

The Role of Parliaments in Holding Government to Account and Controlling Corruption

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It is not difficult to see that democratic governments have brought a record of peace and prosperity compared to dictators and one party states around the world. So, the question must be asked. Why is this so? The answer lies in that a democratic government is one that is held accountable for its actions not just at election time but also on a daily basis by parliament. So, how does this accountability work? How can we understand it, and how we can improve upon it so that we can expect the “best” from our government?

First, let us look back in history and take a quick look at the evolution of modern democratic states. We find that in each case there is a parliament that has evolved and upon closer examination, has its roots in the British Parliamentary system. Apart from the civic governments of classical Greek and Roman times, we look back to the Magna Carta signed in England in 1215 as the beginning of democracy in the modern world. By signing the Magna Carta, King John agreed with the aristocracy of the land that their approval would be sought before taxation was implemented. It was the beginning of limits being placed on the King and what he could accomplish on a unilateral basis. And also from there, evolved the concept that government is never above the law.

A century or so later, there were stirrings by the common people who also demanded the right to be consulted on issues such as being marched to the front line of battle to defend the King’s domain, thereby running the jeopardy of sacrificing their lives for the realm. Again, the King was required to give up more of his authoritarian rule and obtain agreement from his people before he embarked on any new policy or expedition. From these rudimentary beginnings, the bicameral parliaments as we know them today have developed and evolved. The Parliament in England continued to develop as an institution of debate whereby differences of opinion could be resolved if not amicably then at least without bloodshed. Elections were developed for society to choose their representatives to parliament and parliament as an institution held check on the King. Democracy had evolved. The people through elections had control of their representatives, who in turn had control of the government.

Along the way, many rules were developed to ensure orderly debate. The media grew in stature and independence. The educational level of society improved. More people became engaged in the political debate of the day. And it was up to parliamentarians to gauge that public opinion as they debated the issues in parliament. Political parties evolved representing different streams of thought and the notion of a government with a majority in parliament became the norm over time. It is interesting to note that all these things evolved and developed as government was becoming more accountable through its parliament to the people.

But like every endeavour of mankind, great ideals become corrupted over time. The power that was transferred from the monarch to the people to be exercised by their elected officials was lost as elected officials more and more supported the government of the day who were able to exercise control over the hopes, aspirations and careers of the parliamentarians.

We are now in danger of losing the power that should be in the hands of the people as the process has become usurped by governments who in this modern world have command of the resources to massage public opinion, raise funds to win elections, manage the media headlines while treating Parliament as a minor obstacle on the way to achieving their agendas.

So where did it all go wrong? In my mind it comes down to accountability, or the lack thereof for government, and parliament failing to exercise its proper role as the oversight institution for government in a democratic environment.

I define accountability as motivators beyond one's control which cause one to think and act in a certain way. There is no accountability if the motivator is not beyond the control of the person or institution, which is being held accountable.

Accountability is most easily seen in the private sector where business must always be concerned about its competitors and government regulation. A business cannot control its competitors as they all strive to build their own market share. There are three simple but basic elements to success in business. They are: a) better service; b) better prices; c) better value for money. However, a business knows that in order to succeed, it must meet the competitor with better service, better prices, and better value for money. Accountability as defined above works because no business can control its competitor and the challenge continues by engaging in the struggle to win customers. Always through better service, better prices and better value for money. Through the development of a competitive private sector we have been able to create an innovative environment, motivators to introduce new products, re-engineer the process of manufacturing and distribution; and by it all, the consumer wins. We have also created capital markets, and opportunities for investment to accumulate capital to invest in development, manufacture and distribution, making our private sector more productive and efficient, thereby serving the consumer better. We have also created bankruptcy laws to allow for the orderly removal of businesses, which are unable to compete successfully. Over the years we have built an extremely complex and interwoven society all based on the notion of accountability, and through it all, the consumer wins. Let us recognise that the competitive private sector, striving to gain advantage over its competition, which it cannot control through innovation, efficiency and productivity, has created unimaginable wealth for the developed world.

The other motivator which business must respond to because it is also beyond its control, or should be beyond its control, is government regulation. Safety regulations for automobiles, health regulations for restaurants, building codes for buildings, labour laws for workers and a myriad of other regulations that provide the level playing field for businesses in order for them to develop and market their products and services to their customers. Based on these regulations, the consumer can also rely upon the quality of the product or service and that it will, to the best of our assurance, provide no harm to the consumer.

We can see clearly that competition and government regulation, both beyond the control of individual businesses causes it to perform to the best of its ability. We also see, when the system breaks down, that corruption creeps in.

The Enron fiasco is the perfect example. The independent auditor, Arthur Anderson, who was supposed to be that motivator beyond the control of the company and disallow many accounting practices became co-opted into the process and acceded to the company's accounting policies. Arthur Anderson was no longer a motivator beyond the control of Enron as the independent auditor, but had become a willing participant in the accounting decisions of the company. A cosy relationship had developed between Enron and their auditor, instead of the arms length independent evaluator who should have been beyond the control of the company. Today both are gone and the lesson has been learned. When an institution has responsibility for independent oversight fails in its duty, chaos and corruption will ensue.

We may have learned some lessons from Enron and tightened up the regulations for the private sector, but parliaments have not looked at themselves and realized that as independent overseers of government, they are also losing their independence and have entered into a far too cosy relationship with the governments whom they are supposed to oversee. Taking the concepts of accountability, which we have applied with renewed vigour to the private sector and applying them to government is important for all of us today. Because the cosy relationship which has developed between governments and parliaments, will prove to be detrimental to our societies over time. Corruption has already crept in and will continue to engulf our governments until accountability by a truly independent parliament is reinstated to ensure adequate oversight and accountability.

We are all familiar with the standard organizational pyramid rising to the apex with a CEO, Prime Minister or President at the top. But who holds the people at the top accountable? We are seldom aware, but there exists in a democracy, an inverted pyramid above the standard organizational pyramid that widens out to parliament whose fundamental role is to hold government accountable. And above parliament at the widest point of the inverted triangle, it is back to the people who should be holding parliament accountable for its actions through open and fair elections. Of course, in order for there to be fair and open elections, the public need to be adequately informed of the political process and that is achieved through access to information and the guarantee of an open and independent media.

But in the eyes of many parliamentarians, parliament is not perceived to be superior to the Prime Minister any more, but there to do his will. When we break down the oversight responsibilities of parliament, we find that they largely fall within four fundamental areas. But at this time we can question how effective that oversight really is.

- 1) Parliament approves legislative requests from government.

In the Westminster model virtually all legislation emanates from the government. Government needs the approval of parliament to enact legislation and government can only govern provided it enjoys the confidence of parliament. But the use of confidence as a stick to beat parliament into submission demonstrates that the notion of confidence as originally envisioned has now become corruptive. The notion of confidence speaks of an

independent parliament exercising its free will and a parliament that can fire its government should it so desire. Such a notion has now become largely fanciful in our eyes, especially when a government enjoys a majority in parliament. But parliament is not absolved of its responsibility to examine and approve legislation. There may be a majority in parliament who are sympathetic to the government's agenda, and a minority who are opposed to the government's philosophy, but parliament as an institution still has responsibility on behalf of its citizens to examine and debate legislation in the public sphere prior to voting on the legislation. For parliament to deliver legislation to government on a plate demonstrates that they are no longer that institution of accountability beyond the control of government, but a meek and submissive institution controlled by the government.

- 2) Parliament approves the budget and taxation policy of the government in order to raise the necessary funds.

When the government delivers its budget and its planned programme spending to parliament, again it should be a matter for real debate. It is an affront to the democratic process when a government that proposes new programmes or the raising taxes can look forward to a perfunctory debate in parliament knowing that the approval sought is assured. Parliamentarians are no longer more afraid of being held accountable by their electorate through an election than they are of the government. Therefore, they acquiesce to the government's position rather than performing their true role of speaking on behalf of the citizens and voting according to their desires.

- 3) Parliament approves spending or estimates (the supply process) on how government may spend the taxes raised on public policies.

There is no more irrelevant exercise in the Canadian Parliament than the approval of the Estimates, called the Business of Supply. The Standing Orders are rigged so that any motion by a parliamentarian to reduce Supply to the government causes the appropriate Minister to table a motion reaffirming the full amount of Supply. The vote on the reaffirmation takes place first, and if carried, the motion to reduce the Supply is rendered null and void. It is impossible in the Canadian parliamentary process to have an intelligent discussion on the estimates because debate is now limited to three and a half hours for \$175 billion of expenditures. It is a farce more than a comedy and again demonstrates that parliament is not the institution of accountability that it should be, but has become the institution of acquiescence where the rules guarantee that the government achieves its objectives without accountability.

- 4) Government reports to Parliament.

There is still some semblance of accountability in this segment since reports are made public and are reported in the media. The government still has control over the writing of reports (by and large) however, access to information legislation in the recent decades has brought significantly more accountability to bear on government since everything cannot be covered up.

These four broad responsibilities clearly demonstrate that government is responsible to parliament who has an obligation on behalf of the citizens to hold government accountable for its performance. However, we now see that the entire parliamentary system and the institution of parliament has lost its way and become corrupted and co-opted by the government's agenda. If parliament was beyond the control of government, we would see a government bending over backwards to ensure that parliament was informed and that parliament's wishes were implemented, but instead too often, we see the lapdog instead of the watchdog. The Prime Minister's request has become parliament's command and that is where the system has broken down.

So where do the solutions lie? If parliament is to regain its proper role we must first educate parliamentarians as to what their proper role should be. We spend years training professional people in order that they may have the skills necessary to perform their complex and responsible tasks. However, while we elect parliamentarians to hold office and to hold the government accountable, they arrive having no experience, and are not even trained to perform one of the more important jobs in the nation. A backbencher on the government's side should be aware that he is not a member of the government. He may be supportive of the government's agenda, but he is not absolved of his responsibility of ensuring that the legislation is in his mind beneficial for society. The opposition, which of course is anything but sympathetic to the government's agenda ineffectually flail away at government's policies knowing full well that they have little or no impact on the outcome. If parliament is treated as a Mickey Mouse organization, unfortunately parliament will become a Mickey Mouse organization and that describes far too many parliaments today.

Parliaments need to take control of their own agenda rather than waiting for the government to provide an agenda for them. Many senior members of government around the world are actively involved in stealing the assets of their nation. Where are parliaments in the call for an anti money laundering convention? Such convention would call for the prosecution of people involved in stealing the assets of a nation and laundering the money. The convention would call for the repatriation of the funds to allow the funds to generate wealth in the economies of the nations where they came from originally. The convention should call for strict accountability by governments to the parliaments for funds in their control. But where are our parliaments today? They wait for governments to bring such initiatives to them. And which government, that is up to its eyes in corruption, is going to ask its parliament to ratify such a convention? As I said earlier, when parliament abandons its responsibilities, chaos and corruption creep in, and no where is it more evident than in Italy where the parliament has set the Prime Minister above the law and granted him immunity from prosecution against corruption. I draw your mind back to the Magna Carta and the fundamental precept that the monarch (or government) can never be above the law. Hopefully the Italian example is the low water mark of democracy in the developed world.

Parliaments can create Auditors General with powers of investigation and the independence to report what they find. Parliaments can vote sufficient funds to provide for and train staff to manage government funds in a responsible manner. Parliaments can appropriate funds to the police and prosecutors to ensure that crimes are adequately investigated and prosecuted. Parliaments can hold the courts to the highest standards of integrity. Parliaments can demand that the governments act with probity at all times and if not, vote them out.

It seems as if such things are not only simple, but beyond the average taxpayer's comprehension that they are not being done today. But governments have become wily over the years. Governments know how to buy off parliamentarians, either with cash, compromise or patronage. Governments know that a cosy relationship with parliament means they can continue to do what they want, when they want and how they want. In some cases, unfortunately, that means that the awkward people are silenced and in the worst of cases, murdered. And where is parliament? It is emasculated, immoral, or compliant. But it is certainly not that independent overseer that causes government to think and act with morality. Therefore it comes back to a simple thing. If parliament is to be effective, parliament has to be the motivator. And if parliament is to be the motivator, it must be beyond the control of government. Achieving that, lies in the hands of the individual parliamentarian. Unless we can motivate parliamentarians to exercise their responsibilities in a manner consistent with the authority given to them by the people, democracy will continue to muddle along with a significant amount of corruption and incompetence, and yet the vision that was so clearly seen by the parliamentarians who stood up for an independent and authoritative parliament in the past, will be lost on us all.

The accountability that we have developed which we call democracy, has worked and continues to work to bring us more peace and prosperity than any other system of government that we know. But we are at this time complacent, thinking that since we call it democracy, it is democracy. More and more we are going through the motions and we are already seeing a backlash by the citizens. The greatest bastion of integrity lies with the people and they are now looking at governments and parliamentarians with a jaundiced eye and their opinion of them continues to drop alarmingly. Even with our failings, democracy is by far the best form of government ever devised. It has brought us peace and prosperity, but it needs to be protected too. When accountability fails, integrity fails and corruption creeps in. But the backlash by the citizens will cause corrective action to be taken and accountability works yet again. But why wait until the last minute? An effective parliament an independent parliament, a parliament that knows its roles and responsibilities, and parliamentarians fully knowledgeable and capable of rising to the challenge will ensure that democracy and therefore peace and prosperity will continue to prevail.

That is why a parliamentarian has one of the most responsible positions in a nation. Accountability brings integrity. Integrity brings respect. Respect brings peace and prosperity. It travels in a full circle, but when one link in the chain fails, it will all fail unless parliament, that wonderful institution which has evolved over hundreds of years is nurtured, protected, enhanced, but most of all independent. The highest court of the land.