



# REPORT ON OVERSIGHT TO THE PARLIAMENT OF TRINIDAD AND TOBAGO

## Abstract

This report examines parliamentary oversight in Trinidad & Tobago and questions why it appears not to be working as well as in other countries around the world.

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# **REPORT ON OVERSIGHT TO THE PARLIAMENT OF TRINIDAD & TOBAGO**

## **EXECUTIVE SUMMARY**

This report examines parliamentary oversight in Trinidad & Tobago and questions why it appears not to be working as well as in other countries around the world. Researchers have used the reduced corruption as an indicator of effective oversight. Trinidad & Tobago both scores poorly in Transparency International's Corruption Perceptions Index and its score has declined over the past decade; currently, it ranks 85<sup>th</sup>. in the world in terms of corruption, out of 175 countries. It is among the poorest performing countries in the English-speaking Caribbean.

Research shows that there is a strong correlation between oversight potential (as measured by the oversight tools available to a parliament, such as questions, question period, oversight committees, interpellations, and ombudsman office) and levels of corruption. Yet the Parliament of Trinidad & Tobago has adopted the full of oversight tools, so clearly Parliament has the potential. The question becomes: why is Trinidad & Tobago not using this potential?

There is a wealth of information on parliamentary Public Accounts Committees (PACs) around the world and this report drills down on Trinidad & Tobago's PAC and Joint Select Committees (JSCs) charged with the oversight of public spending. Research indicates that there are three factors which determine the effectiveness of oversight committees – their mandate, their structure and their activities.

Examining the mandate and structure of Trinidad & Tobago's PAC and JSCs, it was found that these committees are comparable with international good practice. They are comparable with PACs around the globe in terms of structure and they themselves are good practice with regards to mandate. However, it is with regard to committee activities that Trinidadian committees compare less favorably.

The Trinidadian committees have fewer meetings than the global average and hold approximately the same number of hearings as the global average. In other words, while they are not yet at good practice, they do not perform badly in comparison to other countries. However, it is with regard to reports that the committees do particularly poorly, writing far fewer than the global average. This is particularly important, as research shows that the number of reports prepared by oversight committees directly impacts levels of corruption.

Only two reasons are thought to account for this poor level of activity by Trinidadian committees – lack of political will by legislators to undertake effective oversight or lack of time to fully undertake their oversight responsibilities.

The report concludes that it is likely the latter, especially as Trinidadian legislators' only work part-time, in contrast to almost all countries of the world. It is recommended that the Trinidadian Parliament moves to a full-time institution, to bring it into line with other parliaments globally.

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### *Importance of parliamentary oversight*

Over the past decade there has been a substantial amount of research that has shown that *parliaments matter*. It is now fully recognized that effective parliaments are a critical element of good governance, and perform the essential functions of enacting legislation, representing citizens and governments to account.

The latter function, holding governments to account, is conducted through oversight. Also over the past decade, there have been several studies to determine exactly what oversight is and, more especially, what makes it effective. While parliaments have the responsibility of overseeing the development and implementation of all government policies<sup>1</sup>, given the importance of government spending, examination has usually focused on parliamentary oversight of the budget, and especially, the scrutiny of public spending. The earliest empirical work demonstrated that parliamentary *oversight tools and mechanisms* were important determinants of oversight capacity (that is, the ability of parliaments to oversee government spending) and that oversight capacity was an important variable determining the level of corruption<sup>2</sup> in a country. This relationship was demonstrated by the World Bank; see Diagram 1.

Researchers have underlined that parliaments may adopt several tools such as hearings in committees, hearings in the plenary assembly, the creation of inquiry committees, parliamentary questions, question time, interpellations and the ombudsman. They have shown that the number of oversight tools a parliament has at its disposal is highly correlated to its country's levels of democracy and corruption and its standard of living. Annex 1 presents selected countries and the number of oversight tools their parliaments have at their disposal.

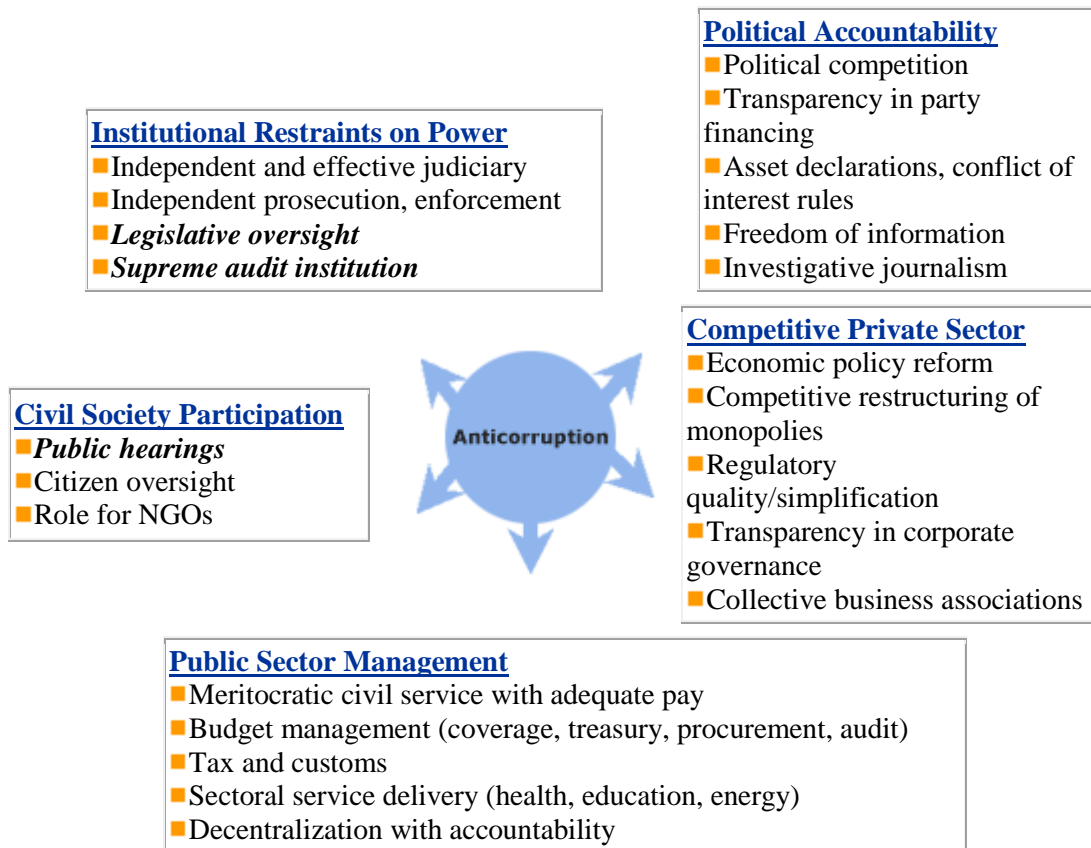
Inadequate frameworks for government accountability can facilitate corruption, and most studies seeking to measure the outcome of parliamentary oversight use perceived levels of corruption as a proxy for good governance, the latter being a more elusive concept. Annex 2 presents a recent list of countries ranked by perceived levels of corruption. The logic is that, as oversight potential increases, it becomes easier to scrutinize and control the government and its activities, and, since controlling the government is a key component of anti-corruption strategies,

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<sup>1</sup> Pelizzo and Stapenhurst (2014) note that while each and every aspect of the government's activity can be overseen by the legislature, some policy areas are more likely to be scrutinized than others; these areas are defence, foreign affairs and government spending

<sup>2</sup> Or, more precisely, the perceived level of corruption, as measured by Transparency International's "Corruption Perceptions Index"

## Diagram 1: Multifaceted Anticorruption Strategy



*Italics* = anti-corruption policies & tools under the direct control of parliament

Source: World Bank, reported in Stapenhurst, Jacobs & Pelizzo (2014)

the more a government is subject to potential control, the more likely it is for the corruption to be reduced. In other words, oversight potential (number of parliamentary oversight tools) is a cause of lower corruption. Indeed, empirical research undertaken by Stapenhurst, Jacobs and Pelizzo (2014) shows that the number of oversight tools -together with the type of government (i.e. parliamentary, semi-presidential or presidential<sup>3</sup>) - can explain almost 33 per cent of the variance of perceived levels of corruption across countries (see Table 1); the statistical analysis of this conclusion is shown in Annex 3.

Other experts have noted, however, that the mere presence of the oversight tool is a necessary but

<sup>3</sup> Previous research has indicated that legislatures operating within parliamentary forms of government have greater oversight than those operating in semi-presidential and presidential systems (Gerring and Thacker, 2004; Lederman et al., 2005; Pelizzo and Stapenhurst, 2008).

insufficient condition for effective oversight. In other words, effective oversight depends not only on the availability of oversight tools, but also on additional conditions, often referred to as contextual factors, or facilitating conditions. These include such variables as the electoral system, political parties, the level of democracy, public trust in parliament as well as the supporting factors of parliamentary research capacity and information (see Diagram 2)<sup>4</sup>.

**Table 1: Oversight Tools and Perceived Corruption**

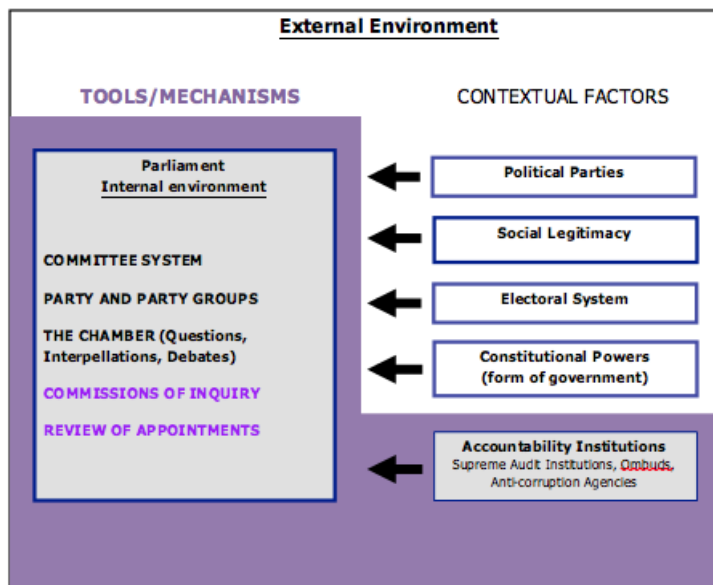
	Number of Oversight Tools			
	4	5	6	7
<b>Corruption CPI Range</b>				
<b>0-1.9 (High Corruption)</b>			Chad	
<b>2.0-3.9</b>	Angola Armenia Ivory Coast Kazakhstan	Cameroon Nicaragua Senegal Yemen	Benin Jamaica Guinea Guinea Bissau Niger Togo	Gabon Greece Indonesia Madagascar Mali Zambia
<b>4.0-5.9</b>	Rwanda	Turkey	Brazil South Korea Tunisia	Costa Rica Croatia Lithuania Czech republic Romania Hungary
<b>6.0-7.9</b>			Cyprus Germany UK	Austria Belgium Estonia France Japan Spain Sweden Switzerland
<b>8.0-10 (Low Corruption)</b>			Canada Luxembourg	

Source: Stapenhurst, Jacobs and Pelizzo (2014)

<sup>4</sup> Wang (2005) first proposed a diagrammatic framework for studying these variables. Nevertheless, she, as well as other scholars, pointed out the difficulty in distinguishing between internal and external factors. To take into account other oversight tools that she overlooked or excluded, I modified Wang's framework to take into account the additional oversight tools, plus contextual factors. A dynamic explanation of how this framework works in practice is presented in Annex 4.

In short, experts have argued, and scholars have demonstrated, that the number of oversight tools a country has is an important determinant of a country's governance, as measured by level of (perceived) corruption. The more oversight tools a parliament has at its disposal, the less the corruption in the country. So how does Trinidad and Tobago rate?

**Diagram 2: Legislative Oversight Tools**



Source: Adapted from Pelizzo and Stapenhurst (2012)

### ***Trinidad & Tobago***

Trinidad and Tobago was not a respondent in the IPU-World Bank survey, on which the above analysis was originally undertaken. However, data supplied by Parliament for the purposes of this report indicate that it has the full range of oversight tools, namely committee hearings, hearings in plenary, commissions of enquiry, questions and question time, interpellations, and an ombudsman. It also has an auditor general and parliamentarians undertake field visits/missions to government departments and projects. On this account, and because Trinidad and Tobago has a parliamentary (as opposed to presidential or semi-presidential) form of government (see Table 2), we would expect its standard of living to be high and its level of corruption to be low. In fact the opposite is true: while Trinidad & Tobago's Parliament has the maximum number of oversight tools at its disposal, and its GDP per capita is fairly high, its perceived level of corruption is high and worsening (see Annex 5).

Looking at contextual factors influencing oversight, Table 3 presents the social legitimacy of (public confidence or trust in) parliament, electoral system, the form of government and parliamentary library services.

**Table 2: Trinidad & Tobago and Selected Comparator Countries**

	Corruption*	Trust in Parliament %**	Form of Government	Electoral System	Parliamentary Research	
					Books '000	Librarians
<b>Trinidad &amp; Tobago</b>	<b>38</b>	<b>26</b>	Parliamentary			
New Zealand	91	36	Parliamentary		100	47
Finland	89	56	Parliamentary		-	-
Sweden	87	59	Parliamentary		31	700
Singapore	84	76	Parliamentary		2	1
Canada	81	38	Parliamentary		139	427
United Kingdom	78		Parliamentary		4	350
Ireland	74	-	Parliamentary		5	100
Uruguay	73	40	Presidential		11	250
Bahamas	71	-	Parliamentary		-	-
Costa Rica	54	-	Presidential		8	33
Malaysia	52	69	Parliamentary		-	-
Namibia	49	-	Presidential		-	-
*a low number indicates high corruption						
**(Quite a lot/ a great deal)						

Source: World Values Survey; Parliamentary Library database

It would appear that neither form of government nor electoral system can explain high level of corruption in Trinidad & Tobago, and that parliamentary research services are adequate. However, trust in parliament is low. This issue is considered in more detail below. But clearly this alone cannot explain the poor performance of parliamentary oversight in Trinidad & Tobago, as measured by levels of perceived corruption.

Why then is Trinidad and Tobago's oversight performance so disappointing? Clearly, Parliament has the oversight tools at its disposal and contextual factors -with the exception of relatively low levels of public trust in parliament -would seem to be supportive of oversight.

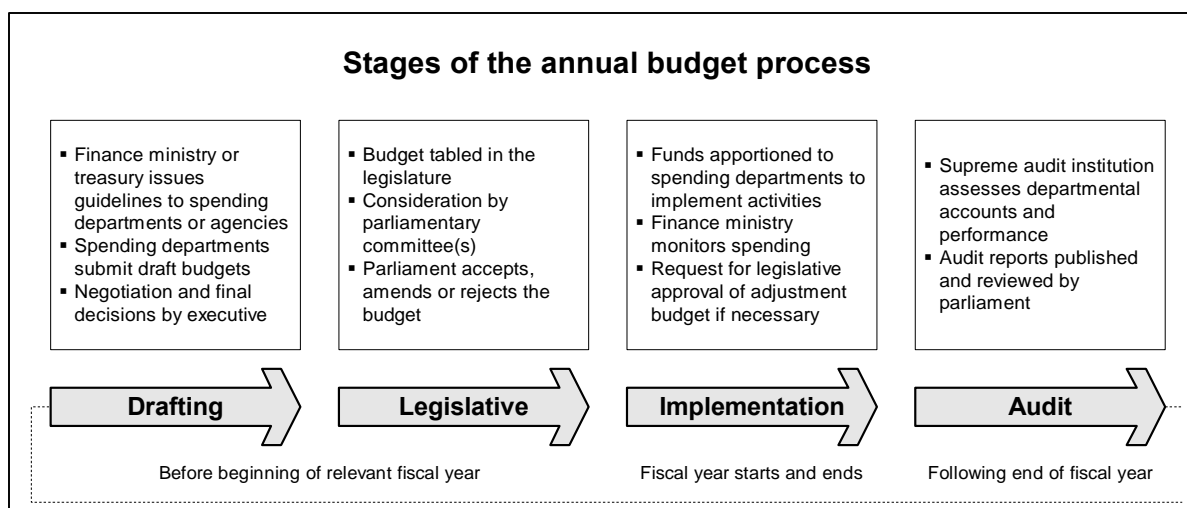
Perhaps the most important, and certainly the most studied, oversight tool is parliamentary committees, especially those charged with responsibility of overseeing government spending. In the next section, I turn to an examination of the performance of Trinidad & Tobago's budget oversight committees.

## *The Public Accounts and Joint Select Committees*

Parliamentary oversight committees play a key role in a country's budget process. As Diagram 3 shows, parliaments have important roles in the legislative and audit stages of the budget process. Here, the concern is on the audit stage - how efficient, effective and economic was the government in spending public funds approved by parliament (in the legislative stage) in achieving its stated policy goals?

Following implementation of a government's budget, the auditor general audits government accounts, financial statements, and operations. In most countries, this audit is followed by the consideration of the audit findings by the parliament, which usually establishes one or more committees to do this work and to report its findings to plenary. (If the parliaments' role in the budget process is effective, parliamentary recommendations to the executive - based on the deliberation on audit findings put forward by the auditor - are reflected in future budgets, thus allowing for continuous improvements in public financial accountability.

**Diagram 3**



Source: Wehner (2004)

In most Commonwealth countries, including Trinidad & Tobago, the auditor is the Auditor General, whose office is a core element of parliamentary oversight; he/she reports directly to Parliament and the PAC. In some instances, the auditor is an officer of parliament, which guarantees his/her independence from the executive (as in the case of Australia and the United Kingdom), while in some others he/she is independent of both the executive and the legislature (as in the case of India).

Former Clerk of the New Zealand Parliament, David McGee, authored the report of a Commonwealth Parliamentary Association - World Bank study group which was charged with



identifying good committee practice around the Commonwealth (McGee, 2002). The findings of that study group identified a number of PAC characteristics, which were believed to have a significant impact on the functioning and the success of the committee. These factors can be classified as the committee structure, its mandate and activities. Below, Trinidad & Tobago's two budget oversight committees - the PAC plus the Joint Select Committees on Ministries, Statutory Authorities and State Enterprises (Groups 1 and 2) and on Municipal Corporations & Service Commissions - are assessed on the criteria presented by McGee and subsequently updated by Stapenhurst, Jacobs and Pelizzo (2014).

### *Structure*

First, McGee (2002) underlined that the size of a parliament matters. He identified a parliament with fewer than 60 seats as the size under which a legislature may encounter difficulties in performing its tasks. In a small legislature, parliamentarians may be required to serve on numerous committees; they thus face severe time constraints preventing them from adequately performing their committee duties. Furthermore, in small legislatures "there are inherent problems for a PAC because there may be a lack of government members to serve on the committee (and on parliamentary committees generally) given the large proportion of the members who will hold ministerial office" (McGee, 2002:83). There are 42 Members of the lower House and 31 Senators in the Parliament of Trinidad & Tobago - normally this would be considered sufficient, but with both Members and Senators being part-time, one must question whether they have sufficient time to perform their committee responsibilities.

A second, often related, factor is the size of the PAC itself. McGee reported that the average size of a PAC is 11 members and that, with the principal exceptions of Asia, where PACs are large (17 members on average) and the Pacific, where PACs are small (7 members on average). (At one extreme, if a PAC is very small, its members may have too many additional committee appointments to do their job properly, to attend the PAC meetings and to make meaningful contributions to the committee activities, while if the PAC is very large, it may become unwieldy and difficult to chair and achieve a consensus). Trinidad and Tobago's committees have 10 members, the same as the Commonwealth-wide average, and above that of Pacific countries (see Tables 3 and 4).

McGee (2002) went on to argue that while the unsuccessful performance of a small PAC can be attributed to its small size, the unsuccessful performance of larger PACs could be attributed to the lack of adequate resources, staff and capacity. Hence, the second factor affecting the performance of PACs is the size of the staff at its disposal. He recommended that PACs have a minimum of a full-time clerk and ideally 4-5 supporting staff, including researchers. Information supplied by the Trinidad & Tobago Parliament suggests that committees are adequately equipped in this regard.

A fourth factor is represented by the adequate representation of opposition parties in the committee.

McGee reported that usually the balance of partisan power within a PAC reflects the balance of partisan power in the legislature as a whole, that government parties usually control a majority of seats on PACs, that “...a significant proportion of Parliaments have PACs which are not dominated by government Members” (McGee, 2002:96).

Finally, a key determinant of the success of PACs was considered to be the partisan affiliation of committee chair. Specifically, McGee (2002) suggested that PACs chaired by an opposition MP are generally more successful than PACs chaired by MPs affiliated with the government majority.

**Table 3: Number of Committee Members (1)**

	Average	T & T	
		PAC	JSC
Africa	11		
Asia	19		
Australia & New Zealand	8		
British Isles	10		
Canada	9		
Caribbean	9		
Pacific	7		
<b>Average</b>	<b>10</b>		
<b>Trinidad &amp; Tobago</b>		<b>10</b>	<b>10</b>

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 4: Number of Committee Members (2)**

		T & T	
		PAC	JSC
Jamaica	15		
Grenada	5		
St Lucia	5		
Guyana	9		
Barbados	13		
<b>Average (exc T&amp;T)</b>	<b>9</b>		
<b>Trinidad &amp; Tobago</b>		<b>10</b>	<b>10</b>

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

With regard to both these issues, representation by opposition parties and the Chair being a non-governmental member, the oversight committees in Trinidad & Tobago conform to international

good practice. And since size of parliament (excluding the fact that legislators are part-time), size of committee and number of committee staff are broadly comparable with Commonwealth averages, it is necessary to look beyond structure to determine the shortcomings of oversight in Trinidad & Tobago.

### *Mandate*

The scope of the mandate and legislative powers of a PAC is central to the institutional capacity of PACs. While it has often been assumed that the powers of different PACs are reasonably similar, recent research indicates that there are some real differences in this area. It was found, for example, that the mandate relates to two main issues (1) the powers that a PAC has to do its work and conduct its investigations, and (2) the access that a PAC had to areas of government and sections of the private sector which use public funds. While certain levels of access and investigative powers might be regarded as 'normal practice' there is more divergence on both of these issues than might have been expected. Below is a comparison of how Trinidad and Tobago's oversight committees compares in this regard.

### Powers

There is both diversity and consistency in the roles and powers of PAC. Table 5 indicates that while all PACs have the power to examine accounts and financial affairs (although for a few this power is conditional), the majority of PACs confine their role to the ex-post review process with ex-ante review of budget estimates resting with other committees or other parts of the parliamentary system.

At a regional level the nature of the mandate differences become more evident. The examination of estimates by PACs in the Caribbean and in the Pacific is more common than elsewhere (see Table 6). This would suggest that combining the ex-post and ex-ante review is also a practical response to smaller jurisdiction.

Generally PACs have quite broad mandates with wide ranging powers, with some notable difference around the consideration of budget estimates, the examination of policy and the self-initiation of enquiries. Trinidad and Tobago's PAC has a full set of powers and compares very favorably to PACs elsewhere around the Commonwealth and to those elsewhere in the Caribbean (see Table 7).

**Table 5: PAC Powers (percent of PACs, Globally)**

	Have this power unconditionally	Have this power conditionally	Lack this power	T & T	
				PAC	JSC
Exam. Of Accounts	96	4	0	Y	-
Consideration of Budget Estimates	22	0	78	Y	-
Effic., Econ., & Effect. of Gov. Policy	80	0	20	Y	-
Effic., & Econ., of Policy Implement.(VFM)	94	0	6	Y	-
Effect. of Gov't Implement. (outcomes)	90	0	10	Y	-
Undertake Self-Initiated Inquiries	72	0	28	Y	-
Examine AG Compliance Reports	94	0	6	Y	-
Examine AG Perf. Reports	91	0	9	Y	-
Refer Matters to the AG	84	7	9	Y	-

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 6: PAC Powers (percent of PACs, Regionally)**

	Afr	Asia	Aus/NZ	Can	Carib	Brit Isles	Pacif.	T & T	
								PAC	JSC
Exam. Of Accounts	100	100	90	100	100	100	100	Y	-
Consideration of Budget Estimates	0	28.5	30	7.1	33.3	25	37.5	Y	-
Effic., Econ., & Effect. of Gov. Policy	100	100	77.7	78.5	66.6	62.5	57.1	Y	-
Effic., & Econ., of Policy Implement. (VFM)	100	100	100	92.8	83.3	100	71.4	Y	-
Effectiveness of Gov't Implement. (outcomes)	100	100	90	92.8	66.6	100	71.4	Y	-
Undertake Self-Initiated Inquiries	50	66.7	80	57.1	83.3	50	42.8	Y	-
Examine AG Compliance Reports	100	100	90	100	100	100	75	Y	-
Examine AG Perf. Reports	100	100	90	100	100	100	50	Y	-
Refer Matters to the AG	75	100	70	78.6	100	100	75	Y	-

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 7: PAC Powers (Caribbean)**

	Jamaica	Grenada	St Lucia	Guyana	Barbados	T & T	
						PAC	JSC
Exam. Of Accounts	Y	Y	Y	Y	Y	Y	-
Consideration of Budget Estimates	N	N	N	N	Y	Y	-
Effic., Econ., & Effect. of Gov. Policy	N	Y	Y	Y	N	Y	-
Effic., & Econ., of Policy Implement. (VFM)	Y	Y	Y	Y	N	Y	-
Effectiveness of Gov't Implement. (outcomes)	Y	Y	N	Y	N	Y	-
Undertake Self-Initiated Inquiries	Y	Y	Y	N	Y	Y	-
Examine AG Compliance Reports	Y	Y	Y	Y	Y	Y	-
Examine AG Perf. Reports	Yr	Y	Y	Y	Y	Y	-
Refer Matters to the AG	Yr	Y	Y	Y	Y	Y	-

Yr= Yes, with restrictions

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

## Right of Access

A fundamental question concerns which areas of the public and private sector a PAC has access to. Table 8 shows that most (but not all) Commonwealth PACs have access to all government agencies, both within and outside of the finance portfolio. However, a few only had conditional access and one did not have access to agencies outside of the finance portfolio.

**Table 8: PAC Right of Access (T&T compared with % of PACS globally)**

	Have this power unconditionally	Have this power conditionally	Lack this power	T & T	
				PAC	JSC
<b>Agencies w/in Finance Portfolio</b>	95	5	0	Y	Y
<b>Agencies outside Finance Portfolio</b>	26	2	2	Y	Y
<b>Statutory Authorities</b>	86	5	9	Y	Y
<b>State-Owned Ent.</b>	86	5	9	Y	Y
<b>Local Gov't Authorities</b>	58	7	35	Y	Y
<b>Parliament</b>	83	7	10	Y	Y
<b>MPs' Expenses</b>	72	2	26	Y	Y
<b>Gov't Service Providers</b>	56	9	35	Y	Y
<b>Gov't-funded NGOs</b>	42	17	41	Y	Y

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

Access to statutory authorities and to government owned corporations was more of a problem as 9% of PACs did not have access to these entities and 5% had conditional access. Unconditional access to local government authorities (58%), to government service providers (56%) and to government funded non-government organizations (43%) was also much lower than might have been expected. When combined with conditional access this increases to 65% for local government providers, 65% for government service providers and 59% for government funded non-government organizations. Therefore while around two thirds of the PACs have some capacity to 'follow the government dollar' many do not and a number of those that do have the legislative capacity for this kind of work have conditional limitations on their powers.

The question of PAC access to local government spending shows two completely different approaches and this is strongly region specific as shown in Table 9. For Australia, New Zealand, Canada and the British Islands, around one third of the PACs have unconditional access to local government entities, while half of the African PACs and all of the Caribbean and Pacific Islands do. The most logical explanation is that the smaller jurisdictions within the Pacific and the Caribbean combine these oversight roles while the larger ones have separate committees to do so.

In contrast a surprisingly large number of PACs have the ability to review the spending of both Parliament (83%) and of Parliamentarians (72%). Given the 2009 UK scandal around parliamentary expense claims (the political sensitivity around addressing this kind of issue) it is questionable whether a mandate to review parliamentary and parliamentarian spending is often exercised. Table 10 presents the data for Caribbean countries.

**Table 9: PAC Right of Access (T&T compared with % of PACS regionally)**

	Afr	Asia	Aus/NZ	Brit Isles	Can	Carrib	Pacif.	T & T	
								PAC	JSC
<b>Agencies w/in Finance Portfolio</b>	75	100	100	100	92	100	100	<b>Y</b>	<b>Y</b>
<b>Agencies outside Finance Portfolio</b>	75	100	100	100	92	100	100	<b>Y</b>	<b>Y</b>
<b>Statutory Authorities</b>	75	100	80	67	92	100	88	<b>Y</b>	<b>Y</b>
<b>State-Owned Ent.</b>	70	100	80	67	92	100	100	<b>Y</b>	<b>Y</b>
<b>Local Gov't Authorities</b>	50	75	30	38	39	100	100	<b>Y</b>	<b>Y</b>
<b>Parliament</b>	75	86	70	100		100	75	<b>Y</b>	<b>Y</b>
<b>MPs' Expenses</b>	75	86	60	67		40	86	<b>Y</b>	<b>Y</b>
<b>Gov't Service Providers</b>	50	100	50	67	46	40	57	<b>Y</b>	<b>Y</b>
<b>Gov't-funded NGOs</b>	50	50	20	67	46	80	50	<b>Yr</b>	<b>Yr</b>

Yr= Yes, with restrictions

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 9: PAC Right of Access %- Caribbean countries**

	Jamaica	Grenada	St Lucia	Guyana	Barbados	T & T	
						PAC	JSC
<b>Agencies w/in Finance Portfolio</b>	Y	Y	Y	Y	Y	<b>Y</b>	<b>Y</b>
<b>Agencies outside Finance Portfolio</b>	Y	Y	Y	Y	Y	<b>Y</b>	<b>Y</b>
<b>Statutory Authorities</b>	Y	Y	Y	Y	Yc	<b>Y</b>	<b>Y</b>
<b>State-Owned Ent.</b>	Y	Y	Y	Y	Y	<b>Y</b>	<b>Y</b>
<b>Local Gov't Authorities</b>	Y	Y	Y	Y	Y	<b>Y</b>	<b>Y</b>
<b>Parliament</b>	Y	Y	Y	Y	Y	<b>Y</b>	<b>Y</b>
<b>MPs' Expenses</b>	N	Y	Y	N	N	<b>Y</b>	<b>Y</b>
<b>Gov't Service Providers</b>	Yc	N	Y	N	N	<b>Y</b>	<b>Y</b>
<b>Gov't-funded NGOs</b>	Yc	Y	Y	N	Y	<b>Yc</b>	<b>Yc</b>

Yc= Yes, with conditions

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

In reviewing the mandated right of access, the Trinidad & Tobago oversight committees have a broad access to all government agencies both within and outside of the finance portfolio. It has also obtained the power to 'follow' government money and investigate government and non-government service providers.

In short, Trinidad and Tobago's oversight committees would seem to have both stronger powers and greater access than PACs elsewhere, both globally and in the Caribbean. Again, it is necessary to look elsewhere to determine why committee oversight is weaker in Trinidad and Tobago; in the next section, the activities of committees are examined.

### *Activities*

Recent data has been collected by CPA and the World Bank to enable the measurement of the activities performed by PACs: the number of meetings and hearings held, reports released and inquiries completed.

### Committee Meetings

Globally, PACs held an average of about 15 meetings a year. However, there is considerable variation across regions. The average number of meetings ranges from a minimum average of 3 meetings held in Africa to a maximum of 95 recorded in the Pacific. (The reason for the high score in the Pacific region is that the PAC from Fiji reported holding 83 meetings a year. If Fiji is treated as an outlier, and is omitted from the analysis, the rest of the Pacific region PACs holds on average 19 meetings a year—a value comparable with the British Isles, Asia and Canada). The Caribbean average is 5 meetings a year, but this varies from 18 in Jamaica and 10 in Trinidad & Tobago (12 for the JSCs) to none in St. Lucia and Guyana. Additional details can be found in Tables 11 and 12.

**Table 11: Average Number of Meetings/Year**

	Average	T & T	
		PAC	JSC
Africa	3		
Asia	18		
Australia & New Zealand	7		
British Isles	21		
Canada	16		
Caribbean (excl. T & T)	5		
Pacific	19		
<b>AVERAGE</b>	15		
<b>Trinidad &amp; Tobago</b>		<b>10</b>	<b>12</b>

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 12: Average Number of Meetings/Year**

	Average
Jamaica	18
Grenada	3
St Lucia	0
Guyana	0
Barbados	2
Trinidad & Tobago- PAC	10
Trinidad & Tobago- JSC	12

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

### Committee Hearings

Around the world, the number of committee hearings averages 22, with considerable variation in across regions, from a minimum average of one hearing a year by African PACs to a maximum average of 19 in the Pacific and 12 in the British Isles. For further details see Table 13. In the Caribbean, only the committees in Trinidad & Tobago reported holding hearings (see Table 14)

**Table 13: Average Number of Hearings/Year**

	Number of hearings	T & T	
		PAC	JSC
Africa	1		
Asia	4		
Australia & New Zealand	9		
British Isles	10		
Canada	0		
Caribbean (excl. T & T)	12		
Pacific	19		
<b>Average</b>	<b>7</b>		
<b>Trinidad &amp; Tobago</b>		<b>7</b>	<b>9</b>

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

### Committee Reports

There is also great variation with regard to the number of reports issued, from average of zero in Grenada, St. Lucia, Guyana and Barbados to 191 in the United Kingdom) with an average of 16 (see Table 15). Regionally, the PACs in the British Isles and the Pacific issue the most reports. The



Caribbean average is relatively high (4), but this is because the Jamaican PAC produces 18 (see Table 16).

**Table 14: Average Number of Hearings/Year**

	<b>Average</b>
Jamaica	0
Grenada	0
St Lucia	0
Guyana	0
Barbados	0
Trinidad & Tobago- PAC	7
Trinidad & Tobago- JSC	9

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 15: Average Number of Reports/Year**

	Number of reports	T & T	
		PAC	JSC
Africa	1		
Asia	1		
Australia & New Zealand	1		
British Isles	16		
Canada	4		
Caribbean (excl. T & T)	4		
Pacific	9		
<b>Average</b>	<b>16</b>		
<b>Trinidad &amp; Tobago</b>		<b>2</b>	<b>3</b>

Source: adapted from Stapenhurst, Jacobs & Pelizzo (2014)

**Table 16: Average Number of Reports/Year**

	<b>Average</b>
Jamaica	18
Grenada	0
St Lucia	0
Guyana	0
Barbados	0
<b>Trinidad &amp; Tobago- PAC</b>	<b>2</b>
<b>Trinidad &amp; Tobago- JSC</b>	<b>3</b>

## Committee Inquiries

Globally, the number of inquiries completed in a year varies from a minimum of one (Kosovo and Kaduna) to a maximum of 68 (Papua New Guinea), with an average of respectively 17. Regionally, the averages were five each for South East Asian and African PACs and 30 for Pacific PACs on average 30 inquiries<sup>5</sup>. In Trinidad & Tobago, the PAC is reported to have held an average of one inquiry a year<sup>6</sup> while the JSC held an average of three.

### *Oversight Committees – Conclusion*

Clearly, while the Trinidad & Tobago PAC and the JSCs reflect international good practice in terms of structure (namely, size of committees, supporting staff, role of opposition and chair of committees) and have exceptionally strong mandates (in terms of both powers and access), they are relatively weak in terms of activities. They have fewer committee meetings than the average for all PACs in the world, and while their number of hearings is close to the global average, it is far from best practice in the Pacific and the British Isles. But it is in terms of inquiries and reports published that the committees in Trinidad & Tobago are particularly weak. What does this mean and does it matter?

Statistical analyses suggest that the effectiveness or the success of oversight committees is a direct and automatic consequence of the amount of activity that they perform. While the number of meetings and the number of hearings held by the committee seem unrelated to the control of corruption or with GNI per capita, the number of committee reports is very strongly, positively and significantly related to the control of corruption, which in turn is strongly related to the level of development (GNP per capita). See Figures 1 and 2.

Annex 6 presents details of the statistical analysis, which indicates that the productivity of a PAC (as measured by the number of reports issued) accounts for 42 per cent of the variation in the levels of corruption between countries.

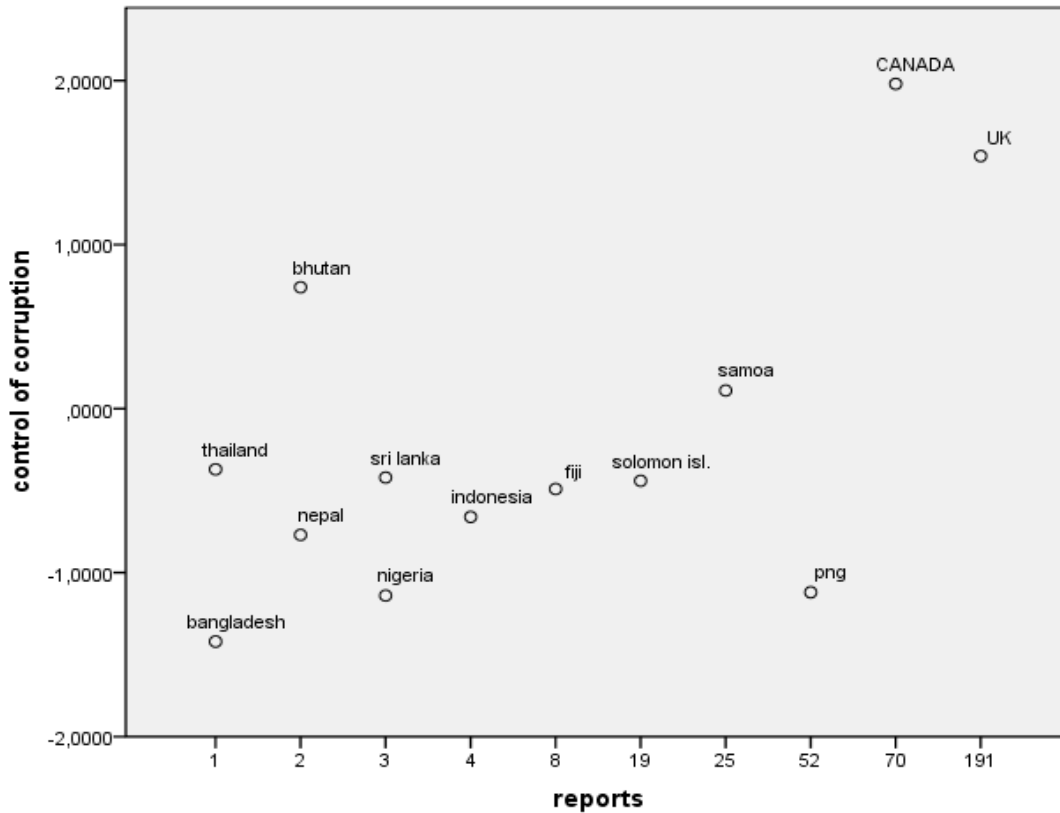
It is not difficult to understand why PAC reports are so important for curbing corruption and creating the conditions for socioeconomic development. It is through their reports that PACs disclose their findings, pinpoint cases of maladministration, and issue recommendations on how the expenditure and the management of public resources could be improved. Yet this is precisely

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<sup>5</sup> Specifically 8 inquiries were conducted in Fiji, 68 in PNG, 25 in Samoa and 19 in Solomon Islands.

<sup>6</sup> Two in 2012-13, but none in the years before that

**Figure 1: Number of PAC reports and Control of Corruption**

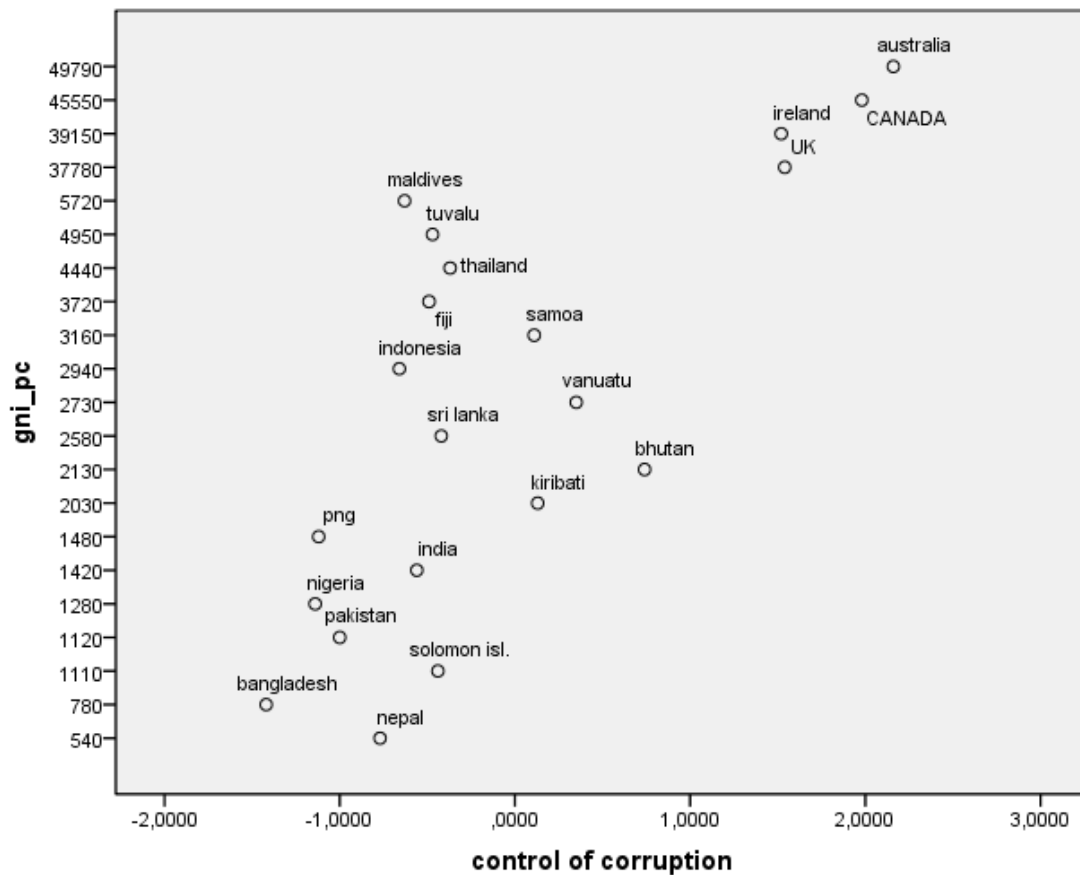


Source: Stapenhurst, Jacobs and Pelizzo (2014)

the area in which Trinidad and Tobago's oversight committees are the weakest. They produce significantly fewer reports than their global counterparts.

What factors determine committee productivity (number of reports issued). One factor is the number of staff supporting the committee –but here Trinidad and Tobago's committees are relatively well served. Another factor may be that committee members in Trinidad and Tobago, in contrast to most parliaments around the world, are part-time and the number of meetings and inquiries they hold (already less than global averages) take so much of their time, they simply do not have the time to produce reports.

**Figure 2: Control of Corruption and Development**



Source: Stapenhurst, Jacobs and Pelizzo (2014)

### Full-time vs. Part-Time Parliaments

There has been no global research on possible advantages and disadvantages of part-time vs full-time parliaments - Trinidad and Tobago has one of few national parliaments in the world whose members are not full-time<sup>7</sup>.

However, in the United States, where a number of state-level legislatures are part-time, there has been considerable research which indicates that the more professional a legislature (i.e., the more time legislators can devote to their parliamentary, as opposed to outside work):

- the more time and energy MPs can devote to law-making, representation and oversight,

<sup>7</sup> Two principal others are Switzerland and Malta (IPU, 2012)

- freeing them from the distraction of another occupation;
- the better qualified legislators are;
- the improvement in legislative outputs (including oversight);
- the more equal a partner it is with the executive; and
- the more success there is in public policy implementation.

It might also be argued that if the increased professionalization of a parliament (i.e. having full-time Members) is accompanied with commensurate full-time salaries, then Members will be less inclined/required to seek outside funding to "top-up" their salaries.

Finally, while it is impossible to prove, it may be that the particularly low confidence that Trinidadians have in their MPs and Parliament (noted above) might be related to the part-time status of Members. The public see Members with other employment, which may give rise to (real or apparent) conflicts of interest which in turn leads them to have less trust in Members.

### ***Conclusions/Recommendation***

In this report, oversight in Trinidad & Tobago has been compared with global good practice and has been found lacking. Notably, while the structure the structure and mandate of Trinidad & Tobago's oversight committees compares favorably with other countries, the performance of such committees is poor.

This could either be because Trinidadian MPs and Senators have significantly less political will to exercise oversight (which could be the case, as public confidence in the Trinidad & Tobago Parliament is weaker than in other countries) or, more likely, that MPs and Senators in Trinidad and Tobago are less productive than their counterparts elsewhere, because they are part-time, not full-time, legislators and they have insufficient time to undertake their oversight responsibilities.

It is recommended that the Parliament of Trinidad & Tobago move from being a part-time parliament to a full-time parliament. It is expected that this will increase the effectiveness of oversight, improve governance (and especially corruption) and in so doing, improve public confidence in Parliament.

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## ANNEX 1 Countries and the number of Parliamentary Oversight Tools

Number of Oversight Tools						
0	2	3	4	5	6	7
Lesotho	Azerbaijan Russia	Congo Macedonia Tajikistan Zimbabwe	Angola Armenia China Ivory Coast Kazakhstan Liechtenstein Rwanda Uruguay	Australia Bulgaria Cameroon Iran Jordan Mexico Mongolia Nicaragua Palau Philippines Samoa Senegal Singapore South Africa Sudan Turkey Ukraine Yemen	Andorra Belarus Benin Brazil Canada Cyprus EU Germany Guatemala Guinea Bissau Guinea Iceland Ireland Korea Jamaica Latvia Luxembourg Namibia Netherlands Niger Poland Slovakia Slovenia Chad Thailand Togo Tunisia Uganda U.K.	Austria Belgium Costa Rica Croatia Czech Republic Estonia France Gabon Greece Hungary Indonesia Japan Lithuania Madagascar Mali Romania Spain Sweden Switzerland Zambia

## ANNEX 2: Transparency International – Corruption Perception Index

Finland	9.0	Saint Vincent	6.2	South Africa	4.3	Armenia	3.4	Nigeria	2.7
Denmark	9.0	Slovenia	6.1	Bosnia + Hergozovina	4.2	Bolivia	3.4	Pakistan	2.7
New Zealand	9.0	Taiwan	6.1	Italy	4.2	Gambia	3.4	Bangladesh	2.6
Sweden	8.8	Cape Verde	6.0	Sao Tome + Principe	4.2	Kosovo	3.4	Cameroon	2.6
Singapore	8.7	Israel	6.0	Bulgaria	4.1	Mali	3.4	Central African Republic	2.6
Switzerland	8.6	Dominica	5.8	Liberia	4.1	Mexico	3.4	Congo Rep.	2.6
Australia	8.5	Poland	5.8	Montenegro	4.1	Philippines	3.4	Syria	2.6
Norway	8.5	Malta	5.7	Tunisia	4.1	Albania	3.3	Ukraine	2.6
Canada	8.4	Mauritius	5.7	Sri Lanka	4.0	Ethiopia	3.3	Eritrea	2.5
Netherlands	8.4	South Korea	5.6	China	3.9	Guatemala	3.3	Guinea- Bissau	2.5
Iceland	8.2	Brunei	5.5	Serbia	3.9	Niger	3.3	PNG	2.5
Luxembourg	8.0	Hungary	5.5	Trinidad + Tobago	3.9	Timor Leste	3.3	Paraguay	2.5
Germany	7.9	Costa Rica	5.4	Burkina Faso	3.8	Dominican Republic	3.2	Guinea	2.4
Hong Kong	7.7	Lithuania	5.4	El Salvador	3.8	Ecuador	3.2	Krgyz Rep.	2.4
Barbados	7.6	Rwanda	5.3	Jamaica	3.8	Egypt	3.2	Yemen	2.3
Belgium	7.5	Georgia	5.2	Panama	3.8	Indonesia	3.2	Angola	2.2
Japan	7.4	Seychelles	5.2	Peru	3.8	Madagascar	3.2	Cambodia	2.2
United Kingdom	7.4	Bahrain	5.1	Malawi	3.7	Belarus	3.1	Tajikistan	2.2
USA	7.3	Czech Rep.	4.9	Morocco	3.7	Mauritania	3.1	DRC	2.1
Chile	7.2	Latvia	4.9	Suriname	3.7	Mozambique	3.1	Laos	2.1
Uruguay	7.2	Malaysia	4.9	Swaziland	3.7	Sierra Leone	3.1	Libya	2.1
Bahamas	7.1	Turkey	4.9	Thailand	3.7	Vietnam	3.1	Eq. Guinea	2.0
France	7.1	Cuba	4.8	Zambia	3.7	Lebanon	3.0	Zimbabwe	2.0
St. Lucia	7.1	Jordan	4.8	Benin	3.7	Togo	2.9	Burundi	1.9
Austria	6.9	Namibia	4.8	Colombia	3.6	Cote d'Ivoire	2.9	Chad	1.9
Ireland	6.9	Oman	4.7	Djibouti	3.6	Nicaragua	2.9	Haiti	1.8



Qatar	6.8	Croatia	4.6	Greece	3.6	Uganda	2.9	Venezuela	1.9
UAE	6.8	Slovakia	4.6	India	3.6	Comoros	2.8	Iraq	1.8
Cyprus	6.6	Ghana	4.5	Moldova	3.6	Guyana	2.8	Turkmen-Istan	1.7
Botswana	6.5	Lesotho	4.5	Mongolia	3.6	Honduras	2.8	Uzbekistan	1.7
Spain	6.5	Kuwait	4.4	Senegal	3.6	Iran	2.8	Myanmar	1.5
Estonia	6.4	Saudi Arabia	4.4	Argentina	3.5	Kazakhstan	2.8	Sudan	1.3
Bhutan	6.3	Romania	4.4	Gabon	3.5	Russia	2.8	Afghanistan	0.8
Portugal	6.3	Brazil	4.3	Tanzania	3.5	Azerbaijan	2.7	North Korea	0.8
Puerto Rico	6.3	Macedonia	4.3	Algeria	3.4	Kenya	2.7	Somalia	0.8

### **ANNEX 3: The Relationship Between Parliamentary Oversight Tools, Form of Government and Corruption <sup>8</sup>**

Research has indicated that legislatures operating within parliamentary forms of government have greater oversight than those operating in semi-presidential and presidential systems (Gerring and Thacker, 2004; Lederman et al., 2005; Pelizzo and Stapenhurst, 2008). However, evidence supporting these studies could be spurious. It might be that the analysis is capturing not so much the relationship between oversight potential and perceived corruption, but rather the fact the level of perceived corruption is related to, and arguably affected by, the form of government (i.e., the extension of the Lederman et al. (2005) argument). To test whether this is the case, the following regression model is run:

$$\text{CPI} = a + b_1 \text{ Number of Oversight Tools} + b_2 \text{ Form of Government}$$

The variable "Number of Oversight Tools" varies from zero to seven, depending on the number of oversight tools available to the parliament in a given country. The "Form of Government" is a trichotomous variable that takes the value one for presidentialism, two for semi-presidentialism and three for parliamentarianism. By running this model, it is found that it takes the following values:

$$\text{CPI} = -.304 + .465 \text{ Number of Oversight Tools} + 1.039 \text{ Form of Government}$$

And it explains almost 33 per cent of the variance of perceived wrongdoing (see Table A3-1).

This means that the CPI score a country receives increases as the number of oversight tools increases and the form of government becomes more parliamentary. The fact that parliamentarianism is good for reducing corruption (or, at least, the perception thereof) is interesting not only in itself, but also because it indicates that the level of perceived corruption is related to the form of government for reasons other than the oversight potential of the legislature.

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<sup>8</sup> This Annex presents the analysis first presented in Stapenhurst, Jacobs and Pelizzo (2014)

**Table A3-1: Perceived Corruption, Oversight Potential and Form of Government**

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	Corruption Perceptions Index
Intercept	-.304 (.846)
Number of Oversight Tools	.465 (.093)
Form of Government	1.039 (.003)
R-squared	.327

## ANNEX 4: A Conceptual Framework for Accountability<sup>9</sup>

Parliaments have developed oversight tools to help it hold the executive to account. The adoption of these tools is often influenced by 'path-dependent' pressures and by the identification and adoption of good practice by one legislature from other legislatures (e.g., the adoption of Public Accounts Committees – historically associated with countries with 'Westminster-style' parliamentary systems by legislatures in non-Commonwealth countries which have no political-historical ties with the United Kingdom). There is evidence to suggest that such adoption of good practice encourages legislatures operating in countries with different forms of government to converge, as they learn about each other's procedures and practices through bodies such as the Inter-Parliamentary Union and the Commonwealth Parliamentary Association.

But oversight tools only partially explain legislative oversight and lower corruption. Contextual factors matter. Four contextual factors have been found to be particularly relevant in shaping this context: the electoral system, public trust, political parties, and type of government. A country's electoral system and form of government are often path-dependent. In developed countries they tend to be relatively fixed, having evolved over time (e.g., the United Kingdom) or have changed at a critical juncture, such as a change of constitution (e.g., France). In developing countries, electoral system and form of government are often adopted from the former colonial country (e.g., Ghana) or, again, have changed at a critical juncture (e.g., Nigeria). The evolution of political parties tends to be specific to a country's socio-political history. Public trust is also specific to a country's socio-political history.

It is the *combination* of these theories that best explain legislative oversight, just as the empirical analysis indicates that it is the *combination* of oversight tools **and** contextual factors that explain legislative oversight (see Diagram A4-1). At the heart of the diagram are the oversight tools and contextual factors. There is a two-way relationship between these variables. Contextual factors – such as form of government and level of democracy – influence the number of oversight tools available to a legislature. Parliamentary oversight comprises both oversight tools and contextual factors and together these influence the efficacy of oversight

Importantly, the framework suggests that the adoption of oversight tools is driven by 'mimetic pressure' – a legislature sees a particular oversight tool being used in one country and decides to use the oversight tool itself. This process is encouraged by the international donor and parliamentary communities, which encourage parliamentary reforms through the identification and adaptation of best international practice. The spread of Public Accounts Committees from being an oversight tool almost wholly associated with Westminster parliamentary systems to now more than a dozen non-Commonwealth countries which have no historical-political ties to the

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<sup>9</sup> From Pelizzo and Stapenhurst (2014)

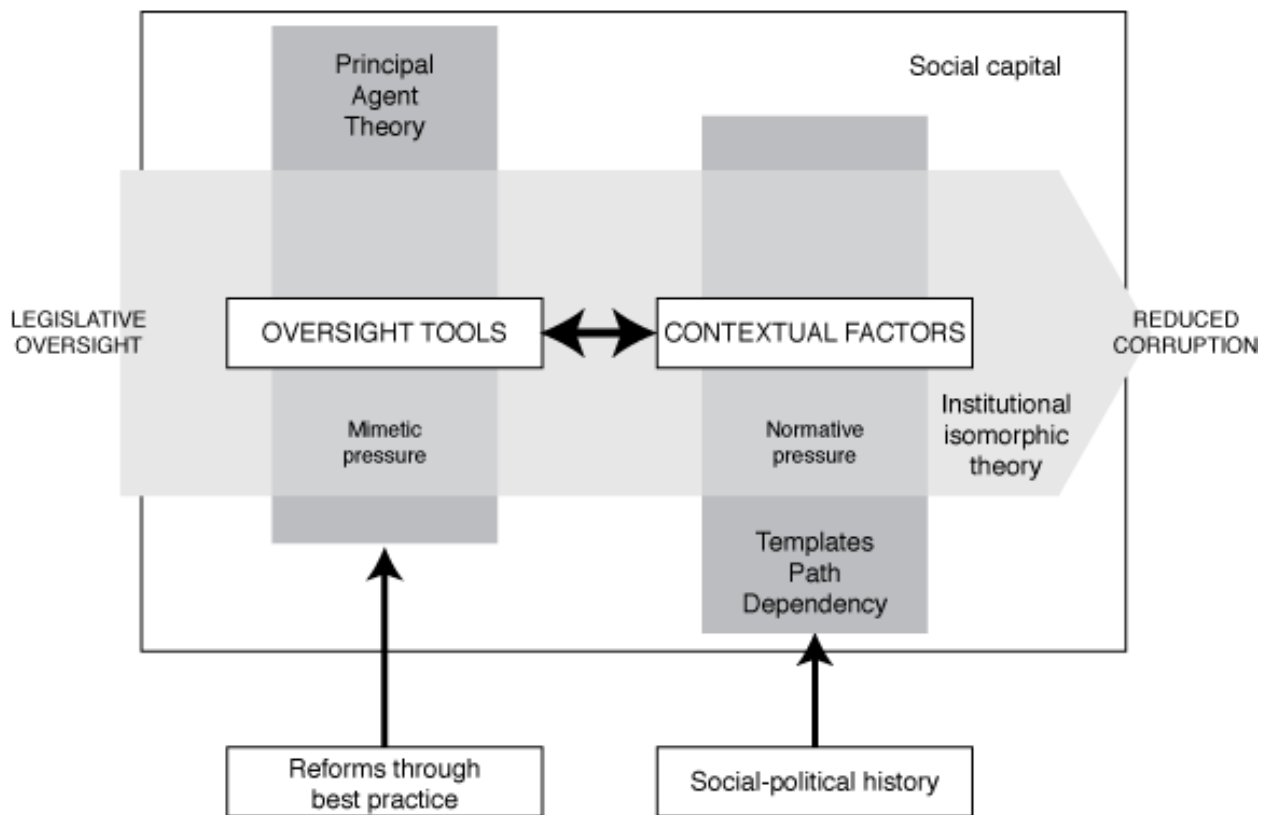
United Kingdom is a case in point.

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 now usually have a parliamentary form of government, a majoritarian electoral system while former French colonies have a hybrid (semi-presidential) form of government and a proportional representation electoral system.

The framework also acknowledges the importance of social capital – public trust in parliament, which acts as the glue which helps hold the framework together.

### Diagram A4-1: Conceptual Synthesis of Legislative Oversight

Diagram 9.1: Synthesized Conceptual Framework



Source: Staphenurst (2011)

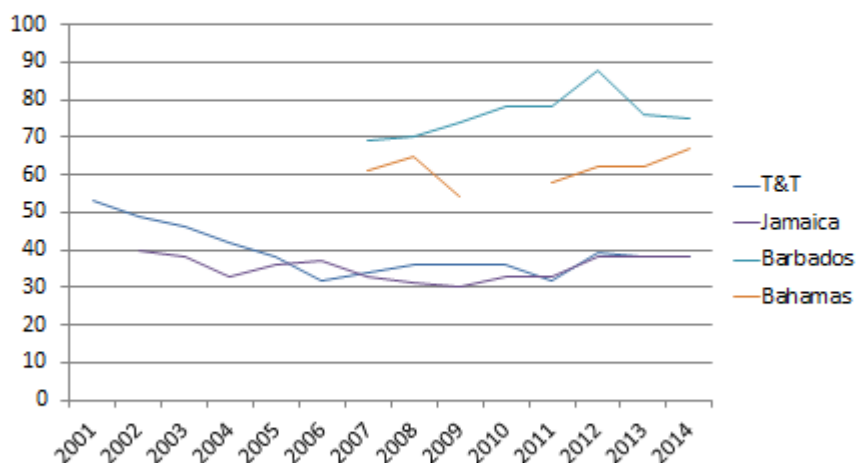
## Annex 5: TRINIDAD & TOBAGO and SELECTED COMPARATORS

### Corruption (CPI, 2014)

Global Ranking	Country	Score (100 = highest possible; 0 = lowest possible)
17.	Barbados	74
24.	Bahamas	71
29.	St. Vincent	67
31.	Puerto Rico	63
39	Dominica	58
63.	Cuba	63
85 (tied).	Jamaica	38
	<b>Trinidad &amp; Tobago</b>	<b>38</b>
100	Suriname	36
124	Guyana	35
161	Haiti	18

### CORRUPTION: T&T FALTERS IN FIGHT AGAINST CORRUPTION

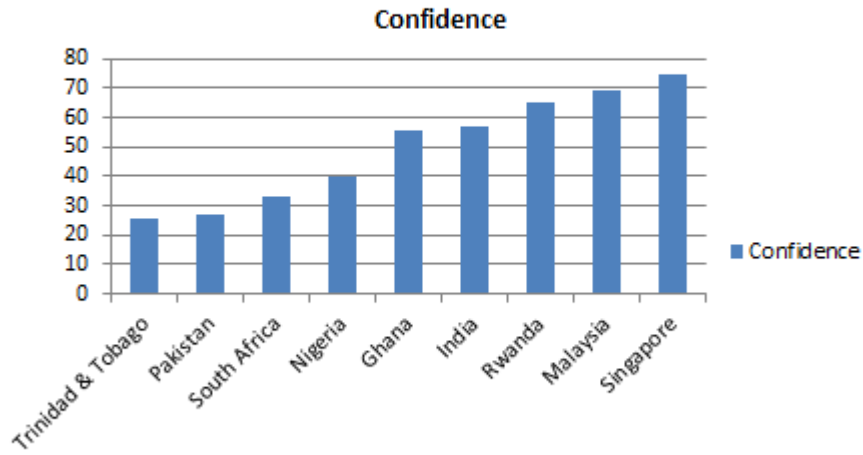
T&T: Close competition with Jamaica;  
far behind Barbados and Bahamas



Source: Transparency International

## Public Confidence in Parliament

### Confidence in Parliament – Commonwealth Countries



Source: World Values Survey

## ANNEX 6

**Table A6-1: Correlation Analysis (sig.)**

	Number of hearings	Number of inquiries completed	Number of reports issued
Number of meetings	.872 (.000)	.043 (.913)	.547 (.000)
Number of hearings	-	.764 (.077)	.811 (.000)
Number of inquiries completed	.764 (.077)	-	.986 (.000)
Number of reports issued	.811 (.000)	.986 (.000)	-

### Regression Analysis<sup>10</sup>

The evidence presented sustains in this report the claim that the number of PAC reports is associated with the control of corruption and with the level of socio-economic development as reflected by the GNI per capita.

Performing a linear regression, it is possible to determine how much change occurs in the dependent variable in response to a unit change in the value of an independent variable by controlling for the effects of another independent variable. In this case, we want to determine by how much GNI per capita increases for one report increase in the number of reports produced by keeping the ability to control corruption constant and, at the same time.

By performing the regression:

$$Y = a + b_1X_1 + b_2X_2 + e$$

where Y is the GNI per capita, X<sub>1</sub> is the control of corruption variable, X<sub>2</sub> is the number of PAC reports, a is the intercept, b<sub>1</sub> and b<sub>2</sub> are the slopes and e is the error, the regression model takes the following values:

$$\text{GNI per capita} = 6724.43 + 8807.62 \text{ control of corruption} + 109.55 \text{ number of reports}$$

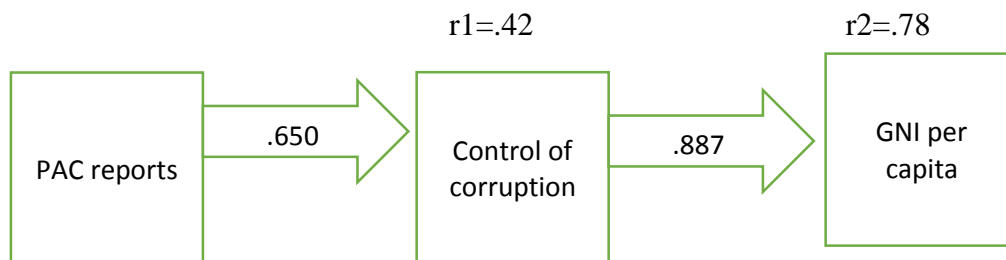
(.026)
(.006)
(.047)

<sup>10</sup> From Stapenhurst, Jacobs and Peizzo (2014)



This model explains 82.8 per cent in the variance of GNI per capita. And in so far as GNI per capita as a good proxy for socioeconomic development, it is possible to conclude that control of corruption and PAC work are two important determinants of a country's level of socioeconomic wellbeing. When we keep the number of PAC reports constant, the GNI per capita increases by more than US \$8,807 per unit increase in the control of corruption, while the GNI per capita increases by US \$ 109.55 for each additional report produced by a PAC. The significance levels reported in the parentheses indicate that each of the regression coefficients is statistically significant.

To assess the causal impact of PAC activity on the level of socioeconomic development the following path analysis can be used: the international community has long held that effective oversight leads to greater control of corruption and that greater control of corruption leads to higher levels of development. In other words the model takes the following form:



This path analysis shows that when GNI per capita is regressed against control of corruption, the model explains 78 per cent in the variance of GNI per capita, that the standardized beta coefficient is .887 and statistically significant ( $p = .000$ ).

While this evidence is consistent with what international organizations has long assumed, namely that good governance is an important determinant of development, it does not provide an indication of what conditions promote good governance and the ability to control corruption.

A second regression is run: regressing control of corruption against the number of PAC reports, the model explains 42 per cent of the variance, that the number of PAC reports is strongly and positively related to the number of PAC reports is strongly related to controlling corruption.