

**REPORT ON REGIONAL SEMINAR ON PARLIAMENT AND GOOD
GOVERNANCE:
TOWARDS A NEW AGENDA FOR STRENGTHENING ACCOUNTABILITY IN
SOUTH ASIA**

Parliamentarians and representatives of civil society from Bangladesh, India, Nepal, Pakistan and Sri Lanka attended the Regional Seminar on Parliament and Good Governance in Dhaka, Bangladesh, from 19-24 March, 1999. The Seminar was jointly organised by Transparency International (Bangladesh) and the Parliamentary Centre (Canada) in partnership with the World Bank Institute and with support from the Netherlands Ministry of Foreign Affairs.

During the five days of intense discussion, participants agreed on the critical importance of strengthening parliaments throughout South Asia as institutions of accountability and good governance. Towards that objective, the Seminar adopted the following concrete recommendations for further consideration:

1. Strengthen Parliament
2. Strengthen Civil Society
3. Reform the Electoral System
4. Reform Political Parties
5. Establish an Anti-Corruption Agency
6. Strengthen Watchdog Bodies and the Judiciary
7. Make International Financial Institutions/Donors More Accountable

1. STRENGTHEN PARLIAMENT

STRONG PARLIAMENTARY LEADERSHIP

Parliament has a lead role to play in raising issues and putting them on the national agenda. Strong supporting institutions remain essential to ensuring the effective implementation of its recommendations.

Draft a code of conduct for MPs in each parliament, in consultation with other governance actors such as civil society and the private sector.

Create a committee for accountability to build consensus on strengthening parliament across party lines

The Speaker should be impartial in conducting the business of parliament, ensuring fair and balanced access to the media. This is essential for effective parliamentary debate.

INSTITUTIONAL CAPACITY BUILDING

- Re-think traditional institutional models by: identifying the problem areas; re-thinking what is required; assessing current capacity; designing and remodelling institutions; and strengthening links among these institutions.
- Separate the parliamentary secretariat from the public service and ensure its political neutrality
- Recruit and/or train parliamentary staff in relevant fields.
- Establish a research support unit within the parliament, which is geared to the needs of and responsive to MPs. Share research facilities among both houses in a bicameral

legislature.

- Make use of outside research facilities (e.g. policy/research institutes)
- Provide intra-regional training for MPs (particularly on financial matters) to strengthen their understanding of and participation in national policy-making
- Make use of modern technology to share information among countries in the region and seek advice/input into means of addressing issues as they arise.

PROCEDURE

- Align rules and procedures to current and future capacity needs by challenging irrelevant and dated provisions
- Ensure fair, effective use of powers: (e.g. Orders of the Day, motions of adjournment, resolutions and vote thanks)
- Provide orientation to new MPs regarding parliamentary practices and proceedings
- Establish a televised 'question hour', where the Prime Minister and other ministers are subject to direct daily questioning
- Discuss and debate corruption issues more frequently in the parliament
- Identify means of increasing attendance in the Parliament (e.g. by imposing penalties)
- Establish a longer parliamentary schedule, particularly to undertake more committee work.
- Reform procedures to ensure fair treatment of all MPs in time allocation

COMMITTEES

- Gradually make committee meetings more open and transparent (e.g. open deliberations, issuing press releases on committee meetings, individual interviews with MPs immediately following committee sessions).
- Insist that all legislation be sent to committees prior to debate in the parliament.
- Provide for all standing committees to perform an audit function vis-a-vis individual government departments
- Elect strong chairs who can build consensus across party lines (oversight committees should be chaired by opposition members)
- Involve civil society in committee activity;
- Establish active petition committees that make the public aware of their function to receive grievances

THE ROLE OF INDIVIDUAL MPs

- Televise parliament so the people can better understand the national role of MPs
- Provide training programs for MPs so they better understand and can exercise their responsibilities
- Strengthen individual MPs' accountability by requiring that candidates provide important information prior to nomination, including the declaration of assets and any previous criminal record. Once individuals are elected to parliament, the process should allow for dismissal if it is proven that MPs had falsified their declaration.
- Provide adequate infrastructure support to MPs, including staff and offices
- Strengthen local government institutions to free MPs from many local responsibilities
- Strengthen the role of individual MPs in relations with their party.

THE BUDGET PROCESS

- Involve parliamentarians in a more comprehensive way in the budget planning process (e.g. committees, debate, monitoring/oversight)
- Set out budget policies and priorities at least 2 months in advance of the budget

speech to allow full debate before the new fiscal year

- Establish consultative committees comprised of MPs and chaired by the Ministers of respective departments, to allow continuous input into the budget
- Establish and/or strengthen the Finance/Budget Committee so that it may play a major role in the budget process
- Insist that audits be done in a timely manner (e.g. within 6 months of the end of the fiscal year) and that Public Accounts and similar oversight committees play a more proactive role (e.g. review accounts from no further back than 1 year prior to the current fiscal year)
- Involve the upper house in a bicameral legislature to a greater extent (e.g. review budget and submit recommendations to the lower house)
- Reduce discretionary powers of the executive as regards modifications to the budget and insist that Parliament approve any modifications, including supplementary budgets, prior to expenditures taking place
- Discourage excessive delegation of authority and use of ordinances, where tax bills prior to their implementation
- Money bills should be certified by the speaker of the lower house, in consultation with the chair of the upper house.
- Provide training to MPs regarding financial issues and the budget process
- Support the decentralisation of the budget process to local government
- Encourage the opposition leader to formulate proposals for amendment to the budget in co-operation with smaller opposition parties
- Demystify the budget by gradually reducing secrecy and increasing transparency
- Review the official secrets act to abolish unnecessary provisions and provide more access to information (e.g. defence)
- Define national security more narrowly to ensure parliamentary accountability in defence budgets (e.g. salaries, administrative expenses, perks)
- Reduce the number and scale of 'miscellaneous' line items in the budget
- Build links with civil society organisations in the budget process
- Provide the public and media with more access to information, including briefings on the budget
- Simplify budget documents in language and form for greater access and understanding
- Hold public hearings of the Finance/Budget committee to receive evidence from Chambers of Commerce and other groups affected by the budget

2. STRENGTHEN CIVIL SOCIETY

- Allow free access to information
- Civil society organisations should involve themselves in the work of parliamentary committees and in the work of parliaments generally
- Strengthen and broaden the education system to contribute to increased citizen involvement, emphasising both rights and obligations of citizens
- Media and civil society organisations should develop a code of conduct regulating their own activities
- Empower organisations outside the state (e.g. local councils, NGOs, unions, consumers, citizens' groups/associations)

3. REFORM OF THE ELECTORAL SYSTEM

- Periodic review of electoral system, based on the principle of one person, one vote, without discrimination on the basis of colour, creed, religion, sex or cast

COST REDUCTION

- Reduce transportation costs by increasing the number of polling stations
- Provide state funding of candidates
- Regulate types of expenditures (e.g.: large cloth banners)
- Update ceiling on expenses to be more realistic

STRONGER ELECTION MONITORING/MANAGEMENT

- Periodically revise constituency boundaries with public participation and oversight by the electoral commission
- Ensure that the electoral commission is organised and operated independently of the executive, including with financial autonomy
- Establish an election code of conduct effectively enforced by the Electoral Commission
- Insist on impartiality of election observers
- Strengthen reporting of election expenses, including disclosure of sources of contributions
- Make use of electronic voting technology and voter identification cards
- Ensure police and other officials are neutral
- Transparent, periodic revisions of the electoral rolls, with public hearings and opportunity to object

4. REFORM OF POLITICAL PARTIES

- Encourage the democratisation of political parties and require greater transparency in party decision-making and financing
- Require a periodical, secret ballot vote for party leadership, such votes to be overseen by the independent electoral commission
- Strengthen party organisation at the grass roots level and encourage the development of a bottom-up nomination process

5. ESTABLISH AN ANTI-CORRUPTION AGENCY

- Establish an independent commission mandated to ensure accountability and control corruption. The commission should report annually to Parliament and maintain strong links with civil society, notably the media.
- Ensure adequate funding to guarantee effective operation of the commission
- Provide for ongoing monitoring by an independent agency of individuals in senior government positions (e.g. civil servants, army officers, Members of Parliament, executive, judges), including annual declaration of assets.

KEY REQUIREMENTS

Independence:

- Transparent and bipartisan appointment of the individuals and/or commissioners heading these agencies (e.g. selection committee formed of government and opposition members of parliament, as well as member of the executive and judiciary)
- High level of qualification required to head the commission (e.g. high court judge)
- Tenure guaranteed by the constitution

Scope/Span:

- Mandate should cover all state institutions, including the executive, parliament,

judiciary, bureaucracy and military

- All levels of public activity should be covered through branches at district and local levels

Process:

- Careful judicial-like investigation to avoid publicity that would discredit process
- Public trial, with a bench appointed on a bipartisan basis
- Allow for appeal to the highest court, with the bench also selected on a bipartisan basis
- Ensure that civil society and private sector have ongoing input into the program and activities of the commission

6. STRENGTHEN WATCHDOG BODIES AND THE JUDICIARY

- Separate accounts from audit functions
- Balance reward and punishment by providing illustrations of what works well
- Strengthen relationships among auditors in the public and private sectors
- Ensure relevance, usefulness and timeliness of reports
- Modernise the AG function to speed-up the preparation and dissemination of reports
- Strengthen the legal system and judiciary to ensure effective implementation of the laws passed by parliament

7. MAKE INTERNATIONAL FINANCIAL INSTITUTIONS AND DONOR AGENCIES ACCOUNTABLE

Aid projects should be subject to independent audit and the results published.

- Consultant fees should be kept to a reasonable amount (e.g. not exceeding 10% of a total project's budget)
- Insist that loans are spent for the intended purpose
- Insist on an open and participatory budget making process
- Lobby 'northern' countries for the establishment of laws and regulations discouraging money laundering from 'southern' countries.

Code for Parliamentarians

- (i) A member should not try to secure business from the government for a firm, company or organisation with which s/he is directly or indirectly concerned.
- (ii) A member should not give certificates, which are not based on facts.
- (iii) A member should not make a profit out of a government residence allotted to him/her by subletting the premises.
- (iv) A member should not unduly influence government officers of the ministers in a case in which s/he is interested financially either directly or indirectly.
- (v) A member should not receive remuneration of any kind for any work that s/he desires or proposes to do from a person or organisation on whose behalf the work is to be done by the member.
- (vi) A member should not proceed to take action on behalf of his constituents on some baseless facts.
- (vii) A member should not endorse incorrect certificates on bills claiming amounts due to him/her.
- (viii) A member should not write recommendatory letters or speak to government officials for employment or business contacts for any of his/her relations.