



# Parliamentary Oversight and the UNCAC

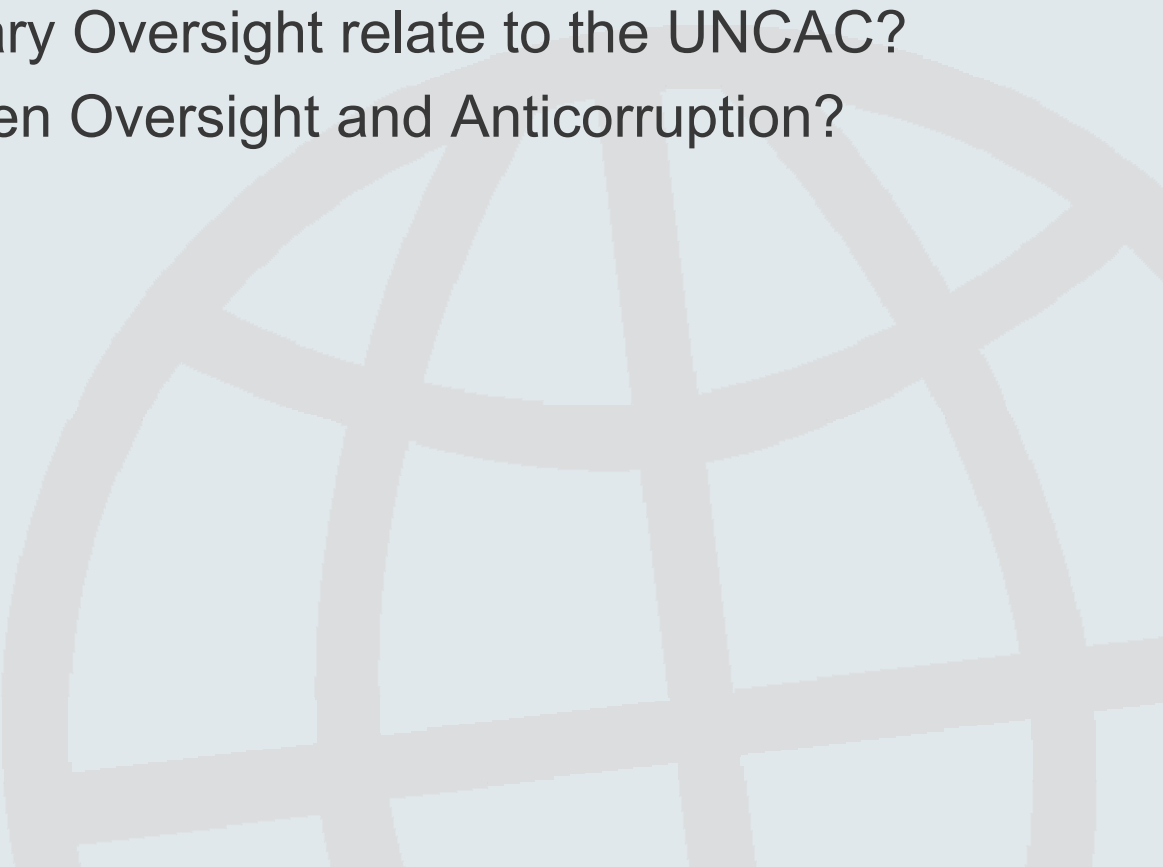
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# World Bank Institute

- ▣ WBI is the capacity development arm of the World Bank
- ▣ It helps countries share and apply global and local knowledge to meet development challenges
- ▣ Builds capacity for development in response to country specific needs by providing learning programs and policy advice on an array of topics
- ▣ Through courses, seminars, knowledge networks, communities of practice, and expert advice WBI helps clients apply knowledge to development challenges, including strengthening institutions
- ▣ One such institution is parliaments

# Outline

- ▣ How does Parliamentary Oversight relate to the UNCAC?
  - ▣ What is the link between Oversight and Anticorruption?
  - ▣ Internal Measures
  - ▣ External Measures
  - ▣ Conclusions
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# How does PO relate to the UNCAC?

- Article 2 (Definitions) - “(a) ‘Public official’ shall mean: (i) any person holding a legislative ... office ... whether appointed or elected”.
- Article 1 – The purpose of UNCAC is:
  - a) To promote and strengthen measures to prevent and combat corruption
  - b) To promote international cooperation and technical assistance in the prevention and fight against corruption; and
  - c) To promote integrity, accountability and proper management of public affairs and public property.
- Article 9 (2) – State parties shall take appropriate measures to promote transparency and accountability in the management of public finances, including:
  - a) Procedures for the adoption of the national budget
  - b) Timely reporting on revenue and expenditure
  - c) Accounting/ auditing standards and related oversight
  - d) Effective systems of internal control; and
  - e) Corrective action in the case of failure to comply

# What is the link between Parliamentary Oversight and Anticorruption?

- ▣ Parliamentary oversight is one of the three core functions of parliament (1. Oversight, 2. Law-Making, and 3. Representation)
- ▣ UNCAC emphasizes parliamentary oversight of public finances; therefore this is the focus of the work of the GOPAC Global Task Force on Parliamentary Oversight
- ▣ As defined by GOPAC – Parliamentary Oversight of Public Finances includes all government revenue and expenditure (eg. The budget process, procurement, and financial reporting)
- ▣ Also it is implicit in Article 5 & 6 (UNCAC) that there should be Parliamentary Oversight over the implementation of UNCAC
- ▣ Link → Parliament provides authority for government actions, sets limits/ requirements on the use of powers/ resources by the government, and reviews implementation and performance

# Internal Measures

- Government expenditure should be subject to Parliamentary review and approval based on transparent procedures either set out in the constitution or established by Parliament (procedural rules or legislation)
- Parliament should have the power to set its own budget, including the provision of professional parliamentary staff to support committees/commissions
- Parliament should have authority to call witnesses (including subpoena powers)
- Establish parliamentary offices to provide research and technical support to Parliament to effectively fulfill its oversight function (i.e. Research Office, Legislative Budget Office etc)

# External Measures

- Pass legislation establishing the framework/ standards by which to hold the government accountable (eg. Financial reporting standards/ procurement standards/ civil service standards etc)
- Establish a Supreme Audit Institution to audit departmental records/ internal audits and report to Parliament in a timely manner the outcome of the audit (financial cf performance auditing)
- Establish additional external accountability institutions to aid Parliament in providing effective oversight (eg. Anticorruption Commissions, Ombudsman etc)

# Conclusions

1. The UNCAC emphasizes parliamentary oversight of public finances i.e. Parliamentary Oversight of the budget process (ex ante and ex post), therefore effective implementation of the UNCAC requires a focus on parliamentary oversight
2. Link between Parliamentary Oversight and Anticorruption → Parliament provides authority for government actions, sets limits/ requirements on the use of powers/ resources by the government, and reviews implementation and performance
3. Parliament can implement both internal and external measures in order to strengthen its oversight capacity, thereby increasing the potential to curb corruption