

The Role of Legislative Powers for Executive Corruption



UN Photo/Mark Garten

KEY FINDINGS

- Powerful legislatures can be instrumental for curbing executive corruption.
- Legislatures' competencies are key for investigating corruption.
- Legislatures with full law-making and financial autonomy are in a particularly good position to combat executive bribery and other corrupt practices

Introduction

Corruption has a damaging effect on society and hampers development (WP 7: 2). It undermines the principles of democracy such as the rule of law, free and fair elections and a representative and responsive government (WP 7: 3). Hence, it is essential to identify effective strategies against corruption. This policy brief presents the key findings of V-Dem Working Paper 7, which argues that effective legislatures can reduce corruption within the executive branch of government. The findings are based on new, detailed V-Dem data on legislative powers and executive corruption – understood as bribery, theft and embezzlement.

Executive Autonomy – A Foe of Transparency and Accountability

In many countries, independent executives have been the foe of clean and transparent politics. Cases of high profile politicians resorting to corrupt tendencies and power abuse can be found across the world. According to Fish et al, executive autonomy curbs horizontal accountability and limits institutional checks and balances (WP 7: 5). In many cases, the head of state has extensive power as numerous agencies fall under his authority. He/she can also have the power to appoint high court judges and the head of government, as well as veto certain legislations.

According to Fish (2005) powerful legislatures can be instrumental to enhance accountability and reduce executive corruption. Their role should be to limit, monitor and push back against the executive (Fish, 2005). However, if the executive arm of government has excessive con-

trol and influence over the legislature, then this is likely to contribute to corruption (WP 7: 5).

Legislative Power Matters for Curbing Executive Corruption

The authors of WP 7 argue that executive corruption may be reduced if the legislature has the power and ability to investigate a majority of the executive's activities. Such oversight power makes it more difficult for government officials to engage in corrupt practices.

The executive arm of government may, however, limit the autonomy of legislatures by holding power over the daily business of the legislature. This may hamper the legislature's ability to provide meaningful checks and balances against dubious executive practices. Therefore, operational autonomy by the legislature over its own activities can help reduce executive manipulation and corruption (WP 7: 5).

Furthermore, when the executive has the power to limit the legislature's ability and capacity to enact laws, it can abuse this power to block anti-corruption legislation. As a result, corruption is likely to increase. Hence, powerful legislatures with sufficient autonomy regarding matters of policy and law-making in the country are likely to be instrumental for reducing corruption (WP 7: 6). Fish et al. test these hypotheses in cross-sectional, time series regression analysis covering virtually all countries from 2000 to 2010. They find empirical support for the notion that the power of legislatures to control their own budget and to pass legisla-

¹ For 60 countries data is also available for 2012-2014. Further updates are planned for 2015.

tion in practice is correlated at a statistically significant level with the reduction of corruption. Also, the de-facto power to investigate executives seems to play an important role. In addition, that such power exists both on paper and in practice also seems to matter. The mere de-jure power to investigate or to pass legislation does not correlate with a decrease in corruption. This underscores the importance of distinguishing between actual power relations and formal competencies when studying and engaging in issues related to accountability and corruption.

Findings are robust in the light of several control variables (GDP per capita and oil exports) and for two different indices of executive corruption – namely executive bribery and corrupt exchanges, on the one hand, and executive embezzlement and theft, on the other hand.

POLICY IMPLICATIONS

There is no single or simple solution to addressing the problem of corruption within the executive branch of government. Causes and consequences of corruption differ from country to country and each country should therefore have its own strategies and priorities depending on its particular needs and circumstances. Nevertheless, to address the problem of corruption, there is a need for adoption of policies aimed at promoting political accountability and reducing opportunities for corrupt practices.

- Anti-corruption policies should include measures to strengthen the institutional role of legislatures in holding the executive accountable.
- Such measures could target both the de-facto oversight capacity of legislatures and enhance the autonomy of legislatures.
- Legislatures should lead by example in demonstrating an anti-corruption attitude and stance against corruption, for example, through disclosure of their own assets.

REFERENCES

- Fish, M. Steve, Katherine E. Michael and Staffan I. Lindberg. "Legislative Powers and Executive Corruption". Varieties of Democracy Institute, Working Paper (WP) 7, June 2015.
https://v-dem.net/media/filer_public/50/aa/50aa46d9-35e9-4367-a3fb-f9e918bbde0b/v-dem_working_paper_2015_7.pdf
- Fish M. Steve (2005). "Stronger Legislatures, Stronger Democracies". Journal of Democracy. 17:5 20.

ABOUT V-DEM INSTITUTE

V-Dem is a new approach to conceptualizing and measuring democracy. The project's multidimensional, nuanced and disaggregated approach acknowledges the complexity of the concept of democracy. With four Principal Investigators, two Project Coordinators, fifteen Project Managers, more than thirty Regional Managers, almost 200 Country Coordinators, several Assistant Researchers, and approximately 2,600 Country Experts, the V-Dem project is one of the largest-ever social science data collection projects with a database of over 15 million data points.



Department of Political Science
University of Gothenburg
Sprängkullsgatan 19, PO 711
SE 405 30 Gothenburg Sweden
contact@v-dem.net
+46 (0) 31 786 30 43
www.v-dem.net
www.facebook.com/vdem institute
www.twitter.com/vdem institute