

**WORKSHOP TO STRENGTHEN LEGISLATURES
IN COMMONWEALTH WEST AFRICA
PARLIAMENT OF CAMEROON, YAOUNDE
8-13 November 2004**

Practices to improve the effectiveness of Parliament and enhance the roles of Members in developing their societies, expanding their economies and reducing poverty were put forward by Members at the Commonwealth Parliamentary Association's West African Parliaments Programme workshop in Cameroon. Meeting in the Chamber of the National Assembly in November in Yaounde, Cameroonian Parliamentarians and discussion leaders from the Parliaments of Ghana, Kenya, Uganda and Quebec underlined the value of certain procedures in empowering Parliaments and enabling Members to contribute to national development.

While recognizing that strengthening the parliamentary process takes time and that each Parliament will evolve differently to reflect the Commonwealth's cultural diversity, Members agreed that Parliamentarians must be courageous in pressing for new parliamentary and economic programmes to improve the lives of their people.

Parliament and the Budget Process

Annual budgets are best formulated by governments following broad consultation with Parliamentarians and members of civil society, including representatives of interest groups, from all regions of the country.

To contribute fully to the budget process, Parliaments must have adequate time to debate government spending plans in the Chamber and in committee, they must be able to change government spending and priorities, and they must also have full access to Ministers and their civil servants who are required to provide detailed explanations of past expenditure performance and future spending plans.

Parliaments should establish budget review offices staffed by trained personnel able to provide Members with independent analysis and advice about government spending plans. Such offices and their staff must be independent from the executive and answerable only to Parliament.

Parliamentarians must ensure that national budgets treat all regions of the country equitably, avoiding the appearance and the reality of spending based principally on political patronage or favouritism. The use of constituency-based spending programmes was applauded as a valuable mechanism to ensure every corner of the country sees tangible benefits from each national budget. Such programmes, directed through the office of each constituency's Member of Parliament, empower local communities to work with their Parliamentarian to identify and implement small-scale programmes to establish or maintain such essential local services as roads, water supplies, education and health care.

Members must scrutinize Finance Bills closely to ensure they conform to stated policies and do not contain unannounced increases or reductions in spending.

Parliamentary Oversight of the Executive

It must be recognized throughout society that it is the legitimate responsibility of Parliament to oversee the executive in addition to its duty to pass legislation.

Parliament must have, and must exercise, the right to demand written and oral information from the executive, to compel testimony, to require the executive to comply with its decisions and to remove the executive if it fails to comply. Information must be supplied in a timely fashion and committees must be able to carry investigations over from session to session so the executive cannot evade scrutiny by providing information at the last minute.

The rights of Members, including special provisions for opposition Members, to scrutinize the executive and present other policy options should be enshrined in Standing Orders. These should include such procedures as questions, motions, resolutions and the raising of urgent matters.

Ample time must be provided after the introduction of legislation so Members can consider its contents and research its possible ramifications before beginning debate. Ministers should be encouraged to organize seminars for all Members so experts can explain particularly important or complex legislation. Parliaments should have the right to delay the passage of legislation about which they have reservations.

Parliamentary committees should be empowered to scrutinize fully the performance of all ministries, with no exclusions. Membership of the committees should reflect the main shades of opinion in Parliament and include Members of both genders; however, Ministers should not chair committees and should not serve on committees which scrutinize their departments.

Committee meetings should be open to the public, and especially to the media; but committees should be able to sit in camera to consider confidential or sensitive intelligence information. Disputes between the executive and a committee over whether information should be withheld in the national interest should be referable to an impartial adjudicator, such as the Speaker or a senior judge.

Committees should have the right to question Ministers and report their findings to Parliament. Committee Members who dissent from reports should have the right to report their disagreement to the House.

The executive should refrain from abusing the *sub judice* rule by initiating court actions to pre-empt or stop parliamentary inquiries.

Committees should have access to specialist research and administrative support staff who are employees of Parliament, not the civil service, so they provide Members with independent advice and support. Committees could also use research provided by non-governmental organizations and other civil society groups, and a number of committees could hold joint inquiries into issues which cross departmental lines.

Parliaments and parliamentary committees must publicize instances of executive errors or omissions to inform the public about their work and to deter the executive from future lapses. The role of the media in also exposing executive failings should be respected.

The Public Accounts Committee and the Auditor-General

The Auditor-General should be appointed by Parliament, report to Parliament and be answerable only to Parliament. If the appointment of the Auditor-General, or of other holders such as an ombudsman, is made by the head of state or head of government, the independence of those office holders should be subsequently guaranteed and they should be answerable only to Parliament.

The Auditor-General's office should be adequately staffed by qualified accountants, lawyers, economists and other professionals who are employed by the Auditor-General, not by the executive.

The Auditor-General's reports should be considered by the Public Accounts Committee, which should have the right to question the Auditor-General, Ministers and civil servants on issues identified in the reports.

Public Accounts Committees normally should meet in public and should be chaired by a Member of a minority party.

The Public Accounts Committee and Parliament should be able to direct the Auditor-General to conduct specific audits in addition to the usual audit of every government account.

The spending of the Auditor-General's office should also be subject to an independent annual audit.

The Role of Parliamentarians in Combating Corruption

Recognizing that corruption undermines democracy, saps the resources of the state, retards development and perpetuates poverty, Parliamentarians must take a lead in the war on corruption by behaving with honesty and integrity at all times, by ensuring the political will exists to identify and punish corruption without partisan considerations, and by using their high public profile to help lead a nation-wide campaign against public acceptance the culture of corruption.

Parliaments must legislate to make the payment and the receipt of illicit funds illegal, to provide stiff punishment, including restitution, confiscation of assets, imprisonment and bans on holding future public offices, and to rehabilitate offenders. Public service and judicial corruption should be an instantly dismissible offence. Legislation must also enable governments to trace and reclaim illicit funds from foreign banks, taking advantage of banking disclosure regimes now being put in place in foreign banking centres. Parliaments must also ensure the laws are fully enforced.

Public disclosures of assets must be made annually by all in the public sector, including the Head of State, Ministers, Parliamentarians, the judiciary, the police and all officials of parliamentary and the public services, their spouses and dependents. Disclosures must be open to the public and must be challengeable so the holders of public office are required to explain unusual changes in their holdings. Annual public comparisons should be made of disclosures to reveal any changes in assets. Refusal to disclose and the filing of false disclosures should be punishable by imprisonment.

Limits should be placed on the value of gifts which can be accepted by Ministers and Parliamentarians.

Parliaments must legislate to protect and reward whistleblowers and must ensure that watchdog committees and public service investigators do not become complacent or ineffective.

Anti-corruption commissions should be established as independent offices separate from all government ministries.

Judicial appointments should be vetted by Parliament to ensure lawyers do not bribe their way onto the bench. Judges dismissed for corruption should not be licenced by law societies to run their own law practices in future.

Parliamentarians must both pass and participate in public education programmes to counter the culture of corruption. Education systems should teach that corruption is wrong and robs governments of the resources needed to finance essential services. Community groups and civic leaders should join with Parliamentarians in public campaigns to reverse the view that corruption is inevitable or acceptable. Knowing about corruption and doing nothing demonstrates acceptance and should therefore be regarded in the same light as committing a corrupt act. Generating public opinion against corruption will create a society of anti-corruption watchdogs.

Electoral fraud, selling preferred access to government services and supplies and receiving financial or other favours for high academic grades are also examples of corruption which must be stopped. Electoral fraud not only cheats the electorate, it also encourages young people, who are often pawns in electoral deceptions, to believe all forms of corruption are acceptable.

Parliamentary, judicial and public service salaries and pensions should be sufficient so office holders are not easily tempted by corruption or forced into it by necessity.

Involving Parliament and Parliamentarians in Formulating and Overseeing Poverty Reduction Strategies

Parliament's initial role in the formulation of its national Poverty Reduction Strategy Programme (PRSP) is to make use of its existing lines of communication with the executive and the public to articulate the needs of its citizens and help the government to diagnose development problems, identify targets and set priorities so its PRSP is country-specific and its terms are not dictated by outside agencies.

Parliaments should evaluate PRSP agreements signed by governments to ensure they respond adequately to overall development targets and priorities and to the Millennium Development Goals. Parliamentary ministerial committees can work usefully in this area by analysing needs, applying their specialist knowledge, taking the time necessary for full assessments and holding public hearings to involve non-governmental organizations and other representatives of civil society in the formulation process.

Individual Parliamentarians should speak out strongly for the inclusion in the PRSP of the poverty reduction programmes needed for their areas.

Parliament's broader role of contributing to the good governance of the country will conserve resources needed for poverty reduction and reassure the international community that the PRSP and other programmes are being run properly and are involving all sectors of the community.

As well as ensuring that PRSP enabling legislation and budget allocations meet the programme's targets and policy commitments, Parliaments should oversee spending to ensure the best use of resources and assess the implementation record of the political executive and the civil service administration, placing its evaluations on the public record. Parliaments should watch especially for defects in executive plans and performance, maladministration by the civil service and differences between policy plans and budgeted and actual spending.

In the longer term, Parliaments should track poverty indicators over the life of a PRSP to determine the accuracy of the diagnosis of the causes of poverty and the effectiveness of the policies and their implementation. As PRSPs are cyclical, Parliament should assess programmes within the PRSP timeline and must be accorded the time to complete its review in the relevant period.

Parliamentary committees are best able to monitor outcomes, evaluate performance and ensure that implementation is carried out in an accountable and transparent way. Committees should work in as non-partisan a way as possible and should investigate fully the effects of all aspects of government programmes, including such areas as spending, legislation, regulations and statutory instruments.

Members of Parliament: Roles, Responsibilities and Support

Members must recognize that their foremost responsibility is to the people rather than to their parties, their governments or their own future prospects and they must be prepared to criticize and oppose when the interests of their people are at stake.

Parliaments should supply, to the best of their ability, adequate staff and facilities so each Member can perform his or her duties both in Parliament and in the constituency. Members should have access to research specialists as well as administrative support, and facilities should include computers and Internet access. Parliamentary staff must be separate from the government service so they are free to provide independent advice.

Parliaments should put in place training programmes to indoctrinate new Members in parliamentary practice and procedure and should take advantage of professional development programmes offered by various international organizations, including the CPA's Post-Election Seminar programme.

Members should be paid adequate salaries to enable them to perform their parliamentary duties on a full-time basis.

Moral issues should be subject to a free vote to enable Members to exercise a conscience vote.

Once elected by Parliament, the Speaker should be independent of partisan considerations and act in a completely impartial manner to protect the rights and privileges of Parliament and of its Members, especially the rights of minority parties and independents.