



**GLOBAL ORGANIZATION OF PARLIAMENTARIANS AGAINST CORRUPTION
 (GOPAC)**

**Kuwait 2008: 3rd Global Conference
 Declaration, Position Statements and Resolutions**

Final: November 19, 2008

Contents

Kuwait 2008 GOPAC Conference Declaration – Parliamentarians Combating Corruption: It’s Part of The Job	2
Position Statements and Resolutions	4
Parliamentary Support for the UNCAC	4
Parliamentary Oversight	6
Anti Money Laundering	8
Parliamentary Immunity	9
Participation of Society	11
Resource Revenue Transparency.....	13
Parliamentary Ethics and Conduct.....	14

Kuwait 2008 GOPAC Conference Declaration – Parliamentarians Combating Corruption: It's Part of the Job

We, parliamentarians and members of the Global Organization of Parliamentarians Against Corruption (GOPAC) accept that for parliamentarians, combating corruption is not an option; it's part of the job.

We also:

Acknowledge that our duty as parliamentarians is to be the principal representatives of citizens.

Are aware of the enormous negative impacts of corruption on people and the global nature of the problem.

Recognize that the approval of the United Nations Convention Against Corruption (UNCAC) by the UN General Assembly in November 2003 marked the formal recognition of the global nature of corruption and the global scope of action needed to address it effectively.

Are reminded of the coming into force of the Convention in 2005. Now with over 120 countries having ratified the convention, it attests to the commitments of governments of these countries to establish corruption as a crime to be prosecuted.

Reiterate GOPAC's support for the UNCAC given at the Merida, Mexico signing ceremony in 2003, while drawing attention to the crucial role parliamentarians must play in its effective implementation.

Organized the 2006 Forum of Parliamentarians at the Conference of State Parties at the Dead Sea, Jordan which identified complementary steps parliamentarians could take, such as strengthening parliamentary oversight and parliamentary ethical conduct; and

The 2008 Forum of Parliamentarians at the Conference of State Parties at Bali, Indonesia which identified ways that parliamentarians could support, in a sustained manner, the implementation of governance improvements needed to prevent corruption.

We, parliamentarians and members of GOPAC, having resolved:

- 1) to carry out our duties with particular attention to our oversight responsibilities for public resources.
- 2) to work with our parliamentary colleagues, governments and international organizations to implement the UN Convention Against Corruption more effectively and in more countries.
- 3) to reduce corruption through improved governance, and to work together internationally on anti money laundering initiatives and recovery of stolen assets.

At this conference, after confirming the support to these earlier initiatives, GOPAC members have now resolved to encourage parliamentarians:

- 1) to *strengthen the performance of parliaments* in carrying out their core democratic functions of legislation, representation and oversight that are essential to improving integrity in governance.
- 2) to *work with the United Nations Office of Drugs and Crime (UNODC) and with governments* that have ratified the UNCAC to provide additional and sustained political leadership to government or country strategies to more effectively implement the UNCAC;
- 3) to support global initiatives by international organizations that combat corruption;
- 4) to promote *greater public understanding* of the negative effects of corruption and to harness that public opinion in the fight against corruption.

To turn these aspirations into a program, GOPAC has adopted:

- 1) a resolution seeking formal *recognition from the Conference of State Parties on the UNCAC of the important role of parliaments* in the fight against corruption thereby empowering parliamentarians to play their support and leadership roles more effectively;
- 2) a resolution recognizing that "*implementation review is the engine of improvement of a government's performance on the UNCAC*" and mandates its UNCAC Global Task Force to support the UNODC efforts in relation to Article 63 and find ways to *ensure that parliaments have the opportunity to review reports prepared by state parties on implementation*;
- 3) a resolution authorizing GOPAC to seek improved *operational alliances with international organizations* that share UNCAC's objectives, so that the work of parliamentarians can better complement the work of others; and
- 4) a number of *policy positions* for each member and chapter to pursue, as is appropriate to each region and country, to engage in the fight against corruption, and to document accomplishments.

Position Statements and Resolutions

Parliamentary Support for the UNCAC

Context

The UN Convention Against Corruption (UNCAC) is the most comprehensive and authoritative international convention against corruption. It aligns well with the Global Organization of Parliamentarians Against Corruption (GOPAC) central mission of preventing corruption through improved governance and a focus on the role of parliament. GOPAC has consistently supported the convention from the signing ceremony in Merida Mexico in 2003 by:

- establishing a Global Task Force to guide and mobilize assistance in effective implementation;
- working with the UN Office of Drugs and Crime to host Parliamentarians Forums at the last two Conferences of State Parties; and
- promoting the view that parliamentarians can complement government initiatives by playing their democratic roles more effectively.

While all areas of the convention are important, GOPAC has mainly focused on those related to prevention and review mechanisms, as these are most closely linked to GOPAC's governance thrust and Global Task Forces. Other than the articles on measures relating to the judiciary and prosecution services (#11) and the private sector (#12), our current Global Task Forces align well with the prevention section as shown below.

- ***Global Task Force on UNCAC***
article 5 - Preventative anti-corruption policies and practices
article 63 with respect to review mechanisms and development assistance
- ***Global Task Force on Parliamentary Oversight***
article 6 - Preventative anti-corruption body or bodies
article 7 - Public sector
article 9 - Public procurement and management of public finances
article 10 - Public reporting
- ***Global Task Forces on Parliamentary Ethics and Conduct and Parliamentary Immunity***
article 8 - Codes of conduct for public officials
- ***Global Task Force on Anti Money Laundering***
article 14 - Measures to prevent money-laundering (Anti Money Laundering)
article 23 – Laundering of proceeds of crime (criminalization)
article 52 – Prevention and detection of transfers of proceeds of crime
article 58 – Financial intelligence units

In addition, and subject to the proceedings of the conference, a new Global Task Force will undertake work on article 13 - Participation of Society.

Position Statement

- While GOPAC believes it is important to criminalize corrupt actions and work internationally to ensure effective investigation and prosecution, sustained effective prevention requires improved governance, a key component of which is effective parliamentary oversight.

- Parliamentarians should seek to work in harmony with State Parties and international expert organizations to implement UNCAC at the national, regional and global levels. Members should work towards ensuring that State Parties consider parliaments as an important additional instrument of corruption prevention.
- Parliamentarians should play an active leadership role in the ratification, implementation, domestication, monitoring and review of the UNCAC.
 - *Implementation:* Parliamentarians should become involved in how the country plans to implement UNCAC, i.e. the approach or approaches to be taken. (In regards to this, a joint U4-GOPAC discussion paper on Article 5 – Preventive anti-corruption policies and practices is provided on the GOPAC web site.) In addition parliamentarians should identify and address legislative and other governance gaps that need to be overcome in implementing the UNCAC. In particular they should pay special attention to the criminalization of corruption through legislation and an independent judiciary system.
 - *Domestication:* Parliamentarians should help ‘domesticate’ the UNCAC by helping adapt international standards to regional or national needs. Adaptation may take place in some of the following ways
 - *transparency* - monitoring and review that blends expert and political attention with sensitivity to distinct domestic cultural values and governance practices
 - *balance* - between effective criminalization of corrupt acts and the prevention of corruption through improved governance practices
 - *innovation* – through parliamentary activities and behaviour that would complement the provisions in the articles of the UNCAC
 - *participation of society* – the parliamentary representation role can help ensure that citizens are well informed and that they and civil society are active participants in the domestication of the UNCAC.
 - *Monitoring and review:* Parliamentarians should endeavour to play an important oversight role in the monitoring and review of the national effort to implement and domesticate the UNCAC. They should also participate, where appropriate, in regional or international review mechanisms.
- Parliamentarians should work with expert agencies to help ensure that efforts are complementary to other ongoing initiatives as well as reflecting current substantive intelligence available on specific issues.
- Parliamentarians should seek, where development assistance is available, additional opportunities to direct that assistance to governance initiatives, including those related to parliament itself. (See briefing note on GOPAC web site on Parliament and Development Assistance.)

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- ask each GOPAC member and chapter to pursue as appropriate to each region and country the positions outlined in its Position Statement on the UNCAC, and inform the GOPAC Global Task Force on the UNCAC of the changes that have occurred;

- promote greater public understanding of the negative effects of corruption and the global, regional and country initiatives to combat corruption;
- work cooperatively with governments that have ratified the UNCAC in developing government or country anti-corruption strategies, plans or approaches aimed at effective implementation;
- seek improved operational alliances with international organizations that share the UNCAC objectives so that the work of parliamentarians can better complement that of others;
- pursue a Conference of State Parties (CoSP) resolution to formally recognize the importance of parliaments in corruption prevention, and encouraging State Parties to table in parliament information and reports provided to CoSP for their review; and
- maintain its Global Task Force on the UNCAC and urge that it support GOPAC in realizing the aforementioned actions and in addition:
 - build a global network of parliamentary champions for the UNCAC;
 - encourage the development of regional chapter UNCAC implementation initiatives;
 - encourage the development of country chapters, especially in countries that have ratified the UNCAC;
 - engage regional and country chapters to document changes as related to the UNCAC prevention provisions and GOPAC position statements, as well as lessons learned;
 - provide for the sharing of such implementation information;
 - seek resources to carry out a baseline study of parliamentary engagement to date on the implementation of the UNCAC as well as pilot implementation initiatives ;
 - explore the feasibility of international parliamentary mentoring as a vehicle for improved parliamentary support for effective UNCAC implementation; and
 - review and adapt the ARPAC experience and handbook for application and tailoring for other regions.

Parliamentary Oversight

Context

Parliamentary oversight is one of the three core democratic roles of parliamentarians. To respond to the Global Organization of Parliamentarians Against Corruption (GOPAC) interest, the focus is on oversight as related to financial and operational integrity, rather than broader economic or social policy. Oversight of financial integrity includes:

- the review of all sources of revenue and expenditures, including tax expenditures (preferences);
- legislation and other parliamentary rules related to government budgeting, debt management, expenditure operations (including for example as related to procurement and provision of grants), and financial reporting; and
- legislation and other rules which guide and enable parliament to effectively oversee the implementation of the government's obligations related to the UN Convention Against Corruption (UNCAC) as discussed below.

Parliamentary Oversight – General GOPAC does not see parliamentary oversight as parliamentary involvement in the operations of the Executive Branch usage of public resources and powers granted to it by legislation and constitution. It does, however, see parliamentary oversight as the duty of parliamentarians to require the Executive Branch to: follow certain rules related to financial operations; openly report to Parliament on its exercise of the powers and public resources granted; and to directly

and publicly provide its interpretations of the appropriateness and wisdom of those actions.¹ Parliament does this by:

- granting specific authorities and funds for specific purposes to the executive;
- imposing procedural requirements on the use of these powers and resources, management of assets, debt, revenue, and government reporting (including accounting standards) on their use and results; and
- establishing its own powers, practices and resources to review and expose for public consideration its views on the Executive's performance, investigate specific issues, and publicly question ministers and public officials.

GOPAC members see parliamentary oversight as weak in many regions and countries – and that this is a contributing factor to corruption. And they see improved oversight as a key part of corruption prevention, i.e. parliamentary and public understanding is needed of all the resources available to government, the allocation of these resources to specific programs and activities and the results they are to achieve.

Parliamentary Oversight of the UNCAC Parliamentary oversight in general can help combat corruption. In addition, GOPAC believes that parliamentarians can play an important role in the implementation, domestication and monitoring of the UNCAC as outlined in the GOPAC position paper and resolution for the workshop on that convention. The position states that in terms of monitoring, Parliamentarians should endeavor to play an important oversight role in the monitoring of the national effort to implement and domesticate the UNCAC. They should also participate, where appropriate, in regional or international monitoring initiatives, for example, if peer review teams were to be created.

To date the proposals to the United Nations Office of Drugs and Crime (UNODC) from nearly three dozen countries do not outline a role for parliamentarians in the oversight of the convention. The Global Task Force on the UNCAC could help to raise awareness of how parliamentarians can contribute, especially by elevating the discussion of anti-corruption in the political and public arena. This also may be a subject for discussion at the Parliamentary Forum in the Doha Conference of State Parties in the fall of 2009.

Position Statement

In the matter of parliamentary oversight Parliaments should consider undertaking internal and external measures as follows:

Internal measures

- ensure that they have the powers to authorize all revenues (tax rates, royalties, fee structures) and expenditures – including expenditures by Ministries and programs – and any executive decrees should be carefully circumscribed and require subsequent parliamentary review and approval;
- have the authority to set its own budget and the budgets of parliamentary support agencies, but do so only for core parliamentary functions;
- establish, as required, procedures for the approval of budgets and reports on actual expenditures and results;
- provide in its budget the services of professional staff to assist it in its plenary and committee duties;

¹ Oversight, such as by a minister over his/her officials, or of an organizational superior over staff, does not in any way reduce the accountability of the minister or the superior. Parliamentary oversight, however, does not imply such accountability on the part of parliamentarians. In some jurisdictions parliamentary oversight is termed 'answerability' to help emphasize this distinction.

- have the authority to call witnesses, including ministers and officials, in a way which requires their attendance and response to hearings related to parliamentary oversight;
- if the executive proposes and parliament agrees to provide continuing authority for certain programs (entitlements), Parliament should review these provisions to ensure it has the powers and resources to oversee such expenditure in a manner equivalent to its oversight of annually approved expenditures;

External measures

- set out through legislation core standards for the Executive Branch utilization of all financial instruments, including procurement, contracts, grants, and loans;
- set out standards for reporting to parliament (and parliamentary access to) actual revenues, expenditures and results;
- set out through legislation standards for the public service, including appointment, compensation, and accountability; and
- establish as a parliamentary agency an independent audit Office with the power to audit departmental reports and operations, and report to parliament promptly and openly on its findings.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- further develop, communicate and promote in other forums GOPAC's position on parliamentary oversight;
- encourage regional chapters to consider adapting the GOPAC global position statement and its handbook on parliamentary oversight to better tailor these tools to regional and national needs;
- examine the feasibility of developing a discussion paper on the incentives and disincentives facing parliamentarians in carrying out their oversight function effectively in view of the general weakness of parliamentary oversight; and
- examine the need for further development and application of international public sector accounting standards.

Anti Money Laundering

Context

Money laundering is the device for making illegally obtained funds accessible for the personal use of perpetrators without being traceable back to their illegal source – typically by transferring the funds across international borders to legitimate financial institutions.

The central concept of Anti-Money Laundering Initiatives is to reduce the motivation for corrupt activities and other economic crimes by making it difficult to access their proceeds.

Connected to the prevention of money laundering is the pursuit of those funds and assets that have been successfully removed from a country. Stolen assets are often hidden in the financial centers of developed countries; bribes to public officials from developing countries often originate from multinational corporations; and the intermediary services provided by lawyers, accountants, and company formation agents, which could be used to launder or hide the proceeds of asset theft by developing country rulers, are often located in developed country financial centers. Increasingly, the recovery of laundered assets – referred to as Recovery of Associated Assets (RAA) – and the need to

assist developing countries in recovering their stolen assets is being addressed by the international community through international initiatives such as the World Bank/UN Office of Drugs and Crime's STAR Initiative.

Position Statement

- Parliamentarians play a vital role in combating money laundering through their influence on legislation, by vigorous oversight of government activity and support of parliamentary auditors, and perhaps most effectively through personal leadership.
- They engage the public and help to build the political will to act.
- By engaging parliamentarians in the fight against money laundering we can strengthen the international regime globally thus impeding the flow of illegal funds across international borders.
- Further, parliamentarians on both sides of the RAA equation – those that have been stolen from and those countries profiting – need to be engaged in order to ensure global cooperation and the reduction of barriers.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- legislate and otherwise implement the Financial Action Task Force (FATF) 40+9 recommendations;
- strengthen the FATF 40+9 recommendations to achieve greater cooperation amongst countries, and an increased focus on stolen asset recovery methods;
- for Politically Exposed Persons (PEPs), implement the due diligence called for in the United Nations Convention Against Corruption (UNCAC);
- actively encourage the creation of fully functional national Financial Intelligence Units (FIUs);
- enhance detection and stolen asset recovery protocols in offshore and international financial centre countries; and
- support and pursue the objectives of the STAR initiative and build sustained political will to realize the recovery of stolen assets.

Parliamentary Immunity

Context

Parliamentarians enable the will of a nation through three key roles: legislation, parliamentary oversight and representation of citizens. To carry out these roles they are however typically provided with a degree of immunity from certain legal actions to protect them from improper or excessive external influences. Such immunity is sometimes abused when parliamentarians are protected from criminal investigation and prosecution. And, even where not abused, it may reduce public trust in parliamentarians because the parliamentary immunity mechanism, as a contribution to democratic government, is not well understood.²

There are two main expressions of parliamentary immunity: in the Westminster model, it is commonly associated with the freedom of speech; and, in the French model it also includes freedom from arrest.³ Freedom of speech is often termed *non-liability* or *non-accountability*. Freedom from arrest is generally

² Transparency International Barometer Report 2007

³ <http://www.gopacnetwork.org/Docs/Global/IPU%20-%20UNDP%20Immunity%20Paper.pdf>

referred as *inviolability*. In 2006 at the Arusha Conference, the Global Organization of Parliamentarians Against Corruption (GOPAC) supported the OSCE Parliamentary Assembly resolution for a limiting approach to immunity.

GOPAC efforts on a limiting approach to immunity are set in the context of the broader initiative to support the United Nations Convention Against Corruption (UNCAC) as illustrated by decisions at various conferences and events.

- In Arusha in 2006 GOPAC established a Global Task Force on the UNCAC
- Later that year, in December 13 2006, at the Conference of State Parties at Dead Sea, Jordan GOPAC and its participating members supported the enhancement of “legitimacy, credibility, and standards of integrity of Parliaments and parliamentarians in their fight against corruption...and *more balanced parliamentary immunity regimes.*”⁴
- In January 2008, at the UNCAC Conference of the States Parties in Bali, GOPAC and its regional chapters recognized that parliaments and parliamentarians are essential in the fight against corruption.

The GOPAC approach therefore promotes balanced parliamentary immunity regimes and better ethics practices as part of the efforts to combat corruption. Both immunity and ethics are now the focus of the GOPAC Parliamentary Immunity and Parliamentary Ethics Global Task Forces.

Furthermore, in June 2008, GOPAC and its Latin American chapter sponsored a workshop of parliamentarians and experts to review a number of immunity practices among participating countries, typically those regarding inviolability. Participating parliamentarians examined the feasibility of initiating corrective action.⁵ Participants noted that reforming immunity might best be pursued in the context of broader parliamentary reform initiatives in the region.

Position Statement

- The legitimate purpose of parliamentary immunity is to allow legislators to perform their parliamentary legislative, oversight and representation roles without fear of criminal or civil sanctions, including those that might be politically motivated.
- Freedom of expression and vote (non-liability) are essential rights and duties of parliamentarians in democratic societies. The use of freedom of expression for defamatory purposes should be discouraged.
- Freedom from arrest – inviolability – is only justifiable where it is used to protect the effectiveness of parliament, as a corporate body that reflects the electoral distribution of majorities and minorities from politically motivated prosecution.⁶ Inviolability is not justifiable as a personal privilege, and should not shield criminal acts as defined in national laws and multilateral international and regional anti-corruption treaties. It may provide parliamentarians with protection in countries where there are doubts about the impartiality of the judiciary system and the courts, or where the legislature is seen as dominated by an over-powerful executive.
- Parliaments should limit parliamentary immunity to the electoral term and to the parliamentary precinct, unless there are clearly justified special reasons for extension in a particular country.

⁴ Declaration Forum for Parliamentarians Conference of State Parties
<http://www.gopacnetwork.org/Docs/Jordan/PARLIAMENTARY%20ACTION%20ITEMS.pdf>

⁵ The work was supported by USAID and the Andean Parliament.

⁶ Latorre Boza, Derik Parliamentary Immunity.

- Institutional public outreach should be encouraged: the general public should be informed and educated about the provisions on parliamentary immunity and its legitimate purpose.
- Where the investigation of a parliamentarian requires authorization from Parliament, there should be clear parameters to ensure a depoliticized process to protect a member from politically motivated prosecutions while at the same time ensuring parliamentarians are held accountable before the law without delay.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- call upon its members and chapters where trust in parliamentarians is seen an impediment to carrying out their democratic roles effectively:
 - to examine parliamentary immunity rules and practices;
 - for regional chapters to consider regional task forces to encourage corrective action collectively where immunity regimes are similar;
 - to inform citizens as to the essential reasons for an adjusted immunity regime; to document practices and lessons learned from initiatives on immunity; and
- direct the GOPAC Global Task Force to:
 - prepare informational material regarding effective parliamentary immunity regimes;
 - maintain an updated website on relevant information and lessons learned; and
 - seek to link research and guidance to that related to GOPAC's Parliamentary Ethics and Conduct work.

Participation of Society

Accountability flourishes when a healthy balance of power exists between the state, civil society, marketplace and international arena with no one institutional sphere being in absolute control.⁷

Context

Without diminishing the overwhelming importance of the periodic election of representatives to parliament as a key element of democratic governance, the on-going engagement of citizens and civil society on public policy issues is an essential complement. The United Nations Convention Against Corruption (UNCAC), in Article 13, addresses the participation of society in the fight against corruption. It states that each state will take appropriate measures within its means and laws to promote the active participation of individuals and groups in society in the prevention of corruption. It also refers to the state raising public awareness regarding the existence, causes and gravity and the threat posed by corruption. It further suggests that the participation of society may be strengthened by measures such as:

- enhanced transparency and promoting the contribution of the public to decision-making processes
- public access to information
- public information activities that contribute to non-tolerance of corruption such as public education programmes, including school curricula
- respecting, promoting and protecting the freedom of information related to corruption

⁷ GOPAC. Controlling Corruption: A Parliamentarian's Handbook August 2005.

- ensuring that the public is aware of anti-corruption bodies set up as part of implementing the UNCAC in a particular country

Communications links between government (including parliament) and citizens may be seen as operating in at least four different ways:

- providing information, such as through web sites;
- hearing complaints, seeking corrective action;
- participation, seeking citizen input on legislation or policies; and
- engagement, involving citizens in solving problems and mutual learning.

Position Statement

Although the executive branch of government engages citizens directly in many different ways – its head in presidential systems being elected directly – the executive typically is required to report to parliament and seek parliamentary approval of legislation, including to obtain and use public resources. Parliament therefore, in GOPAC’s view, has a critical role in engaging citizens on all public policy issues. This is particularly important for integrity in governance, since the locus of the majority of corruption is associated with the financial and administrative aspects of government, matters handled by the executive branch. Therefore in addition to strengthening its capacity and performance in carrying out its legislative and oversight roles, it also needs to consider its capacity and performance in engaging citizens – its representation role.

In view of rather consistent citizen survey results that indicate a low level of trust in parliaments, GOPAC believes its members must look at all areas of communication – providing information, receiving and acting on complaints, seeking input on policy issues and actively engaging citizens in addressing corruption.

It also believes its members must examine the main mechanisms available for connecting citizens with parliament – media, civil society organizations, and political parties. In many countries where corruption is considered a major problem, one or more of these mechanisms might be particularly weak.

Although a resolution to look at such issues was accepted at the 2006 GOPAC Global Conference, a global task force to lead this work remains to be established. Regional and country chapters have engaged in related work, such as reaching out and working with complementary civil society organizations and actively seeking to work with the media to develop a better understanding among citizens of the nature and impact of corruption as well as initiatives to combat corruption.

The key features of the GOPAC position on participation of society include:

- agreement with the UNCAC Article 13 on the need for participation of society to help prevent corruption;
- the importance of parliaments and parliamentarians in working at all levels noted earlier, i.e. providing information, providing for receiving and responding to citizen complaints; seeking citizen input on legislation and policy, and involving them in mutual learning (societal learning);
- parliamentarians should help in providing information by their own oversight activities, but also in seeking to ensure effective government practices regarding regular reporting and provision of access to government administrative and financial information, and by seeking to provide a legal and economic environment where an independent media can function openly and effectively; and

- parliamentarians should engage experts and civil society in parliamentary deliberations on legislation and policy, with particular attention to the provisions of the UNCAC and related governance issues.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- encourage all its members and chapters to take steps to pursue the position; and
- undertake to create a global task force to:
 - support efforts of chapters and individual members in pursuing action consistent with its position statement, and synthesize interesting practices and notable impediments to engaging citizens;
 - support the further development of the GOPAC website, in conjunction with expert agencies and related civil society organizations to highlight important ideas and practices;
 - develop a Handbook for parliamentarians on citizen and civil society engagement; and
 - encourage chapters to work with expert agencies and other partners on pilot projects, including mentoring arrangements, and monitor and report on their results.

Resource Revenue Transparency

Context

Citizens of many countries that are rich in exportable natural resources do not receive the benefits of revenue from those resources. In some cases, the rights to those resources might belong to prominent individuals rather than to the state. In others, much of the wealth from state resources is obtained by individuals in positions of power who access it for their personal benefit. The principal international initiative to address this issue is the Extractive Industries Transparency Initiative (EITI). A resolution at the 2006 Global Organization of Parliamentarians Against Corruption (GOPAC) Global Conference in Arusha, Tanzania directed the GOPAC Executive to look into international public accounting standards in an effort to help ensure transparency of such revenues. (see GOPAC web site)

The GOPAC Board, responding to an offer made by the GOPAC Chair, agreed that he should pursue the idea directly. In response, a presentation to the International Public Sector Accounting Standards Board at a meeting in Montreal, June 2007 led to their acceptance to consider the matter. (see GOPAC web site.) Although the response was positive, the Board has established procedures for considering such changes to standards and has not yet completed these steps.

ARPAC, the Arab chapter of GOPAC, initiated a regional program that aims at advancing legislative oversight over the government on revenues with a focus on oil, gas and mineral resource revenues. The initial findings from the country case studies imply variations in linking resource revenues to other sources of revenues as a part of a disciplined budget process. These studies also show significant off-budget funding from resource revenues sources. It is clear therefore that a lack of transparency exists in the governments' reporting to parliaments and to the public on resource revenues.

Position Statement

GOPAC believes that any revenues generated by resources owned by the state should be used for the public interest and included in a transparent way in the public accounts of government.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- establish a GOPAC Global Task Force for resource revenue transparency, in view of its importance as a source of revenue, and in view of the widely differing arrangements for public reporting, and also the desire in many jurisdictions to invest a portion of the revenue from a depletable resource so as to provide downstream benefits;
- have the task force encourage country studies in other regions and for resources other than oil to provide for a broader base of experience similar to the efforts undertaken by ARPAC; and
- have the task force establish links with related initiatives, such as EITI, Revenue Watch Institute, Publish What You Pay and others.

Parliamentary Ethics and Conduct

Context

In recent years, an increasing number of parliamentary institutions have introduced codes of conduct in response to specific cases of unethical behaviour by members of parliament or by a broader desire to address low levels of public trust and concern about the honesty and integrity of its elected representatives. GOPAC members at its 2nd global conference in Arusha, Tanzania in 2006 resolved to respond to the ethical issues regarding their conduct, but also to address the broader concern of trust which was seen as the need to ensure parliamentarians were visibly and effectively carrying out their democratic roles of representation, legislation and oversight of government.

In an attempt to secure public trust and the legitimacy of public institutions, the idea of a code of conduct or ethics has been imported from the private to the public sector in several established democracies. Instances of political scandals involving conflicts of interests and the misuse of power have led the effort to try to address the overall erosion of public trust, to combat corruption and improve parliamentary standards as well as reinforce government accountability in the public's eyes.

Especially within the scope of emerging democracies, the superseding principle is that of transparency. The application of a parliamentary code of conduct will help promote good governance and greater openness; thereby obliging MPs to publicly declare any outside interests that might prejudice their role as legislators, improving their understanding of their duties as elected representatives, and reinforcing parliamentary procedural etiquette.

The development of a code of conduct includes: a) establishing the structure and defining principles for a code of conduct; b) developing the content and rules of the code which include political representation and conflict of interest, transparency and disclosure rules, parliamentary immunity; and finally c) creating mechanisms for regulation and enforcement. The code of conduct is not however a standardized guide that can be applied universally to all parliaments. The "institutionalization" of such a code must take into consideration the political context as well as the norms, values and traditions of the country in which it will be enforced. Therefore, although based on a global standard, each parliament must identify the contents, scope and the way in which the code will be adapted in its respective country for the code to be relevant and successful.

Position Statement

Parliamentarians should:

- actively and visibly carry out their democratic roles (representation, legislation and oversight) in the public interest and do so in a manner that meets societal expectations of ethical behaviour – essential to establishing public trust; and
- in countries that have ratified the UNCAC, ensure that parliamentary standards for behaviour also reflect international standards as well as domestic customs and ethical values.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- encourage all its members and chapters to adapt the Handbook on Parliamentary Code of Conduct to their own respective parliaments and provide parliamentarians with the tools and means necessary to develop and sustain ethics regimes.
- maintain its Global Task force on Ethics and Conduct to:
 - support the efforts of chapters and individual members in pursuing action consistent with its position statement;
 - develop advocacy programs aimed at building public awareness and hence increased trust in the government by minimizing conflict of interest and maximizing transparency;
 - raise awareness on this issue among all relevant stakeholders, including: GOPAC members, media and civil society actors; and
 - engage parliamentarians in the application of the handbook via training sessions and seminars.