

Thank you Chair, and thank you for the opportunity to speak at this seminar.

Ladies and Gentlemen,

I shall start my presentation with the briefest introduction of UNDP and what we do because it explains a little the rather particular look that I shall be taking on the question of tackling ethics and corruption in the legislature. Second, I shall outline briefly, complimenting what has already been said, why democratic governance in general, and parliamentary ethics in particular, are important to poverty reduction. Third, I shall outline the particular challenges that developing countries, especially the poorest that are also the most capacity constrained. Finally, I shall note some of the approaches that have been taken in developing countries and some of the lessons that have been learnt.

So, to begin, the United Nations Development Programme is the development arm of the United Nations. We serve some 167 countries around the world, but our focus is, under our mandate, the poorest countries, and therefore in particular countries in Africa and LDCs. This coverage gives us a particular perspective on the challenges facing many countries in improving their governance.

UNDP focuses on Democratic Governance and is mandated to take a human rights approach to governance. This means that we advocate for participatory governance mechanisms at the global level and frame national issues in terms of

universal human concerns. The human rights perspective leads us to focus in particular on issues of gender equality, equal access, representation, participation and transparency. You may find the documents – recently published guidance for our field practitioners on the subjects Anti-Corruption, Parliamentary Support, and Public Administration Reform – of interest. Our explicit goals are the Millennium Development Goals, endorsed by all country governments at the Millennium Summit in 2000. The MDGs include halving the population living in extreme poverty by 2015, and reducing child mortality by two thirds by the same date.

So why are parliamentary ethics important to us – important to poverty reduction? First, democratic governance is a value in its own right. Secondly, the Millennium Summit Declaration strongly endorsed the view, that had been growing among development practitioners, that without democratic governance development achievements, in poverty reduction, reductions in child mortality, increases in primary education, improvements in environmental sustainability, etc., are more difficult to achieve and not sustainable. The quality of democratic institutions and processes, and managing the changing roles of the state and civil society in an increasingly globalised world must underpin national development efforts. Democratic governance is, therefore, at the core a virtuous cycle of development.

And at the core of the democratic process is parliament, of course. Without a functioning legislature there cannot be a functioning democracy. Tackling parliamentary ethics has an impact that can be felt both in terms of reducing the costs of corruption, and in terms of closing the “democratic deficit”. First are the costs of corruption, which previous speakers have noted. I won’t repeat them here. Suffice to say that corruption affects economic growth, inhibits investment, and poor people bear the brunt of its ill effects.

But there are also what I am calling the political costs that, if reduced, will strengthen the democratic process. A failure in parliamentary ethics:

- ⇒ undermines the credibility of government and parliament -- this is particularly risky in fragile new democracies because the habits of democracy, and trust in democratic institutions, are still in their infancy.
- ⇒ It undermines the capacity of parliament to express voice of the people that, beyond being bad in itself, weakens parliament’s ability to make effective decisions for development.  
  
Participatory decision-making at the national, as well as at the project level, ensures ownership and sustainability. And there are new challenges: global interdependence calls for more participation and accountability in global decision-making.  
  
Democratic principles now have a global dimension because global rules and actors often affect people’s lives as much as

national ones. National parliaments are the most legitimate medium through which democratic principles can be translated into the international arena.

- ⇒ It encourages corruption elsewhere. Unethical behaviour at the highest level creates a culture of corruption that permeates the entire system.
- ⇒ It inhibits parliament from being the people's representative in holding the executive accountable. Regular public scrutiny, through debate and question time, promotes both transparency and accountability. And in many countries that we work in, democratic control over security forces is a priority – otherwise, far from ensuring personal security and peace, security forces can actively undermine them.

All this is as true in developed countries as in developing ones. However, developing country parliaments face particular challenges. Not all developing countries suffer from all or even a majority of the challenges I shall mention, but we often encounter one or more in one form or another:

- A excessively dominant executive, so that parliament has relatively weak and poorly articulated role – which affects the morale and influence of parliamentarians; and control of pay and the operating budget is with the executive. In come countries members of parliaments cannot get the funds to finance a trip to their constituency

without government approval. In Kenya for example, these reforms have led to shifting the power of the purse away from the executive and have raised salaries significantly, which has been credited with enhancing the authority of the national assembly. Perhaps the Honourable Gentleman from Kenya can correct me if I misspeak on this.

- A shortage of necessary technical skills, both among legislators themselves and among their staff. This inhibits the ability of the legislature to perform critical functions such as budget oversight, as well as recognizing the subtleties of possible conflicts of interest. Training programmes for parliamentarians are among the most common forms of support to parliaments -- again in Kenya, elected officials and their staffs were provided with training on the budget process.
- A highly politicized civil service -- most developing countries have a history of one party rule, and party affiliation is a requirement for education and appointment in the public administration, weakening the role of the opposition and making party and national interests difficult to disaggregate. In the area of public administration reform, efforts to create a professional civil service abound. Particularly interesting cases can be found in a number of Central Asian republics where development support is being provided to parliaments to establish a neutral parliamentary civil service.

- Concentrated elites – the links between the productive sectors of society and the political sectors are extremely close and difficult to break, leading to increased possibility for conflict of interest; and when small elites dominate economic and political decisions, the link between democracy and equity is threatened.
- Traditional cultural norms that do not mesh well with the Westernized ideas of the democratic process, such as a weaker tradition of state primacy as compared to, say, family and regional allegiances; norms of social interaction different from the Northern European model, for example in questions of gift giving and respect for hierarchy. When supporting developing country parliaments, aid providers and providers of technical assistance should recognize and adapt to these differences, and bear in mind the Human Development Report's injunction that democracy that empowers people must be built – it cannot be imported (HDR 2002).

These are some of the internal challenges that developing country parliaments face. But there are also many more challenges emanating from the context in which these parliaments operate. Again, these are not all suffered by all countries, but capture some of the more common challenges that may be encountered.

- A high number of other priorities – in most developing countries there are a large number of other very pressing problems – and few donor resources are directed towards supporting parliament, compared to

improving the service delivery system for example, or reforming the public sector.

- The judicial sector is often weak and may lack independence, inhibiting the ability to enforce the law, or to play the necessary mediating and oversight role for parliament – this leads at best to ineffective ethical rules, and at worst rules and sanctions applied partially, for political gain.
- The media sector lacks capacity, and rules governing access to information are inadequate, leading to: media that is either state run, is captured by the ruling party, or under threat of harassment from the state; media without adequate information to perform public information role; or media sector with such low capacity that it is incapable of analysing and delivering information effectively or is irresponsible about the truth (Zambia in the early '90s is an example of a number of these problems) – this impairs the role of parliament as oversight body, and inhibits the electoral process as a means of sanctioning ethical breaches
- Public understanding is poor, of its role in a democracy, of the roles of parliament and the other branches of government, of the ethical rules governing parliament, of the costs of corruption and ethical breaches. Parliamentarians are blamed for what they cannot control, and not given credit for the work they do.

- The public administration is in need of reform (and possibly corrupt): the more ineffective the public administration is, and the more open to corruption and political favouritism, the more the relevance of government and of the legislature is undermined.

But parliamentary ethics is not just a question of curbing corruption and avoiding abuses of power; it is also 'preserving the integrity of the institution' – about ensuring that the modes of interaction among contending parties, the rules of engagement, are respected. In many new democracies, the proper conduct of parliament is faced with many challenges. For example:

- The role of parliaments is often unclear to parliamentarians themselves;
- Rules of procedure are inadequate or not properly understood;
- Legislators have little experience in debating practices, or capacity in oversight practices (of the budget, for example);
- Role of opposition poorly understood.

Now let me move to some options and some lessons those of us in the development community are learning.

The background paper talks about and recommends parliamentary codes of conduct. I would endorse this recommendation. However, I would add some nuance.



- First, I think it is important to focus on the process of developing codes of conduct at least as much as on the output – the codes themselves. This is because, as I suggested earlier, such codes should not be, and should not be seen as, grafted from some external source but rather be developed internally, by parliamentarians themselves. This will ensure ownership, debate, and will increase the likelihood that such codes will be effective.
- Second, ethics regimes need to be balanced, and proportionate to other ethics regimes, in order not to hamstring a weak parliament with more stringent rules than those to which other branches of government are subjected.
- Third, proper safeguards need to be in place to avoid ethics rules being appropriated by the ruling party for political gain – we see many examples of this.
- Finally, parliamentary codes of conduct and ethics rules are not the entire solution: they are just the start.

As with anti-corruption in general, improving parliamentary ethics are successful if they are the result of an integrated and holistic approach, which targets cultural change as well as institutional reforms. Such an approach includes:

- An ethics regime – as we have discussed
- Institutional change – Clarifying the role of parliament, the rules by which it operates, building the technical capacity of parliamentarians (for example in Benin, where legislators are being provided with

technical training in budget oversight), strengthening the judiciary, as well as decreasing the opportunities for corruption through simplification of procedures, minimizing discretionary powers, etc. But this also implies working on such things as campaign finance, and strengthening and democratizing political parties. In Mozambique, for example, a number of donors have provided support to political parties to play an effective role. And this takes us to the discussion of campaign finance that we will look at in the next session.

- Cultural change – tackling the culture of corruption, through training as sensitization, both internally to the parliament as well as externally, in the other branches of government, the administration, the executive, and the judiciary.
- Increase public participation and build coalitions– transform voter education, of which there is often a fair bit concentrated around elections, to civic education which is longer term; strengthen the media; strengthen and empower civil society organizations; etc. For example, in Indonesia, the government established a Media Centre within the National Assembly and assisted journalists and politicians to establish a code of conduct for interaction. And in Tanzania, a new Parliamentary Online Information System provides a better connection between Tanzanians and their representatives in Parliament.

Finally, there are a number of programmatic lessons that those of us in the development community are learning, some of which are indicated in the background paper.

- Keep the scope of change well-focussed and set realistic and well-defined targets. Avoid the temptation to address too many reform objectives simultaneously; an incremental approach to reform, if sustained for long enough, also brings about radical transformations.
- Fighting corruption and improving accountability, transparency and Integrity, is a long term effort
- Anti-corruption efforts need to transform values and ethical frameworks through education and be imbedded in public culture
- Institutions dedicated to fight corruption (e.g. ethics committees) must have clear mandates and powers, and sufficient resources and independence
- Strong committed leadership is fundamental to any effective reform programme

To summarize, I have noted that:

- Parliamentary ethics are at the heart of democratic government, which is central to achieving poverty reduction and the MDGs
- Improving parliamentary ethics in developing countries face particular challenges, and need to be understood often as a symptom of a more complex scenario

- As a result, any approach to parliamentary ethics must include the broader context – must be holistic – to be successful.

Thank you.