption in the region. It is also essential to develop a methodological proposal that can be implemented by subregional and national legislatures in order to make them more accountable.



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3. AREA OF ACTION: Stronger Strategic Role for Parliament in its Function of Political Control and Oversight.

A. Strategic Objective: The purpose of this component is to restore and enhance the strategic role of parliaments in discussing the great national, subregional and hemispheric issues by strengthening their function of oversight and control with respect to the other branches of government.

B. Components and Activities:

3.1 Conduct a Technical and Political Study of the Political Control Function. In the context of strengthening legislative authority to fight corruption, PLACC and the UPD/OAS will promote a series of specialized subregional studies to analyze the role of legislatures in the budget process and in their political control and oversight function, in order to advance the study of the (formal and informal) relations between parliamentary institutions and other branches of government. Appropriate reporting, information-sharing and public denunciation methodologies must be proposed, so that legislatures can reinforce this function and contribute to a much more transparent, democratic, fair and legitimate system.

3.2 Proposal to Modernize Parliamentary Regulations for the Control and Oversight Function. Comparative regional analyses of the parliamentary regulations for the procedures and institutions of political control and budgetary oversight will be done; the national and provincial constitutional provisions, regulations, legislative precedents and parliamentary customs surrounding the political control and budgetary oversight function will be reviewed; a draft reference chapter for regulations on political control and another on oversight (analysis, monitoring, approval and budgetary oversight) will be prepared; finally, sessions to meet, analyze and discuss the proposed regulations in technical and political terms will be held, where the proposal will be presented to groups of parliamentarians and to bodies of the various legislative assemblies.

3.3 Prepare a Practical Guide for the Political Control Function. A hemispheric guide or manual will be prepared for the political control and budgetary oversight functions. It will be useful both for legislators and for their advisers.

4. AREA OF ACTION: Technological Support for Stronger Legislative Powers to Fight Corruption.

Components and Activities: An interactive Web site will be created to support efforts in the areas described; it will be a helpful tool for parliaments in fighting corruption. This Web site will contain the following elements and serve the following purposes, among others: (a) establish computer links with other branches and institutions of government to strengthen political control and accountability at the subregional level; (b) provide electronic manuals on relations with citizens and political control, and also codes of ethics; (c) implement online training courses on parliamentary ethics, budgetary oversight, etc.; (d) provide for ongoing information and data exchange on this issue among legislators in the region; (e) facilitate horizontal parliament-to-parliament cooperation programs; (f) house the legal and regulatory data base on corruption; (g) be a permanent site for dialogue and consultation with civil society on projects of special importance for the countries, and others as well.