Kingdom of Tonga's contribution to the preparation documents for the UNGASS2021.

Tonga’s input to the Intersessional Meeting of the UNCAC on Preparation for Special Session of General Assembly against Corruption (UNGASS) and UNGASS Contributions.

Introduction

This report serves to outline the Government of Tonga’s contribution to the UNGASS preparations (https://ungass2021.unodc.org/ungass2021/en/contributions.html) and also, to the intersessional meeting of the State Parties to UNCAC, on the preparation for the special session of the General Assembly against corruption (UNGASS) scheduled for June 2021. This briefing report is also prepared if Tonga’s participation in the virtual meeting for the week of 2-4 September, 2020 may not be possible due to the potential challenges of time difference and any 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 titled as “Pacific Unity against Corruption” hosted by the Government of Kiribati. This was held on the 3rd to the 5th of February, 2020, and it was during this event that Tonga’s Minister for Trade and Economic Development, Hon. Samiu Vaipulu announced Tonga’s accession to the UNCAC with the Tonga Government’s intention to further strengthen Tonga’s legal framework to better address corruption.

The objectives of the conference were 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 Teieniwa Vision (copy attached to this report) aims at establishing a network on anti-corruption in the Pacific region with countries sharing experiences, lessons learned and best practices in their collective efforts to curb corruption. Additionally, it also recognizes the importance of strong leadership and building political will to stand and unite against corruption.

The summit was attended by Tonga and ten (10) other Pacific Island Forum countries and representatives from Australia and New Zealand including participants from regional and international organizations such as the Commonwealth and UNODC/UNDP, through their UN Pacific Regional Anti-Corruption (UN-PRAC) project based in Fiji.

With Tonga’s signature to the Teieniwa Vision – Tonga recognizes that addressing corruption is a key component in achieving Sustainable Development Goal (SDG) 16 noting corruption as a major obstacle for the achievement of any other SDGs.
In light of the aforementioned, the Teieniwa vision therefore commits Tonga to being more accountable in its governance, and to develop and maintaining independent integrity bodies that will continue to prevent and fight against corruption.

2. Progress To-date

Prior to Tonga acceding to the Convention and becoming the 187th State Party, steps were already taken to combat corruption in terms of strengthening existing integrity agencies in Tonga with assistance from UN-PRAC; initiating a local chapter of the Global Organization of Parliamentarians against Corruption, and further creating a Standing Committee on Anti-Corruption tasked, to employ domestic measures to assist implementation of the UNCAC.

Nonetheless, Tonga’s accession to the UNCAC came into effect on the 6th of February, 2020 and measures to be taken post-ratification includes a comprehensive legal review of legislations to ensure compliance with the Convention. In that sense, development partners, such as UN-PRAC (through UNODC and UNDP) have indicated their willingness to assist and support Tonga with this process.

Tonga also notes that Corruption is a global phenomenon to which Tonga is not immune, but with UNODC, UN-PRAC and UNDP’s assistance and cooperation, it has led to the establishment of the Standing Committee on Anti-Corruption that has provided Tonga with assistance for the effective implementation of work plans against corruption and engagement with non-state actors, including youth.

In addition, Tonga has also made substantial domestic progress in implementing UNCAC. For example, the following pieces of legislation provides for the prevention of corruption in Tonga:


In addition to the aforementioned legislation, the Anti-Corruption Commissioner Act specifically addresses corruption in Tonga.

The Tongan Government has committed to progressing towards a more accountable and transparent government, both domestically, through its Tonga Strategic Development Framework (TSDF II), 2015-2025, and through regional commitments such as the Pacific Plan. Tonga’s commitment against corruption in principle, is also in to the efforts that the Government is undertaking to root out corruption within its ranks and to ensure that the resources of the Government is utilized more effectively to deliver services to the people of Tonga in a more coherent and sustainable way.

3. Challenges Requiring On-Going Support

Like any other initiatives, implementation is always the main challenge given the resource requirement and the absorptive capacity to execute what is required. Going forward, these are the
challenges that calls for government commitment in order to fulfill the requirements under the UNCAC:

As expected, financial resources will be required in for further implementation activities since Tonga has ratified UNCAC. Perhaps it is prudent for UNCAC to include a special chapter on technical assistance, as it was recognized that implementation assistance should be made available to State Parties. The Public financial management remains a significant weakness in the Tongan anti-corruption framework, and must be addressed as a priority. Tonga needs to improve the entire public financial management value chain in the country, particularly the budget formulation process; weak procurement regulations and safeguards; and poor oversight of the budget and procurement decisions. The financial resource limitations avoids the progression of development. This also resonates the effort to improve the infrastructure capabilities in Tonga to effectively address corruption.

Lack of political will – the political will to get things done is key to the execution policy and legal actions against corruption. Political leadership and commitment to fight corruption at the highest levels is one of the most important preconditions for success in the fight against corruption.

Lack of transparency – there is a greater need to improve transparency in decision making and making them accessible to citizens. This has been progressed but still lacking in some ways. This has necessitated the development of proper mechanism for formal access to information rather than the current situation where information are leaked through informal relationships.

Tonga established its Anti-corruption Commission in 2008 to investigate alleged offences and improve good governance. The Anticorruption Commissioner Act of 2007 is the legal source of the Commission and it gives this institution the right to investigate alleged or suspected corrupt conduct referred to it by any person or authority or which has come to its attention whether by complaint or otherwise and to take such steps as may be necessary for the eradication or suppression of corrupt conduct, and to advice and educate civil servants and the public. Tonga's Anti-corruption Commission has however never been operational. After the initial opening of the office, the Commission has been inactive. Injustice, insecurity and inequality all stem from corruption in governments around the world. The failure to address this undermines efforts to tackle corruption activities and the inequalities that stem from it.

Culture – there is a need to include culture into any governance and transparency reform efforts in Tonga. Tonga’s small size, close-knit community, and strong religious traditions call for a nuanced approach to governance reforms. That approach should take into account societal dynamics when seeking to implement Western “best practices.”

There is no doubt that the availability of technical assistance from partners under the Convention, appropriate transfer of knowledge is achieved so that Tonga can carry its own weight in implementing the Convention and fighting against corruption in the long-run.

Respectfully,

Ministry of Justice Focal Person to UNCAC.