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# **A POLICY FRAMEWORK AND OPTIONS FOR ANTI-CORRUPTION WORK WITH PARLIAMENTS**

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*An elected national Parliament or Legislature is a fundamental pillar of any integrity system based on democratic accountability ... Watchdog, regulator and representative, the modern Parliament is at the centre of the struggle to attain and sustain good governance and to fight corruption.*

Transparency International Source Book, 2000

*I entered Parliament with what I thought to be the lowest possible opinion of the average member. I came out with one still lower.*

John Stuart Mill, Political Scientist and former UK MP, Autobiography, 1873

*Both parties are impossibly corrupt and the public thoroughly indifferent.*

Henry Adams, Political Journalist on the US Congress, 1876

*An honest politician is one who, when bought, stays bought.*

Sydney E Mudd (1858-1911), US Congressman<sup>2</sup>

# INTRODUCTION



- Parliament sits at the heart of the dilemma for those combating corruption
- As the direct representative of the people, and as the overseer of the delivery of quality, transparent, and fair governance, parliaments can play a pivotal role
- If functioning well, parliament can shape the national tone and drive anti-corruption efforts through legislation, effective oversight, and as exemplars of positive behavior
- However, too often, the nature of the political process allows parliaments to be captured by the same corrupt forces that need to be combatted.

## Law-making

- Vote appropriate anti-corruption legislation
- Vote integrity legislation for members of parliaments
- Ensure that appropriate oversight legislation is adopted
- Lobby their governments to sign and/or ratify relevant international instruments
- Promote the passage of freedom of information legislation
- Promote party-funding and electoral campaign legislation that fosters transparency



## Oversight

- Reinforce mechanisms within parliament for bringing government to account
- Ensure that the process for preparing and executing the national budget is transparent and provides for safeguards against government misuse of public funds and resources
- Promote the creation of watchdog agencies such as the Auditor/Controller General, Ombudsman, etc
- Ensure that the opposition is adequately represented in the parliamentary structures
- Institute transparent and stringent mechanisms for the approval of senior government and public officials



## **Representation (interaction with civil society)**

- Encourage the public to denounce and condemn corruption
- Promote or participate in the promotion of high standards of probity and moral integrity through public
- Awareness campaigns

# WHAT DOES THE EVIDENCE SAY?



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- ❖ Local actors need to lead; international actors and pressure can play a role but is rarely, if ever, decisive
- ❖ A longer time horizon (ideally over more than one electoral cycle) is likely to reward better than short-term interventions
- ❖ One off seminars and study visits are rarely effective. The best channels appear to be longer term peer-to-peer engagement, rather than technical expert-to-MP
- ❖ Popular demand for good governance and transparency, particularly by groups outside parliament, is the most effective way to influence values and attitudes that govern the political behavior of MPs
- ❖ Look to address concrete issues where corruption is creating disenchantment, rather than more 'abstract' reform (such as more elegant laws or forming new commissions).

# WHAT DOES THE EVIDENCE SAY?



- ❖ Important to develop a critical mass of ‘independent-minded’ MPs, and create incentives to build stronger links with external integrity advocates (for example, through expert, high quality data and analysis)
- ❖ Parliamentary processes are more effective where autonomy is high (eg PACs are able to decide their investigations) and where parliamentary support staff has been strengthened
- ❖ Pro-active efforts to move from external communication that is “event-oriented” towards “issue-oriented”, allowing media to build citizen literacy on anti-corruption
- ❖ A symbiotic relationship between parliament and relevant oversight bodies, such as SAIs, is critical – parliaments can rely on solid and independent external analysis, and oversight bodies can rely on parliament enforcing accountability issues arising from their reports. Impact is further strengthened when civil society also becomes involved.



# WHAT DOES THE EVIDENCE SAY?



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- ❖ Civil society is more effective when it understands the needs and perspectives of MPs, and adapts to perform multiple roles (watchdog; think tank; advocate; convener/organizer; capacity builder; public educator).
- ❖ Success will often not require an increase to formal powers, rather the effective use of powers already available, but which are currently not exercised due to political disincentives
- ❖ Opening up formal parliamentary processes (such as PACs and Committees) to the public, including through TV/radio/internet broadcasting of proceedings, appear to increase the profile, technical awareness and impact of the parliamentary actors involved
- ❖ Five ‘institutional devices’ are seen as most critical domains where progress is likely to deliver a significant anti-corruption dividend: **taxation, meritocracy, universal education, gender equality, and good auditing**

# Partial List of Reference Materials



1. U4 (2017) What works in working with parliaments against corruption? – Expert Answer (2017:7) <https://www.u4.no/publications/what-works-in-working-with-parliaments-against-corruption>
2. Approaches to Parliamentary Strengthening: A Review of Sida's Support to Parliaments (2005) <https://www.sida.se/Svenska/publikationer/116799/0527-approaches-to-parliamentary-strengthening-a-review-of-sidas-support-to-parliaments/>
3. ODI workshop proceedings: Parliamentary strengthening: Strategies and successes (2007) <https://www.odi.org/events/188-parliamentary-strengthening-strategies-and-successes>
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5. Controlling Corruption: A Parliamentarian's Handbook, GOPAC 2005 [http://www.gopacnetwork.org/Docs/CCH\\_Final\\_EN.pdf](http://www.gopacnetwork.org/Docs/CCH_Final_EN.pdf)
6. Pelizzo R. The Role of Parliament in Curbing Corruption. (2014) [https://works.bepress.com/riccardo\\_pelizzo/71/](https://works.bepress.com/riccardo_pelizzo/71/)
7. The Role of Incentive Design in Parliamentarian Anti-Corruption Programmes, Bryane, M & Kasemets, A, Journal of Legislative Studies, 2006 <https://agora-parl.org/sites/default/files/the%20role%20of%20incentive%20design%20in%20parliamentarian%20anti-corruption%20training.pdf>
8. Stapenhurst et al, Anti-Corruption Evidence – The Role of Parliaments in Curbing Corruption (Studies in Public Choice, Vol 34 - forthcoming 2020) <https://www.springer.com/gb/book/9783030141394>

# WHERE ARE THE TOP 10 EVIDENCE GAPS?



1. A comparison between the impact of having increased information available for parliamentarians, and the impact of 'infomediaries' to curate, explain, and re-present the information in politically 'useable' form.
2. The effects of opening up parliamentary proceedings to television and a (potential) mass audience on parliament's interest to address corruption
3. Models of (and success factors for) good collaboration between accountability agencies, especially Supreme Audit Institutions (SAIs) and Public Accounts Committees (PACs)/Budget Committees (BCs)
4. The factors that result in PAC recommendations getting followed up by the government and line ministries.
5. The success factors for making parliamentary codes of conduct a more effective check on members' behaviour

# WHERE ARE THE TOP 10 EVIDENCE GAPS?



6. The best forms of 'peer-to-peer' support to encourage parliamentarians on anti-corruption
7. The factors that make for strong impact 'back home' from international / external peer organisations, such as GOPAC, IPU, OSCE etc.
8. Good examples of effective media engagement by Parliaments and/or PACs, SAIs and Anti-Corruption Commissions in raising 'citizen literacy'
9. The conditions needed for international convention commitments on anti-corruption to become strong influencers for actual change by parliaments.
10. Are there forms of civil society that could be more effective in influencing parliaments on anti-corruption than the traditional 'policy lobbying anti-corruption/transparency' body? Are we missing key actors: business community, unions, traditional or religious leaders, others?

# Key Takeaways



- ❖ Lots of literature on improving parliamentary processes and institutions, but insufficient research on the role of parliaments in combatting corruption
- ❖ There are **few clear success stories** on anti-corruption from which to learn, so we're in uncharted territory
- ❖ Don't necessarily abandon the standard approaches, but make sure they are embedded in the local political process, have local legitimacy, and are fit for local purpose
- ❖ It's often not the tool that's deficient – but how it was developed, the degree of local ownership, and how it is being used, overseen, and constantly refreshed
- ❖ It may be helpful to have a **menu of options** and approaches – to draw from for almost any circumstance

# OPTION 1

## **Strengthening parliament's own internal processes, capacity, and ethical codes**

- ❖ Provide additional funds for parliament to do its work, with an open parliamentary budget to ensure resources are well spent
  - ❖ More research staff, clerks, and ability to undertake site visits
- ❖ Improved self-regulation through codes of conduct, asset declaration regimes, and independent review mechanisms
  - ❖ For example, the Independent Parliamentary Standards Authority (UK)
- ❖ Committee strengthening
  - ❖ Invest in more effective oversight mechanisms, including public inquiries and post-legislative scrutiny
- ❖ Staff and MP capacity building
  - ❖ Combination of how to guides, training and mentoring/learning by doing, ideally provided by peers

# OPTION 2

## **Promoting greater independence of MPs (particularly from ruling party) and building cross-party links**

- ❖ Weakening party control and allowing corruption “champions” space to undertake anti-corruption advocacy
  - ❖ Strengthen backbench mechanisms
  - ❖ Allow MPs to vote on their conscious versus strict party line
  - ❖ Amend parties’ ability to sanction MPs, include forcing resignations or remove from committee leadership
  - ❖ Have chair positions chosen by entire house instead of by party leaders
- ❖ Encouraging issue-based caucuses/All Party Parliamentary Groups (APPGs)
  - ❖ GOPAC chapters

# OPTION 3

## Invest in financial oversight capabilities and improved public financial management

- ❖ Improve public finance management systems
  - ❖ Pass legislation that institutes new public financial management (PFM) systems
  - ❖ Ensure greater transparency in public spending, contracting, etc.
- ❖ Invest in parliamentary budget offices (PBOs), stronger budget committees, and public accounts committees (or equivalents) to undertake more *ex ante* and *ex post* financial oversight
  - ❖ PACs should be chaired by opposition party, and protected by law or constitution
- ❖ Ensure Supreme Audit Institutions are properly resourced, trained, and empowered
- ❖ More cooperation with CSOs with financial oversight mandate and capabilities



# OPTION 4

## **Establish a more effective anti-corruption regime**

- ❖ Ensure government develops robust anti-corruption strategies
  - ❖ Ensure government commits to their implementation
- ❖ Pass stricter legislation, including harsher penalties
- ❖ Establishment/strengthening of anti-corruption commissions
  - ❖ Substantial financial resources
  - ❖ Strong legal powers, including possibly powers to invest, arrest, and prosecute
  - ❖ Ensure sufficient independence from executive (and possibly parliament)
- ❖ Consider extreme options
  - ❖ Internationally run commissions (for example, the International Commission Against Impunity in Guatemala (CICIG))

# OPTION 5

## Political/campaign finance reform and addressing the high cost of politics

- ❖ Improved legislation
  - ❖ Greater transparency requirements, including for online
  - ❖ Spending limits/caps for parties, individuals, corporations, etc.
- ❖ More effective oversight
  - ❖ Election commissions with greater ability to track campaign fundraising and spending
  - ❖ Making illegal vote buying
- ❖ Changes in candidate selection processes
  - ❖ Modify rules to reduce the amount of money candidates need to seek party nominations or run in primaries
- ❖ Consider public funding of campaigns and political parties as well as free or reduced cost media air time

# OPTION 6

## **Increase citizen participation and external oversight of MPs/parliament**

- ❖ Greater parliamentary transparency, including public transmission of plenary and committee meetings and media access
- ❖ Develop mechanisms for formal engagement by civil society and citizens
  - ❖ Participatory budgeting and lawmaking
  - ❖ Petitions
  - ❖ Mobile committee hearings
  - ❖ Civil society days/fairs
- ❖ Greater civic education for citizens and young people on parliament
- ❖ Passing legislation that protects civic and media space
- ❖ Greater oversight and scrutiny of parliamentary ethics
  - ❖ MP ethics report cards
  - ❖ Transparent use of Constituency Development Funds

# OPTION 7

## **Increase decentralization, providing greater resources and power to local level**

- ❖ Fiscal decentralization, bringing decision making on budgets and expenditures closer to citizens
  - ❖ Participatory budgeting
- ❖ Ensuring effective auditing, financial accountability, and anti-corruption at local level
  - ❖ Subnational audit offices
  - ❖ Sharing of experiences between national and subnational levels
- ❖ Establishing 'Clean Cities' or 'Clean Regions'
  - ❖ Pilot innovative approached work where conditions at the local level foster accountability, particularly in solving concrete local problems
  - ❖ Spread locally resolved episodes into an exemplar for replication elsewhere

# OPTION 8

## **Invest in international and regional experience sharing and cooperation**

- ❖ Investing in international anti-corruption fora such as GOPAC, including regional GOPAC bodies
- ❖ Join initiatives such as Open Government Partnership (OGP) and the Extractive Industries Transparency Initiative (EITI)
- ❖ Sharing experiences and best practices to try in your own context
- ❖ Creating global and regional conventions that generate national level treaty obligations
- ❖ Highlight international standards in order to spur interest domestically for reform

# SUMMARY OF THE PROPOSED OPTIONS



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- ❖ **OPTION 1:** Strengthening parliament's own internal processes, capacity, and ethical codes
- ❖ **OPTION 2:** Promoting greater independence of MPs (particularly from ruling party) and building cross-party links
- ❖ **OPTION 3:** Invest in financial oversight capabilities and improved public financial management
- ❖ **OPTION 4:** Establish a more effective anti-corruption regime
- ❖ **OPTION 5:** Political/campaign finance reform and addressing the high cost of politics
- ❖ **OPTION 6:** Increase citizen participation and external oversight of MPs/parliament
- ❖ **OPTION 7:** Increase decentralization, providing greater resources and power to local level
- ❖ **OPTION 8:** Invest in international and regional experience sharing and cooperation

# GROUP EXERCISE



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## **Discussion on most promising approaches for Parliaments and MPs to combat corruption (~30 minutes)**

- ❖ Please review the eight (8) options presented as possible priority options for your GOPAC chapter
- ❖ Decide which approach you think your GOPAC chapter should prioritise for your country (or generally which approach you think holds the most potential if not a country representative).
- ❖ Please walk to the corner of the room I have assigned as representing one of the 8 options.

# GROUP EXERCISE



Please discuss the approach your group has chosen and list on a sheet of paper:

- ❖ The top 3 reasons why you think this option will work
- ❖ Identify the top 3 obstacles that could cause this option to fail
- ❖ Be prepared to have your presenter describe a practical example from her/his own experience on how this option worked in their own country, or another country he/she has studied