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Fighting Corruption: The role of the Parliaments — Part One

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The effects of corruption are truly multiple and interconnected, negatively impacting the political, economic, social and environmental sectors of societies.



Dr Livingston Smith

From the political side, it impedes democracy and the rule of law; public institutions lose legitimacy and people become cynical and so reduce their levels of participation. It can also lead to political instability. Corruption in public administration subverts formal processes resulting in the inefficient provision of services.

From the economic, it depletes national wealth, increases costs of goods and services and leads to unhealthy competition. It can cripple economic growth and development by reducing the level of direct investment and by causing significant distortions and inefficiencies.

From the social perspective it leads to more inequality in society, causes political tribalism and war, weakens civil society and increases poverty by marginalising the poor. When citizens know of corruption, it affects their psychological health as they become angry and frustrated.

From the perspective of the environment, the World Environment Report says that it is a major force undermining environmental equity and destroying ecosystems.

Corruption therefore presents a serious development problem.

Jamaica, for example, has the potential of becoming a thriving economy as indeed it was in the 1950s and up to 1972 when it had economic growth rates of between six and seven percent per year and was the envy of the developing world. It has resources ranging from bauxite to agriculture, a vibrant culture and a dynamic tourism sector. Yet today, it lags behind economically and is frequently caught in a political deadlock because of political violence emanating from 'garrison' constituencies — a significant example of political corruption

No society can afford to postpone the fight against corruption and its Parliament must play a crucial role. A country's Parliament must begin this fight by looking inwards and creating an internal structure so that parliamentarians are accountable for any wrongdoings while in office. When a Parliament is clean and accountable, it demonstrates true commitment to fight corruption and helps raise attention to the importance of institutions to be transparent and accountable. A number of parliamentary organisations haven taken up this idea and are leading a push to establish better practices in Parliament. As John Williams,

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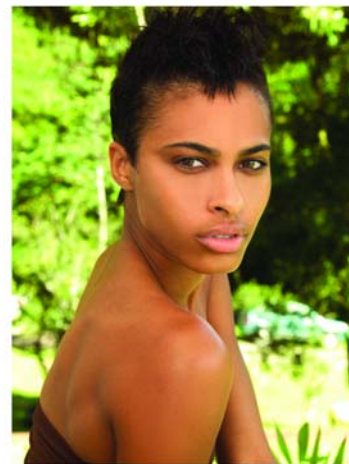
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Chairman of the Global Organization of Parliamentarians against Corruption (GOPAC), in his address to a United Nations Inter-parliamentary Union, said: "Accountability is us, the Parliamentarians."

In other words, true commitment to address corruption starts from within. If Parliament fails to establish strong internal mechanisms to hold its members accountable, it simply cannot become a force for change that helps tackle corruption.

Professor Manuel Balan of the Institute for the Study of Development at McGill University explains that aside from its internal structure, Parliament plays a key role in establishing the necessary legal framework to combat corruption as well as in overseeing its implementation. Parliament must act as a balance of power, overseeing the actions of other branches of government and controlling public finances. Moreover, Parliament is in charge of setting up the specialized agencies that are essential to curbing corruption. Also, parliamentarians are an essential part of a functioning democracy that adequately ensures the representation of societal interests, and they must be instrumental in fostering the participation of the population and the inclusion of civil society in governmental processes.

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Parliaments have the authority and responsibility to create the legal framework needed to

governance by establishing the proper incentives to public officials, ensuring transparency, and accountability. In order to be effective, laws must be written in clear and direct language so as to minimise areas of discretion. They also need to be adapted to local circumstances because implanting foreign laws without adapting them does not work. Laws in their content should address issues such as conflicts of interest, nepotism, statutes of limitation, and many others with the objective of not merely providing punitive measures for violations to the law, but rather to promote both an administrative as well as a social environment that is adverse to corruption.

In the interest of the public and in the fight against corruption, Parliaments must also provide oversight. Parliaments can curb corruption when they hold the government accountable. Effective oversight can be achieved through effective participation in the budgetary process, the exercise of parliamentary oversight through anticorruption commissions, cooperation with audit institutions, and promoting a media-friendly environment. Political Printable Course Material

Parliaments must also provide for financial control. Parliaments play a key role in ensuring financial integrity which is central to anti-corruption efforts. Parliaments play a major role in the budget cycle which involves drafting, legislation, implementation, and audit. In most countries, and certainly in those of the Anglophone Caribbean, independent or otherwise, the ultimate control over the national budget rests with parliament. Because of this, parliamentarians have a powerful input in how money is to be obtained and spent. Moreover, Parliament receives and considers audit reports, and should have the power to provide recommendations for upcoming budgets. Other parliamentary oversight practices include mandatory executive reporting and the authority to question ministers publicly on the operations of their departments and programs

Balan also explains that Parliaments are also involved in setting up the functions and powers of specialized agencies in charge of specific oversight activities that are related to anti-corruption.

Specialised agencies dedicated to the reduction and elimination of corruption depending on their mandate, autonomy and levels of funding, can help deter waste and corruption by attesting to the financial accuracy of the data provided by the government. They are in charge of checking whether the executive's spending has complied with applicable provisions, laws, and regulations, and generally reviews the government's performance.

For such agencies to be effective they must be given clear mandates, be independent, continuously update their expertise, and be allowed to report its results to specialized parliamentary committees such as the public accounts committee which in the case of the



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Cayman Islands will be chaired by a member voted in as an independent candidate.

Some countries have established an Anti-corruption agency. Interestingly, many of the most corrupt countries have at least one anti-corruption agency which are given the task of preventing, investigating and prosecuting anti-corruption cases. Many of these agencies fail because they are not truly independent neither are they part of a broader anticorruption strategy, embedded in a reporting hierarchy encompassing the legislative and executive. A critical requirement for their success, Balan concludes, is that they must have political support from a government willing to enact its recommendations.

Finally, because Parliaments constitute the most important representative institution, it has the duty to ensure that the public interest is represented in the policy process. Again Balan explains that its representative nature gives Parliament the power and responsibility to help build integrity in public governance. Parliaments should ensure the participation of civil society, as this has the effect of empowering citizens to reject corrupt practices and expose politicians and officials who engage in corrupt activity.

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