

# Preventing Corruption: UNCAC Toolkit for Parliamentarians: Summary Version

## A Joint Project by UNDP Oslo Governance Centre and the Global Organization of Parliamentarians Against Corruption (GOPAC)<sup>i</sup>

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### How to use this toolkit

This toolkit aims to provide a framework for parliamentarians to discuss their own performance in preventing corruption. The context for the questions is the United Nations Convention Against Corruption (UNCAC) and the policy positions approved by GOPAC members at the Global Conference in Kuwait November 2008.

While some parliamentarians may feel comfortable answering these questions directly, doing so together with parliamentary colleagues, as well as with experts and civil society organizations can help build greater:

- **awareness** of parliament’s contribution to governance and fighting corruption;
- **consensus** on an action plan for improvements to parliamentary capacity and performance; and
- **capacity**, through the identification of training needs and other technical assistance for parliamentarians or their staff with respect to the UNCAC.

In some cases answering the questions and discussing the implications may be undertaken by GOPAC task forces, regional or country chapters; in others individual parliamentarians might find other ways and other fora to initiate action. There also might be advantages for countries in a region to compare findings and where there are similar findings, regional initiatives might be a preferred option.

Toolkit Section <sup>1</sup>	UNCAC article	Questions/Indicators
<b>1. National Priority</b> Extent of parliamentary involvement in domestication and implementation of UNCAC	5, 6, 10, 36 63	Is Parliament engaged in planning?
		Is there a monitoring system for the national anti-corruption strategy?
		Is Parliament involved in anti-corruption monitoring (incl. UNCAC review process)?
		Is Parliament involved in related conventions?
		Does Parliament oversee anti-corruption bodies?
<b>2. Public Reporting</b> Is Government obligated to report to parliament and publicly on compliance and corrective actions	5(3), 10, 63	Is there parliamentary access to review reports and opportunity to discuss in committee?
		Is there actual review of reports in public?
<b>3. International Support</b> To what extent is international support needed and provided	60	What support for parliamentarians is required?
		Has this been requested? and provided?
<b>Financial Oversight</b>		
<b>4. Budget</b> To what extent does parliament receive timely information on all	9(2) <sup>2</sup>	Parliament has <u>authority</u> to approve all revenues and expenditures; set its own budget; require reporting on actual revenues and expenditures consistent with standards set by parliament; establish committees to reviews expenditures plans and performance; call witnesses (engage civil society)

<sup>1</sup> Based on GOPAC Policy Positions approved in Kuwait Global Conference Nov. 08

<sup>2</sup> re transparency and accountability in public finances

revenues and expenditure by agency and program		Transparency: debate and approve revenue, expenditure and debate reports openly in parliament (plenary and/or committee)
<b>5. Resource Revenue Transparency</b> To what extent is there transparency and accountability in the publicly owned extractive industries sector?	9(1 and 2), 10	Is Resource Revenue included as a specific item of revenue and transparent to Parliament?
		Are governance and accountability structures in place in the natural resource sector, including adequate legislation and regulations?
		Is Parliament engaged in the monitoring, allocation, and use of revenues from extractive industries?
<b>6. Parliamentary Capacity</b> To what extent do parliamentarians have the means to develop a good understanding of government financial practices and do they use these means?	9(2), 13	Does it have adequate capacity – members' knowledge, Parliamentary Budget Office, facilities for communication and analysis – for financial analysis?
		Can and does Parliament engage civil society, experts, others in Committee hearings and consultations?
<b>7. Financial Control Framework</b> To what extent has Parliament set out adequate legislation and standards for controlling public expenditures, and for the use of all financial instruments (procurement, grants, subsidies, etc.)?	9(2)	Is there legislation or other parliamentary instruments to guide the Executive Branch in using resources through each kind of financial instrument?
		Is parliamentary approval needed before the Executive can reallocate resources among categories of voted funds?
		Is Parliament's approval required before contingency funds are applied to specific purposes?
<b>8. Accountability</b> Has parliament established effective practices to receive professionally audited financial accounts and to question government officials	9(2)	In law is there an independent audit institution with the power (and resources) to audit departmental reports and operations, and does it report to Parliament?
		Is there at least one parliamentary committee responsible for reviewing audit reports and recommending related government action, and do they do this well?
		Is the Executive required to report to Parliament on actions taken in response to committee recommendations?
		Has Parliament established through legislation standards for the public service, including appointment, compensation, and accountability measures?
<b>Parliamentary Ethics, Conduct and Immunity</b>		
<b>9. Credibility of Parliament</b> To what extent are parliamentarians carrying out their democratic roles (representation, legislation and oversight) and doing so in a manner that meets societal expectations of ethical behavior, and would such behavior in general meet core international standards for good practices?	8, 52(5 and 6)	Is there a formal ethics and conduct mechanism in place for parliamentarians? Is it considered operational?
		Is there an enforcement mechanism and is it considered fair and effective?
		Is Conflict of Interest clearly defined and is that definition broadly accepted by parliamentarians as appropriate?
		If a complaints mechanism is used to trigger an investigation, is it considered effective and not subject to unwarranted targeting of individual members?
		Is there adequate access for members to understanding the provisions and practices of the regime in place?
<b>10. Appropriate Parliamentary Immunity Practices</b> To what extent do parliamentary immunity practices allow parliamentarians to play their roles fully, without encouraging corruption by parliamentarians?	30(2)	Are the "non-accountability/non-liability" (cannot be prosecuted for any opinions expressed or votes cast in parliamentary business) or "inviolability" (cannot be prosecuted for any criminal activity during their parliamentary mandate, unless caught in the act) provision appropriate to prevailing jurisprudence practices?
		Are there clear, balanced, transparent and enforceable procedures in place for waiving parliamentary immunities in cases of criminal conduct violations when in office?
		What are the media and the public's perception of parliamentarians

		exercising their immunity when alleged corruption is involved? Is there public education/outreach on the legitimate purposes of parliamentary immunity?
<b>Participation of Society</b>		
11. <b>Citizen Engagement</b> Does Parliament engage experts, civil society and citizens in the domestication of the UNCAC provisions? Can and do the media assist in this engagement?	13	Are parliamentarians engaging the public in understanding the global standards (UNCAC), the domesticated version, and actual practices; and if less than desirable are they proposing or engaging in discussions of corrective actions, using all reasonable channels (e.g. political parties, media, CSOs) in direct communication?
		Do parliamentarians have functioning and accessible regional or local offices to meet with constituents, and funds to travel to their constituencies?
		Do parliamentarians actively engage citizens in budgetary and legislative matters?
12. <b>Public Transparency</b> To what extent do citizens have adequate access to information on government operations and means to seek redress from corrupt acts	10, 13	Do citizens have access to government spending/operations/results? Are there means for redress.
		Is adequate legislation in place?
		Do parliamentarians oversee its effectiveness?
<b>Money Laundering and Recovery of Assets</b>		
13. <b>Money Laundering and Recovery of Assets</b>	14, 58	Has anti money laundering legislation been enacted by parliament?
		Has a financial intelligence unit (FIU) been established to collect, analyze, and disseminate information regarding potential money laundering?
		Does Parliament oversee its operations?

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