

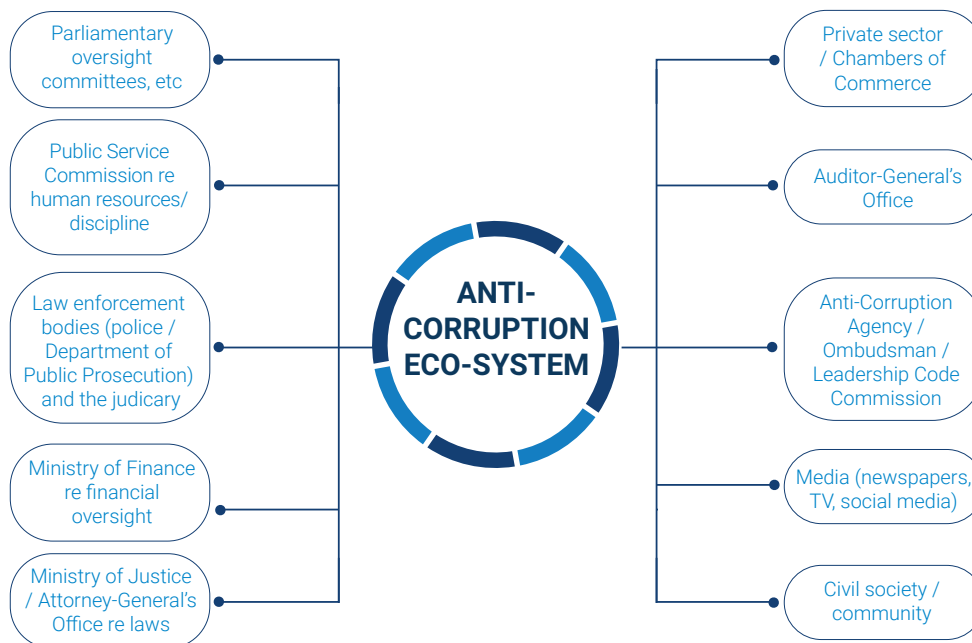
## INFORMATION NOTE

## United Nations Pacific Regional Anti-Corruption (UN-PRAC) Project

# Action taken by Pacific legislatures to address corruption and promote public accountability and transparency

In line with the global commitments under the 2030 Agenda for Sustainable Development, the Sustainable Development Goals (SDGs)<sup>1</sup> and United Nations Convention against Corruption (UNCAC),<sup>2</sup> Pacific Governments have been eager to take action and demonstrate progress in addressing corruption nationally and regionally. An example of a national 'anti-corruption eco-system' can be seen in Figure 1.

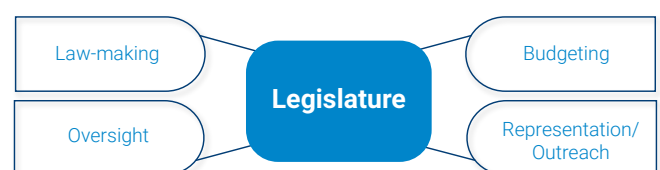
**FIGURE 1: Example of an anti-corruption eco-system**



Within this anti-corruption eco-system, the role of national legislatures in addressing corruption and promoting public accountability and transparency in the region is important, yet often overlooked. Across the Pacific, legislatures are extremely variable in size, resources and capacities. Papua New Guinea (PNG), for example, is the largest Pacific legislature with 111 Members of Parliament (MPs),<sup>3</sup> while the Federated States of Micronesia (FSM) has only 14 MPs (see Table 1, which also includes a summary of anti-corruption measures in Pacific Island countries).<sup>4</sup> Most Pacific legislatures are structured in some form of Westminster parliamentary system. Others, such as Palau and FSM, have directly elected Presidents,<sup>5</sup> while Kiribati has a hybrid system. In Kiribati, presidential candidates are nominated from MPs elected to the legislature

and then voted upon by the public.<sup>6</sup> Despite their different structures, all Pacific legislatures have four key mandates and powers that are critical in supporting national efforts to address corruption and promote public accountability and transparency (see Figure 2).

**FIGURE 2: Mandates and powers of legislatures**



1 United Nations. 2019. The Sustainable Development Goals Report 2019 [online]. Available from: <https://unstats.un.org/sdgs/report/2019/>.

2 *United Nations Convention Against Corruption*, GA Res 58/4, UN GAOR, UN Doc A/58/422 (14 December 2005).

3 National Parliament of Papua New Guinea. 2020. About our Parliament [online]. Available from: <http://www.parliament.gov.pg/about/parliament>.

4 Inter-Parliamentary Union. 2020. Parliament: Micronesia (Federated States Of). [online]. Available from: <https://www.ipu.org/parliament/FM>.

5 PalauGov.pw. 2020. Executive Branch: The President [online]. Available from: <https://www.palau.gov.pw/executive-branch/president/biography/>; The National Government of the Federated States of Micronesia. 2020. Office of the President [online]. Available from: <https://gov.fm/index.php/public-info/fsm-pio>.

6 Uakeia, T. Kiribati [online]. Available from: <http://repository.usp.ac.fj/8788/1/Kiribati.pdf>, p. 123.

**TABLE 1: Summary of anti-corruption measures in each country**

Country	Number of MPs	National Anti-Corruption Committee	National Anti-Corruption Strategy	GOPAC Chapter
Cook Islands	24	Yes	No	Yes
Fiji	50	No	No	Yes
FSM	14	Under development (UD)	UD	No
Kiribati	42	Yes	Yes	Yes
Nauru	19	No	No	No
Niue	20	No	No	Yes
Marshall Islands	33	Yes*	No	No
Palau	13 (Lower House) 16 (Upper House)	No	No	No
PNG	111	Yes	Yes	No
Samoa	49 + up to 5 women MPs	No	No	Yes
Solomon Islands	50	Yes	Yes	No
Tonga	35	No	No	Yes
Tuvalu	15	UD	UD	No
Vanuatu	52	Yes	UD	No

\*A national Good Governance Committee was established in 2019. It is understood this Committee includes oversight over issues relating to public accountability and corruption.

## Current Status of Anti-Corruption Efforts by Pacific Legislatures

The Pacific legislatures have been increasingly active in the fight against corruption in a range of different ways:

**Building commitment and capacities amongst MPs** – For almost two decades, Pacific MPs have been systematically building their knowledge and skills to address corruption. In these endeavours, specific attention has been paid to ensuring effective implementation of UNCAC, including on specific legislative topics, such as Right to Information (RTI), whistleblower protection and Independent Commissions Against Corruption (ICACs) (see Table 1 for a summary of countries that have implemented ICACs.) This drive for knowledge-sharing and learning has been reaffirmed by the establishment of five Pacific chapters of the Global Organization for Parliamentarians Against Corruption (GOPAC) (see Table 1).

**Enacting people-centred anti-corruption laws** – Pacific legislatures have already enacted a large suite of anti-corruption laws in efforts to comply with UNCAC requirements. However, while there has been a notable progress in the Pacific legislature, there are still gaps that need further attention. These gaps specifically relate to the adoption of (1) RTI, covered by UNCAC article 10 on public reporting; (2) whistleblower protection legislation, covered by UNCAC article 33 on the protection of reporting persons; and (3) legislation

to establish or strengthen anti-corruption bodies, covered by UNCAC articles 6 and 36.<sup>7</sup>

**Engaging in effective oversight** – Parliamentary committees have been among the strongest tools that legislature can use to discuss corruption, promote social accountability and call for action. Most Pacific legislatures have a Public Accounts Committee, whose specific mandate is to review government expenditures. Tonga and Kiribati have also established specific Anti-Corruption Committees (noting that Kiribati's Standing Committee no longer exists). Many Pacific legislatures also have a Foreign Affairs or International Relations Committee, which can be used to undertake specific inquiries into UNCAC implementation and UNCAC-related issues.

**Supporting civil society engagement and public outreach** – Pacific civil society organizations (CSOs) often operate as intermediaries between the public and government officials or MPs. In the Solomon Islands, for example, the Solomon Islands Social Accountability Coalition has been working with MPs to promote greater transparency by MPs in the use of the Constituency Development Funds, including through more consultations with constituencies on development plans. Many MPs in the region take pride in having been engaged with their constituents to demonstrate accountable, transparent behaviour, and encourage communities to demand this from all leaders and officials.

## Key Lessons and Recommendations

Building on the strong foundation of work that already exists, Pacific legislatures may wish to consider:

- Continuing the good practice of learning and knowledge-sharing, including by establishing GOPAC national chapters;
- Requesting their parliamentary staff to work together with governments on further legal amendments to ensure full compliance with UNCAC;
- Partnering with governments and civil society to discuss development of key anti-corruption laws on important topics like RTI and whistleblower protection;
- Maximizing the role of the parliamentary committees, such as Public Accounts Committees, to scrutinize government policies and expenditures, including those particularly vulnerable to corruption (e.g. grants disbursement, procurement);
- Serving as a hub for policy debate on specific anti-corruption approaches, including for sectors vulnerable to corruption, such as natural resource management, public service delivery, public finance management, procurement of infrastructure and agricultural subsidy programmes;
- Fostering meaningful partnerships with civil society and practicing direct engagement with constituents to identify corruption issues and act accordingly (e.g. by using Question Time to make inquiries of ministers or initiating a parliamentary inquiry); and
- Partnering with the media to inform them about the work of parliaments on addressing corruption and promoting transparency and accountability.

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<sup>7</sup> UNODC and UNDP. 2011. Criminalization and Law Enforcement: The Pacific's Implementation of Chapter III of the UN Convention against Corruption [online]. Available from: [https://www.unodc.org/documents/mexicoandcentralamerica/publications/Corruption/Criminalization\\_and\\_Law.pdf](https://www.unodc.org/documents/mexicoandcentralamerica/publications/Corruption/Criminalization_and_Law.pdf).