

Asian Parliamentary Assembly



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Report of the APA Secretary-General

To the Sub-Committee On

Combating Corruption

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Background:

- 1- The APA Plenary decided, by its Resolution on Combating Corruption, contained in Document APA/Res/2007/05 dated 10 November 2007, to:
 - a) (E)stablish a Sub-Committee under the APA Social and Cultural Committee composed of delegates from at least (7) volunteer Member Parliaments to meet at least once a year prior to the APA Executive Council session and consider how best to facilitate the implementation of provisions of the adopted Plan of Action on Combating Corruption (APA/Res/2007/05/Annex).
 - b) Request the Secretary-General to prepare a report for consideration by the Sub-Committee and service its meeting(s).
- 2- Pursuant to Paragraph (1b) above, this report is submitted by the Secretary-General to the Sub-Committee on Combating Corruption for its consideration.

Introduction:

- 3- Widespread corruption across the globe gives rise to many serious concerns. It could undermine the values of democracy, integrity, morality and justice; jeopardize social, economic and political development and finally threaten national security and stability of states. Corruption and other forms of crime including organized crimes and economic crimes like money laundering are interlinked and mutually reinforcing. Like organized crimes and money laundering, other forms of corruption have also found a transnational dimension. Therefore, combating corruption likewise requires international and regional strategies of cooperation and collective approach.



Corruption and its forms:

- 4- There is no agreed definition for corruption. But in simple terms, corruption is the abuse of public or private position for undue personal gain or the gain of an individual or group to whom one owes some form of allegiance. Corruption has a variety of forms including various types of petty and grand bribery, nepotism, patronage, theft of state assets, evasion of taxes, diversion of revenues and electoral fraud.
- 5- Bureaucratic corruption refers to the undue use of the discretion by a public official to affect rules and regulations in exchange for certain benefit. As discretion of public officials increase and their accountability decrease, the potential for corruption grows. Further, where the earnings of public officials are low or there is a large disparity between public and private earnings, public officials are more likely to engage in corrupt and corrupting practices.
- 6- Political corruption refers to trading of influence and granting of favors against public interest, or irregularities in campaign financing and electoral fraud by political leaders and elected officials.

Main consequences of corruption

- 7- Many agree that the consequence of corruption is far reaching and that it affects all aspects of public and private life in a state. Consequences of corruption include:
 - Undermines integrity, values and principles in a society in exchange for personal gain,
 - Damages the reputation and credibility of public officials,
 - Undermines public trust in politicians and the political system as a whole,

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- Renders implementation of the laws and government policies very difficult,
- Encourages cynicism and serves as a disservice for public participation in politics,
- Contributes to political and economic instability,
- Discourages foreign direct investment and gradually erodes international confidence in the government,
- Consolidates political power and increases the intolerance of politicians to allow political competition,
- Perverts the conduct and results of elections,
- Perpetuates the inaccessibility of the poor to economic and political powers,
- Delays political and economic development.

Concepts and Principles of Combating Corruption

- 8- Combating corruption rests primarily on promoting the good governance values of accountability, transparency and participation. Parliaments have a critical role, in creating the suitable ground within institutions of state and the civil society, to facilitate implementing and promoting accountability, transparency and participation in governing the state.
- 9- Accountability refers to the degree of public officials' readiness and willingness to explain and justify their decisions and actions to the public in a transparent and democratic manner. This would, of course, require a legal recourse for the public or their representative parliamentarians to remove from the public office or cause their discipline if they fail to live up to the clear standards the public legally expects of them. Accountability is positively correlated to a healthy balance of power between state and the civil society and within state, i.e., executive, legislative and judiciary powers where none has the absolute power.

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- 10- Transparency refers to availability of clear, useful and timely information about the governing process and decisions. People need to know what to expect from their public officials in order to be able to keep their decisions and actions in check. Transparency is important in and of itself and without transparency, the issue of accountability is meaningless. In this context, legislations on freedom of access to information have proven helpful in promoting government transparency.
- 11- Public Participation in governance is a requirement for effective transparency and accountability. Participation should provide a fair opportunity for all citizens to be engaged in governance.
- 12- Accountability, transparency and participations are qualities that are interlinked. As an institution linking the people to the state, parliaments have a special role through legislation, appropriation of budget, monitoring and oversight to establish or strengthen accountability, transparency and participation in all institutions of governance, including more importantly in the executive and the judiciary powers in order to promote good governance and control corruption.

Measures to combat corruption

- 13- To fulfill their fiduciary tasks and influence change with a view to promoting good governance and controlling corruption in all institutions of governance, some parliaments have adopted a number of measures¹ to increase their own capacity and effectiveness.
- 14- **Constitutional reviews:** Many parliaments have engaged in review of their constitutions as part of their comprehensive strategy to promote good governance and control corruption and other crimes. The purpose of the review has primarily been to introduce reform in terms of rebalancing power

¹ These measures have come to be known as part of the World Bank Approach to combat corruption.



between the executive and the parliaments and to ensure that the judiciary and regulatory and oversight bodies are empowered to function independently. In many developing countries the need for a strong government is recognized. At the same time, a strong government needs to be overseen by an effective parliament, if the ultimate goal is to serve the interest of the public by promoting values of democracy, and integrity of public officials.

- 15- **The Budget Process:** The budget process and the national finances are very complex. Many parliaments are beginning to increase their effectiveness by capacity-building measures such as: 1) increasing the quality of Parliamentary research, 2) increasing the number of quality staff for each parliamentarian, 3) Demanding greater access to useful and timely information, and above all, 4) holding of public hearing from relevant government officials and the public by key parliament committees on various aspects of budget in advance of the formal consideration of the budget, and finally, 5) monitoring implementation of the budget and, where appropriate, questioning the executive officials and making adjustment.
- 16- **Oversight Committees:** Oversight committees like anti-corruption or public account committees are increasingly gaining importance within parliaments across the globe. This is a good indication of the priority which parliaments attach to enhancing their own capacities to combat corruption.
- 17- **Parliamentary Code of Conduct:** Public officials are held to a standard of conduct that is usually higher than that of an average person. In most cases, Parliamentarians as representatives of people are entrusted with the task of overseeing the work of other public officials in order to ensure that the integrity of the government officials and the process of governing are preserved and strengthened. It is obviously clear that parliamentarians themselves need to enjoy a high level of integrity and trust to be able to fulfill their task of oversight. In this context, some parliaments have developed a Code of Parliamentary ethics that they enforce fairly and across

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parties. Financing and conduct of elections are the most sensitive and difficult subjects of a Parliamentary Code of Conduct.

18- **Strengthened relations with the Civil Society:** Issues of accountability, transparency and participation are as important to parliaments as they are appealing to many civil society organizations. It is, therefore, important for the parliaments to bank on the civil society as a resource for its oversight activities. Some parliaments hold hearings and workshops with civil society organizations prior to drafting legislation or during the monitoring phase so as to enhance their own capacities and effectiveness.

19- **Networking of parliamentarians:** Parliamentary networks against corruption are helpful in several ways. They help to create and strengthen the political will to fight against corruption. They also help in terms of sharing of knowledge and experience in various aspects of the work of parliaments against corruption: it can potentially be a learning experience that could lead to a nationally-specific strategy to enhance the capacity of parliament to fight against corruption more effectively. It would be helpful to learn if APA Delegates are members of any networking of parliamentarians with a focus on anti-corruption activities.

Next steps:

20- **APA Plan of Action to combat corruption targets four areas to enhance capacity of Asian parliaments to fight against corruption effectively:** Legislative Action; Parliamentary Oversight; Dissemination of Information, Accountability and Transparency; and Financial Control through a sound budgeting process.

21- **Legislative Action:** To date, 140 countries have signed and 116 countries have ratified the UN Convention against Corruption. Of 39 APA countries, 33 have signed and 18 have ratified the UN Convention. It became



enforceable on 14 December 2005. The UN Convention against Corruption intends to promote political will as well as legislative and administrative capacities of states to fight against corruption domestically and internationally.

22- The Sub-Committee may wish to request Member Parliaments to report on the status of the UN Convention against Corruption in their countries: whether they have signed or ratified the UN Convention and at what stage of consideration and debate on the UN Convention they are. It may also request Member Parliaments to report on domestic legislation and administrative decisions they have adopted on the basis of the UN Convention.

23- It is important for parliamentarians concerned with corruption to gather information and knowledge about tools and resources available that could potentially help them in their initiative to fight against corruption. In this context, the Sub-Committee may also wish to request Member Parliaments to report on their legislative, administrative and regulatory experiences with:

- Code of Legislative Conduct,
- Freedom of Access to Information laws,
- Conflict of Interests Laws,
- Whistle Blowers and Witness Protection Laws.

24- Parliamentary Oversight: The Sub-Committee may wish to request Member Parliaments to report on their internal committee systems; is there an anti-corruption or public account committee? How is it staffed? What is its working procedure and decision making process?

25- Dissemination of information to strengthen accountability and transparency: Oversight committees find it very useful and enabling to hold communication, briefing and hearing with civil society organizations in



order to develop expertise necessary to draft legislations that are corruption sensitive. Such communication is also important to gauge public sensibilities about specific forms of corruption, on the one hand, and to enhance representativeness of the parliamentarians on the other. Through such dialogue with civil society organizations, parliamentarians may bring their initiative to fight corruption to the attention of the public; gain political support for their initiative and raise their chance of re-election at the same time. Therefore, the Sub-Committee may request Member parliaments to expound on their experience on the following questions:

- Do oversight committees maintain regular dialogue with civil society organizations?
- How do oversight committees communicate their anti-corruption initiative to the public?
- What are the tools and resources available to the oversight committee to enhance its capacity for effective implementation of its mandate?
- How many qualified staff does each parliamentarian have?
- Do parliamentarians have access to useful, easy to understand and timely information?

26- Financial control through a sound budgeting process: Developing national budget, its consideration and approval have become very complex in this increasingly interrelated, multidisciplinary and subject oriented world. Some governments are known to have withheld some relevant information or provide information selectively to the Parliaments where the budget is to be considered and approved. Consequently, some parliaments have developed strategies to increase their capacities in consideration of the budget and in monitoring of the governments' performance and keeping them in check. The primary feature of this strategy is to promote debate on issues of budget that includes seeking information and briefing from government officials and from relevant civil society organizations. The power to approve the budget and appropriate it to various competing programs and projects is a very strong tool at the disposal of parliaments to

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push for reform and combat corruption. In order to generate useful information and learn from the best practices, the Sub-Committee may wish to request Member Parliaments to report on their experience with budgeting process as a tool to influence priorities of programs and projects proposed by governments.

- 27- The Sub-Committee may wish to request Member Parliaments to complete and return to the Secretariat the self-assessment review form attached to the APA Plan of Action against Corruption contained in Document APA/Res/2007/05/Annex.
- 28- There are resources, financial and otherwise, available at the international and continent level to help generate and gather useful information suitable as guidelines and other forms of support to APA delegates for combating corruption. The Sub-Committee may wish to consider if it is worthwhile to explore resources available for both financing and relevant data and services in light of paragraph 18 above, which could be helpful to APA to further promote its anti-corruption program.
- 29- It is very useful for member Parliaments to designate one of their APA delegates as the focal point for coordination of activities, networking and dissemination of information within APA.