

Parliamentary Oversight

Context

Parliamentary oversight is one of the three core democratic roles of parliamentarians. To respond to the Global Organization of Parliamentarians Against Corruption (GOPAC) interest, the focus is on oversight as related to financial and operational integrity, rather than broader economic or social policy. Oversight of financial integrity includes:

- the review of all sources of revenue and expenditures, including tax expenditures (preferences);
- legislation and other parliamentary rules related to government budgeting, debt management, expenditure operations (including for example as related to procurement and provision of grants), and financial reporting; and
- legislation and other rules which guide and enable parliament to effectively oversee the implementation of the government's obligations related to the UN Convention Against Corruption (UNCAC) as discussed below.

Parliamentary Oversight – General

GOPAC does not see parliamentary oversight as parliamentary involvement in the operations of the Executive Branch usage of public resources and powers granted to it by legislation and constitution. It does, however, see parliamentary oversight as the duty of parliamentarians to require the Executive Branch to: follow certain rules related to financial operations; openly report to Parliament on its exercise of the powers and public resources granted; and to directly and publicly provide its interpretations of the appropriateness and wisdom of those actions.¹ Parliament does this by:

- granting specific authorities and funds for specific purposes to the executive;
- imposing procedural requirements on the use of these powers and resources, management of assets, debt, revenue, and government reporting (including accounting standards) on their use and results; and
- establishing its own powers, practices and resources to review and expose for public consideration its views on the Executive's performance, investigate specific issues, and publicly question ministers and public officials.

GOPAC members see parliamentary oversight as weak in many regions and countries – and that this is a contributing factor to corruption. And they see improved oversight as a key part of corruption prevention, i.e. parliamentary and public understanding is needed of all the resources available to government, the allocation of these resources to specific programs and activities and the results they are to achieve.

Parliamentary Oversight of the UNCAC Parliamentary oversight in general can help combat corruption. In addition, GOPAC believes that parliamentarians can play an important role in the implementation, domestication and monitoring of the UNCAC as outlined in the GOPAC position paper and resolution for the workshop on that convention. The position states that in terms of monitoring, Parliamentarians should endeavor to play an important oversight role in the monitoring of the national effort to implement and domesticate the UNCAC. They should also participate, where appropriate, in regional or international monitoring initiatives, for example, if peer review teams were to be created.

To date the proposals to the United Nations Office of Drugs and Crime (UNODC) from nearly three dozen countries do not outline a role for parliamentarians in the oversight of the convention. The Global Task Force on the UNCAC could help to raise awareness of how parliamentarians can contribute, especially by

¹ Oversight, such as by a minister over his/her officials, or of an organizational superior over staff, does not in any way reduce the accountability of the minister or the superior. Parliamentary oversight, however, does not imply such accountability on the part of parliamentarians. In some jurisdictions parliamentary oversight is termed 'answerability' to help emphasize this distinction.

elevating the discussion of anti-corruption in the political and public arena. This also may be a subject for discussion at the Parliamentary Forum in the Doha Conference of State Parties in the fall of 2009.

Position Statement

In the matter of parliamentary oversight Parliaments should consider undertaking internal and external measures as follows:

Internal measures

- ensure that they have the powers to authorize all revenues (tax rates, royalties, fee structures) and expenditures – including expenditures by Ministries and programs – and any executive decrees should be carefully circumscribed and require subsequent parliamentary review and approval;
- have the authority to set its own budget and the budgets of parliamentary support agencies, but do so only for core parliamentary functions;
- establish, as required, procedures for the approval of budgets and reports on actual expenditures and results;
- provide in its budget the services of professional staff to assist it in its plenary and committee duties;
- have the authority to call witnesses, including ministers and officials, in a way which requires their attendance and response to hearings related to parliamentary oversight;
- if the executive proposes and parliament agrees to provide continuing authority for certain programs (entitlements), Parliament should review these provisions to ensure it has the powers and resources to oversee such expenditure in a manner equivalent to its oversight of annually approved expenditures;

External measures

- set out through legislation core standards for the Executive Branch utilization of all financial instruments, including procurement, contracts, grants, and loans;
- set out standards for reporting to parliament (and parliamentary access to) actual revenues, expenditures and results;
- set out through legislation standards for the public service, including appointment, compensation, and accountability; and
- establish as a parliamentary agency an independent audit Office with the power to audit departmental reports and operations, and report to parliament promptly and openly on its findings.

Resolution

Aware of the above Context and GOPAC Position Statement, GOPAC resolves to:

- further develop, communicate and promote in other forums GOPAC's position on parliamentary oversight;
- encourage regional chapters to consider adapting the GOPAC global position statement and its handbook on parliamentary oversight to better tailor these tools to regional and national needs;
- examine the feasibility of developing a discussion paper on the incentives and disincentives facing parliamentarians in carrying out their oversight function effectively in view of the general weakness of parliamentary oversight; and
- examine the need for further development and application of international public sector accounting standards.