

ANTI-CORRUPTION EVIDENCE

THE ROLE OF PARLIAMENTS IN
CURBING CORRUPTION

POLICY BRIEFS

British Academy Research Project

Executive Summary

It is widely recognized that corruption hinders development. Furthermore, a growing body of research demonstrates that parliamentary oversight is an important determinant of corruption. Prior to this project, however, most research on parliamentary oversight and corruption had been limited to cross-country global studies, with little research on the relationship at the country level. This project addressed this scarcity of research.

The research team developed seven country-case studies (Ghana, Grenada, Myanmar, Nigeria, Tanzania, Trinidad & Tobago and Uganda) and three cross-cutting analyses (on oversight and extractive industries, political will, and the development of an index of oversight). In each of the countries 48 key informant interviews were conducted (24 in each of Trinidad & Tobago and Grenada, and 36 in Myanmar) with MPs, parliamentary staff, journalists and civil society representatives, and in some countries a focus group was also held.

As was expected, the recommendations for improving parliamentary oversight proved to be highly country-specific. We were able to dispel the ‘one size fits all’ mantra and provide specific recommendations to parliaments themselves and parliamentary strengthening organizations, such as DFID.

Disseminating results were considered to be as important as the robustness of the results. Team members were interviewed and broadcast by television in Ghana, Grenada and Trinidad & Tobago. Results have been presented at such conferences/workshops as the International Political Science Association (2016), the International Workshop of Parliamentary Scholars and Practitioners (2017) and the Commonwealth Parliamentary Association’s Annual Conference (2017). A final project wrap-up conference was held at Laval University in December, 2017. Additional presentations on the research findings were made at the International Political Science Association (2018) conference and the Commonwealth Parliamentary Association’s Annual Conference (2019).

The proceedings of the wrap-up conference were published by Springer in 2020 as an edited book; see: <https://www.springer.com/gp/book/9783030141394>. Additionally, the results were published in a several peer-reviewed journals, namely:

“Assessing the Power of the Purse: Developing an Index of *Ex-Post* Legislative Oversight” (with Thomas Eboutou and Kerry Jacobs) Journal of Legislative Studies Vol.25, No. 1 2019 pp. 119-142.

“Motivation of Legislators and Political Will” (with Gabriela Thompson and Anthony Staddon) Public Integrity published online Dec 17, 2018

“Parliamentary Oversight and Corruption in the Caribbean: Comparing Trinidad & Tobago and Grenada” (with Anthony Staddon, Rasheed Draman and Louis Imbeau) Commonwealth and Comparative Politics Vol 56, No. 4, 2018. pp.493-522.

“Government Accountability and the National Assembly in Nigeria” (with Kerry Jacobs and Oladeji Olaore) Journal of Legislative Studies Vol 22, No. 1 2016

On the practical side, the research results have fed into the Commonwealth Parliamentary Association’s Revised Benchmarks for Democratic Legislatures and into the UNDP-IPU Global Parliamentary Report on Parliamentary Oversight. Some of the television coverage disseminating information about the research can be seen at:

<https://www.youtube.com/watch?v=gyBdHRLF1A>

<https://www.youtube.com/watch?v=zloxlZ2Lmq0>

<https://www.youtube.com/watch?v=hrpRgKpgj-Y>

https://www.youtube.com/watch?v=x7ndGMKC__k

https://www.youtube.com/watch?v=J_JFJkyvzDc

A series of Policy Briefs were also produced, and presented to the parliaments surveyed. They are available on McGill University’s website and are compiled in this publication, for ease of access.

The longer term impact of the research was also aided by the adaptation of research results by Laval and McGill Universities, for incorporation into their international Professional Development Programs for MPs and Staff (see <https://www.mcgill.ca/scs-parliament/>), and by the wider distribution of research materials through the Global Network of Parliamentary Training Institutes and IPSA’s Research Committee of Legislative Specialists.

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Development of a Parliamentary Oversight Index

Parliamentary Oversight and Corruption – Policy Brief

Introduction

This Brief summarizes the large scale statistical analysis results and establishes a causal link between oversight and corruption. Pelizzo and Staphenurst presented the first comprehensive assessment of the distribution of oversight tools in the world, which shows that all parliaments have at least one oversight tool for use. Building upon this data, they used the number of oversight tools a parliament had to act as a proxy for its oversight potential, which varied based on the form of government, socio-economic development, and level of democracy. These studies sparked a new research agenda that led to the creation of more frameworks and findings.

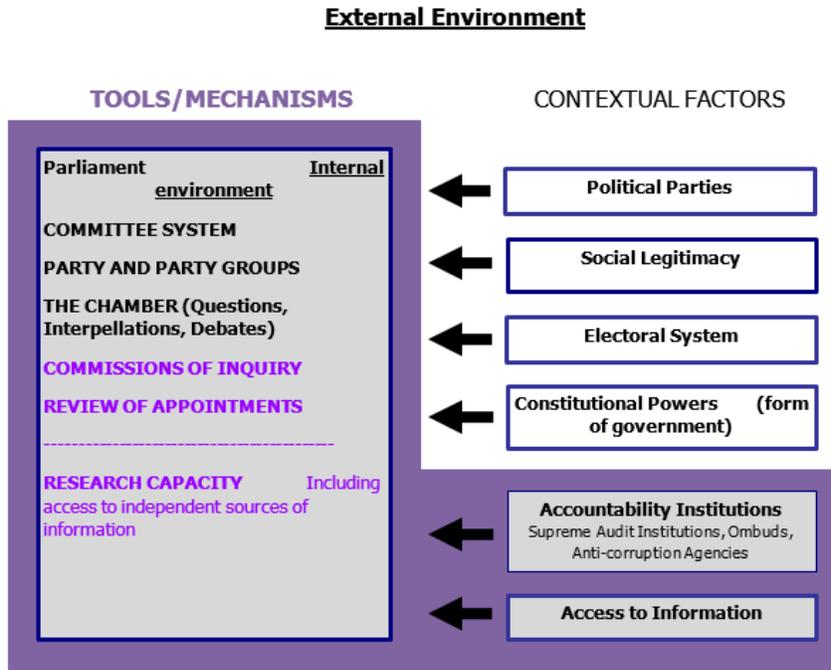
The Staphenurst Index of Legislative Oversight (SILO)

This study began to explore the differences between countries with parliamentary systems and those with presidential systems regarding their oversight capacity and level of corruption. It was argued that legislative context and not only oversight potential and capacity impacted the parliament's ability to oversee the executive branch of the government. Hence, an index of oversight tools, contextual factors, and a combined index was introduced (Figure 1).

First, the index of oversight potential was compiled, and then the index of contextual factors, which combined became the Staphenurst Index of Legislative Oversight (SILO). This expanded the metric to determine whether the level of corruption is impacted by parliamentary oversight. Staphenurst found that contextual factors played an explanatory role since the relative importance of oversight factors depended on whether the country had a parliamentary or congressional system of governance. It was discovered that parliamentary forms of government had higher SILO scores and lower corruption levels.

Moreover, the contextual index was useful in measuring the direct accountability of the executive to the electorate. Oversight tools, on the other hand, were more focused on the ability of parliamentarians to hold their executive agencies to account. We learned that weaker contextual environments would overcompensate with more oversight tools.

Figure 1: Contextual Environment



The Stapenhurst-Pelizzo Index of Legislative Oversight (SPILO)

After the construction of SILO, Stapenhurst and Pelizzo worked to create a modified version of SILO that used the same two components as SILO but had fewer variables and included an assessment of "enabling factors." Enabling factors refer to factors that are mainly within the parliament's control, such as the number of support staff and research services. Through regression and statistical analysis for over two dozen countries, they found that SPILO had a strong and positive impact on the level of corruption and explained much of the variance in corruption levels. SPILO also became a good predictor of oversight effectiveness and could closely predict corruption in any given country. Pelizzo also worked to find how Gross National Income (GNI) influences the productivity of a parliament's Public Accounts Committee (PAC), which resulted in a positive correlation between the two.

Stapenhurst, Eboutou and Jabobs

Stapenhurst et al. expanded the SPILO framework with more variables, consisting of contextual factors, enabling factors, and oversight tools. The data used was updated entirely from the IPU's PARLINE database.

Parliamentary Oversight Capacity Index (POCI)

This index was developed using the opinion of a panel of academics and practitioners concerning parliamentary oversight of public finances. The panel was asked: "What must a questionnaire include to identify the characteristics of a country's parliamentary oversight of public spending?" This ensured the initial 'face validity' of the research, which was later advanced by developing their survey and questionnaire. This survey was used to create the POCI, which measures parliamentary oversight in 55 countries. The index indicated that there is a strong, negative correlation between parliamentary capacity and corruption perception. More specifically, there is a significant positive relationship between the CPI and three parliamentary oversight tools, which were Statutes, Practices, and Resources. Hence, with greater parliamentary oversight capacity, there is less corruption. However, Stapenhurst and Imbeau found that the index was less impactful as more control variables were added. It was concluded that a parliament's capacity to oversee public finances is associated with lower corruption levels. Their analysis also showed that OIF member countries have higher levels of corruption than non-member countries. Overall, many of the impacts of the explanatory factors of corruption were evident through parliamentary oversight capacity.

Conclusions

To sum, it is essential to note that acts of corruption are rational decisions on the part of the individual, and the cost for this is increased parliamentary oversight of public finances. Each of the indexes mentioned demonstrates a robust positive impact on corruption and show how increased parliamentary oversight decreases corruption levels. Moreover, it has been established that contextual factors are more prominent in presidential countries, and consequently, fewer oversight tools are needed. Vice versa is true for parliamentary forms of government. Enabling resources, such as audit committee resources, were found to be vital in influencing levels of corruption. External contextual factors such as economic development and political stability also impact the control of public finances. These findings emphasize the importance of literacy and bicameralism.

Rasheed Draman and Rick Stapenhurst wrote this Briefing Note. The authors wish to acknowledge the research assistance and support provided by Brooke Larson, and funding provided by the British Academy and the UK's Department for International Development.

Full research results on the Development of a Parliamentary Oversight Index can be found at Rick Stapenhurst, Rasheed Draman, Brooke Larson, and Anthony Staddon (2020) "Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption" New York: Springer.

Theory and Research Design

Parliamentary Oversight and Corruption – Policy Brief

Introduction

The research in subsequent chapters explores the relationship between parliamentary oversight and corruption, which is seen as a policy process: parliamentary oversight is the input, and the reduced corruption is the desired policy outcome. Within this research, the role of the legislature in curbing corruption must not be overlooked.

Theory

The theories that guided this research were extracted from the literature on corruption, accountability, and parliamentary oversight, from an institutionalist school of thought. A neo-institutionalist methodological approach was followed, which looks at relationships between “institutional characteristics and political agency, performance, and change.” The questions that were considered to kickstart this research were: whether, why, and how much parliamentary oversight contributes to the control of corruption.

Principal-Agent Theory

The principal-agent theory was a starting point for this research. The *principals* in this theory oversee and enforce compliance by their followers or *agents*. This theory is useful when explaining the accountability relationship between citizens as principals, and the executive and parliament as its agents. Another relationship would be between the parliament as the principal and the executive and bureaucracy as the agent. However, when applying this theory to public sector governance, there are three main issues. The first is the lack of clarity in public sector organizations, the second being high transaction costs or low specificity in formal systems. Lastly, the appropriate degree of delegated discretion changes overtime. These also apply to parliamentary-executive relationships. Parliaments that have devoted time and resources to adopt oversight tools to mitigate their agency problems are expected to have less corruption.

In addition to the principal-agent theory, the research examines cross-country variations in parliamentary oversight and corruption.

Institutional Factors

The institutional theory suggests that regular organizational behaviors result from shared ideas, values, and beliefs derived from their institutional context. These “institutional pressures” lead organizations to adopt the same organizational form as “templates for organizing.” The development of these institutions relies on “path-dependency,” which means that there will be long periods of institutional continuity. Still, they will be interrupted at “critical junctures” of radical

change. Consequently, path-dependency and the pressure for convergence explain why some contextual factors are similar across countries.

Social Capital

Social capital refers to social cohesion and personal investment in the community and the value of networks. More specifically, they incorporate “shared norms or values that promote social cooperation.” Resources in this theory should be used for the benefit of the public or individuals. Putman suggested that this community-based approach would combat social disorders such as corruption. Fukuyama adds that there is indeed a symbiotic relationship between social capital and public institutions. As a result, there is a need for a strong role of law and basic political instructions, which would result in a more democratic government. Thus, it is speculated that “if citizens do not trust parliament to act in their interests, then parliament itself may well act against citizens' interests.”

Methodological Approaches and Research Philosophy

A mixed methodology was used with both qualitative and quantitative research to get a well-rounded set of data. Furthermore, a mixed fixed/flexible research design was adopted to cross-check results.

Research Framework

A *nested analysis* was key to combine large-scale statistical analysis with the investigation of comparative cases. This means that the theory, facts, and their relationship are contextualized in a narrative form. The research began by re-analyzing previously conducted large-scale statistical analyses, which helped identify questions to address when investigating the case studies. The findings confirmed that oversight tools are essential, but contextual factors also affect legislative oversight.

For the flexible case study component, a cross-sectional approach was developed. Seven geographically-diverse countries were selected to represent the United Kingdom's Department For International Development's priority countries.

Specifying Dependent and Independent Variables

The dependent variable was defined as the level of corruption, where a proxy was used for measurement due to the lack of empirical data. The proxy's included the CPI from Transparency International and the opinions of scholars and experts.

The independent variable is parliamentary oversight, which is depicted through the external and internal factors that affect legislative oversight. These factors have been classified into external, internal, and supporting factors, as shown in Table 1.

Table 1: Independent Variables and Associated Indicators

Variables	Indicators
Oversight tools - Internal	Committee Hearings; Plenary Hearings; Question Period; Commissions of Inquiry; Interpellations
Oversight tools - External	Existence of extra-parliamentary oversight institutions
Supporting Factors	
Research Capacity	Existence of parliamentary libraries and their acquisitions; number of professional librarians; number of research staff
Access to Information	Access to information laws
Contextual Factors	
Constitutional Powers	Form of government (presidential or parliamentary)
Political Parties	Party control of the legislature
Electoral System	Type of electoral system (majoritarian or proportional representation)
Social Legitimacy	Mass and elite perceptions of the legislature (as indicated by opinion surveys)

Comparative Case Study

When designing the case study, there was an evident tradeoff between looseness and selectivity, resulting in a semi-fixed approach.

Data Collection

Data was collected through a literature review, document search, and interviews, consisting of closed and open-ended questions. The survey had 34 questions and focused on external oversight factors along with internal oversight mechanisms. The interviews sought to uncover parliamentarians' behavior in conducting their duties and beliefs/attitudes towards their respective parliaments and their role in curbing corruption.

Data Analysis

A summated rating scale was used for the data collected, and various statistical tests were conducted. To ensure the findings were trustworthy, steps were taken to ensure their validity and generalizability. The study remained objective through double triangulation (using statistical analysis and case studies with multiple sources).

Conclusion

Therefore, this extensive and robust research results from using a variety of data and a nested analysis. It was particularly useful to develop research questions through statistical analysis and then test them through contextual case studies.

Rick Stapenhurst wrote this Briefing Note. The author wishes to acknowledge the research assistance and support provided by Brooke Larson, and funding provided by the British Academy and the UK's Department for International Development.

Full research results on Theory and Research Design can be found at Rick Stapenhurst, Rasheed Draman, Brooke Larson, and Anthony Staddon (2020) "Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption" New York: Springer.

Parliamentary Oversight and Corruption in Ghana

Parliamentary Oversight and Corruption – Policy Brief

Introduction

Governance in Ghana appears to be deteriorating. A comparison of key corruption and parliamentary oversight indicators analyzed some six or seven years ago (Stapenhurst, 2011) and today¹ suggests that the decline in governance and increase in corruption is correlated with weakening parliamentary oversight. Ghana's ranking on Transparency International's Corruption Perceptions Index, suggested slightly declining corruption from 2010, when the country ranked as the 62nd. most corrupt country globally, with a score of 41/100 to the 56th least corrupt country, with a score of 47/100 in 2015. In 2016, however, Ghana's ranking and score fell to 70th. and 43/100, respectively. These trends were mirrored in other surveys such as Afrobarometer.

Concurrently, Parliamentary oversight performance decline due to four critical factors: executive co-optation of Parliament, executive dominance of Parliament, growth of corruption in the oil and gas sector; and excessive partnership.

The Ghanaian Political Context

Ghana enjoys a reputation of stable democracy in Africa, has a thriving multi-party political space in which people are allowed to form political parties and contest elections. There is an Inter Party Advisory Committee (IPAC) that works closely with the Electoral Commission to shape electoral reforms, as well as the Open Government Partnership (OGP) for transparency, citizens' participation, accountability and new technologies for good governance. Ghanaians recognize Parliament as the major institution responsible for keeping checks on the executive and restrain it from exceeding its powers.

Political Facts:

- Semi-presidential government;
- Most cabinet members required to be MPs;

¹ Data collected under the ACE program, in late 2016/early 2017 by interviewer-led and self-administered questionnaires with/by forty-three respondents (12 MPs or former MPs, 12 Parliamentary staff, 11 media representatives and eight representatives of CSOs).

- Unicameral Parliament is sole, autonomous law-maker;
- Parliamentary power to remove the President, Vice President, & Speaker;
- President cannot dissolve Parliament.

Research Findings

Parliament has several oversight tools. It can play a role in cabinet formation, censure ministers, amend the budget, can use an Auditor General who reports to Parliament, in addition to the motion of censure already mentioned. It can authorize public expenditure, impose and waive taxes, authorize grants, and receive loans. It can approve ministers and confirm the appointment of heads of state institutions, independent authorities, deputy ministers and Supreme Court judges. Ministerial, Chief and Supreme Court Justices are appointed through a standing Appointment Committee which is mandated to report to Parliament within three days of a recommendation. Additional oversight bodies such as the Commission of Human Rights and Administrative Justice, an anti-corruption agency, and a Supreme Audit Institution, are also available to parliament.

Motions of Censure

Despite the power to implement a motion of censure, none has been adopted in 20 years. The research suggests that because the President nominates ministers *from* Parliament for ministerial assignments, parliament's best legislators may be unavailable to complete their parliamentary duties in exchange for their executive duties. In addition, since the executive and legislature tend to be controlled by the same party, there may be reluctance to embarrass the government in order to hold their seats. As a result of Party cohesion there is a diminished willingness to compromise and negotiate with the minority.

Parliament's Oversight Activity and Legitimacy

Parliament's oversight tools have not been put to effective use. The legislature has been active in reviewing appointments and uncovering incidents of fraud and corruption, yet that activism has not translated into effective oversight and sanctions, nor is there effective censuring of Ministers through question periods to demand accountability. Excessive partisanship is partly to blame with party cohesion promoting the party, and inhibiting oversight.

In 2016, Ghana's President admitted receiving a vehicle gift from a contractor who later secured a road-construction contract. Critics called for the President's impeachment. The Minority in Parliament formed a special committee to investigate whether the gift infringed on any law or Code of Conduct. Later that year, however, the Speaker of Parliament dismissed the motion, directing the Minority House members to pursue the case at the Commission for Human Rights and Administrative Justice (CHRAJ). This suggests that the ruling party tends to 'protect their own', while the opposition typically opposes, simply to distinguish itself from the ruling party.

Again in 2016, the minority voiced its disagreement over a large loan being procured by the government for the Electricity Company of Ghana (ECG) to better serve rural areas. Despite Minority opposition over the terms and condition of the facility, and the 5% “commercial” interest rate, this passed.

These examples and many others have earned the Legislature the reputation of an institution that condones, rather than combats, corruption.

The Public Accounts Committee

The Public Accounts Committee (PAC) hearings were both opened to the public and held in different regions of the country to review public spending. During the 6th Parliament (expired January, 2017), the PAC retrieved over Ghc20 billion from various public institutions, and paid into government coffers. There is concern that the PAC will not be as successful at retrieving resources in the long-term. The Financial Administration Tribunal, with a High Court Justice who is an accountant, was then established to strengthen the PAC’s work in monitoring public officers found culpable of financial malfeasance.

There is a discrepancy over the court responsible for financial malfeasance. Financial Administration Courts (FAC) have been established in some urban areas, but the PAC has reservations about the composition of the court and the Chairman, and believes there is a discrepancy between the Court’s functioning and mandate.

Committees cannot prosecute, but instead rely on agencies for action. Ultimately, the office of the Attorney General (AG) is responsible for prosecution. The AG is part of the executive branch and responsible for prosecutions from parliament, the Serious Frauds Office (SFO), and the Auditor General. Some have called for the decoupling of the Minister of Justice from the Attorney-General’s office to reduce corruption.

Parliamentary committees also cannot initiate activities, investigations or inquiries unless a matter has been referred to them by the Speaker of the House and referred to it by the full House. Party cohesion means that the government can prevent Parliament from tasking a Committee to investigate a matter where the findings would embarrass government.

The Parliament of Ghana has significant potential oversight powers for fighting corruption, given its tools and efforts. But potential does not translate to effectiveness in this case and several believe that Parliament is part of the problem.²

² IEA, “List of Most Corrupt Ghanaian Institutions: Police, The Presidency, Parliament, All Feature Prominently”, www.ieagh.org

Auditor General

The Ghanaian Parliament relies on the Auditor General's Office (AGO) for its audited accounts to conduct ex-post oversight. It is one of the most under-resourced institutions in Ghana, both financially and in skill set, and its funds are not released on time. Ten years after the discovery of oil, for example, the AGO is yet to do a comprehensive audit of public institutions in the sector. Retooling the department with skills for large-scale investigations is paramount to ensuring good financial management practices across the public service.

Adequately resourcing the AGO will empower the Legislature to better check the Executive. Some speculate that the resource predicament is intentional since an under-resourced AGO will be less likely to point out corruption, which is seen as bad publicity for the Executive.

The resource constraints cause the AGO to outsource to external audit firms, eventually paid by the institutions they audit. This presents the added possibility that the firms write good reports for fear of not being rehired.

The Ombudsman

The Commission for human Rights and Administrative Justice (CHRAJ) functions as the ombudsman. It investigates all complaints of human rights abuses and freedoms and also performs the functions of an anti-corruption agency. It is independent of the three arms of government, pursues administrative justice, investigates complaints about maladministration, and ensures code of conduct pursuance for public officials.

The CHRAJ is constrained financially and, therefore, unable to effectively fight public sector corruption. It receives several cases annually but can only respond to a handful. Even with offices in ten regions of Ghana, it doesn't have offices in all 275 districts to investigate potential cases of corruption and administrative lapses in public institutions locally. They tend to favor human rights investigations at the expense of corruption.

The ombudsman is also not empowered to prosecute. In most cases, public officials found guilty are asked to abdicate their position, which will not deter others. The President nominates candidates for the position of Commissioner, which is another challenge in the role in fighting corruption. A fair and rigorous mechanism will go a long way to select the right head to push the ant-corruption agenda far.

Anti-Corruption Agency

The Economic and Organized Crime Office (EOCO) is the country's *main* anticorruption institution. Its reputation, however, has suffered a setback because of the constant interference of political elites in its activities and because it tends to deal with cases in a selective manner. Government appointees are investigated when their party loses an election, and investigations wane for political figures whose party is in power. The head of EOCO is also appointed by the

President, whose interest is usually protected by his appointee. The appointment of the head of the institution should be free from the manipulation of the Executive so as to guarantee the independence of the institution.

To sum up, the data on both internal and external tools of oversight provide a picture of retrogression rather than an improvement in the Ghanaian Legislature's role in oversight and accountability.

Accounting for Parliament's Poor Performance

There are a number of constitutional factors that affect parliamentary effectiveness in Ghana. Restrictions on Parliament's formal powers make Ghana's Parliament an unequal partner with the Executive in national policymaking. The constitutional requirement for MPs to be ministers gives the President the ability to 'reward' loyal MPs or 'neutralize' difficult MPs, thereby providing an incentive for MPs from the ruling party to want to please the executive rather than exercise their oversight authority over the executive.

Parliament's *Standing Orders* do not facilitate its oversight functions effectively. The inability of the House to review these orders suggests insufficient political will to do so. Under the current Rules, a Committee cannot commence investigation unless the matter has been referred to it by the full House. Control of the Parliamentary majority and the Executive by the same party means the government can easily prevent Parliament from tasking a Committee to investigate a matter where the findings would embarrass government.

Third, Parliament has been unable to exercise effective scrutiny and control over the budget process. The budget process begins too late in the year for detailed analysis, and Parliament lacks the resources and technical capacity to critically analyze in detail. Even though there is a research department, its capacity is often overstretched. As a result, Parliamentary scrutiny tends to be "hurried, superficial and partisan".

The Parliament of Ghana is dependent on the Executive for its resources and its independence is compromised by the fact that the majority of Ministers are drawn from Parliament and appointed by the President. Its legislative and budget powers are limited by the Constitution and it lacks adequate research and technical support capacity.

In addition to the above, there are **four critical factors** that provide an explanation to poor oversight performance of the Ghana Parliament. They are:

(i) **Executive Co-optation of Parliament:** Ghana's system of government has created a situation of patronage where other branches of government have become "appendages" of the Executive. This is particularly the case when it comes to Executive-Legislative relations. Constitutional restrictions on Parliament's formal powers make Parliament a less-than-equal partner with the Executive in national policymaking.

(ii) **Executive Dominance of Parliament:** The Executive branch of government has become too powerful. Appointing MPs to serve in the Executive reduces the effectiveness of the House to hold the Executive in check, undermining debates on legislations introduced by the Executive, and increasing the chances that these laws will be passed without scrutiny, in addition to the oversight impact.

Executive dominance of parliament also manifests in the distribution and control of resources to the legislature. In Ghana, parliament does not autonomously determine its own budget. It depends on the Executive for resources to run its activities. An antagonistic relationship between the two arms of government fueled by extreme scrutiny of the Executive could result in substantial budget cuts, thereby limiting what the legislature can do.

(iii) **Corruption opportunities in the oil and gas sector:** The Executive arm of government in Ghana is heavily engaged by the international oil companies (IOCs). At each chain of the extraction, production and distribution process, the executive arm of government, through its agents in public institutions, have contact with these IOCs and any exploitation will likely be in the public domain. Parliament's scrutiny of these contracts is usually a subject of great concern. Parliament's role is usually not made public, which creates room for cronyism and corruption. Most of the oil blocks in Ghana that were sold were not advertised and subjected to competitive bidding. Civil Society Organizations have criticized the process as highly secretive.

There are also instances in which the award of oil blocks contravenes parliamentary processes with members kept in the loop yet given complex oil contracts to analyze and approve in very short periods of time without furnishing them with enough information to debate the contracts. Few members of parliament have devoted sufficient attention to the allocation and disbursement procedure, owing to inadequate information and often the personal benefits that they expect from their lack of active participation and scrutiny.

From the supply side, parliament's role in corruption in the oil and gas sector is built on the large resources at the disposal of IOCs and their suppliers. The quest to make huge profits means that IOCs are prepared to go beyond healthy competition to induce members to secure resources at fiscal terms and conditions that do not benefit the people. Committee dealings usually lack transparency and exploit the loopholes in the Standing Orders of parliament to push through agreements with private entities.

The demand side of corruption in parliament is impacted by the need to raise funds to finance member's political activities. Political campaigns are influenced by private money. Since governments do not sponsor political parties, both incumbent and aspiring candidates alike are compelled to raise money to finance their campaigns. Members in the House are thus compelled to accept inducements from private entities and the executive alike and to do their bidding at the committee level. Soon after former President Kuffour was elected into office, he pushed for a bi-partisan debate on political party funding, claiming that "state funding will be the best guarantee to sustain multi-party democracy prescribed in the national Constitution to anchor democratic

governance of the state,”³. Inevitably, state funding will go to reduce corruption in the legislature and counter the influence to provide money, particularly from the oil sector in Ghana.

(iv) **Excessive partisanship:** Even though tools abound for the legislature to exercise oversight, the degree of professionalism attached to it is as important as the function itself. Effective oversight can easily occur at the committee level, dedicated to cover all the ministries department and agencies in the executive. In as much as the core competencies of the legislature appointed to do the oversight in these committees are important, the level of discussion and cohesion among the members is critical. The legislature should be unified by state interest, but extreme partisanship could diminish the unison required for this function.

Members affiliated with the ruling party are therefore more likely to shield the government and may prevent full scrutiny. They thus argue, based on party lines and reduce their effectiveness.

Recommendations and Implications for Policy

Oversight *potential* does not translate into oversight, despite the availability of any oversight tools in Ghana. It is not unique for a young democracy to experience periods of executive dominance.

Ghanaian MPs confessed that even though committees of Parliament had the power to obtain information from the Executive, they were not exercising this role effectively. Parliamentary Committees could invite the minister in charge to appear before it, write to persons in the ministry to provide information, etc. but these prerogatives were not exercised as often or in the ways that they should be. Responses to such requests were slow or not forthcoming. For instance, even though a Minister can be arrested by bench warrant, this power was not exercised.⁴

Our analysis reveals one critical issue that will need to be given attention if parliamentary oversight is to have any meaning within the Ghanaian context: MPs in Ghana are driven more by private economic and political incentives than public goods provision. The biggest challenge for policy is how to shift incentives from private/personal to public goods provision.

From the supply side, this will urgently require a reinvigoration of the current rule of law mechanisms, particularly those related to prosecution. Ghana needs an effective investigative mechanism to catch MPs driven by personal incentives, ‘name and shame’ and prosecution. This will create the strong deterrent that is needed to curtail impunity of the elite that is pervasive in Ghana. This will be a strong state instrument that requires the commitment and leadership of the Ghanaian state.

From the demand side, there is the need for strong citizen groups, particularly from professional associations, with incentives for public goods provision, to demand and exact accountability from duty-bearers, particularly MPs. In fact, there is an urgent need to increase civil society influence

³ See:

<http://www.africanelections.org/ghana/news_detail.php?nws=7300&t=AEP%20Explainer:%20Political%20Party%20Funding%20in%20Ghana.>

⁴ African Parliamentary Index (API) at www.parlcentafrica.org

on parliamentary actions in Ghana in order to engender better accountability and responsiveness of Parliament and government at large. This is premised on the notion that societies get the kind of government they tolerate.

There is a need to build innovative demand-side accountability mechanisms that will link civil society with the actions of government, traditional authorities, and private enterprise.

Reference

Stapenhurst, Rick (2011) “Legislative Oversight and Curbing Corruption: Presidentialism and Parliamentarianism Revisited. Unpublished thesis. Canberra: Australia National University.

This Briefing Note was written by Rasheed Draman and Rick Stapenhurst, with Louis Imbeau and Anthony Staddon. The authors wish to acknowledge the research assistance and support provided by Thomas Eric Eboutou and Brooke Larson, and funding provided by the British Academy and the UK’s Department for International Development.

Full research results on Ghana can be found at Rasheed Draman and Rick Stapenhurst, with Louis Imbeau and Anthony Staddon (forthcoming) “Policy Oversight and Corruption in Ghana” [Nigerian Journal of Legislative Studies](#). Additional research results can be found at: Stapenhurst, Rick Rasheed Draman, Louis Imbeau, Brooke Larson and Anthony Staddon, editors (forthcoming) “Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption” New York: Springer.

Parliamentary Oversight and Corruption in Nigeria

Parliamentary Oversight and Corruption – Policy Brief

Introduction

Corruption in Nigeria, Africa’s most populous nation, is rampant —136th out of 176 countries in the 2016 Transparency International Corruption Index. Stakeholders are looking to the executive rather than the legislature to take the lead in anti-corruption efforts, and executive-legislative relations are underdeveloped.

Through interviewer-led and self-administered questionnaires from 48 members of the legislative community (including MPs, staff, CSOs and the Media) and a focus group of eight from the National Assembly in Nigeria (NASS) along with an oversight and anticorruption literature review, 2016-17 research found that while there have been notable attempts to improve legislative oversight functions and reduce corruption in Nigeria, there is much more that can be done.

The Nigerian Political Context

Legislative powers. NASS and the executive have a mandate to share legislative initiatives evenly, so while the legislature has the formal lawmaking responsibility, the executive gives assent to bills, can delay or veto a bill, and while a veto can be overturned by a two-thirds majority in the legislature, this has *rarely* occurred in the past five years. To the average Nigerians it is unclear where lawmaking originates.

Budgetary Process. Since May 1999 when Nigeria returned to democracy, legislative budget activism has increased and NASS is now a budget-making legislature with the capacity to amend or reject the executive’s budget proposals, and the capacity to substitute (part of) a budget.

Political parties and party dynamics. Political parties in Nigeria rarely act as a check on the executive. Party discipline within the legislature is tightening.

External Oversight Institutions. Various external oversight institutions have been set-up, as well as the media, freedom of information law (FOI), and CSOs.

- **Auditor General.** The Auditor General (AG) in Nigeria is in charge of the Supreme Audit Office and appointed by the President upon the recommendation of the Federal Civil Service Commission with Senate confirmation. Awareness of the AG is wide. This person can only be removed by the President in response to a two-thirds Senate majority for failure to properly discharge his or her function. The AG is considered ineffective in uncovering fraud and corruption.

- *Ombudsman.* Nigeria's Ombudsman, the Public Complaints Commission (PCC), makes inquiries into public complaints about government, public institution, and private and public company administrative actions. The Commission has the statutory power to request documents from these institutions, and makes reports public. Nigerians are largely unaware of the PCC (no MPs), do not know how it is run and to whom it reports, and were not considered effective in uncovering fraud and corruption.
- *Anti-Corruption Agencies.* Nigeria has two anti-corruption agencies: the Independent Corrupt Practices and Other Related Offenses Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). Respondents were fully aware of these agencies, though there does not appear to have been a very strong legislative relationship.
- *Access to Information.* The Executive and bureaucracy do not readily provide information to the public and NASS. The Freedom of Information Act has since 2011 guaranteed the right of any person to access or request information in the custody of any public institution. The FOI is considered *somewhat ineffective*.
- *The Media.* The media is perceived to be influenced by the government, so media oversight is ineffective. Parliamentarians are least impressed with with media's oversight capacity followed by media themselves, and then parliamentary staff.
- *Civil Society Organizations (CSOs).* CSOs are considered neither effective nor ineffective overall. Parliamentary staff rank CSOs better than CSOs themselves. Most of those surveyed did not know about CSOs involvement in corruption at all, and most CSO activity did not reinforce parliamentary actions against corruption or for oversight. This is disappointing as CSOs can fulfill the investigation and reporting of corruption role.

Internal Oversight tools and mechanisms

- *Confirmation of ministerial appointments.* Minister appointment begins with the President's nomination, the Senate President's subsequent referral to the Committee on Ethics, Privileges and Public Petition or other Committee for scrutiny and recommendations, and a Committee of the Whole House's screening. NASS confirms the position, but only the President can dissolve it, and the reality is that the legislature does not exercise its constitutional power.
- *Censure and Impeachment.* Despite NASS' constitutional power to initiate impeachment proceedings against the President for misconduct in the performance of the functions of his office, the legislature's role in censuring a minister or impeaching the president is uneven. Nigeria has never impeached a President.
- *The Committee System.* Legislative Committees include Special and Standing committees and have the power to initiate and conduct investigations into any matters of governance. Oversight committees are not considered to be particularly effective in uncovering fraud and corruption. Special legislative commissions/committees of inquiry are more effective than oversight committees in fighting corruption. However, instead of investigating corruption

using a bipartisan approach, Select Committee inquiries strengthen party *political ties* by acting as a weapon with which to attack the party to which those under investigation belong, often benefiting members of the victorious bloc and bringing into question the motivation for establishing Inquiries and, as a consequence, those measures by which the investigators determine success. Technical support to each committee averages between five and six members of staff, in addition to the support provided by NILS, NABRO and CSOs that increasingly provide training and support. Legislative committees meet roughly eight to eleven times a year.

- Chamber. The House of Representatives is constitutionally mandated to sit for 181 days in a year, but rarely meets this requirement. Approximately 8-11 plenary sessions are held per year but not fully attended. The average respondent felt that the Question Period was not adequately effective at uncovering fraud and corruption. Many respondents say the culprits would suffer naming and shaming, referral for investigation, punitive measures and discipline or no consequences at all. This reduces the effectiveness of such oversight tools as their gravity, and thus potential, for influence is minimized.
- Procedural Safeguards. The legislature possesses formal autonomy in establishing its own rules of procedure, selecting its Presiding Officers and determining its budget, but fails to discharge its powers responsibly as the detail and operation of the budget lacks transparency. Since 2015, NASS has not provided detailed expenditures. It is considered to be autonomous in establishing its own administrative procedures and determining its own budget. NASS' staff resources are *considerable*.
- Resources. Members have a research and technical support budget, though often used to employ family and friends. NILS functions as the capacity building agency of NASS. The Library, Research and Computer Services carry out key research functions used by parliamentary staff. Conference reports, advisors, consultants, think-tanks and NABRO, which provides non-partisan analysis of the executive's budget, parliamentary committee scrutiny, and economic analysis of legislative proposals, are also made available. It also analyzes NASS' budget and helps Committees to develop their annual budgets. NABRO is not permitted to make recommendations to NASS.
- Informal Structures. Despite the fact that informal structures exist, the researchers did not have a high response rate from MPs in questions relating to their effectiveness. The legislature may not use existing informal structures to fulfill their oversight roles. There is substantial lobbying for ministerial appointments, since nominees may be political associates of the President and may *not* be specialists, lobbying the Senate and government stakeholders to ensure candidate success at the screening stage, may be one reason informal oversight structures are underutilized.

Research Findings

The legislature in Nigeria has the power to scrutinize executive appointments and make amendments to the budget.

- *Ministerial nominees* who have served in NASS are usually told to leave the floor of the Senate. Given the accusations of misconduct and corruption often thrown at former Members, this practice is somewhat dubious. Senate has conditions for screening nominees, including proof of assets declarations; approval of nomination by at least two senators from their states; and clearance of corruption, abuse of office, and embezzlement by the Senate Public Petitions Committee. Based on the agreed template for the screening and the heightened political tension between political parties, some nominees go through very rigorous grilling during the screening. NASS is considering a constitutional amendment to ensure that the President assigns portfolios to persons nominated as ministers prior to confirmation by the Senate.
- *Executive appointments.* Recent cases have shown that the Senate is willing to exercise its power over broader executive appointments, including in 2016 when the Senate declined to confirm the Chairman of the Economic and Financial Crimes Commission, following formal corruption reports. Likewise, following public petitions regarding corruption allegations, nominees for the Niger Delta Development Commission (NDDC) board were also rejected.
- *Budget Controversies.* Deep distrust persists between the legislature and executive over the budget process. In 2016, controversial “Budget Padding” accusations between the Executive and Legislature showed that the trend has occurred in Nigeria since 2005’s Appropriation Bill when some senators were alleged to have padded the budget of a ministry after receiving a large bribe from the minister. Other forms of misuse of legislative power of the purse include soliciting and accepting contracts from ministries, parastatals, government agencies/departments and private organizations using proxy companies. These acts of abuse of powers have generated huge controversy over parliament’s influence in the budget process. The Speaker of the House disputes accusation of wrongdoing because of the legislature’s constitutional budgetary responsibilities. In contrast the Transition Monitoring Group, and the Coalition Against Corrupt Leaders have called for a thorough inquiry into the practice, and the Socio-Economic Rights and Accountability Project (SERAP) has described budget padding as corruption.
- *Power of the Purse.* The study found an unhealthy difference of opinion between the legislature and civil society over whether budget oversight shortcomings were due to power of the purse or corruption. NASS has authority and does alter the budget, but often at the expense of overall budget credibility or discipline. The Senate and House of Representatives Committees on Ethics and Privileges have begun reminding members of the ethical rules on financial matters. They were specifically barred from allocating funds to their constituencies during legislative scrutiny of the 2017 budget proposal.

- Public Hearings. The Senate and House of Representatives held the first joint Public Hearing on the 2017 budget to legally allow greater public participation in the budget process through public hearings, surveys, focus groups, to capture a range of public perspectives. A Bill being debated aims to intensify links between constituents and NASS, which would identify constituent needs for projects in the budget that legislators would not directly control. There is, however, a corruption concern without appropriate safeguards.
- Political Parties. Political parties in Nigeria are not seen as helpful but as aiming to protect their own against external allegations rather than rooting out wrongdoing.
- Internal Oversight Tools. The NASS' internal oversight tools are perceived to be more effective than external institutions, the media, CSOs and freedom of information legislation. The research support available to the NASS has improved with NILS and NABRO as established institutional players. More legislators are using library and research facilities. Nigeria's AG lacks independence due to its government appointment, and cannot hire and fire audit staff, nor is it adequately resourced. The PCC was placed under the control of NASS instead of the Presidency in 2014. MPs in the survey were unaware of the PCC. The PCC's budget was halved, leading to office closures nationwide, and the PCC's inability to respond to public complaints against public and private organizations. The President intervened and the commission's labor union blamed the crisis on the National Assembly.
- Oversight Committees. Oversight committees are less effective today than in 2009/10 in uncovering fraud and corruption, partly due to increasing partisanship within the oversight committees and partly because the committee and governance systems in Nigeria have become bloated. According to NILS, in 2016 there were 65 committees in the Senate and 96 committees in the House of Representatives, compared to 54 and 84 in 2010. Today, any one Member could belong to as many as 5 committees, each with between 25 and 40 Members, and suffer from high meeting absenteeism (37% participation in House committees on average).
- Staff. NASS builds the capacity of both staff and parliamentarians in budgeting and public financial management.
- External Oversight Institutions. External oversight institutions lack qualified staff and financial resources, the failure of follow-up is due to a combination of insufficient political will, enforcement power, and executive independence. According to survey responses, Anticorruption Agencies do not report to the legislature or exercise independence over budgeting and staffing and the executive, without the consent of the legislature, can disband them.
- Civil Society Organizations. CSOs are not considered to be especially effective in tackling corruption, however the Nigerian Civil Society Legislative Advocacy Centre (CISLAC) has highlighted the problem of the abandonment and non-domestication of various Treaties and

Conventions¹ by the National Assembly, including African Convention on Preventing and Combating Corruption. There are also unresolved high profile corruption cases at the end of the 7th Assembly. The 8th House has pledged that its relationship with CSOs will be a partnership to deliver citizens' expectations. A Bill to supervise, monitor and co-ordinate CSOs and Community Based Organizations (CBOs) is being discussed in the House, however opponents fear it could attempt to manage CSO financing and stakeholders.

Recommendations

Nigeria should consider amending the constitution to clarify legislative powers on executive estimates. Restricting the power of the legislature to either reduce or disallow an expenditure item and not to either introduce extraneous items or increase any figure may not be suitable or desirable. A public debate about whether the legislature should have the power to amend with or without restriction is needed.

Additionally, the limits and extent of NASS' constitutional budget approval and supervision powers should be clearly stated. Nigeria has no budget law and there are special government funds that lack transparency and accountability.

NABRO's mandate to review and monitor Government programs and budgets may help reduce corruption, but the government must publish "In-Year Reports" for this to be realized. A bill to establish NABRO has been passed by both the Senate and the House of Representatives and are now moving towards presidential assent. NABRO has already played a role in encouraging the NASS to question executive estimates, and committees are also seeking NABRO's input when evaluating ministry and agency estimates. NABRO should be fully independent to fulfill its role, as stakeholders question NABRO's links between staff seconded to the office and the presiding officers. A competitive hiring process would emphasize the professional qualifications of candidates and reject those who demonstrate partisanship. NABRO should be better funded to perform its mandate.

The legislature rarely overrides a presidential veto. A greater degree of consensus needs to do this in Nigeria's tense bicameral system. Nigerian stakeholders often perceive a presidential veto as positive because it can prevent bad legislation from weakening the fight against corruption. Proposed amendments to the Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT) Act in 2016 have been criticized for seeking to protect the Senate President who was being investigated for violation.

The legislature's credibility is waning. In 2011 the NASS attempted to almost double its budget mainly to enhance the lawmakers' salaries and allowances. DFID Nigeria is working with PLAC to support an Independent Needs Assessment Committee to determine optimum needs,

¹ While the Federal Executive Council is mandated to sign and ratify treaties, the National Assembly and State Houses of Assembly are constitutionally charged with the responsibility of enacting or domesticating them into law.

management and oversight of the NASS budget. A National Assembly Service Commission will help strengthen the autonomy of the legislature.

External accountability institutions are not considered effective. In order to improve the effectiveness of FOI legislation, the government should ensure public institutions are equipped to meet their responsibilities and sanctions enforced when public institutions do not provide information under the FOI.

A closer relationship between the AG and NASS, as in the 2015 Audit Bill passed by NASS, awaiting presidential assent, will not likely improve the audit regime. The AG cannot examine the books of corporate entities and cannot audit the accounts of government Statutory Corporations, Commissions, agencies and other bodies established by an Act of the NASS, despite allegations of malpractice.

There are not effective follow up mechanisms to enforce decisions or ensure that government has implemented the recommendations. The Constitution does not expressly specify what NASS should do with audit reports. The audit report would allow the NASS to determine if the executive complied with rules. The AG should be empowered to prosecute offenders.

The PAC should play a key role in audit, however they do not regularly submit reports to the AG and few PAC recommendations are deliberated in the House. The PAC should hold public hearings or direct discussions on how to correct anomalies in audited accounts and statements.

There are also problems on the audit demand side with limited interest and capacity amongst civil society and the media reported. Nigeria should establish formal mechanisms for the public to assist the SAI in its audit program and investigations.

The legislature needs to be fully transparent, including setting its own budget, in order to be a more responsive institution with moral authority to demand transparency from other agencies.

The President's anti-corruption campaign shows political leadership at the highest level. This campaign will need to include sensitive areas such as corruption in the defense and security sector, aligning reform plans to political cycles.

If attitudes and expectations across Nigerian society are to change they will need to see a change of behavior on the part of the legislature. Allegations of corruption against individual Members triggers tit-for-tat allegations among MPs. Developing and enforcing a workable legislative Code of Conduct will help to rebuild trust in legislators.

It would be helpful to start a discussion between NASS and CSOs as to what constitutes corruption (e.g. deliberate; refusal to act; supporting corrupt activities).

Currently Nigeria is focused on strengthening judicial systems, convictions and prosecution, but the AG and Ombudsman also need further support to promote prevention. Implementing audit recommendations to improve accountability is important. The focus of change must be based on how governance relationships work rather than international good practice. There is

no guarantee that moving the Audit Office away from the influence of the executive towards the legislature will improve its capacity to oversee public funds.

The passage of key legislation such as the Petroleum Industries Bill is also important to promote transparency and accountability in the operations of the oil and gas industry. Care must be taken to ensure that enforcement is sufficient.

With the support of CSOs and the media, the Senate can ensure that executive appointments suspected of corrupt acts are not appointed to public positions, using 2015's strict criteria in the screening process for this power. NABRO promises to enhance parliamentarians' budget analytical capacity and their access to key information needed for budget review. CSOs and the media are supporting anti-corruption efforts, although without much legislative awareness.

The constitutional amendments and legislation being considered by NASS offer an opportunity to show a constructive relationship between the executive and the legislature. DFID should actively support this process, and ensure the participation of CSOs, as many of the proposed changes are sensible and will improve the status quo.

Changes in NASS require the cooperation of political parties. The cost of becoming and remaining an MP is a root cause of political corruption in the legislature. The need to pay back the cost of getting elected has created an inflationary bias into the cost of politics generally and encourages corrupt behavior. Spending more money on political parties and parliamentarians may prove counter-productive without greater transparency about how this expenditure is spent. Training and travel opportunities by the international community for parliamentarians may be used to reward those Members who are supporting positive change, leadership in oversight and demonstrate anti-corruption efforts.

Demand side governance programs should be replicated at the federal level. The oversight of key areas such as the extractive sector will be improved by utilizing the research, advocacy and networking skills of CSOs. Oversight of the national budget is also key and parliamentarians should not be allowed to hide behind the power of the purse. The legislature should demonstrate that it is using public funds effectively to support development rather than on dubious constituency projects or on material and financial benefits for its members. Public debates between the legislature and CSOs on the meaning of the power of the purse promise to be widely beneficial.

Integrating civil society within the formal institutional oversight arrangements for approving and monitoring the budget will help drive change. Efforts to consider increased citizen and stakeholder participation before legislative approval of the budget, and formal mechanisms for the public to assist the AG's Office to formulate its audit program and participate in audit investigations should be encouraging. Finally, civil society must be closely involved in constituency project discussions in the Annual Budget. Institutions working to promote good governance in Nigeria need to watch this legislative proposal very carefully to ensure that it does not institutionalize existing bad practice within the legislature.

Conclusion

NASS's oversight role has been compromised and oversight tools alone are insufficient. Parliamentarians consider internal oversight tools to be effective, but legislators are slow to hold the government to account.

Parliament is increasingly seen as part of the problem of corruption. Trust in legislators and the NASS is low and declining and 75 percent of respondents think the country is heading in the wrong direction. Meanwhile, respondents believe the legislature either has remained as active or decreased in legislative oversight. Stakeholders, including parliamentary staff, are looking to the executive rather than the legislature to take the lead in anti-corruption efforts, since the executive publicizes most anti-corruption cases.

Legislative Oversight potential in Nigeria exists. The NASS must take responsibility, find solutions and reach across political divides, past corporate temptations *and* with the executive to ensure that Nigeria's political, environmental, social and economic future improves for *all* stakeholders.

Reference

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Full research results on the Nigeria can be found in Anthony Staddon, with Rick Stapenhurst, Louis Imbeau and Rasheed Draman (forthcoming) "Policy Oversight and Corruption in Nigeria", Round Table: Commonwealth Journal of International Affairs . Additional research results can be found at Rick Stapenhurst, Louis Imbeau, Anthony Staddon, Rasheed Draman and Brooke Larson (forthcoming) "Anti-Corruption Evidence: The Role of National Parliaments in Curbing Corruption" New York: Springer.

Parliamentary Oversight and Corruption in Uganda

Parliamentary Oversight and Corruption – Policy Brief

Introduction

By measuring perceptions by significant players in Uganda's legislative arena, new research set out to determine how successfully Uganda's parliament is fulfilling its oversight function. Legislative oversight tools, potential, will, and a combination of external and internal factors for oversight were all considered in the analysis and data regarding keeping power excesses in check and ensuring developmental intentions met the optimum outcome for all citizens. The research data was collected by interviewer-led and self-administered questionnaires, completed by forty-seven respondents (13 MPs, 10 Parliamentary Staff, 12 CSO representatives, and 12 media representatives), as well as additional research on oversight and anti-corruption in Uganda.

The Ugandan Political Context

Since independence in 1962, there have been three regimes in Uganda, each interrupted by coup d'états, civil wars, and the tribal struggle for power. The current republic is the longest, with Museveni serving as the president the entire time between 1996 to today. Elections are marred by electoral violence and foul play. Uganda's democratic credentials lag behind much of Sub-Saharan Africa, performing particularly poorly in government functioning and political participation. The electoral processes lack transparency and fall short of meeting some vital democratic benchmarks. Only 39% of Ugandans are somewhat satisfied with the democratic process. In contrast, 96% of Ugandans support a proposal to improve transparency in elections, especially in the tallying, transmission, and declaration of results, according to Uganda's Afrobarometer Report (2017).

Uganda's *multiparty* system was legalized in 2005 with subsequent attempts to strengthen its democracy. The Inter-Party Organization for Dialogue (IPOD) was created to facilitate a dialogue among electoral stakeholders to submit a common position on critical electoral issues to parliament as a joint effort to contribute to transparent and violent-free elections in Uganda.

Parliament is a unicameral system, the only body mandated to make laws, and its members are elected to five-year terms. Out of the 426 members, 289 are directly elected, 112 are reserved for only women, and there are 25 special seats made up of representatives of the army, youth, workers, persons with disabilities and other groups and ex-officio Members (who cannot vote on issues before the House). There are eleven (11) standing committees and 15 sessional committees in the national assembly, and each member must belong to two committees: a standing committee and a sessional committee. The constitution supports the core functions of parliament (Legislation, Oversight, and representation), giving parliament the power to remove the president from office and censure culpable ministers.

However, Bills are often passed at the *insistence* of the executive through the cabinet. State institutions do not comply with committee recommendations, and committee work is slow. The legislature is accessible to the public through outreach programs. It has a good relationship with CSOs and related institutions, as well as a non-partisan media facility that supports information dissemination to the public.

Some state institutions that work with parliament in government oversight, including the Auditor General, the Inspector General of Government, the Human Rights Commission, and anti-corruption Courts, all form part of the anti-corruption framework for Uganda. In 2016, Uganda ranked 151 out of 176 countries on Transparency International's Corruption Perception Index.

Political Facts

- Uganda is classified as a presidential republic;
- President acts as head of state, government and Commander-in-Chief of Uganda People's Defense Forces;
- Cabinet comprises the president, vice president, prime minister, and the ministers the president deems necessary in running the state;
- President is the only person who can appoint and dismiss all ministers;
- Parliament can censure ministers, final approval must come from the presidency;
- Prime Minister appointed by the President to lead government business in parliament.

Research Findings

The research findings will outline external factors that influence legislative oversight as legislative-executive relations, political party actions and external oversight institutions.

Internal Oversight Tools & Mechanisms

Legislative-Executive Relations

Uganda's President exercises executive power, but the prime minister is in charge of government business within parliament. The hybrid Presidential system puts the executive as part of the legislature, with implications for checks and balances. When ministers can be appointed from parliament, MPs are likely to conduct themselves in a manner that endears them to the executive. Clear legal provisions are needed to regulate the relationship between parliament and the executive and ensure a positive outcome.

Appointment of Ministers

Almost all respondents believe parliament plays a role in cabinet formation. The Parliament of Uganda reviews appointments through the Appointments Committee and, in the case of the Prime Minister, the whole House. The proceedings are closed though, and the committee's

report is not subject to debate, according to the constitution. The Appointments Committee is, therefore, susceptible to influence.

Censure and Impeachment

Parliament's power to dismiss, censure or impeach Ministers or the president is well known, and respondents have witnessed, albeit rarely, the censuring of a Minister. A Ugandan President has never been impeached. One-third of Members must sign a notice for impeachment to pass. An attempt in 2012 failed to raise the required number of signatures. The NRM enjoys a super-majority, which makes it nearly impossible for presidential impeachment from that party.

Budget-Making

The legislature negotiates much of the budget since the 2001 Budget Act empowered the Parliament to play a more active role and made the process more open and consultative with the Executive. Respondents believe parliament has the power to amend the budget, with government negotiation occurring if the ceiling needs to be raised, and that 40-59% of the total budget is amended by Parliament. Parliament has demonstrated its ability to use these powers, for example, by delaying the passing of the 2012/2013 budget because of an argument for a higher health budget. The Budget Act and Budget Office Uganda serve as a model in Africa. Attempts by the executive to repeal the Budget Act 2001 was fiercely resisted by Parliament. 2015's Public Finance Management Act consolidated and amended provisions of the Budget Act 2001 and repealed the Public Finance and Accountability Act 2003. Parliament's role in the budget process is seen to be very strong. Parliamentary budget-making powers present an excellent opportunity for the legislature to exercise control over revenue generation, resource allocation, and expenditure.

Veto of Legislation

A Private Member's Bill requires a certificate of financial implications from the Ministry of Finance and must be presented and carried through a motion to succeed. Opposition members and back-bench government legislators can introduce legislation. Several Private Member Bills have passed in Uganda, some crucial to fighting corruption and strengthening legislative oversight. The Budget Act of 2001 increased parliament's role in the budget process and enhanced executive oversight, the Anti-Corruption Bill 2013, sought to strengthen the law against corruption in Uganda by expanding the category of persons liable for money-related offenses and the geographical coverage of assets that can be confiscated when people are found guilty. The President can veto Bills by refusing assent, but the legislature can override this veto. *Not* all respondents were familiar with this, and most believe the President has a veto right over legislation. Some do not think the legislature has ever overridden a presidential veto. Parliament override can be used to pass legislation *benefiting* citizens, but it can also serve political interests to the *detriment* of citizens.

Political Parties

Political party cohesion is *neither strong nor weak*, though cohesion within the ruling party is stronger than in opposition parties. Opposition parties often times lack grassroots structures

trust. The NRM has the state advantage, but there are internal disputes that threaten cohesion, which appears stronger within parties during an election. Parliamentary floor crossing is not permitted. People who attempt to do so lose their seat. This is one way of exacting loyalty from party members and maintaining party discipline. Currently, however, opposition members are seen to serve the government without consequence. Party loyalty is rewarded with appointments to ministerial positions, cabinet positions, committee leadership, statutory boards, and representations abroad for the NRM.

In contrast, in the opposition, appointments into the shadow cabinet are rewarded to party loyalists. Party leadership appointments receive open praise, help consolidate constituency support, and receive funding for campaigns. The move to make the income of MPs tax-free is also a reward. Parties rely on internal disciplinary procedures and the whip system for sanctions in the form of suspension, demotion, depriving MPs of opportunities, and sometimes court actions. Sometimes MPs are expelled from parties without losing their seats.

External Oversight Tools & Mechanisms

Auditor General

The Auditor General (AG) is not appointed by parliament but reports directly to it. The majority of respondents believe the AG has independence for staffs and budgets and does not have the security of tenure. The AG is *somewhat effective* in uncovering fraud and corruption. Its work should lead to prosecution, imprisonment, refunds of monies, warning, interdiction, and removal from office. Parliament's Public Accounts Committee considers the AG's reports, runs hearing, and determines actions, and so the AG's effectiveness is closely linked to the PAC's effectiveness. The PAC requires timely and high-quality reports, while the AG needs an effective PAC to ensure that the government takes audit outcomes seriously. Parliamentary action has occasionally led to financial recovery in Uganda, however the process is ineffective since it rarely results in prosecution and the guilty party is often pardoned. This occurs when there is intimidation by the accountability committee, well-connected people, and when fraud and corruption are uncovered after the event occurs, as auditing takes place 3-4 years after and requiring parliamentary debate. Hence, it is clear that there is much to be done to make audit outcomes and PAC recommendations binding on the Executive. The Executive could also do a better job of sanctioning those guilty of corrupt practices.

Ombudsman

Uganda has a President-appointed Ombudsman known as the Inspector General of Government (IGG). Respondents were unclear whether the Ombudsman reports to the legislature directly. The constitution states that it must report to the parliament. Most believe it has an independent budget and staff, and that he/she cannot be removed from office without reference to parliament. The IGG is considered *somewhat effective* in uncovering fraud and corruption, with the Directorate of Public Prosecution prosecuting the uncovered corruption. The IGGs work is not post-mortem, unlike the work of the AG; however, the guilty are usually not prosecuted.

Anti-Corruption Agencies

Uganda does not have an anti-corruption agency. Uganda adopts the multi-agency model of Anti-corruption commission, and several institutions make the anti-corruption set-up in the country, including the IGG, Parliament, AG, police, and the anti-corruption court. Each of these agencies must deliver on their mandates and coordinate together to effectively curb corruption.

Media and Access to Information

Uganda has only marginally successful Access to Information laws. Many respondents believe there are government restrictions over the media, and government-owned and private media exercise self-censorship. Journalists have been imprisoned for writing things that shame the government and media houses have been closed for reporting on sensitive issues, including petroleum exploration. The 2016 and 2017 Freedom of the Press report¹ called Uganda's press "Partly Free." This is due to the lack of professionalism in the media, making it easy for the government to influence the media. Journalists are bribed for favorable campaign coverage. The media is free to cover the executive, but its oversight is not considered especially effective. Some journalists have been arrested for speaking against the government, and media coverage of the executive does not result in any change of behavior or tangible outcomes. The media's oversight of the legislature, however, is effective. There is a parliamentary press corps, but when parliament has closed sittings, public scrutiny or media discussion is impaired. In 2013 the Parliamentary Commission sought to stop several journalists from covering parliament, but the outcry from MPs and the public ended this initiative.

Civil Society Organizations

Civil Society Organizations (CSOs) in Uganda are ranked between *neither effective nor ineffective to somewhat effective* in executive and legislative oversight and investigating and reporting incidences of corruption. The lead group for corruption, the Anti-Corruption Coalition of Uganda (ACCU), is only effective in bringing cases to the public with very few instances in which they have forced the executive to action. CSO's that are independent from the government are seen more effective as opposed to those that are courting favors from the government. CSOs, such as ACODE, Global Rights Alert, and Anti-Corruption Coalition Uganda, have collaborated with parliament on oversight issues and in publicizing the Production Sharing Agreement on Oil. CSOs can influence the budget, trade deals, and some legislations. Parliaments have made resolutions in consultation with CSOs on issues such as albino protection, child sacrifice, maternal health and more.

Internal Oversight Tools & Mechanisms

These internal factors affect parliament's oversight and anti-corruption function including the committee system, business in the chamber and other institutional factors.

Committee System

¹ <https://freedomhouse.org/report/freedom-press/2016/uganda>, accessed 28/082017

The Public Accounts Committee (PAC), Committee on Commissions, Statutory Authorities and State Enterprises (COSASE) and the Committee on Local Government Accounts are all considered Parliamentary accountability committees. They believe the reports and audits of ministries of the state, state enterprises, and local governments respectively and make recommendations to the whole House. In Uganda, 15-30 members are allowed per committee. The accountability committees are chaired by the Opposition and members from both sides of the House. However, intense partisanship within the committee due to the ratio of majority to minority MPs can hinder committee work and effective oversight and anti-corruption efforts. Oversight committees are considered *somewhat effective* in uncovering fraud and corruption. Committees receive adequate technical staff support (4-7 staff per committee) to carry out their functions, and committees can hold regular meetings. Special committees of inquiry are set up to look into specific issues when the need arises. Special legislative committees are only *somewhat effective* in uncovering fraud and corruption. Their actions may lead to Ministerial resignations or impeachments, police investigations, and prosecutions, but reports may also just be shelved without debate.

Processes within the Chamber

Question periods in Uganda mostly used to follow up on service delivery or government assurances, are *neither effective nor ineffective* in uncovering fraud and corruption. Corruption cases are usually raised through a motion, and when question time discovers fraud, the additional investigation is done by a relevant committee, or nothing is done. One of Uganda's most significant parliamentary oversight challenges remains the government's refusal or unwillingness to act on parliamentary recommendations to uncovered fraud or corruption. Opposition and Majority MPs are given equal opportunities to ask questions. Opposition parties make the point that necessary chamber rights and responsibilities ensure balanced debate and opinion in the House, keep the government from hijacking parliamentary processes, and ensures checks on the executive. At the 12 annual Plenary sessions, 40-59% of MPs typically attend. When MPs are absent, parliament's business of uncovering fraud and corruption is delayed.

Mandate and Independence

Uganda's parliament *autonomously* establishes its administrative procedures and budget and has qualified staff to fulfill its oversight functions to a *considerable extent*. The executive, however, releases funds to parliament, requiring a well-managed relationship between the two for parliament to function effectively.

Information Resources

In 1999, Uganda's Parliament introduced the Library and Research Services which upgraded to full departments in 2012. This provided the basic institutional requirements to support the supply of information to MPs, which is crucial for effective oversight. MPs and staff also have access to electronic information with tablets and IT infrastructure, although some respondents thought more digital library access should be made available. At the institutional level, the Department of Research Services, the Parliamentary Budget Office and the Department of

Legal and Legislative Services, support MPs with independent information. Additionally, MPs have access to external information sources; including experts, consultants, think tanks, CSOs, as well as the ability to commission research, and court academia.

Informal Structures

Forums like the Parliamentary Forum on Climate Change, Youth Affairs, and Uganda Women Parliamentary Association can secure external funding and carry out field visits and research. They can impact bills and influence the debate on the floor. The Ugandan chapter of the African Parliamentarians Network Against Corruption (APNAC) exposes executive corruption. These structures, partnered with external groups, uncover corruption. The Oil and Gas Forum gave information about corruption in production licenses. However, these informal networks have no reporting structure, so tracking their performance is difficult.

Conclusion & Recommendations

There is much else that could be done to make audit outcomes and PAC recommendations binding on the executive. The executive could do a better job of implicating those found guilty of corrupt practices. On most of the internal and external factors of parliamentary oversight that were explored in this study, the Parliament of Uganda's performance hovered around the mid-point of two extremes. Parliamentary Oversight conditions, factors, and tools are well-established in Uganda. However, parliament is not using these tools to their full extent, and the ineffectiveness of parliament does not help Uganda's worsening systemic corruption. As a result, the parliament is considered *neither effective nor ineffective* or at best, only *somewhat effective*. While Uganda's legal framework is robust, the actual implementation is quite weak. With greater use and implementation of oversight mechanisms, endemic corruption can be thwarted.

To change the status quo, policy interventions will have to focus on making corruption a high-risk venture and make the pursuit and conduct of oversight attractive and rewarding.

Investing in strategies that streamline the operations of all accountability institutions within the state is recommended to keep a handle on the roles of the various anti-corruption players.

The Audit Act and the IGG Act need to be harmonized, with their relationship to the PAC clearly defined. Creating synergy within the accountability and anti-corruption framework will ensure that these institutions' efforts will not be duplicated. Actions required should be taken within the shortest time possible.

Parliament needs to invest in building the capacity of accountability institutions continuously. When the AG's department produces value-for-money reports, parliament may not have the ability to consider these reports as quickly as they are produced. Capacity building initiatives should link up to all of the arms of the anti-corruption architecture.

Collaborations with civil society and the media positively impact oversight and the fight against corruption, as parliament needs CSOs to provide information from grassroots organizations. Civil society advocacy bolsters parliament's resolve on contentious issues, and strengthens parliamentary oversight actions, advocacy campaigns, and corruption cases to

ensure that it gets the necessary prominence and attention required. Civil society needs operational improvements in its engagement with parliament and should be sure to make sure all information shared is of *quality*. Meanwhile, parliament needs to safeguard media rights while ensuring that there are regulations to make media houses responsible and accountable.

Parliament must develop strategies to better accommodate and manage political *party* interests vis-à-vis the *national* interest. The concept of “rebel MPs/CSOs” poses a threat to Uganda's democracy as MPs will shy away from motions that are in the best interests of citizens for the fear of being labeled. As an institution, it is vital to provide an environment where all opinions can be proffered without any risk to members.

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Full research results on Uganda can be found at Rick Stapenhurst, Rasheed Draman, Brooke Larson, and Anthony Staddon (2020) “Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption” New York: Springer.

Parliamentary Oversight and Corruption in Tanzania

Parliamentary Oversight and Corruption – Policy Brief

Introduction

This Brief examines Tanzania's scarcity of information at the country level regarding the impact of parliamentary oversight on curbing corruption. In Tanzania, the National Assembly is entrusted with the responsibility of overseeing the government and ensuring accountability. Some institutions and mechanisms can be tooled to fight corruption and assist legislative oversight against corruption outside the National Assembly. However, these institutions are primarily under the Executive's influence and control, so it is difficult for the Legislature to subject the Executive to the rigorous scrutiny. Here we consider the National Assembly's oversight mandate and what kinds of policy moves can reinforce that mandate.

In the short term, this Brief recommends that efforts should be directed at making a political commitment towards maintaining independence in external institutions that support the Legislature. Curtailing executive dominance in the parliament should be a long term objective that should be addressed through a constitutional amendment. Nevertheless, any attempt to shrink the power of the Executive is likely to meet stiff opposition. It is crucial to increase consultation and have a consensus with all the state's arms to make the amendment a feasible goal.

The Tanzanian Political Context

After gaining political independence in 1961, Tanganyika merged with Zanzibar in 1964 to become the republic of Tanzania, a single state with a presidential-parliamentary democratic system. The President is both the head of state and government head; Zanzibar has a semi-autonomous status with its own Executive, judiciary, and legislative organs. Under the Tanzanian constitution, executive decisions relating to non-Union matters, which relate to health, education, and the environment, are exercised by the Revolutionary Government of Zanzibar.

In 1992, Tanzania switched from a one-party hegemony to multiparty democracy, with a peaceful transition. Although power is yet to change from one party to another, democracy in Tanzania appears to be growing. Civil society organizations gradually have more voice in governance, while the state-owned media is also capturing *all* political parties' voices.¹ The Economist Intelligence Unit's Democracy Index scored the level of democracy in Tanzania at 5.76. Since the multiparty democracy initiative was implemented, several developments cast a slur on Tanzania's democracy,

¹ See <<http://www.kas.de/tanzania/en/publications/17338/>>

including a ban on public assemblies and public broadcast of parliamentary sessions, and the annulment of the 2015 elections in Zanzibar.

The 1977 constitution mandates that the President appoints all ministers from the National Assembly, a provision in which political commentators are worried can compromise the separation of powers amongst the three government branches. The National Assembly has 18 committees under four (4) thematic committee headings: Housekeeping Committees, Sector Committees, Crosscutting Committees, and the Watchdog Committees. Every Member of the Assembly must sit on at least one committee.

Political Facts

- National Assembly is the only body mandated to make laws
- President can dissolve the National Assembly
- National Assembly is unicameral
- Elections conducted every five years,
- President is restricted to a two-term limit,

Research Findings

Out of 175 countries, Tanzania ranked 116th in 2016 on the Transparency International's Corruption Perception Index. The country witnesses petty and grand corruption, with the most affected areas being departments under government procurement, land administration, taxes, and customs.² A lack of transparency causes corruption, large amounts of discretion available to government officials, weak watchdog institutions, and, an increasing desire for an unfair advantage³. Political organizations suffer as a result, as there is reduced public confidence, and it undermines the legitimacy of any government, especially if the practice distorts the rules of procedure and the governance structure, and subverts the rule of law. In elections or the Legislature, it impedes transparency and accountability and undermines democracy, good governance, and republicanism.

Several institutions have been created to deal with corruption, including the Prevention and Combating of Corruption Bureau (PCCB) and the Ethics Secretariat (ES). Laws have also been made to bring down corruption, but the implementation of the laws and the independence of these institutions have come under the spotlight. The application of the regulations and the penalties to

² See <<http://www.business-anti-corruption.com/country-profiles/tanzania>>

³ Refer to <<http://www.kas.de/wf/doc/4180-1442-1-30.pdf>>

fight corruption are largely ineffective⁴, with measures to combat, it applied impartially to offenders.

New strategies need political leadership support. The current President of Tanzania, John Magufuli, is making progress in the fight against corruption. His involvement in the process and unique anti-corruption drive has been highly regarded. Still, more punitive and preventive approaches, and institutionalizing the process and the support of all stakeholders (especially parliament, media, private sector, and the government) must be sought to bring synergy and a broader focus on the fight against corruption.⁵

External Factors

Executive-Legislative Relationship

The Legislature is fused with the Executive, which is meant to be separate but favour the President. Although the President is the head of state and government, the government's activities in the National Assembly are headed by the Prime Minister, who is appointed by the President. The President is required by law to appoint all cabinet members and their deputies from the House. Hence, there is impartiality in matters dealing with the President and Executive.

Appointment of Ministers

All Ministers who are members of the cabinet are appointed by the President after consultation with the Prime Minister and are constitutionally responsible for offices that the President establishes. They are appointed and scrutinized by the parliament, including those appointed into the Legislature. 83% of the survey respondents believe the Legislature does not play a role in cabinet formation, and the appointment of ministers is thus the sole prerogative of the President. Consequently, there is substantial potential for cronyism between members of the party in power, who may double as the majority in the National Assembly, to undermine parliamentary scrutiny.

Censure and Impeachment

60% of respondents believe parliament can censure or impeach a minister. More than half believe the National Assembly *has* censured a minister. However, most think that this is rare. 100% concurred that censure has never occurred with the President, despite constitutional support for the National Assembly's censorship.

Budget Making

The budget is the government's most important economic policy tool that effectively highlights national development priorities. 100% of those in the research pool agree that the National

⁴ Refer to < <https://www.export.gov/article?id=Tanzania-Corruption>>

⁵ See page 2 of the citizens' newspaper on Friday, June 23, 2017.

Assembly can amend the budget. However, while the National Assembly approves budget appropriation, its role in the budget process falls under the Finance and Economic Affairs Committee, which scrutinizes government's proposals on the annual estimates of expenditure, and the Budget Committee.

The Legislature in Tanzania has a significant role in the approval of the budget and its appropriation and subsequent disbursement and usage. 83% of survey respondents believe the National Assembly has played a role in budget amendments. But amendment timing is irregular. There is a vast difference between other stakeholders' perspectives, and MPs concerning the Legislature's degree has amended the budget. All stakeholders put the margin at which budgets are amended at around 65%, while members of the National Assembly, set the margin at only 25%.

Veto of Legislation

Private Members of the Legislature who are not also Ministers are constitutionally empowered to introduce bills to the National Assembly. Before being accepted, the member wishing to introduce the bill must inform the Clerk of the National Assembly of his or her intentions and formally submit the bill's name with a vivid description of the objective and reasons behind the bill. A private member's bill then goes through all the processes that any other bill goes through before being accepted as law. This process is challenging for a member of the opposition because those ministers of the government who are also members of the Executive are chosen from parliament and can reject a Bill at the voting stage. In the unlikely event that it survives the Speaker's antics and then gains majority acceptance in the voting stage, the President has the final authority of signing it into law. The government also has the privilege of bringing bills to the National Assembly for approval. Before a bill becomes law in Tanzania, it goes through a lengthy consultation and decision-making process at the Ministerial, Permanent Secretary, and finally, the Cabinet levels.

Political Parties

Political party cohesion in Tanzania is somewhat strong. New political parties have emerged and pose a more significant threat to the incumbent party, Chama Cha Mapinduzi. As inter and intra party political tensions rise, the Tanzania Centre for Democracy has been a significant platform. As a result of isolated violence and verbal abuse in inter-party politics, the government has banned political party activities until the next general election in 2020, and the opposition party has been defying the government openly. The relationship transcended party ideological differences to relations between individual members of the National Assembly. The intervention of the Centre proved vital as it peacefully removed the tensions.

Crossing the aisle is not allowed in the Tanzanian Legislature, and those who want to must first vacate their seats by resigning before joining the other party. As a result, political parties have more power and democracy is restricted, since legislators are forced to side with their party on issues before the House even if it does not benefit individual constituents. Survey results

demonstrate that legislators who side with their party's interest are rewarded in ministerial appointments and party support in internal party elections, while those who do not are suspended or dismissed from party leadership roles. Sanctions are issued by giving due respect to the processes laid out in the party's constitution.

External Oversight Institutions

There are several external oversight institutions in Tanzania.

Auditor General

The Supreme Audit Institution in Tanzania, the National Audit Office, is headed by the Controller and Auditor General. The Legislature is not the appointing authority; the President has the sole prerogative of appointing someone to fill that position. About 79% of the respondents indicated that the National Audit Office does not report directly to parliament. Unlike other jurisdictions where the office reports directly to the Legislature, the National Audit Office reports to the President, who subsequently tenders the audit report before the National Assembly for scrutiny and inquisition.

The work of the National Audit Office is critical to ensuring accountability in the governance process as it should lead to prosecution, imprisonment, refunds of monies, warning, interdiction, and removal from office (Stapenhurst et al. 2008). The respondents were not wholly convinced that the Controller and Auditor General enjoys total independence in the execution of its work, with only 55% indicating independence. Combining all the responses from all stakeholders together, the survey revealed that the National Audit Office has been *very effective* in its work. One area of improvement would be working with CSOs, as they were not impressed with the office's work.

The Ombudsman

The Commission for Human Rights and Good Governance plays Tanzania's Ombudsman role, appointed by the President. Established in 2001, the Commission strives to "strengthen the adherence to good governance and the observation of human rights by both the state and citizens in Tanzania"⁶ The respondents unanimously agreed that the Legislature is not involved in the appointment process. While 90% of the respondents believed that the Ombudsman does not report to the Legislature, 80% acknowledged that the office does not have independence over its budget. Respondents were not, however, in agreement about whether the President can unilaterally remove the Ombudsman.

⁶." See <http://ict4democracy.org/about/partnerproject-briefs/tchrgg/>

According to survey respondents, the onus of sanctioning public officials lies with the Executive. In most cases, the accused are suspended, relieved of their duties, tried by the court where the offense occurred, and ministers who flout the law are forced to resign.

Anti-corruption Agencies

Chief among the agencies include the Prevention and Combating of Corruption Bureau (PCCB), Economic and Organized Crimes Control, and the police force. The heads of all these institutions are appointed solely by the President.⁷ About 74% of the survey respondents revealed that the agencies are under the control of the Executive. It is fair to assume that they report to the Executive even though all government arms can consult them in the performance of their work.

For their activities to gain public confidence, these agencies must work without any government interference. 80% of the respondents consulted were of the view that the anti-corruption agencies do not independently manage their budget and staffing needs. About 85% of the respondents also believed that these agencies' heads could be removed without recourse to the Legislature. The respondents generally remarked that the activities of these agencies are only *somewhat effective* in uncovering corruption.

Media and Access to Information

Tanzania is one of the few countries in Africa with a Freedom of Information Act. The Act signifies an extension of freedom of speech, offers significant help to journalists' work, and opens the governance process to severe scrutiny. The respondents determined that the Act is *neither effective nor ineffective* at making information available to the National Assembly members. Therefore, the leaders need to go beyond the passage of the law to remove subtle rigidities that can block Members and citizens from accessing public information. Respondents alluded to the government's interference in the media. Indeed, Tanzania declined by three (3) points in Freedom House's 2017 Freedom of Press Report. The decline could be due to restrictive acts being passed, such as Tanzania's Cybercrime and Media Services Acts, which has also impacted the media's ability to oversee the Executive and the Legislature's work. Respondents generally ranked the media's ability to put the Executive and the Legislature in check as *somewhat effective*. Furthermore, respondents revealed that the media had been *somewhat effective* in investigating and exposing corruption cases. About 58% of respondents indicated that they had witnessed cases where media reports and parliamentary actions reinforced each other in the Executive's oversight and/or uncovering corruption.

⁷ See < <http://www.myjoyonline.com/world/2015/December-16th/tanzanias-magufuli-fires-anti-corruption-boss.php>>

Civil Society Organizations (CSOs)

CSOs occupy a strategic space in governance. They can offer expertise to support government machinery in its relationship with the people. However, as revealed by the survey, CSOs in Tanzania, have just been *somewhat effective* in overseeing the work of the Executive and uncovering and reporting incidents of corruption in the country.

Internal Factors

Internal factors such as the committee system, business in the chamber, and institutions also affect parliament's oversight and anti-corruption functions.

Committee System

The principal oversight committees in the National Assembly are the Public Accounts Committee and the Local Authorities Accounts Committee. These committees play a watchdog role, assuring that the National Assembly's sums meet public expenditure commitments. The level of partisanship in these committees is *neither weak nor strong*, which is beneficial because the over politicization of oversight committee work reduces the committee's effectiveness. These committees meet about 8-11 times annually and are well-equipped with 5-6 technical staff. The respondents indicated that the committees have been *very effective* in uncovering fraud and corruption cases in public service.

Processes within the Chamber

In Tanzania, parliamentary proceedings have oversight tools, such as question periods in which the House may question the Executive. Both sides of the House are given the same privileges for time apportioned for questioning the Executive. However, members have not been able to utilize the question time tool effectively. Many stakeholders believed questions in the chamber have been *neither effective nor ineffective* in uncovering cases of fraud and corruption. The House has been unable to return swift justice when the committee discovers fraud. In most instances, the government refers the matter to the anti-corruption agencies to further investigate, which usually does not occur.

About 67% of the respondents indicated that the Legislature in Tanzania had utilized its powers to set up special committees and commissions of inquiry. Key among those commissions were the Special Committee set up by the Speaker of the House to investigate how much revenue the tanzanite gemstone contributes to the country's coffers, for example. These commissions have been instrumental in streamlining policies and bringing order to the natural resource sector in Tanzania. As a result, commission work is considered to be *very effective* by all respondents. The work of the committees and commissions of inquiries have led to many ministers resigning and heads of institutions being fired. In most cases, the House recommended that the Executive sanction those found to have violated the law.

Mandate and Independence

These commissions of inquiries have been successful mainly because of the "considerable degree of autonomy" that the Legislature enjoys in the performance of its duties. Although the current arrangement in Tanzania does not give the Legislature absolute independence in determining its budget, respondents were generally of the view that they have "considerable power," which reasonably satisfies the operation of the principle of separation of powers. To a *considerable extent*, the National Assembly has competent staff to execute its mandates under the constitution.

Information Resources

Legislation, monitoring of government action, and liaising between citizens and government are the primary function of Members of Parliament. Documentation and materials must be made available by the House to assist these members. Libraries remain one of the primary resources needed to build the capacity of Members of Parliament. Policy think-tanks have also proven to be very useful to Members. Parliamentary and CSO relationships are meaningful because many CSOs have managed to build knowledge and develop expertise in many areas of governance.

Conclusion and Recommendations

Even though there are other mechanisms to conduct oversight, committees remain the primary platform through which effective legislative oversight against corruption is exercised. The Tanzanian National Assembly's committees assist the Assembly's work. Three are dedicated to the Assembly's internal upkeep, and the remaining fifteen are responsible for oversight.

The internal tools for oversight available in the Tanzanian Legislature follow African best practices. The ability for members to introduce bills, freedom of information, and other privileges given to all House sides enhance the oversight function. However, the structure of the National Assembly itself subtly obstructs effective oversight. For oversight to work well, the precondition of clear legislative-executive jurisdiction must exist, which can only be altered by amending the constitutional provisions that make the Legislature a rubber-stamp parliament that moves according to the whims of the Executive.⁸ The Executive must distinguish itself from the Legislature, and there must be a consensus between all arms of state regarding roles. In the status quo, the Executive's immense power overshadows the Legislature and President's power to appoint people to the Legislature, and the subsequent appointment of all ministers from parliament thwarts the intent behind separation of powers. Additionally, the Executive's power in the Legislature can extinguish any attempt to subject the Executive to rigorous scrutiny using any of the tools of oversight. While reforms could help governance in Tanzania, it is worthy of note that attempts to shrink the power of the Executive are likely to meet stiff opposition. Extensive

⁸ Refer to < <http://siteresources.worldbank.org/WBI/Resources/TrendsInParliamentaryOversight-FINAL.pdf>>

consultations and discussions by all stakeholders are needed to make them yield to these principles that shape the country's governance structure.

External factors studied in the report could have a positive effect on the oversight function of the Legislature if their independence were guaranteed. The anti-corruption bodies, such as the Ombudsman, media, and Civil Society Organizations, provide resources to the Legislature for oversight against corruption and directly participate in the fight against corruption. Unfortunately, a significant number of them are also under the control of the Executive. In most cases, the Executive receives their reports, appoints and dismisses heads of these institutions, and makes stringent laws that do not bring out the best in some of the institutions. The sanctity of the independence of these external bodies is to be cherished. Hence, this study recommends that they must be independent and free from political leadership interference. Political will towards maintaining independence in the external institutions that support legislative oversight must be prioritized. Moreover, the stringent laws that gag the media should be loosened to accommodate the media's criticism and watchdog role.

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Full research results on Tanzania can be found at Rick Stapenhurst, Rasheed Draman, Brooke Larson, and Anthony Staddon (2020) "Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption" New York: Springer.

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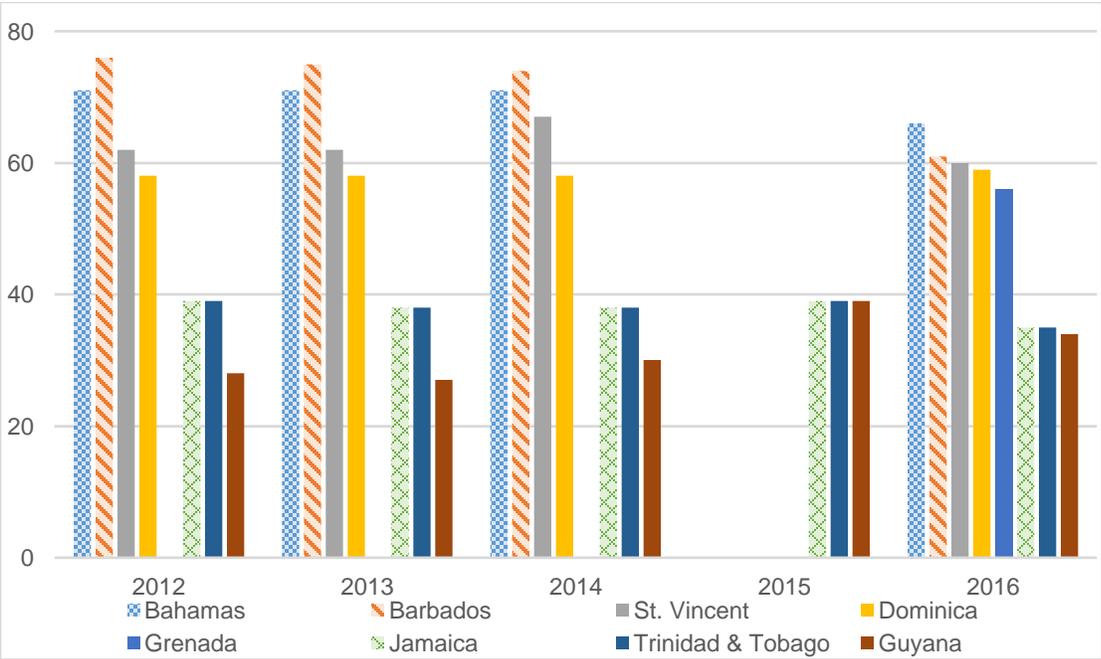
Parliamentary Oversight and Corruption in the Caribbean: Trinidad & Tobago and Grenada

Parliamentary Oversight and Corruption – Policy Brief

Introduction

Corruption is an imminent issue throughout the Caribbean, with Trinidad and Tobago and Grenada ranking among most corrupt nations in the region; see Chart.

Graph 1. Transparency International Corruption Perceptions Index (100=extremely low; 0=extremely high corruption)



Source: Transparency International (2016)

The Trinidad & Tobago Political Context

Reports of corruption in Trinidad and Tobago are standard among public sector and Executive level leaders. Legislation to address public officials' corruption, including the Integrity in Public Life Act, the Prevention of Corruption Act, and the Police Complaints Authority Act, have not been well implemented. The Office of Procurement Regulation was established in 2015 for public procurement matters and the retention and disposal of public property.

The Grenadian Political Context

Corruption in Grenada has improved in recent years but remains an issue. The Prevention of Corruption Act and the Integrity in Public Life Act of 2007 are the legislative core of Grenada's anti-corruption efforts. A decree, passed in 2013 under the Integrity in Public Life Act, mandated all public officials declare their assets by April 3, 2015.

Research Findings

Despite evidence that Parliamentary oversight plays an essential role in the fight against corruption, significant knowledge gaps in parliamentary oversight in Trinidad & Tobago and Grenada were found.¹ Some contextual factors impacting oversight were found to exist already and affect Trinidad and Tobago and Grenada's parliamentary oversight success (Stapenhurst, 2011).

External factors

Size, Population, and Economy

Trinidad & Tobago is large (1,981 square miles, 1.3 million people), has significant oil reserves, and a GDP per capita of around US 32,000. Grenada is small (134 square miles, 110,000 people) and poorer (GDP per capita of US 13,600). Trinidad & Tobago is diverse (35% Indian, 34% African), while Grenada is homogenous (89% African). Wealthier *and* smaller countries tend to be less corrupt. While both countries are middle-income, Trinidad and Tobago's GDP jump compared with Grenada's should be conducive to less corruption, while Grenada should be less corrupt based on size.

Colonial Heritage

Former British colonies tend to have less corruption than the former colonies of other European countries. Both countries were under European colonial rule for more than two centuries (first Spanish and then mostly British). Trinidad & Tobago became independent in 1962 and a Republic in 1976, whereas Grenada became independent in 1974, suspended the constitution and established the People's Revolutionary Government from 1979 to 1983. When the United States of America invaded, the Constitution was reinstated, and elections were held in December 1984.

¹ The study collected 2017 in-country field data, including a public document search and 39 key informant interviews (9 MPs/Senators; 8 journalists; 11 parliamentary staff and eight civil society representatives), which were compared with recent inter-parliamentary union survey findings.

Executive-legislative relationship

Both countries are bicameral and have 'first past the post' electoral systems. In Trinidad & Tobago, sixteen Senators are appointed on the advice of the Prime Minister, six on the leader of the Opposition's advice, and nine to represent other sectors of civil society. In contrast, in Grenada, seven Senators are appointed on the prime minister's advice, three by the Opposition Leader, and three to represent other sectors of society. Senators in both are appointed. Moreover, parliamentarians who serve as Ministers are full-time; all others are part-time. This results in a significant difference in salaries between Ministers and back-bench and Opposition MPs in both countries. Also, legislators may not have sufficient time to fulfill their oversight responsibilities. There is no opposition in the House in Grenada. A proposal to ensure a permanent seat for an Opposition leader in Grenada's House was defeated in 2015.

Political Parties

Both countries have a two-party system. Grenada's governing party is stronger and less partisan than their Trinidadian counterparts. Trinidad & Tobago have strong party cohesion even though Grenada's current governing party seems stronger. Grenada had five cabinet resignations in 2008-13, the first demanded by the Prime Minister who sent a positive anti-corruption signal, but leading four subsequent Ministers to resign in protest. There are weak campaign finance limits in both countries, which further allows space for corruption. A bill to establish an independent Elections and Boundaries Commission was rejected in a referendum in Grenada in 2015.

Trust in Parliament

Data is not available for social trust in Grenada's Parliament. Public trust in the Parliament of Trinidad & Tobago is low.

Institutional Efforts to Strengthen Parliamentary Oversight

The legislatures in Trinidad & Tobago and Grenada have Public Accounts Committees (PAC), question periods, and censure motions, have established procedures for votes of no confidence, Ombudsman, Supreme Audit Institutions, and anti-corruption agencies. Only Trinidad & Tobago has a significant library, excellent research facilities, and reliable staff support. The committee system in Trinidad and Tobago is more developed and better equipped to tackle corruption.

While the Parliament of Trinidad and Tobago has taken new steps to strengthen its ex-ante (budget formulation) oversight powers, the lack of an Opposition in Grenada has impacted the House of Representatives' already weak position in their ex-ante oversight role.

Public Accounts Committees

Trinidad & Tobago's PAC meets 7 or 8 times a year, and the research found it to be *neither effective nor ineffective* in uncovering fraud and corruption. Grenada's PAC meets three times a year and is

considered *ineffective*, with delivery, legislative scrutiny, and recommendations following audit reports to all be inadequate. In both countries, the PAC is chaired by a member of the Opposition, but a more partisan opposition in Grenada.

Table 1. Oversight Capacity – Oversight Tools and Facilitating Conditions

	Trinidad & Tobago	Grenada
Oversight Tools – Internal		
Audit Committees	Public Accounts Committee	Public Accounts Committee
Other Committees	Relatively strong; well resourced	Tend to be weak; poorly resourced
Question Period	Yes	Yes
Cabinet Formation/Dismissal	No	No
Censure/Impeach		
Vote of No Confidence	Yes	Yes
Oversight Tools – External		
Supreme Audit Institution	Auditor General	Audit Department
Ombuds Office	Yes	No
Anti-Corruption Agencies	Integrity Commission Anti-Corruption Investigation Bureau	Integrity Commission Financial Intelligence Unit
Facilitating Conditions		
Staff + Research Facilities	Good	Poor
Access To Information Law	Yes	Pending

The parliamentary committee system and the establishment of a PAC-like Committee on Public Enterprises suggest the potential for improvement in the oversight of public finance in Trinidad and Tobago. Their Joint Select Committees (JSCs) is empowered to inquire and report to both Houses of Parliament regarding government ministries, Municipal Corporations, Statutory Authorities, State Enterprises, and Service Commissions. The Parliament has taken steps to remove discrepancies between Senate and House Standing Orders and the JSCs. It has also established new JSCs: Government Assurances, Public Appropriation and Administration, National Security, Energy Affairs, Foreign Affairs, and Human Rights, Diversity and Environment, and Sustainable Development. They are becoming more effective in bringing corruption issues to the agenda. Independent Senators chair the JSCs and an increase in inquiries and reports.

Other Committees of Inquiry

Both countries have established special committees or commissions of inquiry, with the Trinidadian committees *more effective* than the Grenadian ones in uncovering incidents of fraud and corruption. However, Grenada's Commission of Inquiry is newer, with more room to prove its potential.

Auditor General

In Trinidad & Tobago, the Auditor General is appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The AG is independent of the government and reports directly to Parliament. In Grenada, the Director of Audit is appointed by the Governor-General on the advice of the Public Service Commission (who is appointed by the Governor-General, on the advice of the Prime Minister). In both countries, the critical constraint to audit effectiveness is the Parliament's lack of action on government recommendations. The Grenadian Director of Audit is required to submit reports to the Minister of Finance, who forwards to the House of Representatives. In Trinidad & Tobago, the Auditor General reports directly to Parliament. Both audit offices rely on the Public Service Commissions for hiring, and as a result, are often under-staffed, under-funded and lack qualified auditors. In Grenada, audit reports are not addressed by Parliament promptly. In both countries, Audit Office *access* is problematic. In Trinidad and Tobago, AG Reports are not adequately probing. *Financial* reports must be submitted to the AG, but the resulting small fine does not deter, and there may not be effective enforcement. In June 2015, Parliament began to improve its Standing Orders, and a Government Assurances committee has also been established to scrutinize Ministerial commitments.

Question Period

Both countries have balanced Question Periods, but Grenada questions are sometimes left unanswered or delayed, compared with an 84% response rate in Trinidad and Tobago. Therefore, question periods are considered more effective in Trinidad and Tobago.

Censure and No Confidence

The legislature in Trinidad and Tobago can censure Ministers and the Prime Minister, though it rarely does. In both countries, the government requires the confidence of the lower house. It is unlikely to administer the no-confidence rule with the government's majority, though it does sometimes work. The Parliament of Grenada must sit at least once per year with no more than six months passing between sittings. Any government can sideline Parliament and delay parliamentary business, including votes of confidence, as did the Prime Minister in 2012 to avoid a no-confidence vote.

Ombudsman

Both Trinidad & Tobago and Grenada have Ombudsman offices designed to assist individuals who believe that they suffered maladministration within the public service. Since 1976 in Trinidad and Tobago, this Officer of Parliament has had extensive investigatory powers, with the ability to enter and inspect any jurisdictional premises, to call for, examine and retain any document there, and pursue investigations with High Court judicial powers. It submits annual performance and results reports to Parliament. Grenada's Ombudsman office was established in 2007, does *not* report to Parliament, but its statements may be laid in Parliament by the appropriate Minister. In 2017, Grenada's Ombudsman office became a National Human Rights Office. Despite good intentions, however, study results indicate that neither country is especially effective at carrying out its Ombudsman mission. Indeed, in Trinidad & Tobago, there is a general lack of awareness of the Ombudsman's role and existence. This is being resolved with a new mandate requiring the Ombudsman's report to be submitted to the Speaker and considered by the House on the motion.

Integrity Commissions

Grenada's 2007 Integrity Commission upholds public officials to high standards of integrity through declarations of assets, liabilities, income, and interests. It investigates impropriety, corruption, and misconduct by public officials, prosecuting guilty people. There is an overlapping mandate between the Integrity Commission, the Public Service Commission, and the Police, which has demonstrated good intergroup information sharing between authorities and the public. However, the Commission needs to strengthen its public outreach and education programs. Trinidad & Tobago's Integrity Commission has a broader mandate, including preventing and investigating corruption, enforcement, and public education. It receives declarations of income, assets, and liabilities and is responsible for examining public bodies' practices and procedures to facilitate the discovery of corrupt practices. Trinidad and Tobago have adopted measures to

strengthen their work, but a large backlog remains due to a lack of human and financial resources. Neither country's integrity commission is judged to be very effective.

Anti-corruption agencies

Trinidad & Tobago's Anti- Corruption Investigation Bureau (AICB) and Grenada's Financial Intelligence Unit are also not considered effective. In Grenada, the FIU is concerned with money laundering and counter-terrorist financing, not anti-corruption *per se*. The work is undermined by the time it takes to investigate and enforce sanctions through the courts.

Facilitating Factors

Additional facilitating factors are essential to parliamentary oversight.

Library and Research Facilities

The Parliament of Trinidad & Tobago has relatively good library facilities. A hurricane damaged Grenada's parliamentary library. Thus, its resources are limited. Both facilities are considered underused.

Access to Information (ATI)

Most Caribbean countries have not enacted ATI laws to provide citizens with the right to access government documents without justifying a legal need. Grenada has a draft law, yet to be passed by Parliament. Trinidad & Tobago enacted a Freedom of Information (FOI) Act in 1999, overseen by the Ombudsman's office. It includes a broad scope and somewhat effective promotional mechanism, though the Ombudsman is structurally weak, has vague fee rules, and FOI request responses uneven.

Other Oversight Mechanisms

In both countries, the Senate plays a vital oversight role, especially in Grenada, without a lower chamber opposition Member. Grenada has launched a successful Committee of Social Partners (CSP) through which the Prime Minister can solicit advice and feedback from different elements of society on policies and draft laws. The CSP meets monthly and comprises representatives of the private sector, trade unions, NGOs, religious organizations, and youth. The CSP presents an Annual Report to Parliament for debate.

Recommendations

Public trust in Trinidad & Tobago's Parliament is low. To remedy this, Parliament is becoming more efficient and effective in citizen communication. There is a code of conduct and requirement for the public declaration of assets by MPs, greater transparency in parliamentary deliberations, including committee meetings, and budget oversight is improving. No matter how well-

entrenched, support from the Presiding Officers is difficult to officially facilitate when legislatures do not have control over recruitment, particularly the Clerk of Parliament. High turnover among parliamentary service people is common, but in Trinidad and Tobago, the clerk, a champion in parliamentary strengthening, has been in post for over 15 years.

Both Trinidad & Tobago and Grenada have full oversight tools, but they are not adequately effective. Committees in Trinidad & Tobago have been strengthened, but with MPs only part-time, effectiveness is limited.

In Grenada, the committee system is under-developed, and certain traditions should be relaxed:

- Membership should comprise MPs and Senators *and* be open to unelected members;
- Ministers should be allowed to sit on and chair Committees– but not those overseeing their departments;
- Clerks and researchers should be provided to support committees.

The Prime Minister chairs the CSP in Grenada with no official opposition representative and neither aims to generate economic growth and employment, nor corruption. The CSP should be better linked with Parliament.

The Chair of Grenada's PAC is the ranking Opposition Senator, which makes committee operations difficult. A bipartisan approach in the committee may be challenging to obtain. Since Grenada is such a small country, it may want to establish a 'regional PAC' with other countries in the region. PAC should also be empowered to subpoena documents and witnesses and promote government accountability and increase public involvement.

Trinidad & Tobago's Auditor-General should be empowered to impose administrative sanctions on government departments, agencies, and statutory bodies that do not submit timely financial reports and publish a list of those who are non-compliant. The office needs independence in all staffing, without the Public Service Commission (PSC). Parliament should better legislate the Extractive Industries Transparency Initiative (EITI) to legally assess the revenues and payments declared by the government and the extractive companies.

Grenada's Audit Department reports should be sent directly to Parliament, not through the Department of Finance. Working with the PAC, the Department should better inform the public of their work, activities, and outcomes, especially related to corruption. Grenada's Audit Office should also be able to hire staff independently. Social audits should be established through the Audit Department and the CSP.

Public servants and the general public are generally unaware of Ombudsman offices, which could be remedied by outreach and public education activities. While ombuds offices are financially limited, both countries' Parliaments could help ensure their financial independence, a vital autonomy measure to aid in ombud's work. HR management autonomy would also benefit each country. Ombuds offices should establish public agency responses for requests for information timeframes with appropriate noncompliance enforcement mechanisms.

Likewise, the Integrity Commissions of Trinidad & Tobago and Grenada would benefit from the strengthening and creation of public outreach and communications strategies. Results found them to be rather ineffective. Public official training on their Code of Conduct responsibilities should be developed. Better communication between Trinidad & Tobago's Commission and Parliament, the Board or other Authority, and to the Director of Public Prosecution for action on breaches of Codes of Conduct in the form of formal information exchange should be established. Collaborative arrangements in Grenada are also needed between the Commission and the Financial Intelligence Unit, the Audit Department, and the Director of Public Prosecutions. The Integrity Commissions need quick judgments, and Whistleblower legislation to curb corruption and provide protection. Parliament should help the Commission to be adequately resourced with financial autonomy and enabled to offer administrative sanctions. Grenada's Parliament should more seriously appoint heads of constitutional watchdogs. Without an opposition voice in the House, the Senate should review and approve such appointments. A non-citizen could be appointed as head of the Integrity Commission in both jurisdictions.

Both parliaments should enact stricter codes of conduct, ethics committees, and CPA benchmarks on Codes of Conduct. MPs and integrity commissions should fully and regularly disclose financial assets and business interests. Campaign financing and political party registration should be modeled after the OAS Model Law's transparency and accountability guidance. Finally, Trinidad and Tobago's constituency office users, which are paid by the Parliament and under the control of members, should publish reports on how they have spent their money.

Conclusions

The issues and weaknesses in parliamentary oversight are fundamentally different in small countries than in large, and cannot be generalized. In both countries, the government dominates oversight institutions. These institutions should, instead, be independent both constitutionally and in perception. Reporting to Parliament, as in the AG in Trinidad, providing financial autonomy and freedom to manage human resources to oversight institutions, and providing *more* resources are essential steps to strengthening oversight institutions. The Parliament of Trinidad & Tobago sets an excellent example of how public awareness can be raised to inform the unaware public of institutions in place.

Both countries have oversight tools and mechanisms to hold governments to account, and thereby reduce corruption, with limited success. Unless citizens demand that elected governments ensure that oversight and anti-corruption mechanisms are free of political influence and are adequately resourced, the institutions will be ineffective, and corrupt actions will continue undeterred and unpunished.

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Parliamentary Oversight and Corruption in Myanmar

Parliamentary Oversight and Corruption – Policy Brief

Introduction

In Myanmar, the Pyidaungsu Hluttaw (Assembly of the Union) is charged with the oversight of existing anti-corruption provisions. In this report, therefore, the effectiveness of the Hluttaw in its oversight capacity is examined. This report is divided into three sections: contextual factors, external oversight institutions, and internal legislative tools. Within each of these, each relevant element is analyzed, particularly for its effectiveness in curbing corruption.

The Myanmar Political Context

Formerly known as the Socialist Republic of the Union of Burma, the Republic of Myanmar's Republic is administratively composed of seven Regions, seven States and the Union Territory, the prescribed term for the capital of the Union, Nay Pyi Taw (Articles 49 & 50a).

In 2011, the country underwent a political transition from an authoritarian military regime to a democratic civilian regime. In November 2015, the first general election under civilian rule was held, and the National League for Democracy (NLD) led by Aung San Suu Kyi. U Htin Kyaw, a senior aide to the NLD leader, was appointed President, and a new role of State Counsellor was created for San Suu Kyi, giving her cross-governmental powers over all ministerial portfolios, in addition to her appointment as Foreign Minister and Minister of the President's Office. Decades of military rule continue to influence governance with the perception 'that the military is still the most reliable vehicle for advancement in the public sector' (Hendrix & Noland, 2015: 13-14).

Corruption in Myanmar is historically rooted and systemic. The previous government reformed censorship regulations introduced an Anti-Corruption Law (2013) and an Anti-Corruption Commission. Yet the latest Corruption Perception Index from Transparency International (TI) scored Myanmar 28 out of 100, with the country ranked 136 out of 176 (TI, 2017a).

Trust in parliament and perceived corruption by legislators are two measures of the social legitimacy of the legislature. The Asia Foundation (2014) found that citizens have limited knowledge about government structure and functions, and social trust is critically low. Those who felt that the country is heading in the wrong direction particularly highlighted corruption.

Political Facts

- The legislative power of the Union is shared among the *Pyidaungsu Hluttaw* (Union Legislative Assembly), Region *Hluttaws* (Assemblies) and State *Hluttaws*;
- Pyidaungsu Hluttaw ('the Hluttaw') is a bicameral legislature;
- Hluttaw is made up of elected and appointed members from Defence Services;

- Presidential government with a separation of powers between the executive and legislature;
- Separation of powers between the executive and legislature

Research Findings

Legislative-Executive Relations

The creation of the role of State Counsellor specifically for Suu Kyi in 2016 has shifted the power from the President to this newly created executive role. Her official role as overseer of all ministers and liaison between the legislature and executive, and personal command over 77% of MPs, has resulted in unprecedented power being held in a single individual's hands.

Executive-legislative relations across the democratic political system are often fraught, but there is little friction between the two in Myanmar. MPs are expected to tow-the-party-line and are often appointed for their ability to do so. Many interviewees indicate that MPs experience significant pressure from the party to conform to the Executive; one interviewee told us the party 'always comes to an agreement.' MPs have been told that they would be sanctioned if they did not conform to the party line when voting.

Legislative powers

The process in Myanmar for the passing of legislation is complex. Constitutionally, the President does not have the right to veto legislation only to request amendments. The President must either suggest amendments or pass a bill within fourteen days of receipt, and if not, the bill is considered approved. If amendments have been made, the President has seven days to pass comment once more or approve. Upon the lapsing of this period, the Hluttaw can consider the bill approved.

Although most interviewees were aware of this process and said it works well, they also recognized that ministers initiate most legislation. Also, of the 20-39% of proposed bills that do emanate from MPs, a tiny portion comes from opposition legislators. Respondents indicated that opposition MPs find it very difficult to get bills debated, let alone passed because the Bills Committee in the Hluttaw, meant for screening legislation before it is debated, is heavily biased towards the NLD. Thus, it is common for opposition MPs to be told that it is 'not the right time' to have their issues debated, discouraging submissions altogether.

Participants also referred to the Hluttaw's speaker's ability to censor the introduction of new bills from NLD MPs. This pre-approval stage, it seems, enables the party to retain influence over the legislative process. Furthermore, as the Hluttaw is under-staffed and has no experienced technical staff to draft bills, the legislature is forced to rely on experienced and qualified ministerial-level staff or appointees to draft legislation.

Budgetary Powers

Emphasis has been placed on the need for increased transparency in the budgetary process. Much of the corruption is considered to take place in the allocation and collection of public funds. It is the President's prerogative to submit the Union Budget Bill to the Hluttaw for

approval. In 2012, the state budget was debated in Parliament for the first time. Parliament can only reduce or reject the budget proposed by government ministries. However, the Hluttaw cannot refuse or curtail salaries, allowances, and expenditures of Union level members and organizations. On other matters, a majority vote is required to pass amendments.

Our interviewees were clear that the budget is *always* scrutinized. However, respondents from outside the legislature still complain of a lack of budget transparency, particularly relating to defence and security. Many also commented that, although they are not prevented from scrutinizing the budget explicitly, logistical problems amount to a block in practice. The most frequent example given was the short timeframe set for budget scrutiny (between one to six weeks), tight deadlines, and lack of coherence in the outcome.

Political Parties and Party Dynamics

When asked how cohesive political parties in Myanmar are, the average answer was *neither weak nor strong*. It was common for parties to split, new ones to form, and individual MPs to defect from one to another without losing their seat. NLD is an exception because its cohesion is down to the party's ruler and a sanctions regime in place for misconduct, adjudicated by the party committee. The party leaders are said to prioritize loyalty over competence. Some MPs reported being told that they could not leave the party as they had only been elected as representatives of the NLD rather than individuals. As a result, they were not allowed to campaign under their name and were very restricted in expressing their individuality. In contrast, opposition parties are more fragmented (and hold little influence). In terms of sanctions, the majority referred warnings, removal from the party, or committee memberships' retraction.

External Oversight Institutions

Various external oversight institutions have been set-up, including the Auditor General's office and an Anti-Corruption Commission. There is no Ombudsman. The media and CSOs also play a role in providing oversight.

Auditor General (AG)

The Hluttaw must approve the appointment of an AG with requirements stated in the Constitution. It cannot reject the appointment unless the individual does not meet these constitutional requirements. The AG can be removed without legislative or judicial approval.

Respondents demonstrated little understanding of the AG's office, and answers regarding the process are almost evenly split between *yes* and *no*. The AG reports directly to the Hluttaw at the same time as it reports to the President.

Answers regarding the role of the AG are equally ambiguous. Some issues included the AG's lack of oversight to audit the Defence Service or the private sector. Moreover, the AG office is under-resourced and lacking authority. Respondents were unsure of the AG's investigations, and their perception of the office is that it is *neither effective nor ineffective*.

Anti-Corruption Agencies

Myanmar has a single anti-corruption agency in the form of the Anti-Corruption Commission (ACC). The AG's knowledge is weak. There is a lot of ambiguity and a lack of information regarding corruption investigations being undertaken. Prosecutions for abuse of office have been low. Overall, most respondents agreed that the ACC is *not effective to somewhat ineffective*. The biggest problem highlighted was the lack of authority to investigate high-level corruption. Politicians and business people are rarely investigated. The ACC is also not able to prosecute those involved in corruption cases before 2015. Some argued that its inactivity is a result of political will and heavy military influence.

Media and Access to Information

The constitution does not specify the right of citizens to seek information from their government. Most interviewees spoke of a contentious relationship between the media and executive with the legislature often caught in the crossfire. Sources state that Myanmar's press freedom is "not free." Many regulations are surrounding which channels can broadcast certain information and what information must be censored (i.e., the Official Secrets Act, Telecommunications Act). As a result, there have been many prosecutions for individuals "criticizing" the government over telecommunication networks. Individuals and media outlets are now scared (for their profession and attacks in their person) to share corruption stories and allow state-owned media to report on politics, which can be biased. The NLD has prohibited their members from interacting with the media individually, so the media is utterly reliant on official statements. Overall, the perceived effectiveness of the media falls between *somewhat ineffective* and *neither effective nor ineffective*. Acts to increase access to information have been in the works but experience much resistance and push-backs.

Civil Society Organisations (CSO)

Similar to the media, CSOs are considered, on average, *somewhat ineffective*. There is little evidence that CSO reports are taken into account in decision-making or the prioritization of debates. Also, MPs are warned against collaborating with CSOs as the government takes the stance that some organizations are attempting to usurp control of the state. We found that many CSOs are actively attempting to monitor and engage with the Parliament and disseminate parliamentary information. Almost all accept that the links and general relationship between civil society and the Hluttaw must improve.

Internal Oversight tools and Mechanisms

Oversight functions and activities are also subject to and facilitated by several internal factors. We invited local stakeholders to examine confirmation of ministerial appointments, censure and impeachment, the committee system, and the chamber and some enabling factors such as research capacity.

Confirmation of ministerial appointments

In common with other presidential forms of government, Ministers are prohibited from serving simultaneously in the legislature or as civil servants. Those appointed from the Defence Services, however, do not need to resign from their military posts. Although the President has the mandate to nominate ministers after consultation with the Commander-in-Chief of the Defence Services, the legislature is charged with approving such nominations. However, it is only able to contest a nomination based on a contravention of constitutional eligibility requirements. The President must assign responsibilities for finance and budgetary process to the two vice-presidents, one for the Union and the other for states and regions.

In the appointment process, appointees' information can be purposely left out, so decisions are only made based on public information. The review process for appointments is considered a formality, and MPs do not have the chance to approve them reasonably. It was claimed that most ministers are nominated from the private or bureaucratic sectors as the party does not want to carry the financial or time burden of a by-election making it less likely that public information is available.

Censure and Impeachment

The Hluttaw can instigate impeachment on the grounds of high treason, breach of the constitution, misconduct, disqualification of eligibility and/or unfulfillment of duties. Twenty-five percent of either the lower or upper house members must sign a charge for impeachment, which must be supported by two-thirds of the whole Hluttaw. The house which did not instigate the impeachment proceedings will carry out any investigation. When asked whether the legislature has acted to censure or impeach a Union minister in the past five years, the majority answered that they had not. Impeachment proposals and motions in the past have often been postponed or pressured not to be presented.

Committee System

The data collected regarding the parliamentary committees' effectiveness suggests that they are *somewhat ineffective* and *strongly* partisan. Committees can perform their oversight functions without political repercussions. On the other hand, Respondents explained the lack of exercise of this right as resulting from pressures from party leadership, biased and inexperienced chairmanship, and a lack of resources. The Complaint Management Committee was cited as the leading committee charged with oversight but is ineffective as it is biased towards the NLD.

Also, many interviewees alluded to the fact that committees are understaffed. As a result, insufficient reports are produced even though members meet on average, eight to eleven times a year, prompting their effectiveness in reporting and uncovering corruption to be perceived as *not effective* to *somewhat ineffective*. Nevertheless, some participants pointed out that, due to the democratic transition, the lack of outputs can be explained by a lack of time to investigate new matters as committees are still busy reviewing laws passed before transition for their compatibility with the new constitution. A further issue is that committee discussions are regarded as confidential.

Chamber

The 2008 Constitution requires that the Hluttaw speaker convene a plenary session at least once a year. According to the data collected, this requirement is regularly met with plenaries being held over three times a year on average. Most participants agreed that parliamentary questions are a formality and *somewhat ineffective* as members cannot ask contentious questions due to the screening process. Moreover, when difficult issues are raised, they do not elicit further action, which can be demotivating. Many corruption issues can be brought to light through increased and more free questioning.

Procedural Safeguards

The existence of constitutional procedural safeguards was well-recognized among our participants. However, when asked about the extent of the legislature's autonomy from the executive, the average response *moderate to considerable autonomy*. Although there is formal autonomy, informally, the speaker, who decides the agenda, is thought to take instruction directly from the State Counsellor. Also, MPs admitted to taking informal instruction on how to vote from the party.

Resources and Staff

Almost all respondents were aware of a Parliamentary library staffed by researchers in Nay Pyi Taw and claimed that it is *sometimes* used. This could be attributed to limited and lengthy transportation to and from the library.

However, the issue of staff appears to be of high priority too, with the average response indicating that there is qualified staff to a *slight extent*. Low wages mean that expert, qualified staff are not attracted to the job. Those who do take the job are open to bribery and pressure from above due to their vulnerable economic situations. Overall, the consensus was that a greater procedural and cultural separation of powers is needed.

While the Hluttaw may not have sufficient staff, it has made some efforts to recruit staff to assist MPs in budget analysis. However, we were advised that the legislature has problems with staff retention due to higher salaries in the ministries and the lack of flexibility within the Union Parliamentary staffing protocol, which is in the process of reformation.

The launch in May 2014 of the Hluttaw Research Services has improved the resources available to the Hluttaw. The UNDP and Westminster Foundation provide further support such as training courses for MPs and parliamentary staff for Democracy (WFD). The British Council is also providing language training for MPs and staff alike. One encouraging outcome of this training has been that MPs from opposing parties have used classes as a safe space to interact across party lines.

Conclusions

Governance in Myanmar has improved since the 2008 Constitution was introduced, and the political transition towards a democratic civilian regime. Our research revealed a prescriptive

environment for both Members and staff. Myanmar's political culture's top-down nature restricts the newly-established formal internal oversight tools and the broader resources being made available to the Hluttaw.

A pressing concern is the continued absence of information law's freedom to promote greater transparency and openness across government and broader scrutiny of government documents. While the Hluttaw has made some effort to improve its transparency and accessibility, it needs to increase its efforts to ensure the public is aware of its committee work. More significant links need to be encouraged between CSOs, the media, and the Hluttaw. The difficulties we experienced in obtaining access to the Hluttaw to discuss oversight and anti-corruption issues with the staff was disappointing and point to a lack of autonomy (parliamentarians were happy to discuss their experience within their dorms).

Our findings support the conclusions of other assessments that there has been some improvement in budget scrutiny, but apparent deficiencies remain. There is a lack of broader participation in the budget process (i.e., public hearings); the existence of extra-budgetary funds; the timeframe set for reviewing the budget (stakeholders told us that proper scrutiny would take up to three months); lack of scrutiny of the defence budget, and weak involvement of the legislature outside of the budget approval stage. Also, staff capacity for oversight, though improving, remains weak.

Greater transparency of the budget process will generate greater understanding and knowledge of how government resources are being used, thereby promoting greater accountability and, in turn, restricting the opportunities for corruption. This is a question of political will rather than capacity within the government. Development partners should further encourage the government to make all essential documents, such as in-Year Reports, Mid-Year Review, and the Audit Report, publicly available.

Budget assessment teams' establishment is an exciting and welcome development and ensures individual backbenchers and the opposition can make a more sustained input into budget scrutiny. Greater continuity of membership between committees and the budget assessment teams would ensure that members who are specialized or interested in a sector can have more significant influence. This will require a change of mindset as appointments are often made based on party loyalty rather than expertise in the subject matter.

Knowledge of the two critical external oversight institutions, the AG and the ACC, is patchy. They have yet to establish their effectiveness, with a fundamental weakness being their lack of independence from the executive. Myanmar may find it useful to consider the introduction of an Ombudsman. A unified Ombudsman at the national or federal level or multiple institutions across the country's regions should be explored.

Several international actors, including UNDP, DFID, and WFD, are working to support the Hluttaw. Stakeholders agree they are doing some productive work, not just in internal support within the legislature, but also in improving constituency outreach, including methods and strategy of engagement. However, MPs also complained of the lack of an established process to handle constituents' input and feed them back to Parliament. One difficulty appears to stem

from the lack of engagement from the still considerable number of military MPs. Military-only workshops may be the only short-term way to navigate this issue.

There is reluctance on the part of many internal and external stakeholders to directly raise the issue of corruption with a preference to focus on procedural matters. Myanmar's government should be encouraged to consult on a new public strategy to combat corruption, including the effective implementation of the United Nations Convention against Corruption, codes of conduct within the public sector, freedom of information, and reform of existing anti-corruption mechanisms such as the ACC. The restrictions and controls being imposed on MPs and parliamentary staff must also be relaxed if the procedural changes will have any impact on oversight.

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Motivation of MPs and Political Will

Parliamentary Oversight and Corruption – Policy Brief

Introduction

Legislative, or parliamentary, oversight is an essential determinant of corruption that is well recognized but insufficient in the absence of political will. Since legislators are charged with conducting oversight, it is argued here that understanding the motivation of legislators, or lack thereof, in the exercise of oversight will help to identify the mechanisms by which effective oversight can be sustained.

The concept of *political will* has been studied over the years to formulate various definitions. Mintzberg explained political will as 'before engaging in political behaviour, individuals need to demonstrate their willingness, or motivation, to expend personal resources.' Kpundeh and Dininio define it as:

'incorporat[ing] the aspirations of individual leaders, a calculation of the benefits and costs that would result from changes in rules and behaviours, and belief in the ability to muster adequate support to overcome resistance to reforms'

and Post et al. as 'the extent of committed support among key decision-makers for a particular policy solution to a particular problem.' In the battle against corruption, it is claimed that a lack of political will is the perpetrator of poorly performing ethics and anti-corruption initiatives.

An emerging school of thought perceives internal processes and cultures as having a more significant impact on eliminating corrupt practices than anti-corruption measures drafted and imposed by the international political community.

This article explores the literature from several disciplines to pull together all those factors and theories which contribute to its objective: understanding what *political will* is, how it can be used, and how it can be fostered in the context of legislatures. Three theories are applicable: identity construction, self-determination theory (SDT), and organizational citizenship behaviour (OCB). The article concludes by arguing that although it may be impossible to provide a step-by-step guide to fostering and maintaining political will, it is possible to identify those conditions necessary and sufficient to create the correct environment for its positive application.

Is 'Political Will' Political?

The label *political will* implies a political element. Still, a different approach can be adopted, which frames political behaviour as a result of *motivation*, *volunteerism*, and *culture*. The *political* refers only to the environment in which the *will* is to be exercised.

The *motivation* of legislators is instrumental to the prioritization, planning, and implementation of oversight. One's motivation can be overridden by new opportunities for corrupt gains or

increasing opposition resulting in an individualistic and anti-regulatory culture. Furthermore, if human motivation derives from an 'emotional conflict created by the drive for success and the fear of failure,' it is necessary to understand the motivation of individuals who engage in corruption despite it hindering the objective of their role as legislators. This means exploring the notion of identity and the role that relationships within the legislature play to understand the creation of motivation and capitalize on shared motivation to make oversight more effective.

Volunteerism is crucial to *political will* as it is what differentiates *motivation* among private-sector workers and is essential to the exercise of *political will* in public service. There must be a sense of personal or professional value on outcomes as opposed to personal incentivization. Lack of prioritization increases the chances of individuals to participate in morally unsound actions. Therefore, for a legislator to be motivated to give up, such incentives require *volunteerism* as the benefits of parliamentary oversight might not necessarily be felt by individuals tangibly or immediately.

Also, the organizational *culture* of the legislature becomes relevant to the exercise of *political will*. Legislators influence the culture of their environment through their actions of reinforcement or digression from the norm. The organizational culture itself can also act as an obstacle or a nurturing environment. Thus, encouraging the exercise of *political will* requires understanding the legislative, institutional, and cultural environment and appreciation of how this may facilitate or hinder effective oversight.

These assertions will attract a familiar criticism: public servants are different from employees in the private sector. The political nature of their *service* (never *employment*) is unique and cannot be theorized in the same way. However, this article posits that *volunteerism* encapsulates the *service* element of the legislatures' culture. Thus, it intends to encourage *volunteerism* that an understanding of *motivation* and *culture* should be identified for the successful implementation of parliamentary oversight.

Frames of Understanding

The three pillars of motivation, volunteerism, and culture stand on the foundation of identity. Individuals' identity within an institution and their corresponding characteristics determine whether members identify with a legislature's values. This identification will foster and sustain motivation, encourage volunteerism, and contribute to an encouraging working culture in a self-referencing cycle.

Playing on Identities

Based on the information above, it must be accepted that it is the individual identity that will significantly influence the form that oversight takes and what extent. If this is so, it follows that there are specific characteristics that are desirable in these individuals. But how are these determined?

According to Perry's Public-Service Motivation Scale, the characteristics necessary for carrying out public service are a combination of: 'attraction to public policymaking; compassion; commitment to civic duty/public interest; and self-sacrifice...' Individuals who experience this degree of identification with the values and principles of the legislature are, in essence, those most likely to carry out their legislative role effectively.

The internalization of values is critical because it builds upon the individual's inner characteristics and drive. Internalization is hampered if a legislator's role is not treated as a full-time occupation as these individuals are not present in the legislature's culture on a full-time basis. Moreover, giving the legislature administrative and financial autonomy can positively impact political will as it would enable those who have internalized the culture and values to make informed decisions.

Within the literature on identity, it is widely accepted that environmental or contextual factors contribute extensively to our identity formation. The desire and perceived need to self-regulate 'could originate from social and cultural cues, including evaluative standards modeled by others.' For instance, in Trinidad and Tobago, MPs will look at experienced members for guidance.

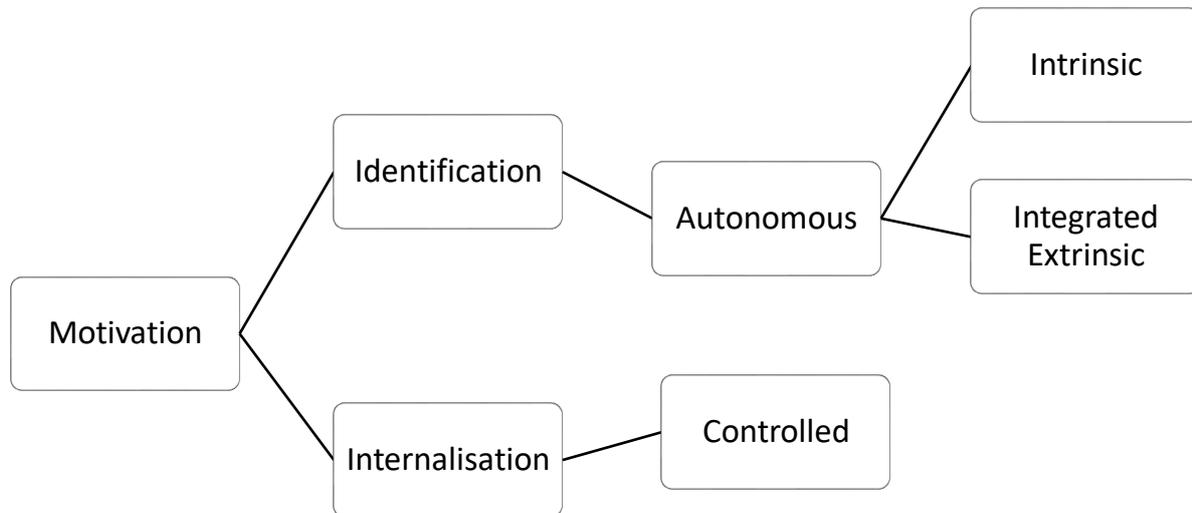
Autonomy and Political Will

Self-determination theory (SDT) can help understand the different types of motivation legislators may experience to exert political will in pursuing their oversight activities. SDT differentiates between *autonomous motivation* and *controlled motivation* (see Figure 1). Autonomous motivation is deemed the ideal type as motivation emanates from legislators identifying *a priori* with the legislature's values, thus possessing a drive to fulfill them.

Nevertheless, controlled motivation induced by extrinsic rewards can lead to autonomous motivation through the process of internalization. Such motivators may include the desire to conduct oversight because it will benefit their party or be of interest to the media, the electorate, to gain recognition or promotion, or solely for their interest and curiosity. This may explain the reluctance of legislators from the majority party to conduct oversight: in the absence of any reward or benefit it may be that legislators will only conduct oversight if they possess an affinity with the values of the legislature as a whole, otherwise it may be seen as harmful to their personal or party interests.

Autonomous motivation can be further subdivided into intrinsic and integrated extrinsic motivation. Intrinsic motivation stems directly from identification with legislative values, for example.

Figure 1: Motivation diagram



On the other hand, Integrated extrinsic motivation is exercised when it is the outcome that is desirable. For those who are not intrinsically motivated, rewards, or benefits, such as career progression opportunities, can be used to elicit integrated extrinsic motivation in fulfilling oversight activities effectively.

However, intrinsic motivation becomes crucial when there is a lack of materialistic incentives (i.e., PAC in Grenada). Legislatures, therefore, best serve themselves by empowering their members and thus motivating them. An environment that supports autonomy encourages the internalization of its values.

Similarly, four characteristics of job tasks have been identified that lead to job satisfaction and performance in line with the organization's values: impact, competence, meaningfulness, and choice. As assessed according to these characteristics, the positive experiences of legislators produce further motivation to excel in their role by becoming a source of empowerment and a sense of usefulness in the individual.

In sum, the fulfillment of legislators' basic psychological needs promotes the internalization of a legislature's values. It contributes towards the likelihood of legislators autonomously taking the initiative to carry out or support effective oversight.

Fostering volunteerism

The argument here is that the identification with or internalization of a legislature's values, coupled with creating a workplace environment in which autonomy is encouraged and exercised, will increase the legislature's effectiveness. However, these conditions alone will not suffice as the exercise of political will in public service often leads to little personal reward.

Furthermore, the most significant achievable reward is often recognition, which can lead to undesired behaviours if legislators, in particular, do not continue to be motivated by political will but rather by the recognition itself. Thus, what is needed as a third condition is a culture of volunteerism.

A legislature's success as an institution can be seen to be partially reliant on citizenship behaviour sustained over long periods. Such behaviour has been labeled as Organisational Citizenship Behaviour (OCB).-Individuals generally engage in OCB because of disposition or through a sense of obligation. However, it is also vital that this is noticed and recognized. Recognition, by political leaders, the electorate, and the media, can result in job satisfaction for legislators and be crucial to their re-election chances. It can also be witnessed in the form of using one's expertise and experience on oversight committees. Job dissatisfaction severely decreases one's motivation to work honestly. One common cause of dissatisfaction is the lack of follow-up or consequence from the legislature's actions.

OCB is linked to SDT in that autonomous motivation is positively correlated with volitional activity. Therefore, the political environment is ideal as there is no job description and often, very little training. Ultimately, OCBs only serve either personal satisfaction or favourable attribution; if recognizable OCBs are expected of legislators, this may result in rewards in the form of appointments on prestigious committees or increased responsibility.

There are many ways in which a legislature can encourage OCB, beginning with its political leadership and management acting as exemplars. Moreover, where there is an available, broad audience, such as the electorate, to whom several vehicles are available for the dissemination of information, political actors have the means to attract influential and large audiences simultaneously, which enhances the likelihood of acts of citizenship. One innovative example of volunteerism impacting OCB is the practice of using lay committee members as members of the PAC.

The Role of the Parliamentary Institution

In exploring the roles of identity, SDT, and OCB in the exercise of political will to ensure more effective oversight, there have already been indications as to how legislatures can organize themselves and some suggestions as to the actions leaders and managers can take to create a workplace environment which fosters and encourages the exercise of political will. Thus, political leaders and managers must act as role models embodying institutional values and clarifying what these are.

It is helpful for legislatures to have implemented a robust regime of corporate management structures and processes, including a strategic plan to show their members the institution's mission and goals, as well as the importance of transparency, accountability, and probity.

For legislators, the Speaker's role has a substantial impact on the legislature's ability to perform oversight. This can be both positive and negative. As seen in Myanmar, negative impacts can include increased censorship and the discouragement of members from speaking out. This

extends into the rest of the parliament (i.e., leadership and relationships) and can severely influence its efficiency and accountability.

Strong leadership promotes the adherence of shared values, conduct, and objectives to be included in the "group," which can occur at multiple levels in parliament (institution, parties, etc.). This, in turn, creates an expectation of productivity in oversight functions. Legislatures can also take measures to be well-resourced, with records of committee actions and keeping track of issues that have yet to be solved. This is not necessary for success but is helpful when there is a lack of collaboration, experience, and knowledge. Regardless of leadership, standards are essential as it increases the likelihood of a sense of identity. In legislatures, these standards can include expected recognition for effective oversight and an expectation that the government will respond adequately and substantively to inquiries and reports.

For oversight, less leadership is needed when the legislature is independent financially and administratively, and it has a set standard as a result of an experienced and established workforce. Furthermore, the legislature must have practiced successful oversight for a significant period with clearly articulated values to limit strong leadership.

Nevertheless, as with any process, there will always be individuals who perceive their profession (as legislators) as a means to a personal end. Therefore, continual in-role reinforcement of these values is necessary to either eliminate or reprimand these individuals (i.e., codes of conduct, reviews, investigations, disciplinary measures, periodic elections, etc.). Another factor to consider is the need of the individual to belong. Through 'peer-pressure' in its purest form, individuals can often be molded to commit to corrupted values for the sake of membership to the groups in which they have integrated themselves in. This is seen as a common practice in Myanmar as well as in Trinidad and Tobago. Therefore, to reinforce political will, parliaments need to encourage internalization of their values through 'supportive conditions' and constructive participation in oversight.

Although legislatures are constitutionally required to undertake oversight and other responsibilities, legislators must be provided with reasons and choices for conducting oversight. Work autonomy within a legislature can motivate individuals as they have a sense of willingness and choice. It can come in numerous forms, with a few being: self-determination of how effective oversight is achieved, the ability for a committee to determine how it schedules its work, the use of business or backbench committees, and the autonomy to choose and prioritize topics of inquiry. A legislature's managers and political leaders should provide an environment in which responsibility for these autonomy forms is internalized.

In addition to enabling the exercise of initiative and providing a salient in-group, legislators' contributions must be acknowledged and recognized openly on their merits. Such practices demonstrate that individuals are part of the decision-making processes and allow them to feel that they are gaining something from their participation, even if it is not quantifiable. A supportive environment would lead to greater effectiveness and increased loyalty towards the process of oversight. It could also weaken party-based loyalties.

Conclusions

Despite its recognized importance in combating corruption, there is very little understanding of what political will is and how it is fostered. In this article, it has been argued that political will is best understood as consisting of three elements: motivation, volunteerism, and organizational culture. To maintain motivation, parliaments must ensure their members are given enough autonomy and trust to achieve their oversight objectives. Moreover, it must be emphasized that legislators are providing a service and must be recognized and rewarded for voluntary behaviours that contribute to oversight. This effort must be supplemented; otherwise, the organization risks unintentionally endorsing selfish behaviour. Lastly, there must be a culture that legitimizes and encourages successful oversight, which can be accomplished with role models, an adequate working environment, and a set level of standards.

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Conclusions

Parliamentary Oversight and Corruption – Policy Brief

Introduction

The previously presented briefs' objective was to show this newly formulated research on the role of parliaments in curbing corruption at a national level. We saw many democratic governments assessed, including those that were larger, smaller, newer, or older. The country-level research began with global statistical analysis and the development of a new index of parliamentary oversight. The research was concluded by assessing the cross-cutting themes of the country-level research, namely political will. This concluding brief will present the consolidated findings, particularly for the country-level analysis.

Parliamentary Oversight Capacity Index (POCI)

The goal of the POCI was to facilitate a better understanding of the relationship between oversight and corruption. Imbeau and Stapenhurst undertook a broad cross-country comparison using parliamentary oversight tools and Transparency International's *corruption perceptions index* as a proxy for corruption. A survey instrument was vital in the collection of data. This index proved a strong, negative relationship between parliamentary oversight capacity and corruption control (as one increases, the other decreases). Moreover, it demonstrated that a parliament's capacity to oversee public finances is associated with lower levels of corruption and is impacted by the number of resources available to the committees handling finance or public accounts. These findings emphasize the importance of parliamentary oversight in efforts to curb corruption.

Cross-Cutting Research Findings

Through the country-level research findings, it was evident that each country had a unique socio-political history that significantly impacted its parliament's workings and the prominence of corruption. These three issues were present throughout: executive-parliamentary relations, under-resourced watchdogs, and working with civil society and the media.

Executive-Parliamentary Relations

Parliament does not operate without the Executive, Judiciary, and broader society. The relationships between these stakeholders form the governance framework of any given country. However, we see a disbalance and hence the emergence of phenomena such as "Executive dominance."

Parliament is essential as it promotes government accountability in financial oversight and increased transparency in decision making. Moreover, its scrutiny of bills and deliberation by committees serve to balance the Executive dominance. Since policymaking is generally left to the

Executive, parliamentary involvement will ensure that policies are focused on the collective interest. In Ghana and Tanzania, particularly, parliament is weak, and MPs do not exercise their power to hold Ministers accountable. The goal proposed to legislatures is to become more "informal" and have greater access to information, power, and a more significant role in policymaking. This will require political will and a conducive contextual environment, which is possible with the independence of parliament and state watchdog institutions and adequate financing and staffing.

Under-Resourced Watchdogs

Watchdog organizations such as the Auditors General, Ombudsmen, and Anti-Corruption Agencies, complement the parliament's role in conducting oversight. However, these institutions are only as effective as they are independent and adequately funded. They must have the freedom to conduct their work independently of government interference, and their reports must be used to promote accountability. Employees must also be compensated and trained accordingly; otherwise, these organizations become ineffective and redundant. Under-resourced watchdog organizations are a common problem in the countries surveyed. In Uganda and the Caribbean, there are a plethora of extra-parliamentary oversight institutions whose work is overlapping, uncoordinated, and, therefore, ineffective.

Working with Civil Society and the Media

The country analysis demonstrated that public organizations generally perceive parliaments to be ineffective and lack transparency and accountability. Making public meetings available to the public and media, for example, can create bridges between the state and broader society.

To ensure the government's accountability through civil society and media, both civil society organizations and the media must be able to enforce mechanisms to hold the government to account and instill a measure of answerability. Consequently, parliaments' transparency and ongoing accountability will result in increased social trust and a better public perception of the legislature.

Furthermore, governments can enhance accountability by fully integrating grass-roots organizations and information, with the constitutional powers of parliament (i.e., through budget transparency, public hearings). This could promote greater citizen involvement in institutional accountability and oversight.

Extractive Industries

Extractive industries are a crucial area that requires exceptional government oversight, particularly regarding their finances and revenues. Parliaments must develop internal mechanisms, tools, and appropriate skill sets to regulate the industry for long-term sustainable development.

A collaborative approach would be useful to maintain transparency to the public, requiring the involvement of civil society organizations, the media, Supreme Audit Institutions, anti-corruption agencies, and other external actors.

The Special Case of Small States

Small states all have unique issues that cannot be generalized. However, there is a lack of research outlining each of their issues. One problem highlighted is that the Westminster-form of parliamentary governance is not suited for small states. As a result, some facets must be relaxed to reflect better the contextual differences between larger Commonwealth states and smaller island economies. For instance, given the small number of elected MPs, joint House-Senate committees should be established. Further research, which has been proposed to Canada's Social Sciences and Humanities Research Council, seeks to address parliamentary governance in small states.

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Full research results on Conclusions can be found at Rick Stapenhurst, Rasheed Draman, Brooke Larson, and Anthony Staddon (2020) "Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption" New York: Springer.