



Policy Brief

Parliament remains the constitutionally mandated body to strengthen accountability systems, scrutinise, pass, or reject Bills (laws), reduce opportunities for corruption and mobilise citizens to demand for transparency and accountability from the duty bearers.

The Whipping System in Parliament and the Fight Against Corruption

"As the independence of members of the House of Commons has decreased under the system of party discipline – it is known as 'whipping' by analogy with the fox hunting practice of whipping packs of hounds into order for the pursuit – so both the quality and reputation of MPs has declined, rendering them even less likely to behave independently. The lack of independence of MPs adds to the low estimation in which politicians are held by the general public, as does their lack of genuine influence, as individual MPs, in dealing with problems faced by constituents." Grayling, A. C. (2017). Democracy and its crisis. Pg. 106

Introduction

This policy brief unpacks the role of parliament in curbing corruption based on its triple roles of legislative, oversight and representation. Despite being treated differently, these roles are inextricably intertwined. For instance, for Parliament to effectively play its oversight and representative roles, there is need for robust legal frameworks. Parliament remains the constitutionally mandated body to strengthen accountability systems, scrutinise, pass, or reject Bills (laws), reduce opportunities for corruption and represent citizens as they demand transparency and accountability from the duty bearers.

It can be argued that the most prominent role of parliament is the legislative function in which it has the authority to make laws that govern parties and transactions (Parliament of Zimbabwe, 2020). Section 130 of the Constitution of Zimbabwe (No.20) Act 2013 empowers both the Senate and the National Assembly to "initiate, prepare, consider or reject any legislation." Notwithstanding gaps in some legislation necessary for the curbing of corruption in Zimbabwe such as the absence of the Whistle Blower Protection legislation, there is a general consensus that, corruption is largely a result of failure to enforce and implement the existing legal frameworks. Attempts have been made to strengthen both legal and institutional frameworks including the Anti-Corruption Commission Act [Chapter 9:22], the National Anti-Corruption Strategy, the establishment of the specialised anti-corruption courts and the special anti-corruption unit in the Zimbabwe Republic Police. However, TI Z avers that corruption in Zimbabwe has become endemic due to laxity in the implementation of the existing legal frameworks, notwithstanding issues of impunity. What then is the role of parliament in ensuring that the legal and institutional provisions in the fight against corruption are adhered to? What are the major limitations to the effective oversight role of parliament if the legal and institutional frameworks are robust? Is the whipping system to blame?

Parliament has been reduced to a rubberstamping institution instead of being a platform where the members represent citizens and exercise their legislative and oversight roles without fear or favour.

The whipping system has been reduced to a protectionist instrument where individual and party interests are protected at the expense of national interests.

While it is commendable that the various committees of parliament have taken strides in trying to address corruption in the public sector, disappointment looms in when the issues are then escalated to the main house for debate.

Parliament has an important role of holding the executive to account, facilitate citizen participation in the governance processes, and to enact robust legal frameworks for preventing and combatting corruption.

What is the Whipping System and How Does it Work?

Hess and Hoerndlein (2015) define a whip as an official of a political party whose task is to ensure party discipline in a legislature. Grayling states that the whipping system bears the analogy with “the fox hunting practice of whipping packs of hounds into order for the pursuit.” In the case of Zimbabwe, section 129 (k) provides that the seat of a Member of Parliament becomes vacant if the Member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker or the President of the Senate, as the case may be, has declared that the member has ceased to belong to it. This provision has always kept Members of Parliament in fear of being victimized or expelled from the political parties they belong to, thus forcing them to act in favour of a party basis as opposed to national interest. In this regard, parliament has been reduced to a rubberstamping institution instead of being a platform where the members represent citizens and exercise their legislative and oversight roles without fear or favour.

The Whipping system and the Representative Role of Parliament:

Ordinarily, the Lower and Upper Houses of Assembly must be places where national development issues are discussed by the Members of Parliament representing the interests and aspirations of the citizens who voted them into office. However, for fear of victimisation, the members of parliament remain guided by the position of the political parties with oversight from the party's Chief Whip. The whipping system has thus been reduced to a protectionist instrument where individual and party interests are protected at the expense of national interests. Resultantly, when debating legislation party members tend to vote based on the party position, irrespective of the concerns of the people in their respective constituencies. This in essence, oppresses the will of the people and therefore undermines democracy. The whipping system has undermined the democracy in that the political leaders obey the rules of their political parties before the ordinary citizens who voted them into office. Contrary to section 117(1) of the Constitution which states that the legislative authority of Zimbabwe is derived from the people. Coupled with the majority rule in Parliament, the whipping system has undermined the effectiveness of national consultations on any bill including the national budget. This results in general apathy when it comes to participating in public consultations. These national consultations have often been regarded as a shame in which citizens are consulted in order to certify the provisions of the constitution rather than gather the views of the citizens on a particular Bill.

The whipping system and the Legislative and Oversight Roles of Parliament:

The Constitution of Zimbabwe confers oversight powers to Parliament. Section 119(3) provides that all institutions and agencies of the State and government at every level are accountable to parliament. This is augmented by section 299(1) which stipulates that parliament must monitor and oversee expenditure by the State and all Commissions and institutions and agencies of government at every level, including statutory bodies, government-controlled entities, provincial and metropolitan councils and local authorities, in order to ensure that all revenue is accounted for; all expenditure has been properly incurred; and any limits and conditions on appropriations have been observed. Sadly, corruption remains rampant in these institutions as highlighted by the Auditor General (AG) in her annual reports. Despite the numerous exposé by the AG, parliament remains incapacitated to deal with the corruption- is this by choice or design owing to the whipping system?

The Parliamentary Portfolio Committees are the preferred avenue for civil society actors to engage with when confronted with issues of corruption, transparency,

and accountability. While it is commendable that the various committees of parliament have taken strides in trying to address corruption in the public sector, disappointment looms in when the issues are then escalated to the main house for debate. Notable examples where the committees have effectively exercised their role include but are not limited to the National Social Security Authority (NSSA) scandal, the Zimbabwe National Roads Administration (ZINARA) scandal, the Zimbabwe Electricity Supply Authority (ZESA) scandal. TI Z together with other civil society organizations and some members of parliament are of the view that the ineffectiveness of the main house in parliament to decisively tackle corruption is because of the whipping system.

The whipping system has remained a dis-incentive in the anti-corruption agenda. For example, whilst all political parties seem to agree on the need for legislative frameworks protecting whistle blowers and guiding asset declaration by public officers, there seem to be no urgency on the part of parliament to initiate the enactment of such provisions. Various civil society organisations including TI Z, both individually and jointly, have petitioned parliament to act to no avail. Moreover, notwithstanding the urgency needed in the enactment of the Mines and Minerals Bill into law, there seem to be no hurry the part of parliament since 2007 when such a decision was made. One then wonders whether parliament is indeed investing time in interrogating the Bills or they are controlled by an invisible hand such that they just rubber stamp decisions of the executive to satisfy their political party position and ignore issues of national importance.

Conclusion

It is indisputable that corruption undermines the ability of the state to deliver on its human rights obligations. Transparency International Zimbabwe strongly believes that the effectiveness of parliament determines the success or failure of any anti-corruption agenda in Zimbabwe. Parliament has an important role of holding the executive to account facilitate citizen participation in the governance processes, and to enact robust legal frameworks for preventing and combatting corruption. The whipping system remains a major challenge institutionalized through the constitution; however, it is imperative that parliament reaffirms its position in fulfilling the triple roles as provided in the constitution.

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