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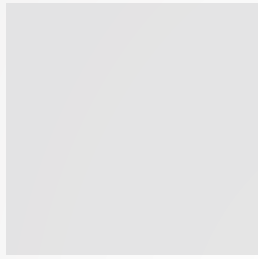


# IMPROVING DEMOCRATIC ACCOUNTABILITY GLOBALLY

A HANDBOOK FOR LEGISLATORS  
ON CONGRESSIONAL OVERSIGHT  
IN PRESIDENTIAL SYSTEMS

NOVEMBER 2013





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## 1

## INTRODUCTION

This handbook summarizes the findings and implications of recent research on legislative oversight in countries with presidential forms of government. It also updates and revises good practice in parliamentary systems. The full research findings and their implications can be found in Riccardo Pelizzo and Frederick Staphenurst [Government Accountability and Legislative Oversight](#), which was sponsored by GOPAC and the World Bank Institute and published in 2013 by Routledge.

The importance of legislative oversight and its impact on corruption is proven. Reduced corruption leads to enhanced economic development and increased living standards (see Box 1). Legislative oversight depends on oversight tools, facilitating conditions and the socio-political context within which the legislature operates.

### **This handbook proceeds as follows:**

It first demonstrates how legislative oversight leads to reduced corruption by highlighting the importance of oversight tools, facilitating conditions and contextual factors. It then examines the link between accountability and the type of government and notes that what works – and why – is different in parliamentary, semi-presidential and presidential systems.

A framework is subsequently presented which examines oversight tools, facilitating conditions and context factors. Internal tools (e.g., standing committees, question period, censure), external oversight mechanisms (e.g., ombuds offices, supreme audit institutions), facilitating conditions (e.g., legislative library and research staff) and contextual factors (e.g., form of government, political parties and electoral system), are distinguished.

### **BOX 1: CORRUPTION AND ECONOMIC GROWTH**

Research has affirmed significant negative impact of corruption on economic growth. Mauro's (1997) examination of more than a 100 countries offered a quantitative estimate of this effect. He found that if a given country was to improve its corruption score by 2.38 points on a ten-point scale, its annual per capita GDP growth would rise by over half a percentage point (Mauro 1997, p. 91). This means, for example, that if a country like Yemen could have reduced its corruption in 2001 to levels of that in Jordan or Oman, its GDP per capita would be more than 45 higher than (US \$2,105 vs. US \$1,360).

Staphenurst, Pelizzo and Jacobs (forthcoming) found that perceived corruption *declines* as the number of oversight tools increases and the form of government becomes more parliamentary.

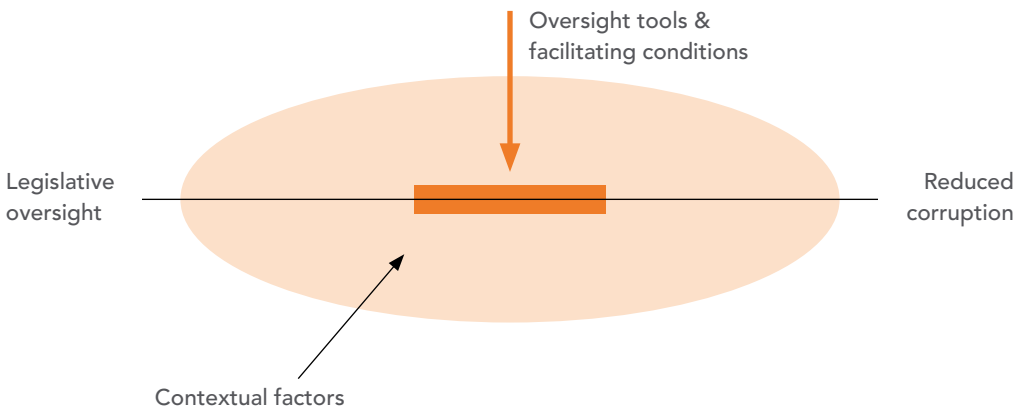
### Legislative Oversight and Corruption

An important factor in determining a country’s level of corruption is its form of government—presidential, semi-presidential or parliamentary. In parliamentary systems the head of government is not the head of state, voters cast their ballots in legislative elections, and the party or coalition that wins a majority of parliamentary seats has the right to form the (executive branch of the) government. In this kind of system, the executive remains in office only for as long as it enjoys the support (confidence) of a majority of the parliamentarians. In presidential systems, the head of state (the president) is also the head of the government and is elected by the voters for a fixed term in office. In this kind of system the legislature is also elected for a fixed term in office, it cannot be dissolved by the executive and, in turn, it lacks the power to dismiss the executive. In semi-presidential systems, the executive power is shared by the President and the Prime Minister. The President is directly elected by the voters, while the Prime Minister is the leader of the largest party in the legislature and remains in office as long as it enjoys the confidence of the legislature.

Some experts argue that presidential form of government is the most problematic. It is believed to be more likely to experience a breakdown of constitutional order and to be associated with higher levels of corruption. Additional research on these and related topics has shown instead that the highest levels of corruption are recorded in countries with a semi-presidential form of government (Pelizzo and Stapenhurst, 2012).

The World Bank Institute (WBI) and the Global Organization of Parliamentarians Against Corruption (GOPAC) have recently highlighted that it is a *policy process* that defines the relationship between legislative oversight and corruption. Legislative oversight comprises of oversight tools that a legislature adopts plus supporting conditions and the socio-political context. Desired policy outcome is reduced corruption and input is legislative oversight. This notion is presented in Diagram 1.

**Diagram 1: Explanation of the Relationship between Legislative Oversight and Corruption**



## 2

## EVOLVING ACCOUNTABILITY – IMPLICATIONS FOR LEGISLATIVE OVERSIGHT

*Accountability* exists between an individual or institution and the actions performed by them. These actions are subject to the oversight of another individual or institution.

There are two stages of accountability: *answerability* and *enforcement*. *Answerability* refers to the obligation on answering questions based on decisions. *Enforcement*, is the discretion to sanction institutions or individuals responsible for action. Answerability without enforcement and sanctions without enforcement significantly diminish accountability.

There are three types of accountability: horizontal, vertical and diagonal. An aspect of diagonal is social accountability<sup>1</sup>. Experts differ on the definition of accountability because of the varying political contexts. This section highlights accountability in different forms of government.

### Current View of Accountability

Accountability comprises of four components (see Diagram 2):

#### 1. Horizontal accountability

Abuses by public agencies and branches of government are checked by State institutions, such as the legislature and anti-corruption agencies.

#### 2. Vertical accountability

The mean through which officials are enforced to perform effectively by citizens, mass media, and civil society.

#### 3. Diagonal accountability

Citizens are directly engaged in horizontal accountability institutions. Limited effectiveness of civil society's watch dog function is augmented by breaking state's monopoly on responsibility for official executive oversight.

#### 4. Social accountability

Accountability is ensured by civic engagement. See Box 2.

Regardless of the form of government or accountability, the legislature plays a crucial role in promoting government accountability.

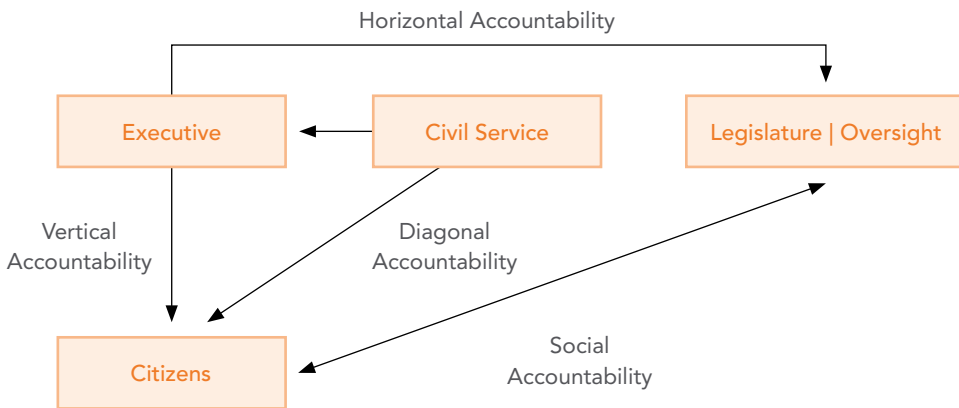
A typology of accountability is developed in this handbook. This typology recognizes the different legislative oversight mechanisms in horizontal, vertical and diagonal notions of accountability and these mechanisms are then classified as having high enforcement/sanctions capacity or low enforcement/

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<sup>1</sup> All four types have emerged from different schools of thinking, and little has been done to synthesize the different concepts. Moreover, there are conflicting definitions of what each of these types of accountability are, resulting in a confused and disjointed literature and associated difficulty in applying the concepts of accountability to practical governance issues. One reason for this confusion is that the notion of accountability means different things in different political concepts.

sanctions capacity (see Table 1). This typology can help legislatures in several ways. First, it focuses their efforts in improving oversight by concentrating on those mechanisms where they themselves have high enforcement/sanctions capacity (such as legislative committees, parliamentary hearings, or interpellations) or which they can establish (such as freedom of information laws). Second, where other agencies and organizations have high enforcement/sanctions capacity, legislatures can reap potentially greater oversight benefits than if they were to concentrate their efforts on developing or improving those mechanisms where there is lower enforcement/sanctions capacity (such as blue ribbon panels and ombuds offices).

**Diagram 2: Current Concepts of Accountability**



## BOX 2: SOCIAL ACCOUNTABILITY

Social accountability initiatives are as varied and different as participatory budgeting, administrative procedures acts, social audits, and citizen report cards, all of which involve citizens in the oversight and control of government. This can be contrasted with government initiatives or entities, such as citizen advisory boards, which fulfill public functions.

The Development Assistance Committees Governance Network (2010a) has pointed out that – regardless of form of government – the recent emphasis on social accountability has perhaps undermined state accountability, and is urging the strengthening of ‘bridging channels’ that bring together both citizens and the State. The work of the Centre for the Future State, for example has emphasized that support for a single set of accountability actors (such as CSOs) alone are not particularly effective. Rather, support should be given to help develop ‘broad based alliances’ which bring together a range of actors with common interests in reform and which crosses the public-private divides.

In Uganda, for example, the USAID Linkages program aims to strengthen domestic linkages within the Parliament and between the Parliament, selected local governments and CSOs, as well as to build their capacities to improve service delivery and to enhance accountability (Tsekpo and Hudson, 2010). The program provides support to parliamentary committees and the shadow cabinet and also support outreach through policy forums and funding for CSOs to run local Budget Conferences in order to build citizen engagement in the budget process.



Table 1: Typology of Accountability with Illustrative Examples

	Accountability Within Government (horizontal)	Accountability Outside Government (vertical)	Accountability Outside Government (diagonal)	Accountability Outside Government (social)
<b>High enforcement/sanctions capacity</b>	Supreme audit institutions Legislative committees Interpellations Courts Enforcement agencies	Elections Professional Codes of Conduct National/international standard-setting bodies Accreditation agencies Referenda	Parliamentary hearings Admin. Review Councils	Public interest law Freedom of Information laws
<b>Low enforcement/sanctions capacity</b>	Questions/question period Ombuds offices Advisory boards Inter-ministerial committees Blue ribbon panels 'Sunshine laws'	Policy research Service delivery surveys Investigative journalism		Citizens' charters Citizen Oversight committees Civil society 'watchdog' institutions

**This typology has the following characteristics:**

1. Accountability initiated by civil society has limited enforcement and sanctions capacity.
2. Strongest accountability institutions and mechanisms lie within the state.
3. Citizens and citizen groups and state accountability institutions are connected by Social (and diagonal) accountability.

**The following factors are crucial for both civil society and state institutions to play an effective role:**

1. Quality of democracy and political space for legislative oversight, freedom of expression and information.
2. Capacity of citizen engagement, civil society and state accountability institutions.

This section draws on Chapter 1 and 2 in Government Accountability and Legislative Oversight, by Riccardo Pelizzo and Frederick Stapenhurst.

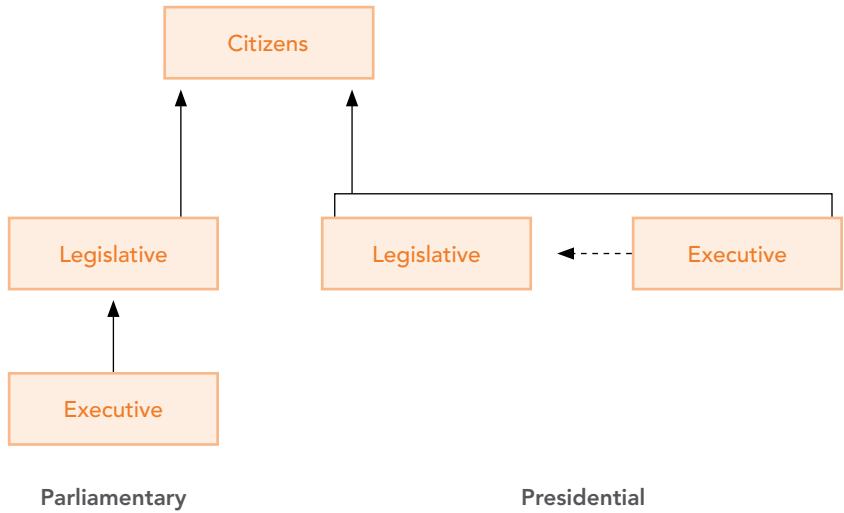


## 3

## ACCOUNTABILITY AND FORM OF GOVERNMENT

In Diagram 3, the difference between government accountability in presidential and parliamentary systems is shown.

**Diagram 3: Government Accountability in Parliamentary and Presidential Systems**



The Parliamentary system is characterized by the fusion of the executive and legislative branches of government. The head of government, Prime Minister or Chancellor, and cabinet are in legislature and depend on its confidence. Government can only remain in power as long as it has support of majority of parliament. See Diagram 4.

Presidential systems are characterized by the separation of powers. President and the cabinet cannot be members of parliament and do not require their confidence. Both the legislature and government are accountable directly to the public. See Diagram 5.

Semi-presidential systems are hybrids, sharing features of both parliamentary and presidential systems; see Diagram 6.

All legislatures, regardless of type, have developed different oversight tools to address *answerability* and *enforceability*. Answerability is enforced through legislative tools such as oversight committees, question period and the review/approval of certain government appointments. Enforceability is applied through tools such as the motions of confidences, motions of censure, impeachment and election/selection of cabinet ministers. The adaption of these tools depend on the form of government.

In parliamentary systems such as the United Kingdom, the legislature holds the government accountable through the *no confidence* motion, which, when passed, results in the resignation of the government. Members of cabinet are elected Members of Parliament and retain their seats throughout their tenure as ministers. They are thus ultimately accountable to the electorate. In Question period and interpellations, Members of Parliament question the government's actions and demand answers on a daily basis. The appointment of ministers and senior officials are not normally reviewed by the Parliament, although occasionally, appointments of senior government officials may be reviewed. Committees exist, but – at least historically - are weak, with the notable exception of the Public Accounts Committee.

In countries with presidential forms of government, such as the United States, the government is not subject to the *no confidence* motion. The executive arm of government cannot be dismissed through this motion. Furthermore, the Cabinet is selected by the President and its members cannot be legislators. However, their selection of both cabinet members and senior government officials is subject to review and ratification by the Senate. The President can be impeached only if he (or she) has violated the constitution or broken the law. This impeachment is through voting by House of Representatives and trial by Senate. A question period is not present in presidential system. Committees are stronger because of availability of resources and greater access to information.

In countries with a semi-presidential form of government, such as France, the nature of the executive-legislative relationship has some similarities with both parliamentary and presidential systems. The President cannot be voted out of office by a vote of no confidence, whereas the Prime Minister can be removed and replaced by the President if it is believed that the Prime Minister no longer commands the confidence of the legislature.

The availability, the variety and the incisiveness of oversight tools has a major impact on the effectiveness of the mechanisms of accountability. A general approximation for major oversight tools used by legislatures in different systems is presented in Table 2; these tools are examined in greater detail in the next section.

Diagram 4: Parliamentary Form of Government

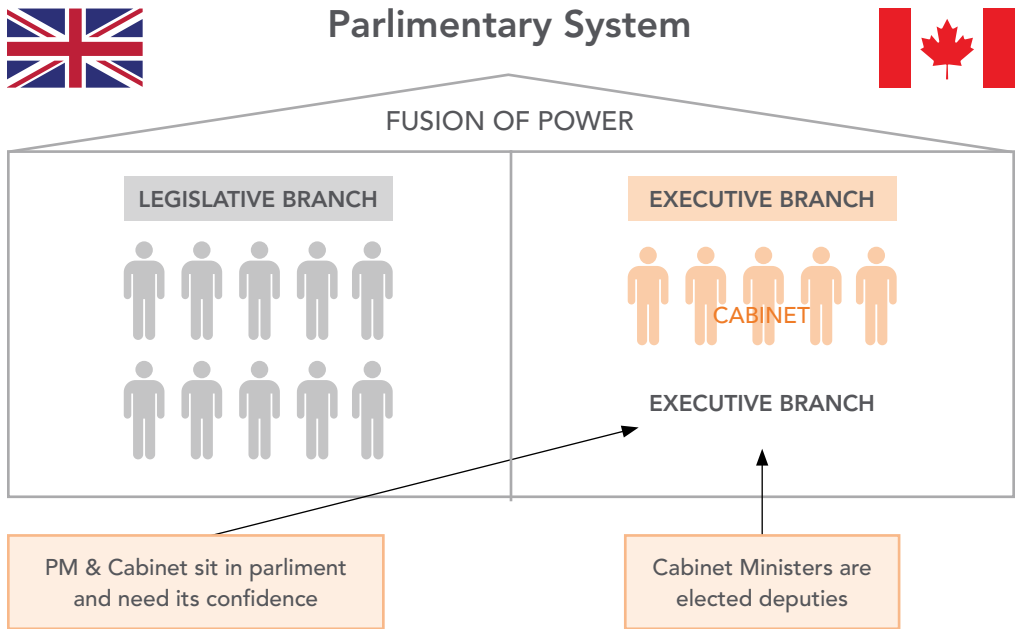


Diagram 5: Presidential Form of Government

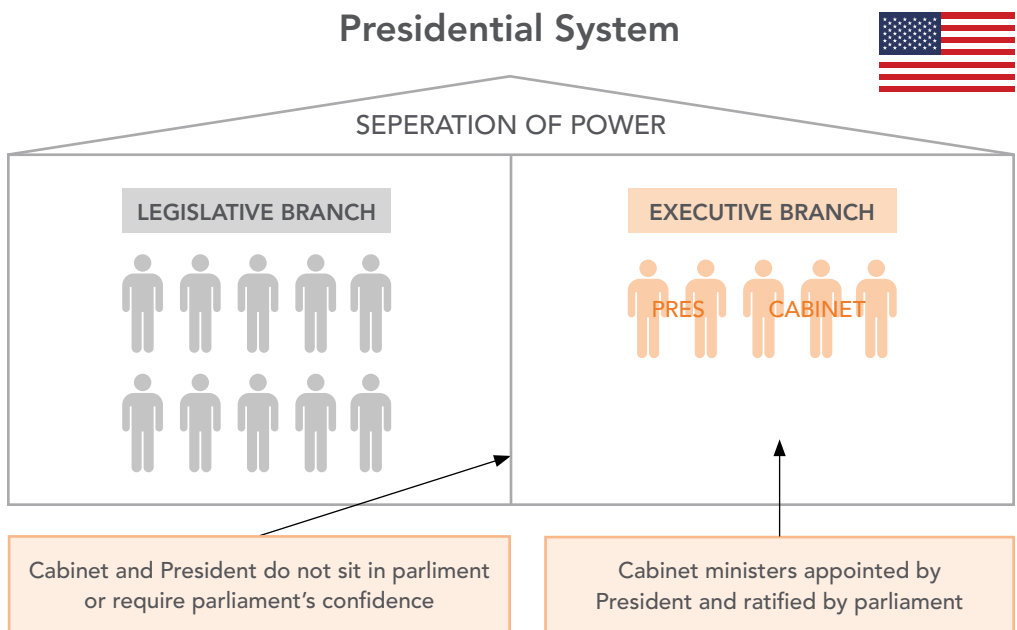


Diagram 6: Semi-Presidential Form of Government

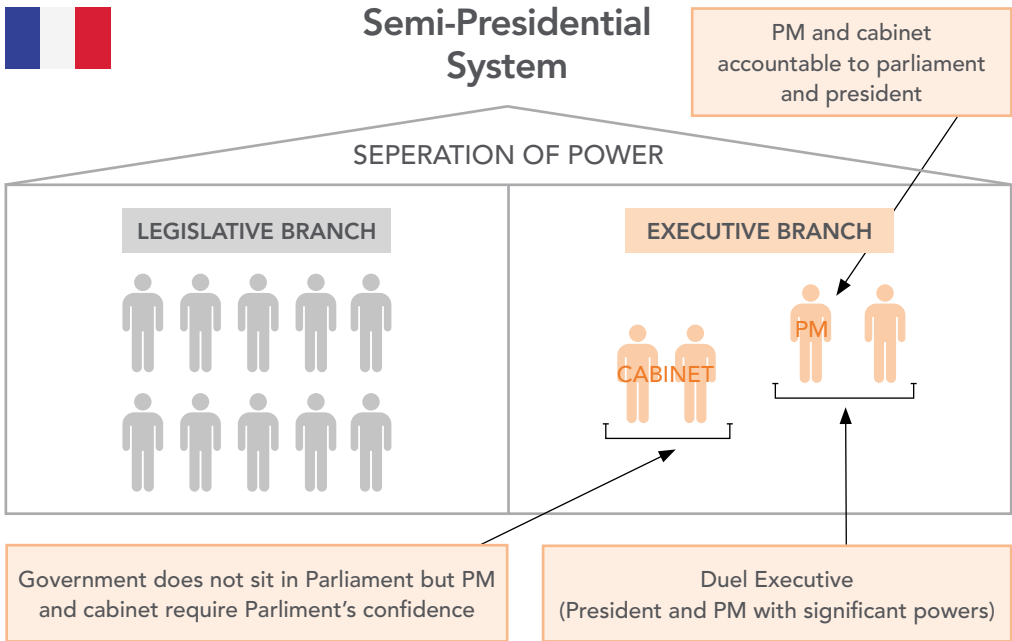


Table 2: Overview of Accountability Tools

	Parliamentary	Presidential	Semi-Presidential
Questions & Interpellations	✓	-	✓
Committees	✓ (tend to be weak, except PAC)	✓ (tend to be strong)	✓
Special Commissions	✓	✓	✓
Ombuds Offices	✓	✓	✓
Supreme Audit Institutions	✓	✓	✓
No Confidence Votes	✓	-	-
Impeachment	-	✓	-
Selection of Cabinet	Elected	Ratified	-
Review of Appointments	-	✓	-

Source: Dubrow (2001)

For more details, see [Government Accountability and Legislative Oversight](#) (Riccardo Pelizzo and Frederick Stapanhurst) chapter 1.

# 4

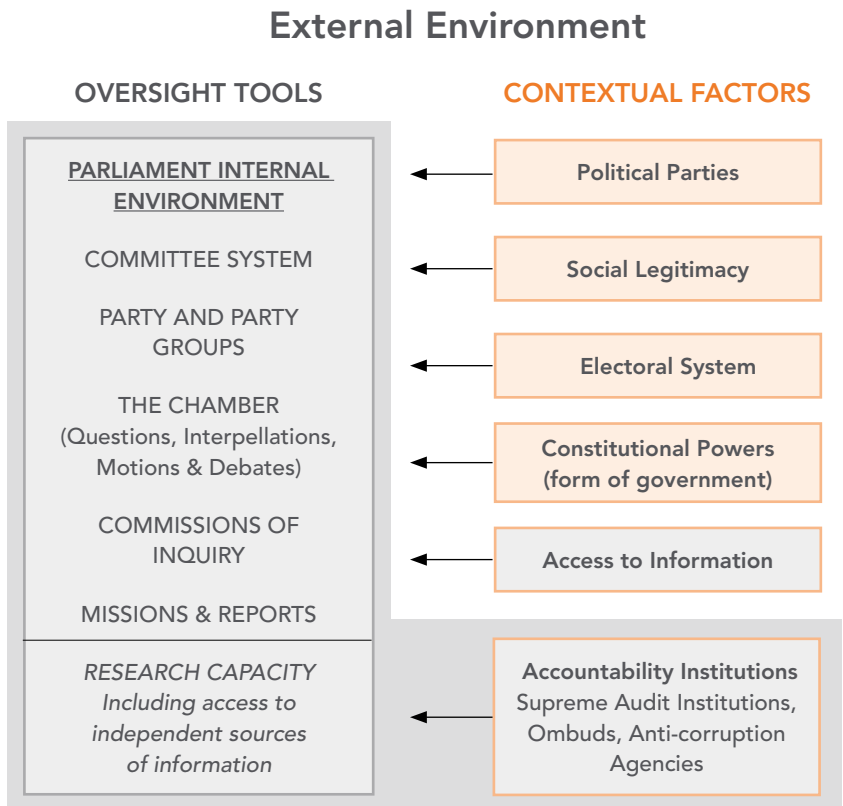
## FRAMEWORK FOR EXAMINING OVERSIGHT TOOLS AND CONTEXTUAL FACTORS

Within the context of oversight in the United States, Ogul (1976) suggested seven “opportunity factors” that promote or limit the potential for oversight. These are: legal authority or obligation, adequate staff, importance of the policy being overseen, the legislative committee system and its status within the legislature, the scope of oversight given executive-legislative relations, political party influences and the priorities of individual legislators. In Diagram 6, a diagrammatic framework that considers these variables is presented. It can be seen that the oversight tools, shaded in purple, can be internal to the legislature’s organization (committees, inquiries, etc.) or external (ombuds, supreme audit institution). Contextual and facilitating factors also comprise the external environment of legislature. Experts differ on which factors are important.

### Internal Oversight Tools

The principal types of oversight tools are described in this section.

Diagram 7: Legislative Oversight Factors: Extended Framework



### Questions to Government.

Question period is the most common oversight tool and can be found in parliamentary and semi-presidential but not in presidential systems. Questions can be asked orally or in writing. Written questions are not debated in parliament and written answers are provided. During the question period, oral questions are asked to the government. Additionally, questions can be deemed 'urgent', requiring a speedy government response

### Interpellations

Interpellations are used to obtain information from the executive. Interpellations differ from question period in the following ways:

1. Rules permit an individual MP to submit questions but not interpellations. Interpellations have to be introduced either by a party's parliamentary group or by a prescribed minimum number of MPs.
2. In question period, the executive is questioned by a MP on facts such as the correctness of information received by government in taking a decision, whether the government plans to share this information with legislature, and whether the government has undertaken or willing to undertake a specific course of action. In interpellation, objective is not only facts but, to obtain information on reasons and motivations behind a particular government decision.
3. Unlike the question period, a government crisis and motions of censure can be caused by interpellations.

### Motions

Legislatures employ two types of motions:

1. **Motions for debate** – This is used to scrutinize implementation of government policies and activities.
2. **Motions of censure** – This is used to censure the government as a whole or the head of the government. They can have a wide range of consequences. In some presidential countries, such as Burundi, they are used only for record without any substantive consequence. In other countries, such as Liberia, they can lead to the dismissal of the head of government.

### Committees

Committees are one of the most distinctive organizational features of legislatures worldwide. They can vary in size and number, but they invariably assist legislatures in performing their legislative and oversight functions. There are two types of committees:

1. **Permanent committees** – These exist for the whole duration of legislature.
2. **Ad hoc/inquiry committees** – These exist for a specific period of time and/or to examine a specific issue.

The size, number and nature (i.e., whether standing, ad hoc, inquiry) of committees are the dimensions that constitute and characterize a committee system.



A key difference between permanent committees and ad hoc committees is their duration. Another difference is the manner in which they are constituted. Permanent committees are established either in constitution or in standing orders of the legislature. Ad hoc/inquiry committees are created by the legislature.

The most popular specialized oversight committee is the Public Account Committee (PAC) - that reviews government expenditures and ensure accountability. It was once found exclusively in countries with a British institutional legacy (Commonwealth plus Ireland). Several countries outside the Commonwealth and/or with presidential forms of government (e.g., Nigeria, Liberia, Seychelles, Bhutan, the Federated States of Micronesia) have since adopted PACs.

Hearings are the most common oversight tools utilized by committees. Committees have the power to summon government ministers and senior officials, as well as other witnesses if deemed necessary, to gather information on government activity and policy implementation and keep the government accountable.

### **Special Committees of Inquiry**

Many legislatures have established committees (and sub-committees) of inquiry to perform specific investigations on particularly salient issues. These committees are not permanent. They are dissolved once it has performed the task for which it had been instituted or because their term has expired.

### **Missions and Reports**

In several countries (e.g., Benin, Burundi, Congo, Djibouti and Indonesia), legislatures can carry out fact-finding missions to gather the necessary information on the efficiency and the effectiveness of government policy implementation. In many other countries (e.g., Cyprus, Djibouti and South Korea), specific provisions compel the executive to submit regular reports to the legislature about the implementation of its policies and programs. These reports can be subject to debate in the plenary.

## **Internal Oversight Tools in Presidential Systems**

Variation in adoption of internal oversight tools among legislatures in presidential countries is indicated in Table 3. Legislatures have varying selection of internal oversight tools in their disposal. Namibia has all nine oversight tools. Committee hearings are used in 22 of the 24 countries under consideration, oral or written questions in 21 of 24 countries, committees of inquiry in 20 countries and urgent questions in 19 countries. By contrast, missions are used only in nine of the 24 countries, motions for debate in 12 countries, reports in 15 countries and motions of censure in 14 countries.

Table 3: Internal Oversight Tools in Presidential Countries

Country	Oral & written questions	Urgent questions	Interpell-ations	Motion of debate
Argentina	Y	N	Y	N
Benin	Y	Y	Y	Y
Burundi	Y	N	Y	Y
Chile	Y	Y	Y	N
Congo	Y	Y	Y	Y
Costa Rica	Y	Y	Y	Y
Cote d'Ivoire	Y	Y	N	N
Cyprus	Y	Y	N	N
Djibouti	Y	Y	Y	N
Georgia	Y	Y	Y	Y
Indonesia	Y	Y	Y	N
Korea	Y	Y	Y	N
Liberia	Y	Y	N	Y
Marshall Islands	Y	Y	N	Y
Moldova	Y	Y	Y	N
Namibia	Y	Y	Y	Y
Nicaragua	N	*	Y	N
Paraguay	N	N	Y	Y
Philippines	Y	Y	Y	N
Seychelles	Y	Y	N	Y
Sri Lanka	Y	Y	N	Y
Tajikistan	N	Y	N	N
Tunisia	Y	Y	Y	N
Uruguay	Y	N	Y	Y

Table 3: Internal Oversight Tools in Presidential Countries (continued)

Country	Motion of censure	Hearings in commit.	Comm. of inquiry	Missions	Reports
Argentina	Y	Y	Y	N	Y
Benin	N	Y	Y	Y	N
Burundi	Y	Y	Y	Y	N
Chile	Y	Y	N	N	Y
Congo	N	Y	Y	Y	Y
Costa Rica	Y	Y	Y	N	Y
Cote d'Ivoire	N	N	Y	N	N
Cyprus	N	Y	Y	N	Y
Djibouti	N	Y	Y	Y	Y
Georgia	Y	Y	Y	N	Y
Indonesia	N	Y	Y	Y	N
Korea	N	Y	Y	N	Y
Liberia	Y	Y	Y	Y	Y
Marshall Islands	Y	Y	Y	N	Y
Moldova	Y	Y	N	N	Y
Namibia	Y	Y	Y	Y	Y
Nicaragua	N	Y	Y	N	Y
Paraguay	Y	Y	Y	N	Y
Philippines	N	Y	Y	N	N
Seychelles	Y	Y	Y	N	N
Sri Lanka	Y	Y	Y	N	N
Tajikistan	N	N	N	N	N
Tunisia	Y	Y	N	Y	N
Uruguay	Y	Y	Y	Y	Y

**Note:** y indicates that a legislature has such an oversight tool, n indicates that the legislature does not employ this oversight tool, while \* means that information on the presence/absence of this oversight tool was not provided.

For more details, see [Government Accountability and Legislative Oversight](#) (Riccardo Pelizzo and Frederick Staphurst) chapter 3).

## External Oversight Tools

Extra-legislative accountability institutions are established “to enhance accountability of government, which operate outside [the legislature] and the political process expressed through [the legislature]” (Evans 1991, page 1). Their creation paradoxically has been “largely driven by a perception of the inadequacy of [the legislature] as an accountability mechanism.” Although there are additional mechanisms, literature distinguishes three primary institutions:<sup>2</sup> supreme audit institutions (SAIs), anti-corruption agencies and ombuds offices.

### Supreme Audit Institutions

Financial, legal (compliance) and, often, performance (“value-for-money”) audits of government revenue and spending are undertaken by SAIs.

The relationship between legislatures and SAIs is often symbiotic: legislature depends on SAI to submit reliable and timely information. The SAI depends on the legislature to provide a public forum for presenting and discussing audit results and recommendations for corrective action. In many countries the constitution mandates SAIs to be appointed by, and to report to, the legislature. The legislature also often approves the SAI’s budget. This ensures their independence.

There are three broad SAI models: the Westminster model (also known as the Anglo-Saxon or parliamentary model), the Board or Collegiate model and the judicial or Napoleonic model (Stapenhurst and Titsworth, 2001). All three types of audit models can be found in countries with presidential forms of government. In countries with a Westminster tradition, be they parliamentary, semi-presidential or presidential, the SAI works closely with a dedicated legislative committee (e.g., the Public Accounts Committee (PAC), state audit committees, budget or finance committees) or sub-committee and may even provide the committee with special technical assistance. Research shows that perceived corruption levels are significantly higher in countries which have the judicial or Napoleonic model (Blume and Voight, 2007; French, forthcoming).

### Anti-Corruption Agencies

Anti-corruption agencies are common around the world, especially in countries with semi-presidential and presidential forms of government. There are four models:

1. The *universal model*, which combines investigative, preventative and communications functions.
2. The *investigative model*, which is characterized by a small and centralized investigative commission.
3. The *multi-agency model*, which includes several offices across government departments that are individually distinct but together form a web of agencies to curb corruption.
4. The *parliamentary model*, which includes anti-corruption agencies that report directly to the legislature and are independent from the executive and judiciary.

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<sup>2</sup> The financial crisis has induced several European nations to consider the possibility of adopting ‘fiscal councils’, bodies composed by specialists with technical expertise, which should be given the task to perform both an ex ante and ex post oversight of fiscal and budgetary issues. Some such ‘fiscal councils’ have already been created (Belgium, Germany, UK). While all of them are expected to be independent from the influence of both the executive and the legislative branches of government, some ‘fiscal councils’ are expected to support the performance of legislative oversight while others are intended to aid the executive.

Performance of anti-corruption agencies has generally been disappointing. They are often 'captured' by the government to protect its own leadership and/or to harass opposition leaders. There have been no cross-country analyses of the effectiveness of such agencies in curbing corruption. It can however be hypothesized that anti-corruption agencies are most effective when independent of government and free of political interference. In spite of the disappointing performance, anti-corruption agencies have become increasingly popular.

### Ombud Offices

Originally established in Sweden in 1809, the ombuds office represents the interests of public by investigating and addressing complaints reported by individual citizens against public authorities. Some ombuds offices are also mandated to include human rights and mediate between citizens and public authorities while others - such as Papua New Guinea, Uganda and Namibia - have an explicit anti-corruption mandate.

In some countries (e.g., Belgium), the ombuds office may, based on the legislature's request, investigate a particular administration. Impetus for legislative oversight is reinforced by the ombuds office, as it ensures that its outcome is widely available to the media and general public.

Decisions of ombuds offices are mostly non-binding and their powers are limited to mediation and conciliation, guidance, recommendations and issuing reprimands. In a very few countries (e.g., Finland, Sweden), ombuds offices can initiate criminal prosecutions.

Ombuds offices have many different names and there are significant differences among such offices across countries. Some of these differences concern institutionalization, appointment, length and renewability of the term in office, mandate, amount of resources at its disposal and its ability to sanction wrongdoers.

### External Oversight Tools in Presidential Systems

Table 4 illustrates that overwhelming majority of legislatures in presidential systems have all three external oversight tools, five countries have only two of the three tools, while one country (Marshall Islands) has only one.

SAIs are found in all 24 countries included in our study. Anti-corruption agencies exist in 21 countries (87.5 per cent) and ombuds offices in 20 countries (86.9 per cent), with Liberia not responding on the latter. The average number of external oversight tools is nearly 2.8 out of 3.<sup>3</sup>

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<sup>3</sup> This finding indicates a clear difference between internal and external oversight tools. Since the number of internal oversight tools about which information was collected is much higher than the number of external oversight tools about which information was sought, it is not surprising that, in absolute terms, the average number of internal oversight tools available to a legislature is considerably higher than the average number of external oversight tools. The picture is quite different, however, if instead of considering absolute values we consider relative values—the average number of tools divided by the total number of tools that could be adopted at most. In this regard, we would find that in relative terms in presidential system the external capacity exceeds the internal capacity. In fact, the internal capacity amounts on average to 6.2/9, which equals 68.8, whereas the external capacity amounts on average to 2.73/3, which equals 91.2.

Table 4: External Oversight Tools in Presidential Countries

Country	Supreme Audit Institutions	Anti-corruption agencies	Ombudsman
Argentina	Y	Y	Y
Benin	Y	Y	Y
Burundi	Y	Y	N
Chile	Y	N	Y
Congo	Y	Y	Y
Costa Rica	Y	Y	Y
Cote d'Ivoire	Y	Y	Y
Cyprus	Y	Y	Y
Djibouti	Y	Y	Y
Georgia	Y	Y	Y
Indonesia	Y	Y	Y
Korea	Y	Y	N
Liberia	Y	Y	*
Marshall Islands	Y	N	N
Moldova	Y	Y	Y
Namibia	Y	Y	Y
Nicaragua	Y	Y	Y
Paraguay	Y	Y	Y
The Philippines	Y	Y	Y
Seychelles	Y	N	Y
Sri Lanka	Y	Y	Y
Tajikistan	Y	Y	Y
Tunisia	Y	Y	Y
Uruguay	Y	Y	Y

**Note:** y indicates that a legislature has such an oversight tool, n indicates that the legislature does not employ this oversight tool, while \* means that information on the presence/absence of this oversight tool was not provided.

For more details, see [Government Accountability and Legislative Oversight](#) (Riccardo Pelizzo and Frederick Stapenhurst) chapter 4).

## Does this matter?

Research indicates that legislatures in parliamentary systems, richer and more democratic countries are better equipped than those operating in less-democratic, middle and low income countries with presidential and semi-presidential systems. The *number* of tools that parliaments may have to oversee the activities and the expenditures of the executive don't matter much. It is even more important to have conducive external environment, facilitating factors that support oversight, and *desire, political will and determination of legislatures* to utilize available tools. We now turn to these issues.

## Facilitating Conditions

We examine the inter-twined facilitating conditions of information and legislative research capacity, and pay particular attention to financial information systems

### Information

Information is very important for the functioning of democratic legislatures. Moreover, the need for information is probably even greater in democratizing (and developing) countries, in which "substantive, policy-relevant information is often exclusively the province of the executive-the government" (Loewenberg and Patterson, 1979, p. 164). In these countries, the legislative branch needs free (of government influence) and reliable information to understand government choices, decisions and policies; to assess whether they are valuable or not and, if not, to criticize them and propose policy alternatives. Not surprisingly, legislatures' inability to keep governments accountable for their actions, such as, for example, the drafting of the budget and the ensuing allocation of resources often reflects legislatures' lack of independent – from executives' control – information or their inability to process the available information. If the only information available to the legislature is provided by the executive branch or by one of its agencies, if there is no information available to the legislature, or if the legislature is unable to understand the available information, then the legislature cannot question in any substantive way the content of government choices, decisions and actions<sup>4</sup>.

The information and the knowledge that legislators and legislatures require in order to adequately perform their functions and tasks is provided by institutions outside and inside the legislature. Outside sources of information are varied; one of the most important for oversight is that from routine reports generated by government management information systems (MIS); see Box 3.

The principal internal institutions include parliamentary libraries and the legislative institutes. These two institutions differ from one another in several respects: parliamentary libraries are always part of the legislatures, whereas institutes may be established inside or outside the legislature. Second, unlike parliamentary libraries that always have the task of carrying out research on the legislature's behalf and of providing the legislature with the information it needs, legislative institutes may have very limited research capacity and may not be formal sources of information. Finally, empirical analyses have revealed that while it is generally uncommon for parliamentary libraries to provide legislators with training, there are some institutes whose mandate is precisely that.

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<sup>4</sup>This point is well recognized in the literature. Loewenberg and Patterson noted, in this respect, that "the availability of sources of information independent of executive agencies improves the ability of the legislature to exert influence over the executive branch", see Gerhard Loewenberg and Samuel C. Patterson, *Comparing Legislatures*, op. cit., p. 164.

Parliamentary libraries perform several functions - they are a home for books, they provide reference service by looking up facts, sources and available bibliographic material, they make available copies of specific items and they provide clipping service of relevant articles in the press and, “nearly all legislatures have parliamentary libraries to assist them in obtaining and using information in their deliberations” (Robinson, 1998, page 815).

### BOX 3: INTEGRATED FINANCIAL MANAGEMENT INFORMATION SYSTEM

Generally, the term “IFMIS” refers to the use of information and communications technology in financial operations to support management and budget decisions, fiduciary responsibilities, and the preparation of financial reports and statements.

In the government realm, IFMIS refers more specifically to the computerization of public financial management (PFM) processes, from budget preparation and execution to accounting and reporting, with the help of an integrated system for financial management of line ministries, spending agencies and other public sector operations.

In order to promote transparency and reduce corruption, parliaments can be given access to a comprehensive system addressing Budget, Revenue, Expenditure Control, Debt, Resource Management, Human Resources, Payroll, Accounting, Financial Reporting, and Auditing processes across central government or even including local government and other public sector and quasi-governmental agencies and operations. The principal element that “integrates” an IFMIS is a common, single, reliable platform database (or a series of interconnected databases) to and from which all data expressed in financial terms flow.

Integration is the key to any successful IFMIS. In a nutshell, integration implies that the system has the following basic features:

1. Standard data classification for recording financial events;
2. Internal controls over data entry, transaction processing, and reporting; and
3. Common processes for similar transactions and a system design that eliminates unnecessary duplication of data entry

An IFMIS stores, organizes and makes access to financial information easy. It not only stores all the financial information relating to current and past years’ spending, but also stores the approved budgets for these years, details on inflows and outflows of funds, as well as inventories of financial assets (e.g., equipment, land and buildings) and liabilities (debt).

By recording information into an integrated system that uses common values, IFMIS users can access the system and extract the specific information they require to carry out different functions and tasks.

All manner of reports can be generated: balance sheets, sources and uses of funds, cost reports, returns on investment, aging of receivables and payables, cash flow projections, budget variances, and performance reports of all types.

The oversight function of the legislature will be strengthened because this information can be used by monitoring committee secretariat to examine results against budgets and plans; manage cash balances; track the status of debts and receivables; monitor the use of fixed assets; monitor the performance of specific departments or units.

For more details, see [Government Accountability and Legislative Oversight](#) (Riccardo Pelizzo and Frederick Stapenhurst) chapter 5).



## Contextual factors

Contextual factors include the type of government, the electoral system, political parties, social legitimacy, the political culture, administrative structure, external actors and patrons and interest groups<sup>5</sup>. The form of government has been considered above. Here, we review the other factors.

### Electoral system

The electoral system is important in terms of the conduct and nature of elections. It has been suggested that the juxtaposition between form of government and electoral system is a decisive factor in legislature's oversight power. For example, presidential systems, coupled with single-member plurality systems, like that of the United States, tend to produce two relatively strong cohesive parties and thus the potential for stronger oversight while parliamentary systems with proportional representation tend to produce multi-party coalition governments, again with a potential for stronger oversight. Presidentialism and proportional representation, which characterizes many political systems in Latin America have led not only to gridlock, but to presidents having to bargain with disorganized and fragmented parties<sup>6</sup>. Parliamentarianism with single member plurality systems, like that in the United Kingdom, tends to result in executive dominance. This argument is presented in Diagram 8.

### Political Parties

Legislative oversight takes place in a broader political context. However, political party dynamics tend to be more fluid than constitutional provisions or electoral systems. Political parties are part of the mediating institutions between government and citizens and oversight is mediated to some extent via the struggle and competition between political parties.

Cooperation between governing and opposition parties is an important element of constructive and efficient governance, particularly when it comes to oversight. It has been suggested that legislators have a responsibility to put the welfare of the country above that of narrow party concerns when they are exercising their oversight function, regardless of their party affiliation.

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<sup>5</sup> It is difficult to make a straightforward distinction between some of the contextual factors and variables internal to the legislature (for instance, political parties function outside and inside the legislature) while other variables overlap and experts may use different names for similar variables.

<sup>6</sup> At the same time, parliamentary systems combined with party-list proportional representation may also hinder oversight as "[W]hen the parliamentary careers of MPs depend on their placement on their party's list, the last thing they should want to do is to engage in activity that challenges the policies and actions of their own party's government" (Bach quoted in National Democratic Institute, 2000, p. 20). Going further, Gerring and Thacker (2004) demonstrate that countries with parliamentary forms of government and proportional representation tend to have lower levels corruption, as the resulting governments tend to be weaker, with smaller majorities and/or a coalition of political parties. These authors suggest that both these characteristics strengthen a parliament's oversight capability.

It has also been suggested that two variables, both of which can be applied to oversight more generally, shape the political party balance of power in the context of which legislatures exercise their oversight function:

1. **Political party majorities:** Stable political party majorities in the legislature help to ensure the predictability of voting outcomes. The same is true of a two-party system which can, especially in parliamentary systems, constrain a legislature through a disciplined and cohesive majority party. While potentially more stable, these first two may restrict oversight. Conversely, coalition governments, or a “several” party system, may lead to increased oversight. At the same time, a highly fragmented party system can incapacitate the legislature, leaving it incapable of making decisions, and opposition parties can be subject to severe criticism if they are perceived as merely being obstructionist.
2. **Party cohesion.** The second variable is (intra) party cohesion, as party majorities only ensure the predictability of legislative behavior when matched with tight party discipline. Party cohesion “...entails voting along party lines, even if the outcome does not fully match the preferences of the individual legislator.” Where party cohesion is strong, there may be less opportunity for legislators from the governing party to play an objective oversight role.

**Diagram 8: Presidential/Parliamentary Forms of Government and Electoral Systems**

	Single-Member Plurality System	Proportional Representation
Presidential	Strong Oversight	Weak Oversight
Parliamentary	Weak Oversight	Strong Oversight

**Social Legitimacy**

According to Wang (2005, p. 6), “the degree of social legitimacy attained by the legislature is reflective of its strength and position vis-à-vis the executive. Moreover, social legitimacy in combination with influence on the policy process provides an indication of the future position of a legislature in the political system”. Election turnouts, media coverage (and whether the public follows this coverage, e.g., parliamentary sittings broadcast on television or radio) and opinion polls provide some evidence of public perceptions of legislatures. Key questions include “...to what extent [is the public] supportive of parliament? Is it respected and trusted? Is the legislature seen as a ‘rubber stamp’ or is it believed to have the ability to exert influence on the executive? Are legislators seen as self-seeking and corrupt or as competent and hardworking?”

## Level of Democracy

The Freedom House computes an annual index of freedom for all countries in the world. This index is regarded by many social scientists as a proxy indicator for democracy. Research shows that the more democratic a country, the greater the number of oversight tools available to the legislature and that the more democratic a country, the greater the potential for oversight and the lower the level of corruption.

## Contextual Factors and Facilitating Conditions in Presidential Systems

There is great variation in the extent to which parliamentary libraries can assist parliamentarians. These differences do not reflect whether the legislatures in question are parliamentary, semi-presidential or presidential but rather mostly reflect differences in available resources such as the size of the collection, the number of yearly acquisitions, the number of periodicals, the number of newspapers, the size of the staff and the size of the research staff. Table 5 indicates that there is considerable difference in each of the variables of interest. The size of the collection varies from 50 to 2 million books, the number of acquisitions varies from a minimum of 10 to a maximum of 85,000, the number of periodical varies from 1 to 14,350, the number of newspapers varies from 0 to 823, the number of staff varies from 1 to 900 members, while the size of the research staff varies from a minimum of 0 (zero) to a maximum of 53.

Our analysis suggests that the size of the collection, the number of yearly acquisitions, the number of periodicals, the number of newspapers, the size of the staff are positively, but weakly related to oversight effectiveness, whereas the number of the research staff is positively and strongly, related to oversight effectiveness<sup>7</sup>. In other words, research capacity is a key determinant of oversight effectiveness; indeed, this factor alone has a greater impact on oversight effectiveness than both internal and external oversight capacity.

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<sup>7</sup> In both correlations, however, the coefficient is insignificant; this may be caused by the small size of the sample—for we do not have as many data on research staff as we do on other aspects of oversight capacity.

Table 5: Facilitating Conditions in Presidential Countries

	Year of foundation	Size of collection (number of books)	Yearly acquisitions	Number of periodicals	Number of daily papers	Staff (number of staff members)	Research staff
Argentina	1856	2000000	2100	8700	7	900	N.A
Benin	1993	900	N.A	50	5	1	N.A
Burundi	1995	50	50	12	15	2	1
Chile	1883	1500000	41100	1890	30	145	53
Congo	1993	15200	N.A	33	4	15	2
Costa Rica	1953	33500	1200	600		23	3
Cote d'Ivoire	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Cyprus	1960	11400	300	20	13	1	0
Djibuti	1977	2000	40		2	5	2
Georgia	1994	5000		200	126	3	
Indonesia	1946	150000	3000	17	21	18	
Korea-Rep. of	1952	1170000	85000	14350	823	276	23
Liberia	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Marshall Islands	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Moldova	1978	11400	60	112	N.A	N.A	N.A
Namibia	1990	2000	500		5	2	1
Nicaragua	1980	28000	300	150	8	10	N.A
Paraguay	1992	2000	30	1	0	2	N.A
Philippines	1987	40726	1566	167	22	35	6
Seychelles	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Sri Lanka	1927	33000	400	35	30	14	2
Tajikistan	N.A	400	10	5	5	1	N.A
Tunisia	1956	10000	150	55	25	7	N.A
Uruguay	1928	250000	5000	2500	16	146	N.A

Source: Pelizzo and Staphenurst (2013)

(For more details, see [Government Accountability and Legislative Oversight](#) (Riccardo Pelizzo and Frederick Staphenurst) chapter 5).

## 5

## PUTTING IT ALL TOGETHER

Neither internal nor external oversight tools, facilitating conditions or contextual factors, alone explain levels of corruption. Rather, the difference in oversight is explained by a combination of all three sets of variables together.

A unique tool to measure oversight is the “Stapenhurst-Pelizzo Index of Legislative Oversight” or SPILO. This tool uses a framework that views legislative oversight as a process, where legislative oversight as a policy instruments with a distinct policy aim to improve accountability and to reduce corruption.

Recognizing that it is the *combination* of internal and external oversight tools, supporting conditions and contextual factors that best explain legislative oversight, we present a framework of legislative oversight (see Diagram 8).

At the heart of the diagram are the oversight tools and contextual factors. There is a two-way relationship between these variables. Contextual factors influence the number of oversight tools available to a legislature. There is reason to believe that the greater number of oversight tools used by legislatures in parliamentary systems may reflect the relative weakness of contextual factors in such systems, relative to presidential systems (Stapenhurst, 2011).

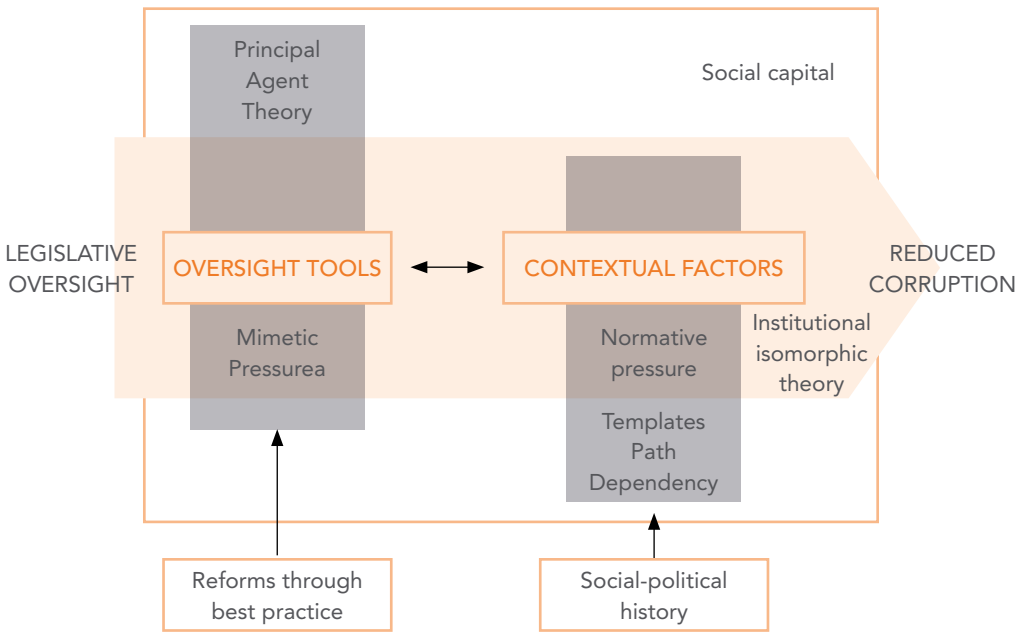
The framework suggests further that contextual factors are driven more by a country’s social-political history than by notions of international templates associated with international best practice. Here, the concept of templates associates with archetypes and path dependency is important. For example, former British colonies usually have a parliamentary form of government, a majoritarian electoral system while former French colonies have a semi-presidential form of government and a proportional representation electoral system and the former Spanish colonies in Latin America are presidential systems with proportional representation. The framework also acknowledges the importance of social capital – public trust in parliament, which acts as the glue which helps hold the framework together.

A key issue remains, however – how can this conceptual framework be operationalized, so as to be of practical importance to legislatures and parliamentary strengthening organizations alike?

### **Operationalizing the Framework: The Stapenhurst-Pelizzo Index of Legislative Oversight (SPILO)**

The presence of a large number of oversight tools is by itself insufficient to ensure that oversight activities are carried out effectively; legislators may not use the oversight tools that are placed at their disposal, or may use them in rather ineffective way. As we have shown, contextual factors are crucial in understanding whether, how and to what extent oversight activities are performed effectively.

Diagram 9: Synthesized Conceptual Framework



Using data concerning the level of democracy and executive constraint from Polity IV<sup>8</sup>, on oversight from a survey conducted by the Inter-Parliamentary Union and the World Bank Institute and on the size of the legislative staff and libraries from Miller, Pelizzo and Stapenhurst, (2004), we construct an oversight index. We then used this index to investigate the relationship between legislative oversight, as measured by SPILO (which combines two components oversight capacity and the context) and oversight effectiveness.

We measure oversight capacity on the basis of seven dimensions, namely the presence/absence of parliamentary questions, specialized oversight committees, inquiry committees, an ombuds office, whether the ombudsman is appointed by the legislature plus the legislature’s ability to impeach the executive, and the size of the legislative staff. By combining the scores on these variables we determine an Index of Internal Oversight capacity (IOC), whose score ranges from 0 (no capacity) to 1.0 (maximum capacity); these scores are presented in Table 6.

<sup>8</sup> Polity IV provides, on a yearly basis, an assessment of the state of democracy and on executive constraints – a proxy for legislative oversight - for every country in the world.

Table 6: Index of Oversight Capacity (IOC)

Country	Questions	Impeach.	Specialized Committees	Inquiry committees	Ombuds	Ombuds appointed by legislature	Staff	Index
Argentina	1	1	1	1	1	1	2	1.00
Benin	1	1	1	1	1	0	0	0.63
Burundi	1	1	*	1	0	0	0	0.38
Chile	1	1	1	0	1	0	2	0.75
Congo	1	0	1	1	1	0	1	0.63
Costa Rica	1	1	1	1	1	1	1	0.88
Cote d'Ivoire	1	0	*	1	1	0	*	-
Cyprus	1	1	1	1	1	.5	0	0.69
Djibuti	1	1	1	1	1	0	0	0.63
Georgia	1	1	1	1	1	1	0	0.75
Indonesia	1	1	1	1	1	1	1	0.88
Korea-Rep. of	1	1	0	1	0	0	2	0.63
Liberia	1	1	1	1	0	0	*	-
Marshall Islands	1	0	1	1	0	0	*	-
Moldova	1	1	*	0	1	1	*	-
Namibia	1	1	1	1	1	0	0	0.63
Nicaragua	0	1	1	1	1	0	0	0.50
Paraguay	0	1	1	1	1	1	0	0.63
Philippines	1	1	1	1	1	0	1	0.75
Seychelles	1	1	1	1	1	0	*	-
Sri Lanka	1	1	1	1	1	0	1	0.75
Tajikistan	0	1	1	0	1	.5	0	0.44
Tunisia	1	0	1	0	1	0	0	0.38
Uruguay	1	1	1	1	1	1	2	1.00

Legend. \* = data missing

As noted, overall oversight capacity refers to both internal capacity **and** to contextual conditions. One of the most important contextual conditions is the level or quality of democracy - while having some capacity to oversee the executive may influence the effectiveness of the oversight activity, it is clear that if there is limited political will to put that oversight capacity to good use, actual oversight will never be performed effectively. Hence, to capture the role that the context plays in making legislative oversight effective, and to assess the causal impact that the quality of democracy may have on oversight effectiveness, we compute the SPILO by multiplying the IOC by the Polity 2 score (the state of democracy). Thus:

$$\text{SPILO} = \text{IOC} * \text{Polity 2}$$

Using SPILO, Uruguay takes the following value:

$$\text{SPILO} = \frac{1+1+1+1+1+1+2}{8} * 10 = 10$$

In other words, the legislature of Uruguay has the highest oversight capacity among the 24 countries included in our study. It has the highest score in terms of IOC and in terms of contextual conditions and, as a result, has the highest SPILO. This also means that insofar as legislative oversight **effectiveness** is a function or a consequence of legislative oversight **capacity**, we expect the Uruguayan legislature to be a more effective overseer than legislatures that have a lower SPILO.

By performing this computation for all the countries included in our study, we obtain the scores presented in table 7. There is a huge variation in oversight effectiveness across countries, with Argentina, Chile and Costa Rica having the highest levels and the strongest oversight and Congo, Tajikistan and Tunisia having the weakest.

**Table 7: IOC, Polity 2 score and SPILO**

Country	IOC	Polity 2	SPILO
Argentina	1	8	8.00
Benin	0,63	7	4.38
Burundi	0,38	6	2.25
Chile	0,75	10	7.50
Congo	0,63	-4	-2.50
Costa Rica	0,875	10	8.75
Cote d'Ivoire	*	*	*
Cyprus	0,688	10	6.88
Djibouti	0,625	2	1.25
Georgia	0,75	6	4.50
Indonesia	0,88	8	7.00
Korea	0,63	8	5.00
Liberia	*	6	*
Marshall Islands	*	*	*



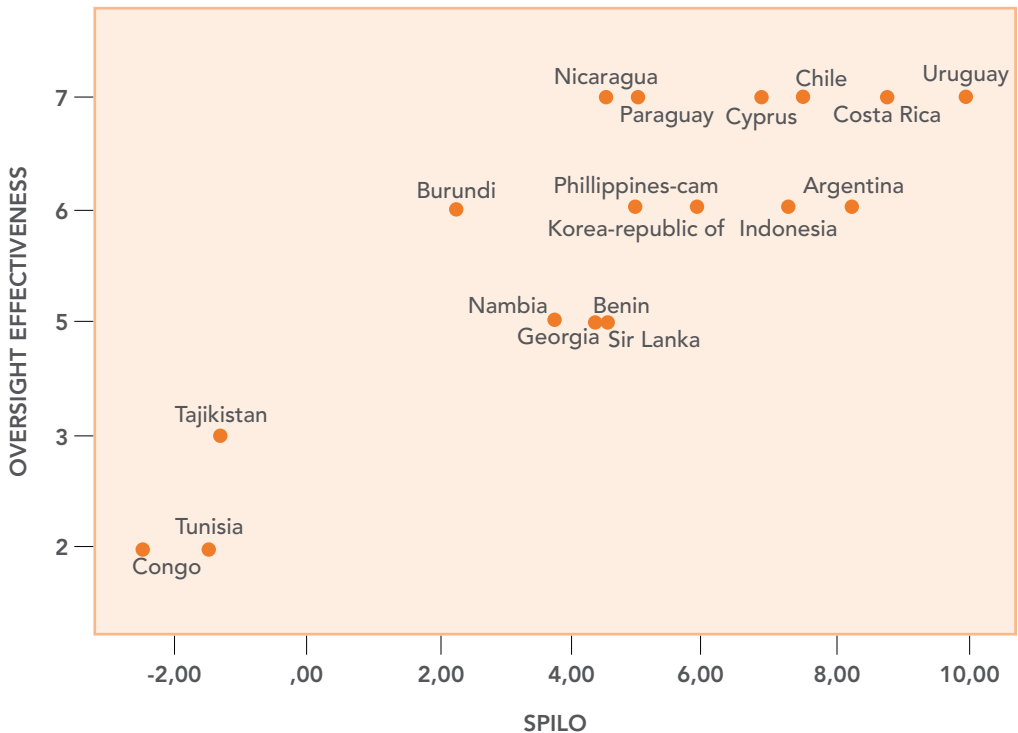
Table 7: IOC, Polity 2 score and SPILO (continued)

Country	IOC	Polity 2	SPILO
Moldova	*	8	*
Namibia	0,63	6	3.75
Nicaragua	0,5	9	4.50
Paraguay	0,63	8	5.00
Philippines	0,75	8	6.00
Seychelles	*	*	*
Sri Lanka	0,75	6	4.50
Tajikistan	0,44	-3	-1.31
Tunisia	0,38	-4	-1.50
Uruguay	1	10	10.0

Legend: \* indicates missing value

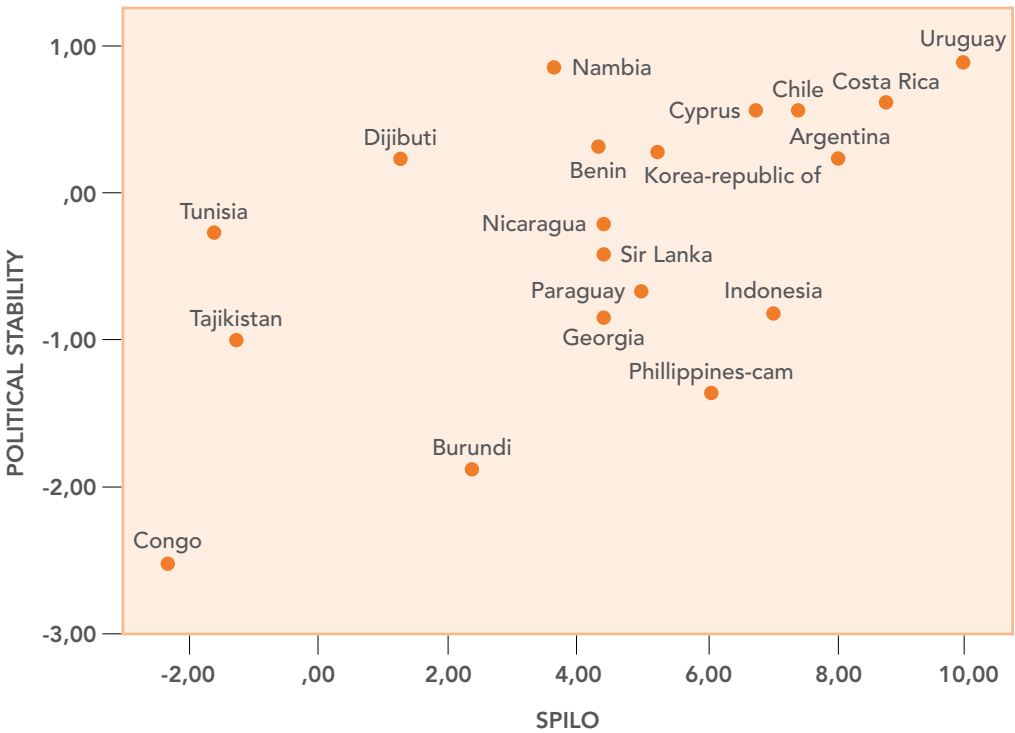
The SPILO has a great value as a diagnostic tool and has wide policy implications. First, it predicts nearly perfectly the effectiveness with which a legislature performs its oversight function (see Figure 1). Hence, the practical lesson to be learned is that, in order to increase oversight effectiveness (which is so important for curbing corruption), the oversight capacity of legislatures (as measured by the SPILO) must be increased.

Figure 1: SPILO and Oversight Effectiveness



The second lesson is that the SPILO is major predictor of political stability. In countries where legislatures are endowed with greater oversight capacity (as measured by the SPILO) and which effectively perform their oversight tasks, policies, policy-making and the political system as a whole enjoy higher levels of legitimacy and stability. The data presented in figure 2 demonstrates that where the SPILO is higher, there is more political stability, more legitimacy and less violence. Hence, in order to stabilize and consolidate a political system, the oversight capacity (SPILO) of legislatures must be enhanced.

**Figure 2: SPILO and Political Stability**



Third, legislatures with a higher SPILO are more effective in curbing corruption. The data presented in figure 3 make indicate that, as the SPILO increases, so does the the legislature’s ability to control corruption. Hence, the of strengthening legislative oversight capacity (as measured by the SPILO) is essential for curbing corruption.

(For more details, see Government Accountability and Legislative Oversight (Riccardo Pelizzo and Frederick Stapenhurst) chapter 6).

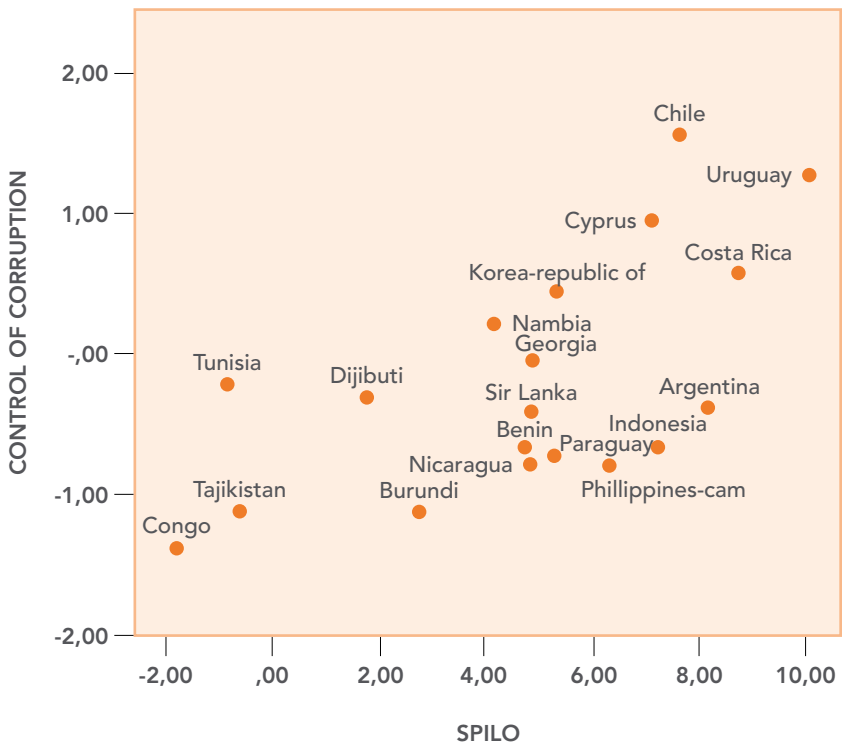
## 6

## DEVELOPING A DYNAMIC APPROACH

There is one more step. Evidence provided by a Study Group organized by GOPAC and WBI and hosted by the European Parliament held in Brussels in 2012 highlighted the fact that legislative oversight is performed effectively when the overseers (legislators, legislative committees, parliaments) have an interest in effectively overseeing the actions of the executive. In other words, a legislature effectively engages in an oversight activity when it has the reasonable expectation of deriving a benefit (material, symbolic or otherwise) from one or more of the outcomes that the oversight process can generate.

There are, however, times when a legislature may not have the political will to oversee the executive, times when a legislature is noted more for its acquiescence than for its determination to keep the government accountable. In these instances, when legislators refrain from performing their oversight role in an effective manner. They do not have the will to effectively oversee the executive because they believe that they may gain more, individually and collectively, from being ineffective overseers than from being effective overseers.

Figure 3: SPILO and Control of Corruption

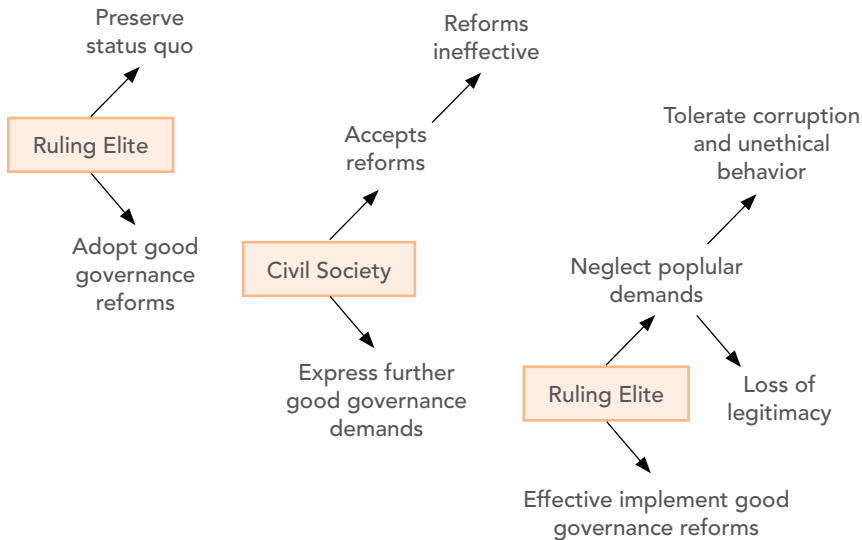


In other words, the presence/absence of a political will reflects the structure of incentives confronting legislators. The implication is if the structure of incentives changes, a legislature that was previously content avoiding its oversight tasks may find plenty of incentives to engage in effective oversight of the executive. But how can the structure of incentives be modified?

As soon as voters demand that the government be held accountable for its actions, the structure of incentives shifts and it becomes more rewarding for legislators to engage in effective oversight and to oversee the government actions. This means that it is sufficient to generate or stimulate voter demands for accountability in order to ensure that oversight activities will be effectively performed by the legislature. If voter demand exists for more effective oversight, then there will be clear benefits for legislators to introduce accountability procedures.

If there is a popular demand for good government, then there will be an electoral niche that will reward legislators who engage in oversight to ensure accountable governance; when this occurs, then it will be in the self-interest of legislators to perform oversight. In the absence of such demand, or when voters are satisfied with only window dressing instead of real accountability, it will not be in the interests of legislators to engage in effective oversight. See Diagram 10.

**Diagram 10: Strategic Interaction Model**



Hence, any effort to increase the effectiveness of oversight activities and promote accountability involves two steps: give legislatures the tools to oversee the executive and stimulate legislatures' willingness to use them.

For more details, see Government Accountability and Legislative Oversight (Riccardo Pelizzo and Frederick Staphenurst) chapter 7).

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