

**ROLE OF PARLIAMENT**  
**Working Group 2**  
**Wednesday 13<sup>th</sup> October, 2004.**

**Rapporteur Report**

The second working group sessions were convened to further discuss the draft recommendations and resolutions made during the first group sessions. In particular, the groups consisted of various stakeholders whose fight and participation in anti corruption initiative were indispensable. To this end, the stakeholders forum were tasked with the responsibility of discussing how the various institutions could impact on the anti corruption initiative in general, and how the same could be telescoped within the draft recommendations and resolutions made during the first day. For the purposes of discussions, the stakeholder groups were categorized as follows: Parliament, Executive, Judiciary and Anti Corruption, Civil Society, Media and Private Sector, International Organizations and Donors.

The working session on the role of Parliament was chaired by Hon. Uhuru Kenyatta, the leader of official opposition in the Kenyan Parliament, as well as the chairman of Parliamentary Anti Corruption Committee. Hon. Kenyatta underscored the significance of the institution of parliament in democratic process and outlined its constitutional role, namely; legislation, representation and oversight. He also gave a brief overview of the evolution of the Kenyan Parliament particularly in the fight against corruption, and noted that the 9<sup>th</sup> Parliament had enacted critical anti corruption legislation which should provide an effective framework on the fight against corruption.

Outlining the terms of reference for the group, Hon. Kenyatta urged the group, to examine the critical role that parliaments in transitional democracies play in the advancement and consolidation of democracy in general, and the fight against corruption in particular. Discussions, should be structured but not limited, to the following:

- Role of parliament as an active and effective participant in the fight against corruption.
- How parliament could impact on the recommendations made during the first working session thematic areas.
- How parliaments could strengthen their legislative, representation and oversight roles.
- Effectiveness of the various watchdog committees and the review of outdated rules operating within the house.
- Access to information by parliament that is considered privy and confidential by the government, especially on the performance of various government departments.
- How parliament can impact on the budgetary process which is normally not transparent and inclusive.
- Understand the experience and operations of parliaments in other countries.

## **Ghanaian Experience**

The Ghanaian experience was presented by Hon. Alban Bagnin, the leader of official opposition and the chairman of Parliamentary Accounts Committee. Hon. Bagnin also doubles as a member of the African Parliamentary Network Against Corruption (APNAC) and the global initiative GOPAC.

Hon. Bagnin structured his presentation on the Ghanaian experience as follows;

- Norm of the Ghanaian society.
- Historical overview.
- Role of Parliament.

Making reference to the book “The beautiful ones are not yet born”, by the Ghanaian scholar Ayukwe Ama, he lamented that corruption was seriously entrenched in the Ghanaian public service, as public officers saw such offices as opportunities for private gains.

The fight against corruption in Ghana is as old as the country’s independence history. Kwame Nkrumah, the first president of Ghana, initiated a systematic fight against corruption in the early 60s, but ironically was toppled in a military coup, on among other charges, allegation of corruption. Subsequent series of military coups, and counter coups that followed not only entrenched corruption in Ghana, but also weakened the countries resolve in fighting the vice, and eroded the citizens’ confidence on the government.

In transitional democracies, it is imperative to compare and contrast the performance of the incumbent government, and the commitment of the party coming to power on the fight against corruption. Towards the last days of President Gerry Rawlings and the National Democratic Congress (NDC), having been in power since the re-introduction of multi party politics in 1992, it was evident that grand corruption had re-emerged in the party and permeated through the various department of government. This scenario led to public outcry and disillusionment with the NDC. The beneficiary of this state of affairs was the New Patriotic Party (NPP), which mounted a formidable campaign against the NDC in the 2000 general elections and subsequently won, both the parliamentary and presidential elections. Following the 2000 elections, NPP presidential candidate John Kuffor was elected President. Although the NPP campaigned vigorously on an anti-corruption platform, their record compares vary poorly to the fight against corruption in government. This had manifested itself into the following:

- Lack of effective anti-corruption legislation: There is no effective legislative framework to fight corruption in Ghana. Although NPP tried to enact legislation immediately after assuming office, the clear lack of political goodwill frustrated the process. The party has also not enacted the Political Parties Financing Act which was at the core of the 2000 campaigns. The legislation on the declaration of wealth, and the public procurement Act all lack legal enforcement mechanisms. He suggested that parliaments in transitional democracies should move

expeditiously in enacting effective legislation to provide a legal framework that could guarantee the success of the various initiatives.

- **Institutional Reforms:** the consolidation of democracy and good governance depends on the effectiveness and the credibility of the various institutions. NPP, for the most part, retained traditional institutions of the NDC and did very little to reform them. Parliaments should be involved in the establishment and appointments to the various constitutional offices as well as developing monitoring and evaluation tools.
- **Redefining Zero Tolerance to Corruption:** NPP commitments to zero tolerance against corruption have been severely undermined by the re-emergence of grand corruption and nepotism. In a bid to recoup election expenses and realign companies and corporations to the NPP kitty, grand corruption has reemerged. There is also nepotism with close members of the president's family holding key government positions.
- **Transformation of Civil Society and the Media:** It is a common practice that the media and the civil society have a tendency of supporting opposition parties. Regrettably, transitional elections are not always accompanied by social transformation of the, media and the civil society. The consequence of this is the mass movement by these institutions, either by design or accident, to the government. This leaves the opposition alone without credible allies to complement its oversight role to the government. This is what happened in Ghana after the 2000 elections. Civil society and the media should understand that their role is to represent the civic society and not to blindly jump in the government. There is need for the establishment of a committed coalition of stakeholders to propagate the war against corruption.
- **Strengthening the Institution of Parliament:** For parliament to be effective in its constitutional role, it goes without saying that its capacity must be strengthened to meet these tasks. Unfortunately, the institutional and legal mechanisms for the Ghanaian parliament is very weak. Parliament does not have its own budget, no offices for parliamentarians, no support staff, and lack of research and library facilities. This state of affairs has seriously undermined the effectiveness of Parliament in its fight against corruption.

### **Ugandan Experience**

The Ugandan experience was presented by Hon. Augustine Ruzinda. Hon. Ruzinda noted the similarities of the processes and endeavors undertaken by the various African countries on anti-corruption initiatives. He also gave a brief historical overview of Uganda and demonstrated how the political instability of the past, characterized by coups, had weakened the institution of parliament and undermined its credibility and fight

against corruption. He then proceeded to make the following recommendations on the role of parliament in fighting corruption:

- Parliament should complement and indeed reinforce the executives fight against corruption. This requires reform and institutional strengthening of parliament.
- Comprehensive legislation is needed to provide for a legal and constitutional provisions for the effectiveness of parliament. The principle of separation of powers should be introduced and respected.
- Strong enforcement mechanisms should be put in place. To this end, credible institutions should be put in place and sufficient powers given to them.
- Parliament should be sensitized to understand and appreciate the demerits of corruption to enhance the effectiveness in fighting the vice.
- Effective coordination and networking among the regional and international parliamentary network on corruption.

### **Peru Experience**

To complement the presentations on comparative perspective from Uganda and Ghana, Hon Ana Townsend of Peru, gave a presentation of the Peru experience focusing the steps that Peru had taken as part of the global initiative in the fight against corruption. She outlined the following:

- As a member country of Latin American Anti Corruption Network, LAPNAC, Peru had implemented the regional principles and commitments embodied in LAPNAC in the fight against corruption.
- International and regional collaborative networks should be enhanced to make the fight against corruption effective. Ratification of the international conventions and instruments by member countries is critical. Peru has ratified the UN Convention Against Corruption.
- Laws passed by domestic/national parliaments should be reflective and be in compliance to the international obligations. Peru has done a lot to ensure compliance in this regard.
- Transparency International should use its link and networks across the world to work closely with parliaments.

### **Recommendations**

The working session on the role of parliament made the following recommendations:

- i) The constitutional principle of separation of powers between the three organs of state; Judiciary, Executive and Parliament should be entrenched. This should be done with the implicit intention of giving parliament more autonomy and independence to be effective in its legislative, representation and oversight roles.
- ii) Establishment and strengthening of parliamentary committees to reign in especially government procurement process is necessary. This will ensure effective check on the executive is achieved.
- iii) Capacity building on members of parliament should be done to enable them understand the evils of corruption and be effective in its fight of the vice.
- iv) Strengthening networking capacities among members of parliament, and also regional and international bodies against corruption (APNAC, LAPNAC, GOPAC, and the UN is necessary to enhance effectiveness and collaborative approach. Ratification and domestication of international instruments and obligations by parliament should be done expeditiously.
- v) Parliament should enact a framework and mechanism for establishment, appointment, monitoring and evaluating public institutions and assess their performance.
- vi) There is a need to put in place mechanisms to ensure members of parliament are accountable to the electorates.
- vii) Establishment of a fair and responsive electoral system along side electoral reforms should be pursued.
- viii) Enactment of a code of ethics for parliamentarians.