

***Global Organization of Parliamentarians Against Corruption (GOPAC)
Position Statement and Resolution on Parliamentary Support for the
United Nations Convention Against Corruption (UNCAC)
Kuwait, November 19, 2008***

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 website.) 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; and
 - *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.