

Parliaments: Tools And Tasks For Controlling Corruption
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Parliaments and parliamentarians have a crucial role to play in setting an example of integrity and in striving to hold government accountable for its actions. Parliaments are a key component of any National Integrity System. What are the roles and responsibilities of parliaments in this process? How can parliaments and parliamentarians contribute to controlling global corruption?

Building the Political Will to Combat Corruption

Political will is one of the most crucial elements of any National Integrity System. Parliaments can pass anti-corruption legislation, but it will be largely useless if the political will to use the legislation does not exist. How is a parliament able to convince the government and other institutional actors of the need to combat corruption and ensure the political will to ensure success?

Parliaments should first demonstrate their own commitment to combat corruption by ensuring their personal integrity and that of parliament. In this effort, parliamentarians should enact legislation on campaign finance reform, including public declarations of contributions and expenditures during election campaigns. They should also establish codes of conduct, make wealth declarations and establish follow-up provisions to ensure that they are not seen as using their position to engage in corrupt practices. Pay levels should be transparent and effective conflict-of-interest guidelines should be implemented. Mechanisms such as recall might also be enacted to further ensure accountability.

The question of parliamentary immunity also needs to be addressed. Parliamentarians should not be subject to prosecution for things said or done in parliamentary debates or committee meetings. Indeed, the principle of parliamentary privilege is essential if parliaments are to be effective in holding the government accountable. Beyond this, however, parliamentarians should be subject to prosecution like any other citizen if they are involved in criminal activities.

It should be remembered that there is nothing corrupt about parliamentarians working for the benefit of their constituencies. That is one of their responsibilities. The problem arises when parliamentarians accept illicit payments for doing their jobs. If they are to be effective in controlling corruption, parliamentarians must first set a good example.

As far as possible, parliamentarians need to act together across party lines on the anti-corruption agenda. This is difficult, given the political pressures that surround the issue of corruption. Nevertheless, failure to use this approach risks the issue becoming politicized and being used by both government and opposition benches to

¹ This chapter is drawn from the booklet “Controlling Corruption: A Parliamentarian’s Handbook,” which was an output of the 1998-2000 Laurentian Seminars on the Role of Parliament in Controlling Corruption, organized jointly by the Parliamentary Centre (Canada) and the World Bank Institute.

discredit the other side. In these circumstances, the effort to build political will is blocked, anti-corruption efforts are weakened, and public cynicism reinforced.

Parliamentarians can use their stature as public figures to condemn corrupt practices, attracting popular support for efforts to combat corruption, and fighting corrupt practices in their constituencies. In this way, parliamentarians can demonstrate their commitment to constituents and the principles of good governance, rather than unwavering loyalty to party and faction.

Parliamentarians must also build alliances with civil society, an essential partner in convincing political leaders of the need for effective anti-corruption initiatives. Correspondingly, civil society organizations should partner with an independent media to pressure government to cooperate with the supporters of reform.

Civil society needs an anti-corruption minded parliament and parliamentarians if it is to play a vital role in reforming government. All parliamentarians, regardless of party affiliation, should ensure that the laws they pass respect civil liberties. Legislative measures such as freedom-of-information and whistle-blower statutes should also be supported. Ultimately, parliamentarians have the responsibility to expose and denounce corruption, educate the public, ensure that civil society has the tools to be effective, and work in partnership with civil society to ensure transparency and accountability.

Ensuring Accountability

Accountability has been described as the "fundamental prerequisite for preventing the abuse of power and for ensuring that power is directed towards the achievement of broadly accepted national goals with the greatest possible degrees of efficiency, effectiveness, probity and prudence". The aim of accountability is to inform citizens about the "why" and the "how" of policy processes and choices, so that they are able to judge and respond to government actions.

Parliamentary democracy calls leaders and rulers to account. Open and accountable government is essential, given that corruption thrives in secrecy. Parliaments need to be concerned with how laws are developed, implemented and administered, because with secrecy comes the potential for corruption and maladministration.

Parliamentary accountability is at the heart of ministerial responsibility. These responsibilities include: political accountability for policies and other political acts and decisions; administrative accountability for the management and administration of public programs and services; and financial accountability for the expenditure of public funds. One of the strengths of parliamentary government is that it locates responsibility in a small, identifiable group-the Cabinet which is held directly accountable by parliament. It is through this accountability function that parliament is best able to help control corruption.

Parliamentary Tools

There are a variety of tools that parliaments have at their disposal to control corruption. These form part of the system of accountability by which the government and its actions are judged. The ultimate accountability is exercised by the electorate when it supports or rejects a government in an election.

If a government becomes corrupt and parliamentarians are effective in holding it to account, the government will pay a price in loss of support and, ultimately, loss of power. The development and consolidation of vocal political parties and parliamentarians competing in parliament for public support is perhaps a surer safeguard against corruption than even the most elaborate anti-corruption legislation.

In seeking to control corruption, parliaments must come to terms with the size and scope of modern government. Parliamentarians must also contend with the increasingly complex issues that globalization has introduced into policy-making. The variety of policies, rapid policy changes and the confusing multiplicity of objectives that policies seek to accomplish compound these fundamental difficulties. In an ideally accountable political system, those in authority would state the specific goals of the initiatives, the performance standards, the outcomes as compared to expectations, what has been learned and how it has been applied.

In practice, it is rarely possible for systems of accountability to be as precise or methodical as that. To ensure proper accountability, parliaments must ensure that effective checks and balances are in place and encourage an attentive citizenry. Parliamentarians must also increase and facilitate their access to information through independent and reliable parliamentary research and information services, if they are to begin to understand the complex policy issues of the day.

Accountability differs from direct control. A good audit system combined with a watchful, active parliament, rather than a host of direct controls and regulations, will help ensure accountability. Parliamentarians should work for the development of systems that disclose the objectives and results of programs and ensure proper budgeting, management and accountability in the financial system.

This would include a legislative framework that defines a government's intentions and regulates the powers and authority of the executive. It would also include strong and active committees, including Finance and Public Account Committees, able to scrutinize agreements with international financial institutions (IFIs), monitor the implementation of anti-corruption legislation by the executive, and ensure that the implementation of policies such as privatization is done in a transparent manner. All committees should have investigatory powers permitting them access to government accounts, records and other documentation to ensure accountability in government expenditures and the administration of programs and services. Committee meetings should be open to the public and media so as to achieve the fullest possible exposure. Parliaments should work to ensure that governments respond to and act upon the recommendations of committees.

Complementing and reinforcing the work of parliamentary committees are the independent watchdog institutions, such as Auditors-General and ombudsmen, that report to parliament. Parliaments should develop cooperative relations with these institutions. Without an independent audit or anti-corruption authority, parliamentarians may be unable to effectively investigate the government's finances. Conversely, the findings of anti-corruption authorities may provoke less government response without parliamentary scrutiny and media coverage. To ensure the effectiveness of auditing institutions, parliamentarians must effectively follow up by examining reports on government expenditures and programs. Parliamentarians should also request watchdog institutions to investigate situations where corruption or maladministration is suspected.

A variety of parliamentary committees has begun to appear to ensure governmental accountability. For example, a number of African parliaments have "Committees on Assurances" to hold ministers accountable for statements and promises they have made to parliament. Such committees can be useful in exposing incidents of corruption. Generally, the committee system should be used to oversee the administration of government departments.

Finance committees should ensure that governments present, in a timely fashion, annual comprehensive budgets. These should include disclosure of the amounts to be spent on each department and program, in addition to reporting on the monies collected and spent. Failure to present budgets in this way permits corruption and maladministration in government departments to go unchecked.

The following questions, among others, should be posed during the course of parliamentary debates about the government's budget:

Who benefits and why?
How will they benefit?
What will be their immediate benefits?
What will their benefits be in the future?
Who will bear the costs, risks and why?
What costs and risks will there be immediately?
What costs and benefits will there be in the future?
Who will be accountable to whom, and for what will they be accountable?

In addition to the measures discussed above, parliamentarians should use parliamentary debates (e.g. question periods, member's statements, speeches) to highlight incidents of corruption and the necessity of reform. This will help build political will among the political leadership and the public at large. Parliament should also work to enact laws that allow for open, transparent procurement policies, permit

the striking of corrupt firms off professional registers, and permit the confiscation of assets obtained through corruption.

Parliamentarians should also partner with like-minded colleagues, non-governmental organizations and intergovernmental organizations abroad to exchange information and promote reform on the international and intergovernmental stage. This could include lobbying the government to sign international conventions and treaties to control corruption. This could also include the development of parliamentary networks on a regional or global basis.

Moreover, parliaments should apply the good governance principles of accountability and transparency to international institutions that operate within their countries. They should insist on knowing more about the negotiations between IFIs and the Executive and in turn monitor the grant and loan process much more closely. Some parliaments have gone so far as to restrict borrowing by the executive without approval by parliament.

Parliamentary Action Planning

When confronted with an important policy concern, parliamentarians are often tempted to take action prior to undertaking a proper study of the issue. Such efforts can lead to failure, setbacks, and frustration for the reform-minded parliamentarians and their supporters. Parliamentarians therefore need to be aware of the value of planning prior to taking action.

Action planning provides a framework for parliamentary decision-making. It provides a sense of direction and eliminates the need to revisit issues repeatedly. The development of a parliamentary action plan should involve the following steps:

- In-depth analysis of the policy issue.
- Identification of the actors who are likely to have influence.
- Building a team of allies.
- Definition of the goals and determination of the objectives.
- Assessment of available resources (e.g. time, people, money).
- Conversion of the plan into a manageable project, based on available resources.
- Evaluation of results.
- Preparation of interim recommendations to which government should respond.

Parliamentarians will find parliamentary action plans most valuable in the work of committees. Parliamentary committees should regularly attempt to develop clear action plans supported by all parties. To ensure effective collaboration with civil society, committees need to conduct public hearings to ensure the widest possible participation. Committees also need to maintain regular communication with government. Leadership is key to the effectiveness of committees. Committees must

be led by a chair who understands how to make them work cooperatively and effectively. Effective committees often work in the areas where government has not yet formulated policy. Committees need to work by consensus, setting high goals, but making progress one small step at a time.

Parliamentary Action Items

Following extensive deliberations at the 1999 Laurentian Seminar, participants identified a list of parliamentary action items from which parliamentarians can draw in their efforts to control corruption. Consistent with the previous section, parliamentarians should build these actions into a comprehensive plan to achieve maximum results:

Balance of Power

1. Propose constitutional reform to ensure a better balance of power between executive, legislative and judicial institutions.
2. Reform political parties to improve recruitment practices and allow greater democratization in decision-making (such as voting).
3. Work to establish financial independence of parliament vis-a-vis the executive.
4. Elect parliamentary officers and committee chairs on an open, non-partisan basis.
5. Provide competent, professional staff for members and parliamentary committees. Avoid cronyism in staffing.
6. Develop non-partisanship in committee work.
7. Strengthen the office of the Speaker and committee membership with longer, more stable terms of appointment.
8. Change rules of procedure to ensure that parliament can exercise its constitutional powers.

Parliament and Globalization

1. Conduct research and education activities to better understand globalization and its effects.
2. Strengthen parliaments and executives in the face of globalization.
3. Develop a widely participatory national development plan that considers globalization issues.

4. Create a joint study group of civil society, parliamentary, and executive representatives to develop a national policy on globalization.
5. Develop programs to strengthen citizenship and national identity.
6. Ensure transparency in policy areas related to globalization (e.g. privatization).
7. Build links with international civil society and parliamentary groups.
8. Develop parliament's capacity to utilize the Internet.
9. Establish an international network of parliamentary public accounts committees.

Global Corruption

1. Promote international parliamentary cooperation to share information for the establishment of an international code of conduct for business transactions.
2. Develop an international watchdog agency to monitor compliance with an international code of conduct.
3. Work with Transparency International (TI) to improve and make the corruption perception index more fair. Develop survey mechanisms that evaluate the corruption fighting commitment of developed countries.
4. Draft a convention to require banks to disclose information on accounts held by persons being investigated for corrupt practices.
5. Ensure regional uniformity and reciprocity in anti-corruption laws and regulations.
6. Network with organizations such as TI to expose recipients of illegal money.
7. To ensure transparency, make open to the public all committee meetings concerned with investigating corruption.
8. Organize a national commission, with participation by religious groups, NGOs, business, parliamentarians, and the executive, to formulate a national definition of corruption.
9. Establish a permanent anti-corruption committee in parliament.
10. Adopt whistleblower legislation.

Parliament and IFIs

1. Parliament should be involved in all major aspects of the interaction between their countries and the IFIs.

2. Parliament should review all international agreements prior to signature by the executive.
3. Parliament should be represented as an observer in international negotiations between the executive and IFIs.
4. All international loan agreements should be submitted to parliament for approval with sufficient time for satisfactory consideration.
5. The quantity and quality of information regarding international agreements should be improved (e.g. translate draft agreements into local languages; publish proposed agreements in newspapers; prepare list of consultants for use in IFI agreements).
6. Develop a national interactive website containing project and other information to monitor current IFI loans, projects and agreements.
7. Institute regular parliamentary meetings with the executive to review policy regarding IFIs.
8. Ensure that IFIs take into consideration country-specific, socioeconomic and cultural factors when negotiating agreements.
9. IFIs should assist in strengthening the capacity of parliamentary committees to scrutinize IFI agreements.
10. IFIs should establish special parliamentary relations units.
11. The World Bank should invest significant amounts in programs to strengthen parliaments (e.g. strengthening parliamentary research in matters related to the IFIs).
12. Parliamentary committees should ensure that their own reports and studies go to the appropriate IFIs.
13. All oversight bodies should report to parliament, not the executive.

KEY POINTS

Parliaments are an integral part of the development of National Integrity Systems.

Parliamentarians must fight against corruption by first setting a good personal example. They should be role models who uphold the integrity of parliament.

Parliamentarians need to convince their party leaders of the need for reform. They should cooperate across party lines.

Parliamentarians can help mobilize the population against corrupt practices.

Parliaments and civil society should work in partnership to combat corruption and hold governments accountable.

Parliament can make a major contribution in anti-corruption efforts by exercising its accountability function, such as through the Finance and Public Accounts committees.

Parliaments and supreme audit institutions like Auditors General need to work co-operatively in fighting corruption.

They must ensure effective follow-up so that their work produces concrete results.

Parliaments should work for a budgetary system that will ensure government adequately accounts for its programs and policies.

Parliamentarians should partner with like-minded colleagues, non-governmental organizations and intergovernmental organizations to address the transnational dimensions of corruption.

Parliaments should seek to develop action plans setting out shared objectives and practical measures to control corruption.