



# GOPAC News

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The Senate and House of Commons of Canada, the Parliamentary Centre and John Williams, M.P., Chairman of the Standing Committee of the House of Commons on Public Accounts are pleased to announce the *Global Conference of Parliamentarians Against Corruption* to be held from October 13th to 16th in Ottawa, Canada. The Global Conference will bring together up to two hundred Parliamentarians from all parts of the world, committed to good governance and the fight against corruption.

For more information on the Global Conference please check out the official conference website at [www.parlcent.ca/anticorruption/gopac](http://www.parlcent.ca/anticorruption/gopac).

## GOPAC WELCOMES THE WORLD!

John Williams, Member of Parliament, Canada



In this modern and complex world, the differentiation between the role of Parliament and the role of government is often fuzzy and confused.

Voters, and in many cases parliamentarians, do not see the two institutions as separate identities with government having the responsibility to govern the country and parliament having the responsibility to hold government accountable for its performance.

With this in mind, I am very pleased to welcome delegates from around the world to the inaugural conference of GOPAC. I believe that this conference will be a watershed moment in bringing together like-minded parliamentarians from around the world who are serious about picking up the challenge to fight corruption.

Fighting corruption means that parliamentarians understand their role and exercise their role in holding governments accountable for their actions. Therefore, it will be one of the fundamental challenges of GOPAC to elevate the effectiveness of Parliament as an institution of accountability and ensure that governments account not only to Parliaments but also to their people for the way in which they spend

taxes, manage the economy and deliver services.

The GOPAC conference will bring together a number of regional chapters of GOPAC, including two newly formed chapters, one in Latin America, and one in the Russian Federation. GOPAC is intended to be the umbrella organization to provide support to regional chapters who will organize training, activities, research and improvement of their legislatures. Each regional chapter will bring its own particular experience with corruption and develop their own individual strategies to fight corruption in their own part of the world.

Most conferences are single events without the opportunity for follow-through. The GOPAC conference is different. It is the inaugural conference and will create an organization that will have the capacity to develop momentum and continuity. One item of business therefore will be the adoption of a constitution for GOPAC, and the creation of its Board of Directors, comprised of three members of the executive of each regional chapter.

The organization is designed along the concept of “self-help” rather than “some people have a problem and some people have the answers.” No one is immune to corruption in any

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part of the world. We need only look at the celebrated cases of Enron and WorldCom in North America, which has caused the government (especially in the United States) to sit up, take notice and strengthen the rules for corporate governance.

Parliamentarians are at the core of governance. It is our responsibility to hold governments to account and to approve legislation to govern our society. While NGO's academics and other organizations have done much in the way of research and speaking out against corruption, it clearly falls to parliamentarians to implement that agenda.

When it comes to corruption, GOPAC must be above reproach and demonstrate that it is competent, capable and organized. For this reason, GOPAC and its chapters will enter into a management contract with a non-governmental organization (NGO) dedicated to good governance. This collaboration will provide access to a professional secretariat, but more importantly will ensure that money will be handled by professionals and not by politicians. For GOPAC, the Parliamentary Centre, an

NGO located in Ottawa with many years of experience in developing good governance, will act as the secretariat for the global organization.

It is clear there is a groundswell of support for GOPAC and its chapters by the recognition by parliamentarians from around the world that this is needed and by the number of registrations received for the conference. The concept of GOPAC has caught the imagination of many parliamentarians who are committed to standing up for the integrity of their parliament and for the development of their society.

I look forward to meeting many of you in Ottawa in October. Let us come together as an organization dedicated to developing a better world free of the scourges of bribery and corruption.

*John Williams is the Member of Parliament for St. Albert. He is also the Chair of the House of Commons Standing Committee on Public Accounts, and the Interim Chair of the Global Organization of Parliamentarians Against Corruption*

## GOPAC AND THE PARLIAMENTARY CENTRE



GOPAC is an organization of elected members and, in the view of the founding members, the work of GOPAC must be actively led by elected officials. It is equally important

in their view that they have professional support to carry out their activities and that all finances are managed by a not-for-profit organization with a solid track record of responsible financial management. This approach provides the best combination of political leadership and effective and low-risk delivery of programs and services.

The Parliamentary Centre is a not-for-profit non-government organization and is providing secretariat support to **John Williams** MP and the international group of parliamentarians working towards developing GOPAC. The Parliamentary Centre was founded in 1968 to work in support of the Parliament of Canada and its committees. Over the years, it has also provided secretariat support to some of the growing number of inter-parliamentary meetings and organizations. In addition to

these two roles, the Parliamentary Centre has become engaged, in the last decade, in development cooperation initiatives to strengthen parliaments and their agencies around the world.

**Robert Miller**, the Centre's Executive Director, and his staff have been providing these services as part of their on-going work. With the heavy workload associated with the upcoming conference in Ottawa from October 13 – 16, 2002 and with funding assistance from the World Bank Institute, a more structured team and project office has been established within the Centre.

On-going management responsibility for the GOPAC Secretariat has been assigned to **Martin Ulrich** – a Senior Associate at the Centre. Mr Ulrich has over thirty years experience in the Canadian federal government specializing in budgetary practices and parliament-government relations. **Meaghan Campbell** now becomes a fulltime program officer for GOPAC and continues to serve as the principal point of contact with GOPAC members. She draws from an extensive background in African Studies and International Relations. Two part time specialists complete the team. **Geoff Dubrow** is preparing conference documentation on parliamentary oversight and anti-corruption and advising on program matters while **Jeff Holmes**, a communication

expert, is advising on all aspects of communications and serves as the point of contact with the media.

Program managers for the Centre's on-going regional parliamentary development programs in Africa, Southeast Asia, the Middle East and Eastern Europe are linking their related work to GOPAC and its regional anti-corruption networks.

Anti-corruption, and more generally strengthening the effectiveness of parliaments, has been a core part of the

Centre's work for some time. Information on the entire program, as well as a separate section on the October GOPAC Conference, can be accessed on the Centre's recently redesigned Website. It can be found at [www.parlcent.ca](http://www.parlcent.ca). Alternatively, please contact Meaghan Campbell at (613) 237-0143 ext. 319 or [campbme@parl.gc.ca](mailto:campbme@parl.gc.ca). The Parliamentary Centre welcomes your comments and questions on the website, on its programs and on the GOPAC conference.

## THE PROBLEM OF CORRUPTION IN A PROCESS OF DEMOCRATISATION OF POSTCOMMUNIST COUNTRIES: A CASE STUDY OF GEORGIA

Dr. Londa Esadze, Chairperson, Independent Board of Advisors of the Parliament of Georgia



Democratic transitions involve a transformation in the formal political structures of the state. It invokes new norms and expectations for politics, yet only rarely are these widely shared among the political elites and broader populations of these states. Widespread corruption is one likely consequence, but its control depends very much on the precise character of the corrupt activity.

In the countries of the former Soviet Union, two sets of institutions – the formal one of democracy and a market economy and the informal one of corruption – coexist, side by side. Like many other countries in this transitional stage, Georgia is facing serious economic problems. Delayed and incomplete implementation of methods and forms of market economy management, institutions, significant failures in financial policies, corrupt state structures and many other conditions have resulted in an increase in 'black' business opportunities.

Persons involved in 'black' business choose to offer bribes to government officials in order to get protection from state structures. It is worth noting that this process is not unilateral. There is a strong relationship developing between corrupt state officials, illegal business dealers and criminal organizations. This process becomes global, resulting from the size of capital involved.

On the state level, there exist different groups and clans that include corrupt state officials together with those involved in illegal activities. Considering all of these factors

as well as their economic interests, those involved are interested in maintaining the current situation.

Business people do not perceive the state as guaranteeing protection of property and economic interests and are trying to obtain such guarantees through dealings with state officials. At the same time, corruption has developed into an organized system with in certain government bodies, agencies and institutions. Taking into account the huge



influence of certain corrupt officials, a very effective 'checks and balances' mechanism comes into existence within the system and significantly reduces the opportunity for disclosing and preventing corruption.

A more holistic approach is needed since anti-corruption campaigns targeting individual officials only seem to work in countries where the formal institutions of democracy and a market economy are securely in place. This strategy

should focus efforts on eroding corrupt structures and strengthening the fragile democratic and market institutions.

*Londa Esadze has been the Chairwoman of the IBA (Independent Board of Advisors) of the Parliament of Georgia since 1997. She has brought to the IBA, an organization which has played an*

*instrumental role in a process of fighting corruption and creation of anti-corruption policy in Georgia, the MP's experience. Dr. Londa Esadze is the author of more than 30 publications and monographs. This is a short piece from a longer work. If you would like the complete paper please contact Dr. Esadze at [londaesadze@hotmail.com](mailto:londaesadze@hotmail.com)*

## FIGHTING A GOLIATH...

**P.K. Pal**

**Corporate Governance Counsellor at the Ottawa law firm, Flavell Kubrick, LLP and Board Director at the Canadian Chapter of Transparency International**



Corruption has been around since time immemorial, and most legal systems have featured anti-corruption provisions. The deficiency has always been in enforcement. The veritable explosion of corruption that the world has seen since the 1990s can be linked to the easing of Cold War barriers, the spread of the

internet, the increase of travel, the greater availability of material goods and the easing of religious/social taboos. While each of these developments adds to the *good* of humanity, they also open up opportunities for the *bad*: the plague called corruption has become epidemic and epidemics know no frontiers.

Corruption thrives in every country. It has become a commodity as international as any other in today's globalized world. Sadly the legal response to this widespread evil has been weak. A global antidote must be found against the poison of corruption – and the Parliamentarians of the world have a key role in that search.

Legal remedies are bound by frontiers; national laws are inconsistent between countries. On the other hand, international laws are weak as they are based on conventions. Conventions are effective only as far as each signatory country wishes them to be. Historically, only a few crimes have been successfully tracked on the international legal level, like piracy on the high seas and slavery. Sanctions, even against heinous offences like genocide and crimes against humanity, do not yet have universal support amongst nations. It is no wonder then that a less serious offence such as *corruption* has yet to receive much attention internationally. While a draft is being planned, the United Nations still does not have an anti-corruption convention.

The 1997 OECD Convention is directed against the bribery of foreign public officials. It has been criticized for several weaknesses: facilitating payments, tax deductibility and political gifts. Additionally, the ratification processes in some of the signatory states were painfully slow. But, Transparency International's May 2002 survey has revealed a more shocking fact – the Convention is neither widely known nor enforced. To date there has not been a single prosecution. Furthermore, corruption extends to many other offences of mis-governance: the wilful dereliction of duty, even where there is no exchange of favours is corruption as well.

The earlier OAS convention of 1996 is broader, extending to offences beyond strict bribery of foreign public officials. Signatory countries are required to update their national laws to prohibit certain defined forms of national and trans-national corruption. Although ratified by nearly all the signatory states, it seems that the political and economic storms sweeping through the OAS region have led many a country to put implementation and enforcement of the convention on its legal back-burner. Only recently have the signatories started discussing international monitoring mechanisms to evaluate one another's implementation activities.

These conventions must become a reality!

Corruption is as powerful as a Goliath. Its driving strength is the universal human greed for possession and power, and it is not confined to rich, or poor, nations. The forces working *for* corruption are far more numerous and far more powerful than the few coalitions, like GOPAC, working *against* corruption. Anti-corruption offers no return comparable to the riches offered by corruption. The only reward for anti-corruption warriors is that of 'feeling good by doing good' – which is not much of a career incentive. Philanthropy and altruism are weak counter-weights to wealth and worldly assets. The obstacles are enormous and

the rewards poor, but the satisfaction of even limited success in this war is great.

Corruption destroys livelihoods, health, life expectations, savings and pensions, and Parliamentarians are the voice of its victims. Democratic society looks to Parliamentarians to protect the common people, first by updating national laws so that international anti-corruption conventions (present and future) are implemented and then, more importantly, ensuring that those new laws are actually enforced. Without

controls and sanctions, conventions merely create an illusion of a cleaner tomorrow; the inevitable disillusionment brings disrespect for law and legal systems.

The challenge is as unequal as David's, but it is worthy of humanity.

*P.K. Pal is a frequent speaker on ethics and governance. He will be present at the GOPAC conference as an observer representing Transparency International's Berlin headquarters as well as its Canadian chapters.*

**EUROPE: GERMAN PARLIAMENT APPROACHED TO JOIN GOPAC**  
**Dr. Anke Martiny, Former Member of Parliament**

Former Member of Parliament Dr. Anke Martiny from Germany, who has been elected as deputy chairperson of Transparency International German Chapter in September, recently approached the leaders of all parliamentary groups in the German Parliament (Bundestag) and the Speaker of the House, too, to undertake efforts that the members of the German Parliament join GOPAC. They should especially help to establish a European group of GOPAC together with other members of the European Parliament or other national parliaments in Europe.

Germany had a bad scandal of party corruption around former chancellor Kohl and his CDU/CSU- parties two years ago. Investigations of a special committee in the parliament may finish until the end of the four year electoral term in September. But there are doubts that the committee really gets substantial results. All parties started discussing a new legislation on party financing. This legislation will be finished next spring and will already influence the electoral campaign next fall.

Last year (2000) during a meeting between Transparency International and all members of parliament being

concerned with the topics of TI, Dr. Martiny undertook a first step to get the members of the German Parliament



interested in John Williams' initiative. So far there were only two members of the Social Democratic Parliamentary Group who got interested in GOPAC, Prof. Ernst-Ulrich von Weizsäcker and Dagmar Schmidt. Hopefully this time all parties will respond.

## AFRICA: WHEN THE BULLS FIGHT, THE GRASS SUFFERS

By: Musikari Kombo, MP, Kenya  
Chairman of Kenya APNAC



Although it has been made clear that there are problems in legislating anti-corruption measures, parliamentarians must use their role as legislators to increase transparency.

It is generally understood that Parliaments should provide leadership in the fight against corruption by ensuring effective governmental accountability to its citizens. Accordingly, parliamentarians must fight for a better balance of power between executive, legislative and judicial institutions.

The role played by parliamentarians is still primarily national and local, serving as a link between state and constituents. A more outward looking stance requires parliamentarians to understand that public policy issues like corruption are now trans-national and cannot be solved solely, or even primarily, on a national basis.

In Africa, there is a common saying, “*When the bulls fight, it is the grass that suffers.*” Unless parliamentarians, being leaders of a nation, work together in unity on a number of issues, regardless of political affiliation, the populace who elected them will suffer. This is the intrinsic basis for the birthing of the African Parliamentarians Against Corruption and its Kenya Chapter.

### APNAC – Kenya

- Since its founding in 2001, APNAC –Kenya has been actively pursuing its anti-corruption/good governance agenda. Some of its major achievements include:
- APNAC-Kenya members have assisted in bringing to the fore and fuelling the debate on amnesty and transitional justice in Kenya.
- It continues to lobby stakeholders in the private/public sector, the donor community and foreign missions on the agenda of fighting corruption.
- APNAC members have written papers/reports, which have been presented in local and international seminars, workshops and conferences; some of which have been compiled, published and disseminated through the various media.

APNAC –Kenya successfully lobbied parliamentarians who voted against the *Constitutional (Amendment) Bill* on August

14<sup>th</sup>, 2001. With the non-passage of the fundamentally flawed bill, donor aid from the various donor agencies also stopped. The government thus decided to set up the Anti-Corruption Police Unit (ACPU).

- APNAC-Kenya members have actively been working closely with the office of the Attorney General in legislative drafting and policy issues.



- APNAC-Kenya was represented in the 10<sup>th</sup> International Anti-Corruption Conference (IACC) held in Prague October 7-10<sup>th</sup>, 2001. Two of its members presented papers. It is worth noting that out of this important conference, the Kenyan delegation comprised of a cross-section of actors, made a Joint Commitment Statement and on returning to Kenya formed the Kenya Anti-Corruption Coalition.

APNAC Kenya was initiated in February 2001 through the efforts of the Hon. Musikari Kombo, Member of Parliament for the Webuye constituency. Hon. Kombo is a former Chairman of the Parliamentary Anti-Corruption Select Committee that was created in 1998 to study corruption and its effects in Kenya. The Select Committee produced a report that is popularly referred to as the ‘Kombo Report’ - a report which contained the infamous ‘List of Shame’ To contact APNAC Kenya: P.O. Box 1798, 00200-City Square, Nairobi, Kenya Attn: Ms. Eve Lwembe. [apnackenya@yahoo.com](mailto:apnackenya@yahoo.com) and copy to [advocacy@tikenya.org](mailto:advocacy@tikenya.org).

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