Kiribati Inputs to Intersessional Meeting of the UNCAC on Preparation for Special Session of General Assembly Against Corruption (UNGASS)

(22-23 June 2020)

Introduction

The report outlines the contribution of the Government of Kiribati to the intersessional meeting of the State Parties to UNCAC on the preparation for the special session of General Assembly against corruption (UNGASS) which will be held in the first half of 2021. This written report is prepared in event that Kiribati’s participation in the virtual meeting planned for 22 to 23 June is not possible due to challenges with time difference and unforeseeable technical issues that may arise.

1. Teieniwa Vision

Teieniwa Vision is an important outcome of the first ever Pacific Leaders Summit on Anti-Corruption known as Pacific Unity Against Corruption hosted by the Government of Kiribati from 3 to 5 February, 2020. The objective of the conference is to:

- strengthen anti-corruption networks across the Pacific;
- share knowledge, experiences and best practices on the subject; and
- identify opportunities for regional cooperation and possible support by Development Partners towards implementation of national anti-corruption strategies and SDG 16.

The summit was attended by eleven Pacific Island Forum countries including Australia and New Zealand plus other regional and international organizations such as the Commonwealth and UNODC/UNDP, through its Pacific Regional Office based in Fiji. The Leaders and representatives of the countries attending the conference endorsed the commitments that build on their national engagement with UNCAC and the SDGs. The Teieniwa Vision (copy attached to this report) recognized importance of strong leadership and building political will as vital tools needed in the fight against corruption.

2. Progress To-date

The Government of Kiribati has also achieved overall progress of 80 percent in implementing activities outlined in the National Anti-Corruption Strategy. In line with the comprehensive strategy on public awareness and education, the government has allowed the integration of integrity and moral education in the education curriculum to teach children at an early stage the principle of corruption and anti-corruption, as well as current practices/mechanisms to fight corruption. Subsequently, the public awareness and education program continues to be implemented by existing anti-corruption agencies to re-engineer public perceptions on corruption.
In addition, the Government is also making progress in implementing the outcomes of the feasibility study carried out in 2018, first considering the establishment of an investigative sub-committee consisting of members with the necessary expertise in either investigation, criminalisation, transaction auditing, enforcement, money laundering and so on, however these reforms are subject to Cabinet's endorsement. Currently the Government is still progressing in fulfilling its obligations under the UNCAC through the creation of best preventive policies/legislations to combat corruption. In doing so, the government had developed the National Public Service Code of Conduct aiming to prevent public servant from committing corrupt misconduct, and to maintain standard of integrity among public servants. The code is currently in the implementation phase.

The Government is planning to develop and bring into existence the whistle blower protection policy/act to fulfil its obligation to the UNCAC in supporting and protecting whistle blowers. This will be part of the government's activity during the next four years (2021 – 2024).

Additionally with comprehensive strategy on criminalization and law enforcement, the Government of Kiribati has legislative frameworks that include the Penal Code – the primary legislation on anti-corruption, Leaders Code of Conduct Act 2016 – an Act that deal with any corrupt practices of leaders, Proceed of crime Act – an Act that deals specifically with the money laundering and other corrupt offences and Procurement Act 2019– this deals with the control of public funds and expenditure monitoring mechanisms.

3. Challenges That Requires On-Going Supports

Resourcing was one of the issues highlighted during the Pacific Unity Against Corruption conference. This is more prevalent in small island countries with narrow resource base and it was viewed as one of the major impediments to the fight against corruption and in meeting members obligations to UNCAC. The absence of financial and technical supports was a concern that could hamper national efforts of Pacific Island Countries to meeting the goals of Teieniwa Vision.

Capacity Building was crucial in ensuring that countries have the necessary skills, knowledge and competence in the implementation of national strategies on anti-corruption. The establishment of Leadership Commission and Anti-Corruption unit of the Public Service Office in 2016 as watchdog on corruption was a success, however, the staff of these institutions lacks required skills and knowledge in carrying investigations. As discussed in the Shane Cave report (UNODC Consultant) who carried out the study in 2018 on Kiribati Anti-Corruption framework highlighted issue of investigative deficiency at the Police Force and Leadership Commission. There is an urgent need for capacity training of concerned staff in-country or abroad as well as to consider a twinning arrangement between anti-corruption institutions that involves short-term exchange of staff. Again this proposal also requires financial resources to make it happen.
Absence of Whistle-blower Protection Act and Outdated Laws are among legal challenges that need to be addressed. The combatting and prevention of corruption by responsible authorities relies not only on government existing frameworks and investigative agencies, but also on the supports and the information to be passed on to them by citizens and employees. At present, the absence of a whistle-blower protection law was seen as an hindrance to the fight against corruption as people who’ve relevant information about unethical practices are fear to make reporting on these corruptions. The issue was exacerbated due to outdated laws and policies. Provision of a technical assistant on legal drafting will be necessary to assist and build on national efforts in strengthening and modernising exiting and old legal frameworks on anti-corruption.
Gathering in Tarawa, Kiribati from 4 to 5 February 2020 with the President of Kiribati as the Chair, we, the Prime Minister of Samoa, Prime Minister of the Cook Islands, Vice President of Kiribati, Ministers from the Kingdom of Tonga and the Solomon Islands, Ambassador of the Republic of the Marshall Islands, High Commissioners of Australia and New Zealand and the representative of Fiji, commit to Pacific Unity Against Corruption, recognising that all of our progress and aspirations for a peaceful, harmonious and prosperous Pacific cannot be realised unless we address corruption;

As the Blue Pacific, and noting the different contexts in defining corruption, reaffirm global anti-corruption efforts and frameworks as captured in the United Nations Convention against Corruption (UNCAC), acceded to by all 14 Pacific Island Countries, noting Tonga’s announcement of accession at this Conference, and the Sustainable Development Goals (SDGs), particularly SDG 16;

Recall our collective aspirations captured in the Framework for Pacific Regionalism, the Blue Pacific narrative and the Boe Declaration on Regional Security;

Encourage all Pacific States to unite against corruption, recognising that implementation should be substantiated through well-resourced national efforts that emphasise transparency and accountability, the rule of law and reinforce good governance; and

Recognise the importance of political will and leadership at all levels in addressing corruption.
We call on all Pacific Leaders to champion integrity and advocate and implement anti-corruption practices in their Parliaments, public services, private sectors and entire communities through commitment to criminalisation of corruption and prompt, impartial investigation and prosecution;

We commend Pacific countries that have advanced their anti-corruption agenda through global and national commitments;

We acknowledge that corruption disproportionately affects vulnerable populations, specially women, persons with disabilities, youth and the elderly;

We encourage integrity-building to be embraced as a whole-of-society issue, with a strong focus on corruption prevention, strengthening public awareness, integrity learning through education and enhanced transparency and accountability in the public and private sectors, and in civil society;

We commit to governing in an accountable manner wherein all Leaders, persons with authority, Cabinets, Parliamentarians and public servants adhere to their Leadership Codes and/or codes of conduct;

We commit to developing and maintaining independent integrity bodies or appropriate coordination mechanisms that prevent and fight corruption;

We recognise and support the right to information, the need to protect genuine whistle-blowers and for an independent civil society and responsible media to be involved in national and regional anti-corruption efforts;

We reaffirm our commitment to combat money-laundering and its facilitators and the enabling environment in our region;

We commit to further strengthen good practices in public finance management and to conduct corruption risk assessments in vulnerable sectors;

We will partner with non-State actors through a Pacific network of anti-corruption champions to elevate and strengthen our shared vision of Pacific Unity Against Corruption;

We urge States to draw on regional mechanisms to further this Teieniwa Vision, including greater collaboration through regional architecture and development partners;

We resolve to develop and review our National Anti-Corruption Strategies and policies and implementation arrangements, including within our national plans, through a participatory process which includes our civil society, youth, private sector, Parliamentarians, media and other stakeholders;
We resolve to document anti-corruption impact by developing and maintaining anti-corruption measurement tools and data within our SDG and national plan reporting and address implementation gaps in relation to SDG16 on peace, justice and strong institutions;

We will endeavour to unite our voice as a Blue Pacific to ensure that regional anti-corruption priorities are being presented, where possible, as a collective;

We commit to promoting the Blue Pacific as a recognised, distinct region within the international framework, including the Conference of States Parties to UNCAC, to support the drive for a unified regional anti-corruption voice; and

We support a strong Pacific engagement with the UN General Assembly Special Session on Corruption and its implementation.

ENDS

(“Teieniwaa is the Kiribati word for sail (ie) and canoe (waa), reflected in both the shape of the reclaimed land where the Kiribati Parliament venue for the Pacific Unity Against Corruption Conference is built and the symbol in the Conference logo for this Conference. A sailing canoe is a common form of transport in the Pacific. It was adopted as the Conference logo to symbolize a sailing canoe in the vast Pacific Ocean that separates and makes our individual countries isolated, as the only traditional means to unite the Blue Pacific in the fight against corruption. It also symbolises that a long journey of a sailing canoe in open waters will encounter both tranquility and stormy weather at times, and that is what is expected to happen in the fight against corruption; it is not easy nor short-term, but it is a journey that requires collaborative efforts of all sectors of society.)