

**WORKSHOP B: HON. AUGUSTINE RUZINDANA, CHAIR
PARLIAMENT IN ITS OVERSIGHT CAPACITY IN COOPERATION WITH
OTHER INSTITUTIONS**

RAPORTEUR'S NOTES

SESSION 1: Parliamentarians Fighting Corruption and building integrity The Current Situation

The workshop began with a direction from the chairman that attendees should start from the proposition that Parliament is an institution that must operate with integrity. Based on this, participants should consider where parliaments and parliamentarians are now with regard to institutions that can work with parliaments to fight corruption e.g. Auditors general, ombudsmen, and inspectors general. Participants were asked to talk about the situation in their countries and in their region.

Mirjana Feric-Vac gave an opening presentation. She told the workshop that although the world is changing, and new technologies are being introduced certain processes continue to resist change because of inertia. Corruption is one of them. Corruption, she asserted is a defiance of the rule of law. Public accounts committees, auditors general, effective use of question periods, engaging the public, are all ways of creating transparency, and exposing corruption. Her country, Croatia, is undergoing a transition period to market based economy, and parliament has even greater role, during such a transition in establishing standards. Croatian delegates work with EU multidisciplinary groups to fight corruption, establishing agreements in areas such as codes of conduct. There is no legal definition of corruption in Croatia, which is not alone in this regard. Croatia has begun a more systematic fight against corruption, establishing agencies and working to create mutual trust between citizens and authorities, which is essential

Because of the way it is structured Croatia's parliament does not have a specialist body to deal with corruption, but it does have a committee on compliance which occasionally deals with such issues. There is also a Question Time that is broadcast live, but it is up to individual MPs to use this to best advantage. Ms Feric-Vac concluded with a call to all delegates to brainstorm and to exchange ideas and best practices. Corruption, she asserted. is the worst enemy of democracy. People who gave their votes to parliamentarian trust those parliamentarians to represent them, to promote equality before the law, and to expose instances of bribery and corruption. It is very important to send a message around the world that parliamentarians are ready to fight corruption for justice for all.

Discussion

During the discussion that followed, delegates made the following points:

In order to be effective in fighting corruption, politicians and elected office holders must be trustworthy. Certain tools are needed, particularly when relatively inexperienced parliamentarians must deal with experienced and often entrenched bureaucracies. Such tools include unfettered access to government information, and the presence of budget and public accounts committees. In some instances, these committees must be strengthened and parliaments must be given more extensive opportunities to fully examine the government's budget proposals.

Measures can also be taken to address the responsibilities of public servants. Concerns were raised over the ability of parliamentary committees to do their jobs effectively in instances in which government majorities control them.

Other useful mechanisms include anti-corruption commissions, the establishment of legal measures to deal with corruption and broad standards and ???????????? developed, with everybody's cooperation, and technical aid given to countries fighting corruption. The United Nations is already working on an anti-corruption convention.

Others spoke of the important role played by the media. Citizens need to be educated about the existence of corruption and the damage that it does. It would be ideal for corruption to become an issue during election campaigns. Another element that was considered involved closer cooperation between the private and public sectors that would include the sharing of best practices

Some delegations made the point that we must not only fight corruption when it occurs, but we must actually prevent it from taking place. In particular, the role that education can play in developing a better understanding what corruption is, why it is wrong, and how to deal with it should be addressed.

There can be no corruption without a corruptor. Some raised the problem that corruptors are often located outside the country and are thus sheltered from sanctions. Furthermore, attempts to apply the law to corruptors are often frustrated because judges are poorly paid and thus open to corrupting influences themselves.

In summary, the general situation, as it is now, is that parliamentary committees are relatively weak, and parliament's oversight role is compromised by that weakness. Speakers mentioned lack of parliamentary capacity and lack of information. The media is not playing the role that it could. In many instances, powerful government executive ignores parliamentary regulations and legislation. In other instances, the legal and institutional frameworks are weak. That is the overall situation that emerged from this session of the workshop.

Session 2: Tools and Solutions: Where do we want to be?

The session started off with presentations by Mr. Inder Jit of India, and Ms. Marlene Catterall of Canada

Mr. Inder Jit began by saying that although India is now celebrating 50 years of democracy, things are still not working the way they ought to. He mentioned a scandal that he exposed in one of his newspaper columns in 1996 that has yet to be resolved satisfactorily today. Several other similar instances point to the fact that corruption is not dealt with adequately. Committees in India's Parliament table reports, but the governments respond to very few of them, despite an obligation to do so. Mr. Jit stressed that political will on behalf of the prime minister and the House Leader is the needed ingredient. Instead, the mechanisms of parliamentary oversight are being reduced to zero. Government is not being held to account between elections. Although Mr. Jit stated that he did not know the answer to dealing with these problems, he stressed again that political will is needed to resolve them, as well as a code of ethics. We must all demand that something be done, and pressure leaders to act

Mrs. Lateral spoke of the work done by Canadian parliamentarians on an all-party committee studying the business of supply. The fundamental reason that parliament was first begun as an institution was to grant funding to the King. Parliamentary review of government spending plans is crucial, but it is a job that – at least in Canada -parliament does not do well. Canada's Parliament already has many of the tools needed to do this work. It has an independent Auditor General; a functioning public accounts committee, opportunities to question the government and its ministers about spending and performance. Yet these opportunities are not used to their fullest. New opportunities have been created One of the recommendations may by her committee that an Estimates Committee to look at government spending as a whole has just been adopted

The finance committee now conducts pre-budget consultations. The Auditor General can report four times a year. Committees can scrutinize and influence spending. In closing, she stressed the importance of having, a professional, non- partisan merit-based public service.

Discussion

In the discussion that followed, delegates spoke of the importance of having a good electoral system and controls over campaign financing to ensure that those elected to parliaments are themselves free of corruption. Others stressed the importance of linking anti-corruption measures to a country's constitutional framework. The problem of the ability to hide gains derived from corrupt activities was raised again - something must be done to control tax havens and other means for hiding the profits of corruption.

The role of political parties in the fight against corruption received particular attention. It is important to get a commitment from political parties to ensure that candidate selection is fair and free of corruption. Concerns were raised that elected parliamentarians are more responsive to the demands of their parties than they are to the people who elected them. Others expressed concern that in the face of growing globalization, the degree of control by parliaments, governments is being eroded.

In summary: Many issues were raised. We must strengthen, strengthen, strengthen. Laws are in place, committees exist. Political will is needed. More focus on prevention is needed. Education is needed. We need to change values. We must address political financing that detracts from our moral standing to discuss corruption. Is the political process transparent and fair? If not, how does one examine the accountability of others? There is too much party control and this needs to be addressed.

Session 3: An Action Plan

Introduction

How do we implement what we want to do? How do we strengthen parliament in its oversight role, its committees and other tools available to members of parliament – motions, general debate, and questions to ministers, petitions from constituents, members of civil society and others. How do we strengthen institutional capacity of parliament and associated institutions? How do we improve access to information for parliament and its members and committees? Parliaments make decisions but at the end of the day, the executive often ignores them. How do we ensure that these decisions are adhered to. We must consider how parliaments decisions are implemented. We must also consider the integrity of members of parliament themselves that gives them the moral right to question the actions of government and departmental officials. We must consider the electoral process and how it functions to give parliamentarians the moral right to fight corruption. In particular, campaign financing and political party financing must be considered. Once elected, how do parliamentarians strengthen their moral authority code of conduct, and declaration of personal assets? Once elected, nothing should be secret about a member of parliament. If electoral system is deficient, it must be reformed in order to make our parliaments legitimate as institutions. The absence of political will. on behalf of leadership to fight corruption must be addressed. Leaders come from our parties, we must chose leaders of our parties who are capable of fighting corruption. We must also have societies with the conscience to choose leaders on the basis of their integrity. Parliaments then must. put in legal frameworks that are conducive to fighting and preventing corruption

GOPAC cannot hang in the air; it needs regional and country organizations. Without them, GOPAC cannot have influence in specific parliaments. What activities do we need to undertake in our own countries?

Discussion:

Philippines: Should go back to the electoral process. An expensive process in which it costs a lot to win means that parliamentarians are preoccupied with how to repay this money. This is the starting point for corruption. We must also work on the party system. Party discipline influences what happens. So we must concentrate on political parties and their role.

Three institutions should help in fighting corruption and promoting good governance. Media, the fourth authority, face many difficulties in developing countries. Parliament has the right to oversight in accordance with constitutions, but things are difficult here as well. People organize themselves in to cliques that enrich themselves at the expense of the taxpayers. Then there is the role of money lending institutions. Justice can ask questions of those who have taken funding to return it to the people.

Argentina: Three proposals for action planning. 1) The establishment of fair and transparent procedures for members of officials, organizations performing oversight role. 2) Rules for those implementing budgets 3) Greater participation for members of the public, more opportunities.

GOPAC: should be able to establish a monitoring and follow up mechanism to support actions of parliamentarians.

Could elaborate model legislation, for example codes of conducts focused on financing campaigns, could be used by local parliaments,

Chile: Media are very important. But we must not forget that in many countries the media are controlled by government or large consortiums, therefore corruption ignored. Also, large international corporations and narco-terrorism are large corrupting influences. Monitoring role of parliament is compromised when election campaigns are funded in a corrupt manner. How can we make GOPAC more efficient? First step should be to create national, then regional chapters, and then strengthen GOPAC at the international level. Parliaments, not parliamentarians, should be the prime participants in GOPAC because parliamentarians are only in place for a short time

South Africa: Mechanisms in place have to be strengthened; institutions have to be well financed. GOPAC needs to have a democratic situation in the real, full sense. Democracy has to prevail in the true sense. Public awareness needs to be strengthened. Whistle blowing legislation needs to be in place with protection for whistle blowers. And we must ask questions. Lastly, South Africa now has a committee on oversight and accountability in parliament to look into mechanisms that could be put in place.

Ghana: The issue of building credibility, integrity of member, parliament, and GOPAC is paramount. We must first look at the quality of members of parliament him or herself. Lets look at rules of eligibility for members of parliament. Those who have criminal records should be screened out. Funding for political campaigns needs full disclosure, as well as laws that reduce costs of campaign. The issue of parliament itself must be looked at, as well as openness to influence from executive on individual MPs.

Spain: Need to take this battle to political parties and their leaders in particular. They must commit themselves to anti-corruption measures. Transparency and clarity needs to be advanced by taking the issue directly to the political parties. Must also focus on business so that corrupt businesses cannot profit from corrupt practices

---. Political parties and campaigns are primary. Transnational companies finance campaigns in underhanded ways. We must know where these funds are coming from so we can avoid interference from foreign sources not interested in local needs. Want changes to GOPAC constitution. Should include parliaments s well as parliamentarians. Corruption in private and social sector when they are in association with public sector should be addressed. GOPAC should not be the one to determine who has been democratically elected.

China (?) Gap between law and practice must be addressed also cooperation with civic laws, and very important to have code of ethics for parliamentarians. Election campaigns too expensive are the origin of much corruption, Need to know about inexpensive campaigns.

Kuwait: lack of true democracy in many Arab countries. Judicial system is one of the keys to fighting corruption. Weak legal systems are full of loopholes, weak judges and weak laws. The guilty are rarely punished.

Mexico: GOPAC needs to do a minimum assessment of rules and regulation in regional and focal areas. Some standards and laws for the control of corruption, but not necessarily the best for others. An assessment will form the basis for growth

Parliamentarians need to be trained to know what he she is supposed to do, lessons learned from other parliaments. The economic situation in developing nations result in only a few sessions of parliament. Parliamentarians need professional and technological resources, could be assessed by GOPAC.

Chair: Every country should have a strategy to fight corruption. Corruption is always the same, what varies is the amount of risk associated with it. In developed countries. corruption is a risky business. Our role as parliamentarians is to educate citizens about the risks and dangers associated with corruptions. Parliaments can help in standards setting, which if violated, and then you know that a corrupt act has taken place. That is a preventative mechanism, as are rules and regulations, laws. The enforcement role is important. Once corruption has occurred, it must be investigated and punished. Parliament can play an important role in this area. Lastly, coalition building is essential between parliaments and oversight Institutions, the police, the judiciary, everyone within society. Parliaments cannot do it alone. These relationships can help share information and best practices. This is where GOPAC and its regional and country chapters can help us know what is being done elsewhere and we do not have to reinvent the wheel. We can then take these practices and experiences and adapt them to our own situation. And GOPAC can let us know that we area not alone.