



MELANESIA SUB-REGIONAL CONSULTATION ON THE UN CONVENTION AGAINST CORRUPTION

10-12 March 2009

Outcomes Statement

The Government of Papua New Guinea, in collaboration with the UNDP Pacific Centre and the Pacific Islands Forum Secretariat (PIFS), hosted a Melanesia sub-regional Consultation on the UN Convention Against Corruption (UNCAC) from 10-12 March 2009 in Port Moresby, Papua New Guinea.

Delegations from Fiji, Papua New Guinea, Solomon Islands and Vanuatu attended the Consultation. Delegations were comprised of government officials, as well as representatives from each countries' media councils and Transparency International Chapters. Participants also included development partners from AusAID, NZAID, Commonwealth Secretariat and RAMSI.

Background

At a regional level, Pacific Heads of Government have recognized the important role that UNCAC plays in providing an internationally agreed framework for the construction of an effective anti-corruption framework for countries around the globe. Specifically, in 2004, recognizing the link between corruption and development, at the 35th Pacific Islands Forum in Apia, Samoa, the Forum Leaders Communiqué stated: "Leaders invited members to consider signing and ratifying the UN Convention against Corruption to strengthen good governance in accordance with the spirit of the Biketawa Declaration." At a more operational level, Initiative 12.1 of the Pacific Plan also focuses on strengthening anti-corruption institutions, requiring PIFS to examine options for "regional support to consolidate commitments to key institutions such as audit and ombudsman offices, leadership codes [and] anti-corruption institutions..."

To date, Papua New Guinea and Fiji are the only two Pacific Island Countries which have ratified UNCAC. PNG acceded to UNCAC on 16 July 2007 and Fiji acceded to UNCAC on 14 May 2008. In February 2009, the Solomon Islands Cabinet agreed to accede to UNCAC as a priority. Delegates also noted that Fiji, Papua New Guinea and Vanuatu are members of the ADB-OECD Anti-Corruption Initiative for the Asia-Pacific. Recognizing the shared experiences, and common challenges of Melanesian countries, and of the work undertaken in these countries in implementing UNCAC, it was decided that a sub-regional workshop be held.

The Consultation

The Consultation was opened by the Hon Dr Allan Marat, Minister for Justice and Attorney General of Papua New Guinea. He recognised that UNCAC is *"a remarkable international legal instrument that attempts in one complex legal treaty to regulate corruption in all its guises, as well as address complimentary issues, such as the establishment of anti-corruption authorities, the protection of whistleblowers and international legal cooperation ...[However,] there is still much more to be done and it is my hope that this forum will invoke the impetus for a coordinated approach for technical assistance to the Melanesian countries..."*

The Workshop focussed on building familiarity with UNCAC's key provisions to facilitate discussions on practical options for progressing anti-corruption work in order to identify

national and regional priorities, including ongoing priority areas for assistance by UNDP and other development partners. Delegates recognised that UNCAC focuses on four main anti-corruption areas: (i) prevention; (ii) criminalisation and law enforcement; (iii) international cooperation; and (iv) asset recovery. It was suggested that in Melanesia, where all countries already have established a range of accountability institutions, UNCAC Article 5, regarding the importance of a comprehensive anti-corruption strategy, may be of particular relevance. None of the countries of Melanesia have a national anti-corruption strategy.

Resource people from within and outside the region supported the Consultation by sharing experiences on interventions being pursued in the Pacific and other regions. PIFS, the UN Office of Drugs and Crime (UNODC), the UNDP Bureau for Development Policy and resource people representing Asia and the Caribbean shared their experiences with delegates.

Delegates discussed a range of national priorities and recognised that anti-corruption strategies and initiatives need to be affordable and sustainable, taking into account limited human and financial resources. It was recognised that assistance could be called upon from development partners, in terms of funding support and technical advice.

Key Outcomes

Delegates recognised the value of UNCAC in providing a useful guiding framework for national anti-corruption activities. All countries shared information on their existing anti-corruption activities, as well as highlighting the risks, challenges and constraints. Each of the delegations discussed priorities and identified areas for the development of action plans:

Fiji

1. Fiji currently has a range of Institutions in place which are tasked to work on tackling corruption, including: the Prime Minister's Office (which has responsibility for the Office of the Ombudsman, Fiji Human Rights Commission and Public Service Commission); the Ministry for Justice, Public Enterprise, Electoral Reform and Anti-Corruption, the Ministry of Defence, Police, DPP, the Ministry of Finance, Parliament, Financial Intelligence Unit, Auditor General; civil society, the private sector and key professional associations.

2. Fiji also has a range of legislation already in place which is intended to operate to tackle corruption, including the Constitution (in particular section 156 on the code of conduct and section 174 on freedom of information), the Promulgation on the Fiji Independent Commission Against Corruption (FICAC), the Prevention of Bribery Promulgation, Pillars 1, 3 and 8 of the proposed Peoples Charter and a range of specific legislation.

3. The delegation identified a range of priorities for action, recognising their short-term, medium-term and long term priorities:

- In the short-term (1-2 years), priorities included:
 - Development of a Cabinet paper regarding implementation of an Action Plan on Anti-Corruption (based on these outcomes);
 - Establishment of a National Anti-Corruption Taskforce, with membership from across key government institutions, and including civil society representation. It was recognised that a body was needed to coordinate efforts and to ensure that there are checks and balances in place, even in terms of accountability institutions themselves;
 - Development of a National Strategy to Combat Corruption, which will encapsulate whole-of-government priorities, identify responsible parties and set clear timelines for implementation;
 - Take action on priority legislation, including reviewing the FICAC promulgation and formulating a Bill for the protection of whistleblowers;
- In the medium-term (3-5 years), priorities included:
 - Undertaking a comprehensive review of current legislation to ensure it complies with international standards;

- Develop and amend laws as necessary, including formulating a freedom of information Bill, a Leadership Code of Conduct and a code of conduct for the private sector;
 - In the long-term (5-10 years), priorities included enacting a revised FICAC Act and enhancing the independence and accountability of the three arms of government to minimise corruption;
- 4. It was recognised that a key component of a national strategy will be to engage in public awareness activities throughout. It is essential to promote the participation of the public in any anti-corruption drive. Specific activities proposed included:
 - Integrating anti-corruption activities into the education curriculum, not only through existing civic education programmes in primary schools, but also for secondary school and tertiary institutions;
 - Undertaking education programmes for leaders and public servants. Consideration could be given to using the National Honours System as a means of recognising “Anti-Corruption Champions”
 - Incorporating the contribution of traditional, cultural and family values and institutions in the promotion of integrity and in the fight against corruption.

Papua New Guinea

5. PNG does not as yet have a national strategy or a coordinated approach to dealing with corruption. This is a key issue that needs to be addressed by the Government, bureaucracy, private sector, civil society, and the community. More broadly, there appears to be a reluctance and/or apathy regarding discussion and dealing with the issue of corruption. There is an apparent culture of tolerance, and an acceptance of wrongdoing. This may be because of a feeling of disempowerment amongst the community. There is also an apparent lack of commitment and political will amongst the public service, private sector, the general public and politicians. Additionally, there is a need to develop national identity and an awareness of the impact of corruption on human development.

6. PNG has many strengths which can underpin anti-corruption efforts. The National Constitution is a strong and well-developed document, which recognizes traditional values. A range of integrity institutions already exist, including the Ombudsman Commission, Auditor General, Public Service Commission, National Anti-Corruption Alliance, and a Financial Intelligence Unit. A number of important anti-corruption and accountability laws also exist. Additional strengths include PNG’s wealth of natural resources and its rich culture and traditions.

7. Taking into account the work that is already being implemented by a range of national actors, the delegation highlighted the following key priorities for action:
- Endorse the Department of Justice and the Attorney General (DJAG) as lead agency in the implementation of UNCAC
 - Establish a National Integrity Taskforce, including Government officials and members of the Consultative Implementation and Monitoring Council.
 - The Taskforce should be led by DJAG. As a priority, a seminar on UNCAC will be convened.
 - The Taskforce will develop an Action Plan, which will include specific details on intended outcomes, outputs, priorities, timelines, responsible parties and resources needed. A monitoring plan will also be developed to assess the ongoing effectiveness of the Action Plan.
 - Undertake a National Integrity Stocktake to identify what has already been done or is going on. This includes a Gap Analysis on UNCAC and an assessment of initiatives..
 - Carry out a National Assessment of Governance and Corruption (by NRI) which will inform the work of the TaskForce
 - Develop a National Integrity Plan, which will set out the Government’s comprehensive anti-corruption plan, in the short, medium and long term.

Solomon Islands

8. In early 2009, the Solomon Islands Government set up a National Anti-Corruption Taskforce mandated to take forward the Government's anti-corruption agenda. Following the workshop the Taskforce will review and prioritise the initial reform agenda outlined below, taking into account resources, capacity and the ambitious timeframe.

9. The Delegation has recognised that there are four key risk areas which their anti-corruption activities aim to address, namely:

- o Political corruption;
- o Malfeasance and mismanagement in public administration and financial management;
- o Private and public sector corruption in relation to extractive industries, in particular, in the fisheries, logging and mining sectors;
- o Private sector corruption, both by international and domestic companies.

10. Solomon Islands already has a range of existing institutions and frameworks to address corruption and work is being done to strengthen them. The challenge is to make them all more effective. In that context, it is recognised that it is essential to continually reassess efforts and identify where more needs to be done and specific resources need to be brought in. The Government has identified a range of key anti-corruption initiatives, to be implemented through the Taskforce, including:

- o Establishment of an anti-corruption body – A diagnostic study has already been completed of Solomon Islands accountability framework. A feasibility study in relation to setting up an ICAC will now be completed by July 2009 to assess what is needed to address identified risks, and a paper submitted by the Taskforce to Cabinet in July 2009. It is anticipated that appropriate legislation will be tabled before April 2010;
- o Development of a National Anti-Corruption Policy – As part of the work around scoping an anti-corruption body, the Taskforce will also commission the development of a national Anti-Corruption Policy, which will be considered by the Taskforce and finalised by July/August 2009;
- o Accession to UNCAC and follow-up implementation – With support from key technical partners, it is anticipated that Solomon Islands will accede to UNCAC by March 2009. The UNCAC implementation plan/checklist assessment will be completed by end-2009. It is anticipated that accession to UNCAC will help strengthen domestic legal frameworks, but also raise Solomon Islands' international profile on anti-corruption which will help increase investment, economic growth and create jobs in the long term
- o Political parties integrity reform – A White Paper will be tabled in March 2009 in Parliament, and it is anticipated that a Bill will be tabled in Parliament by July 2009. Associated electoral reforms will be implemented by end-2009;
- o Establishment of a National Audit Office and strengthening of the Public Accounts Committee – A decision is currently before Cabinet and it is anticipated that legislation will be tabled by July/August 2009;
- o Enactment and implementation of an FOI law – A Cabinet decision is needed to endorse public commitments by the Prime Minister and Deputy Prime Minister. It is anticipated that an FOI Bill will be tabled in Parliament by March 2010, following a participatory law-making process.
- o Reform of the Rural Constituency Development Fund (a discretionary fund administered by MPs which currently has no clear criteria for distribution or relating accountability mechanisms – An audit report on the RCDF will be produced in July 2009, and it anticipated that it will identify key reform areas. It is envisaged that regulations will be developed for the RCDF by March 2010. A private members' motion in relation to RCDF accountability has been passed in Parliament.
- o A range of other issues will also be addressed as part of the Government's reform and anti-corruption agenda:
 - A Forestry Bill / Fisheries Bill will be developed by end 2009;
 - A Companies Bill / Financial Reporting (Accounting) Bill will be developed by end 2009 which will help address private sector risks;

- Consideration is being given to joining either or both of the Extractive Industries Transparency Initiative and the ADB-OECD Anti-Corruption Initiative for the Asia-Pacific.

Vanuatu

11. Promoting public accountability has been a key issue for the Government since the reform programme commenced implementation in 1998. The delegation identified the following priority actions to be taken forward:

- Development of a national policy on Freedom of Information, including:
 - Reviewing the existing draft policy framework and model civil society Bills as a priority.
 - Organising consultation workshops with key stakeholders;
 - Consolidating the views of stakeholders into a final draft FOI Bill;
 - Submitting the draft FOI Bill through the Government system for approval, including tasking the State Law Office for final review of the draft FOI Bill so that it is suitable for submission to Parliament;
 - Obtaining Cabinet endorsement for the final FOI Bill and submitting it to Parliament for enactment;
- Undertake a gap analysis for UNCAC. It was envisaged that the gap analysis would be undertaken by an expert, such that it is necessary to develop a Terms of Reference, secure funding arrangements for a technical advisor, and then manage the process to ensure a gap analysis is produced which is capable of supporting further action;
- Establish a National Anti-Corruption Taskforce mandate to coordinate the development of a National Anti-Corruption or Integrity Strategy. This would need to be done in a highly participatory manner, including through the organisation of consultation forums to develop and review a draft Strategy which can then be put through Government processes for endorsement;
- Strengthen accountability and transparency institutions, including:
 - Implement the recommendations of the existing Ombudsman Review Report, in particular, to strengthen the powers of the Ombudsman and strengthen the Leadership Code;
 - Make it a priority to source a qualified person to fill the position of Auditor General;
 - Provide specialized training for law enforcement agencies on their anti-corruption functions;
 - Strengthen the capacity of the media and promote the development of better government-media relationships;
 - Review the existing MOU between the Government and NGOs to encourage a more cooperative and effective working relationship between the Government and the NGOs.

Delegations agreed that the inputs on anti-corruption plans developed at the workshop could inform national integrity strategies and policies. They also resolved to carry forward this discussion in their own countries. Development partners pledged their support to the Melanesian States in their effort to implement UNCAC.

Delegations look forward to reviewing progress in the implementation of the outcomes of this workshop.

Delegations expressed their appreciation to the Government of Papua New Guinea, the UNDP, the Pacific Islands Forum Secretariat, and to the resource persons from the different development partners and organizations.

Port Moresby, Papua New Guinea
12 March 2009