THE ACTIVITIES OF THE STANDING COMMITTEE ON ANTI-CORRUPTION and GOPAC Tonga Chapter

PARLIAMENTARY STANDING COMMITTEE ON ANTICORRUPTION AND GOPAC TONGA
ESTABLISHMENT OF GOPAC TONGA CHAPTER

- GOPAC workshop was held on 12 – 13 May 2015 here in Tonga for ALL members of Parliament. This was enabled by the cooperation of UNODC, UN-PRAC and UNDP Pacific.
- Amongst the outcomes of this workshop was the establishment of a GOPAC Tonga Chapter.
- First biennial meeting held on 13 May 2015, with Executive Members established as follows:
  - Chair : Lord Fusitu’a
  - Vice-Chair : Hon. Mateni Tapueluelu
  - Secretary : Hon. Penisimani Fifita
  - Treasurer : Hon. Pohiva Tu'ionetoa
  - Committee : Hon. Poasi Tei (committee member), Lord Tuiha'ateiho
- References:
  - MPs GOPAC Report 18 May 2015
  - GOPAC Tongan Inaugural BGM Minutes May 13 2015
  - Speaker’s Address at GOPAC and UNCAC Workshop
Establishment of the STANDING COMMITTEE ON ANTI-CORRUPTION

- **13 September 2007**
  - Anti-Corruption Commissioner Act is enacted into law
  - The legislation provides for the appointment of an Anti-Corruption Commissioner and Anti-Corruption Commission to investigate instances of alleged corruption. The oversight function of the Commission is with the Legislative Assembly

- **18 May 2015**
  - Motion #01/2015 was presented to the House for the establishment of the Standing Committee on Anti-Corruption and a proposed TOR
  - Motion #01/2015 was approved in the House unanimously.
  - Motion presented by Hon. Mateni Tapueluelu and supported by Lord Fusitu’a. The motion’s details:
    - Corruption is a global phenomenon and to which Tonga is not immune
Establishment of the STANDING COMMITTEE ON ANTI-CORRUPTION

- Efforts to establish this committee were to fulfill MP responsibilities of accountability and transparency to the Government and to the people.
- Such a committee would also assist MPs in understanding best practices in anti-corruption and to share it with their constituencies in efforts to curb corruption.
- Tonga rated 95 in the Transparency International Corruption Perception Index.
- The Motion outlined a draft TOR.

**Outcome:**
- Resolution #55/2015, 18 May, 2015 which referred the proposed TOR in Motion #01/2015 to the Legislation Committee for review.

- **23 June 2015**
  - House approved Report #02/2015 of the Legislation Committee which included the Standing Committee’s Terms of Reference.
Establishment of the STANDING COMMITTEE ON ANTI-CORRUPTION

• THE TERMS OF REFERENCE
• The Standing Committee on Anti-Corruption shall be responsible –
  • For the reviewing and reporting to the Legislative Assembly of any matter that is deemed to
    be corruption with any recommendation for referral to the Anti-Corruption Commissioner
    (pursuant to section 49 of the Anti-Corruption Commissioner Act);
  • For the reviewing of all reports referred from the Anti-Corruption Commissioner including
    any report submitted from the Legislative Assembly pursuant to para i. above, special reports
    to the Speaker of the Legislative Assembly regarding the conduct of the Commissioner,
    annual reports of the Commissioner, and any reports from the Commissioner regarding any
    recommendations made by the Commissioner;
  • To work in conjunction with GOPAC and the Tonga GOPAC National Committee in complying
    with the terms of reference of these two agencies and to provide any assistance for the
    effective implementation of their work plans;
  • To work in conjunction with civil society partners to promote public awareness, particularly
    the youth in relation to corruption and the need for a strong stance against corruption.
Formation of the Committee and membership

- **July 2 2015**
- Circular presented to MPs proposing membership for the Standing Committee on Anti-Corruption.
- This circular was approved in Resolution #64/2015 for the membership of the Standing Committee:
  - Lord Fusitu’a (Chairman)
  - Lord Tu’ivakano (Lord Speaker of the House)
  - Lord Tu’I’afitu (Lord Deputy Speaker of the House)
  - Hon. Sione Vuna Fa’otusia (Minister of Justice)
  - Hon. Poasi Tei (Minister of Public Enterprises)
  - Hon. Mateni Tapueluelu (Vice Chair)
  - Hon. Penisimani Fifita
  - Hon. Samiu Vaipulu
  - Hon. Dr. Pohiva Tu’i’onetoa (Minister of Police & Labour and Commerce)
Committee Meetings of the Standing Committee on Anti-Corruption

- 13 July 2015
- Meeting 01/2015
  - Briefing Session with the Commissioner and CEO of the Public Relations Commission
  - **Outcomes**
    - Biggest obstacle: No Anti-Corruption Commissioner
    - Complications and delays from Government and PC on appointing an Anti-Corruption although the legislation is in place
    - However, Office of Public Relations is somewhat taking up this role temporarily.
Con’t Committee’s Meetings

- **15 July 2015**
- **Meeting 02/2015**
  - Briefing Session with representative(s) from:
    - Ministry of Customs, Civil Society Forum of Tonga, Tonga Chamber of Commerce and Tonga Youth Coalition
- **Outcomes**
  - Corruption is inevitable. It cannot be eliminated, only minimized
  - Corruption is still misunderstood and not well defined and still needs to be contextualized from a Tongan perspective. For example, there are aspects in our culture (gift giving) that is appropriate culturally but can be interpreted as ‘corruption’.
  - Potential for CSO and youth groups to become ambassadors for anti-corruption in collaboration with parliamentarians and other stakeholders
Con’t Committee’s Meetings

- 12 August 2015
- Meeting 03/2015
- Briefing Session on UNCAC with Ms. Annika Wythes (Regional AntiCorruption Advisor UNODC) and Mr. Douglas Armour (Project Coordinator, TGSP, UNDP)

Outcomes
- Gap Analysis needs to be undertaken
- Recognized that the committee and parliament’s role can only go so far as a supporting role, but will be in the final hands of the Executive
- Committee can play a crucial and driving force towards ratification of UNCAC by November
- Committee can play a crucial role in public consultation and public awareness (in light of the CEDAW experience).
- Support of UNODC and external stakeholders is available for Tonga
Local Committee Workshops for all committee members

• August, 2015
• Objectives
  • Enable Tongan Parliamentarians to further examine gaps and next steps in anti-corruption implementation, including the adoption of UNCAC;
  • Allow Tonga to explore accession to UNCAC;
  • Stimulate further consideration of anti-corruption reform in Tonga, consistent with UNCAC;
  • Continue to transfer knowledge on parliamentary oversight and introduce international best practises;
  • Raise awareness of the assistance available to Tonga in implementing UNCAC under the UN-PRAC Project
• Outcomes
Local Committee Workshops for all committee members

- **Outcomes**
  - Established key priorities for the Committee:
    - Appointment of AC Commissioner
    - UNCAC ratification
  - **Other Issues:**
    - Need for a Gift Register for Parliament
    - Need for Capacity building for the Members of Parliament on anti-corruption/UNCAC
    - Need for a One Stop Shop for corruption cases – need clear processes on where and what to do when reporting corruption cases
Travel abroad for Committee Members (Capacity building for members of the committee)

- July 20 – 21
- Introduction to the UN Convention against Corruption (UNCAC) and the Global Organisation of Parliamentarians Against Corruption (GOPAC)
- Parliamentary Oversight Workshop, FIJI
- Lord Fusitu’a and Hon. Mateni Tapueluelu attended

- September 2 – 4
- Malaysia
- International Anti-Corruption Conference
- Lord Fusitu’a attended as Head of Delegation attended with CSO representatives from Tonga Youth Coalition, UNDP and Transparency Tonga
Where to now for GOPAC Tonga, Standing Committee on Anticorruption and UNCAC ratification

- Getting UNCAC ratified in cooperation with Cabinet we are in the process of reviewing ratification and the Conference in November shall allow us to further that.
- Importance of public understanding! Members to be involved (for example on radio, using angle of anticorruption as a principle in the Constitution)
- Consider public consultations
- Benefits of UNCAC – Financial assistance from UN, International investment increases, increased confidence, technical assistance (capacity building) – leads to more efficiency
- GOPAC Tonga, The House Standing Committee on Anticorruption are committed to battling corruption at all levels in our country and with ratification and cooperation with GOPAC worldwide will endeavour to do this always.
Malo ‘aupito - QUESTIONS