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Technical Paper: Curbing Corruption by Maximizing Integrity and Efficiency in the Legislative Process: an Overview of the Issues following the Roundtable Discussion on Improving Efficiency and Integrity in the Legislative Process, Milli Majlis of the Republic of Azerbaijan, 11 February 2009

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Table of Contents

Summary

Corruption of the legislative process lowers the quality of laws and regulations and also results in laws that facilitate corruption. Therefore, designing the legislative process in such a way as to minimise its vulnerability to corruption is a vital component of a successful national anti-corruption strategy. This paper outlines the different stages of the legislative process and identifies the key principles of a well-designed legislative process whose application – together with other standard anti-corruption measures - will reduce the potential for corruption. It concludes with brief general recommendations on how to maximise the integrity and efficiency of the legislative process, thereby minimising the likelihood of corruption occurring.

I. Introduction: the problem of corruption of the legislative process

Corruption of the legislative process is an issue that has received relatively little focused attention from the anti-corruption community. The existing anti-corruption literature tends to focus explicitly or implicitly on the bribery of state officials in return for decisions that would favour the briber, in the context of a legal framework that is already 'given' – for example, bribes in return for public contracts, licences or other benefits. Where the problem of corruption of law-making itself is identified, the focus tends to be on the corruption itself (e.g. the bribing of a legislator or the provision of a corrupt donation to a political party) rather than on the vulnerability of the legislative process as a whole to corruption.

A particular sector is often made vulnerable to corruption by flaws in the legal framework that governs or regulates that sector. To the extent that laws and rules determine or constrain the behaviour of public officials and politicians, an essential focus of any effective sectoral anti-corruption strategy must be scrutiny - and reform if necessary - of the legal framework that governs that sector.

Taking this argument one step further, however, flaws in the legal framework that render a sector more vulnerable to corruption are often the result of corruption of the legislative process itself – i.e. corruption of lawmakers in order to secure a legal framework that itself facilitates corruption. Such corruption is in principle a more damaging form of corruption than corruption that distorts the implementation of a law or regulation. For example, bribery of public officials in order that they evade or violate an otherwise sound law on public procurement is less damaging than bribery of legislators in order that they approve a legal framework for public procurement that systematically facilitates corruption.

Corruption is not the only reason a legislative process may be undermined. For example, incompetence or intra-state conflict is another key factor that may prevent a legislative process from functioning as it should. While this paper focuses on corruption, it is also based on the insight – also valid for other areas of anti-corruption policy - that 'fighting corruption' directly is less effective than pursuing policies designed to fulfil positive aims. Accordingly, the principles advocated in Section III should be seen as mechanisms not to 'fight corruption', but to create a legislative process that is less likely to be undermined by other negative phenomena as well. In short, corruption is made less probable as a secondary effect, rather than its reduction being the primary aim of policy.

The only explicit contribution by the anticorruption community in recent years to the area of corruption of legislative process has been from the World Bank. In the late 1990s the Bank introduced a distinction between two different types of corruption – administrative corruption and state capture. Administrative corruption involves the "intentional imposition of distortions in the

prescribed *implementation* of existing laws, rules and regulations to provide advantages to either state or non-state actors as a result of the illicit and non-transparent provision of private gains to public officials."[1] State capture by contrast

> refers to the actions of individuals, groups, or firms in both the public and private sectors *to influence the formation* of laws, regulations, decrees and other government policies (i.e. the basic rules of the game) to their own advantage by means of the illicit and non-transparent provisions of private benefits to public officials… For example, an influential 'oligarch' could buy off legislators to erect barriers to entry in a particular sector.[2]

The Bank identifies state capture as a key problem of transition countries in particular:

> The transition countries have been engaged in a concentrated process of defining the basic rules and institutions to govern their economies and societies, while at the same time redistributing the bulk of their assets. In many countries, corruption has had a significant impact on this process, encoding advantages in these new rules and institutions for narrow vested interests and distorting the path of economic and political development. Media reports throughout the region tell of powerful firms and individual "oligarchs" buying off politicians and bureaucrats to shape the legal, policy, and regulatory environments in their own interests.[3]

II. Existing approaches to tackle corruption in the legislative process

The World Bank's concept of state capture is a useful starting point for thinking about corruption of the legislative process. However, while the Bank's approach clearly identifies corruption of the process of law-making as a potentially more serious problem than corruption of the implementation of laws, it does not focus in detail on the legislative process itself. The Bank notes that

> To date, anticorruption programs have largely focused on measures to address administrative corruption by reforming public administration and public finance management. But with the increasing recognition that the roots of corruption extend far beyond weaknesses in the capacity of government, the repertoire has been gradually expanding to target broader structural relationships, including the internal organization of the political system, the relationship between the state and firms, and the relationship between the state and civil society. [p. 39]

Accordingly, the Bank lists at least four areas of policy as important for restricting state capture:

- transparency in party financing to reduce the likelihood of corrupt incentives for parties to pursue the policy agendas of powerful donors;
- disclosure of parliamentary votes to provide a disincentive for MPs to vote for legislative proposals;
- encouraging collective business associations as "legitimate instruments to represent collective interests in the formulation of law and policy", rather than allowing specific firms with narrower and less-encompassing interests to influence laws and policies.

In addition, the Bank lists or mentions other policies that may *inter alia* help to reduce state capture, such as duties of public officials and politicians to declare their assets, conflict of interest

[1] World Bank, *Anticorruption in Transition: A Contribution to the Policy Debate,* World Bank, Washington D.C., 2000, p. xvii.
[2] World Bank, *Anticorruption in Transition,* p. 1.
[3] World Bank, *Anticorruption in Transition,* p. xiii.

rules and so on. Many of the policies the Bank mentions have been developed in detail, for example guidelines on party financing legislation.

The Bank's introduction of the concept of state capture is a useful starting point, clearly identifying corruption of the legislative process as a key problem of transition countries in particular. However, the Bank and other international institutions or anti-corruption organizations have not devoted systematic attention to or developed comprehensive recommendations for reforms of the legislative process itself – the rules by, procedures for, and institutional framework within which laws are created and approved.

The difficulty of tackling corruption in the legislative processes in transition countries

A key dilemma, especially for countries undergoing the long transition from authoritarian rule to consolidated democracy, is to open the legislative process to the influence and input of various groups and interests – i.e. to establish pluralist democracy, while preventing the state from serving the interests of particular groups and interests at the expense of the public interest. In short, the challenge is to establish *well-regulated access* of external interests to the legislative process. This is not just a problem of academic interest, especially in countries whose political systems are relatively young and whose economies are characterized by phenomena such as monopolization of key sectors by powerful economic interests.

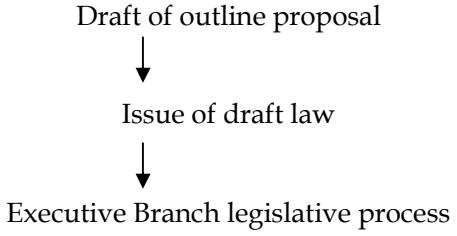
III. A systematic approach to tackle corruption in the legislative process

Laws are the most important product or output of a democracy, and in principle are the prerogative of elected representatives. However, elected representatives cannot carry out this function well without a process that is consciously designed to both facilitate the work of legislators and restrain them from (deliberately or non-deliberately) legislating in ways that serve narrower interests at the expense of the wider public interest.

This section defines the legislative process and divides it up into its main constituent stages of components. It lays down five key principles that should be built into the legislative process at all stages, the application of which will minimize the space for corruption. It goes through the different stages of the legislative process to illustrate the application of these principles in practice, and notes other anti-corruption mechanisms that are not integral components of the legislative process but are also important for minimizing corruption.

1. Stages of the legislative process

The legislative process may be regarded as the process from the initial emergence of a legislative initiative to the final approval of a law by the legislature. A law may be an entirely new legal act or amendment to an existing law. In a very general sense, the stages of the legislative process may be divided according to the following scheme:



Parliamentary legislative process

There are some situations where the legislative process may not follow the above scheme. The most important of these for the purposes of this paper is where the government (or even just the Prime Minister or President) legislates by decree. For example, presidential decrees are a key component of national legislation in Azerbaijan, and this practice is applied in many post-Soviet countries. In these circumstances Parliament and even much of the Executive Branch may be effectively by-passed. Another exception is where the initiator of the legislation is not the government or an institution from the Executive branch. In particular, where an MP submits a draft law this may not be formally subject to Executive approval before going through the process of Parliamentary approval. This paper does not deal with issues concerning Presidential veto, and for simplicity assumes there is one parliamentary chamber. These stages are outlined briefly in the following subsections.

a) Initiation/draft of outline proposal

Typically, the first step in the process by which a law is created is the initiation and submission of an outline proposal or policy document identifying the need for a new law. Such a document may vary in specificity. The term 'green paper' is often used (for example in the UK or at European Union level) for a government report of a proposal without any commitment to action, a first step towards changing the law. A green paper often identifies a need or perceived need for a law or legal change, presents a range of options and invites interested individuals or organizations to contribute views and information. A green paper may be followed by a 'white paper', an official set of proposals that is used as a vehicle for their development into law. A white paper signifies the clear intention of the government to pass a new law.

In some cases or in the case of some laws, an outline proposal may not be issued at all, and instead a detailed draft law issued as the first step. Given that outline proposals provide a good first opportunity for consultation (see Section III.d), bypassing this step may be regarded *a priori* as a bad start to the legislative process.

b) Submission of draft law

The legal text of a draft law may be submitted formally by institutions or individuals defined by law. Typically, these will be the government, executive agencies, other state bodies (for example the Supreme Court), parliament, members of parliament (MPs), and in federal states sub-national governments or legislatures. In Presidential systems this right will also be held by the President. Except where the initiator of a law is the parliament or its members, a draft will normally be submitted for discussion within the Executive Branch. Even where the draft originates in Parliament, the Government will usually have the right to submit an opinion on the draft law.

c) Executive Branch legislative process

Draft laws generally go through an extensive process of discussion within the executive branch (between ministries and other executive agencies), generally coordinated by a central government legislative department or Ministry of Justice. The final output of this process is a government decision on the draft law – whether to approve the law or not, and if so in what exact wording.

d) Parliamentary legislative process

Once the government has approved a draft law, the all-important stage of parliamentary approval takes place. In most democratic countries laws go through three parliamentary readings, each of which deals with the law from a different aspect. For example, the first reading may constitute a vote on whether to proceed the law at all; the second reading a vote on proposed amendments submitted at first reading by MPs; and the third reading on the final version with some restricted possibilities to change the law.

This stage is all-important, as Parliament determines the final form of the law – although in some political systems (Azerbaijan included) the Executive branch may have extensive powers to block changes to a draft law made by Parliament. Since Parliament is by definition a body of elected members rather than professional legislators, the exact rules of procedure for passing laws and the institutional framework and capacity of parliament have a key impact on the quality of law-making – and its resistance to potential corrupt influences. These key aspects include the procedures for voting, the procedure for introducing proposed amendments to the draft and the role of committees and legal staff in processing changes to the draft proposed by MPs.

2. Principles of a well-designed legislative proposal

In all cases, the key question for this paper is how each of the stages of the legislative process is actually conducted, and specifically to what extent they are designed in order to directly or indirectly minimize corruption of the process. For this purpose, this paper proposes six main principles of the legislative process whose application are of key significance in order to restrict corruption. These components, roughly ordered, are institutionalization, professionalism, collective decision-making, justification, consultation and transparency. These principles are elaborated below.

a) Institutionalisation

A vital overarching component of any well-functioning legislative process is institutionalization - the embedding of the legislative process in a set of rules and organizational procedures which ensure that different entities that should or have the right to participate in the process are aware of their rights and/or obligations and are able to exercise/fulfil them. Institutionalisation is a principle that establishes a basis for the consistent and predictable application of the other principles described below. It includes, for example, clear and mandatory rules on:

- the form a draft law must take;
- how draft laws must be made, and which information from the subsequent legislative process should be made public;
- who may and who must comment on the proposal;
- what are the deadlines for such feedback and to whom it is submitted;
- which body or persons coordinate the receipt of comments and feedback;
- what mechanisms are established to facilitate discussion of a draft law;
- what are the deadlines within which state bodies must process a draft law.

These examples remain very general, and each of them must itself be broken down into more detailed descriptions: for example, concerning who may comment on a proposal, institutionalisation implies a clear set of procedures for consultation, such as the criteria for selecting which organisations or interested parties should be targeted for consultation, and so on.

b) Professionalism

In order for the Executive Branch and Parliament to carry out its legislative role efficiently and produce high-quality legislation, extensive assistance from trained lawyers and other specialised staff is needed. Expert lawyers and other staff assist legislators not only to formulate legislation to pursue the goals they have. By providing more-or-less objective feedback on proposed laws or amendments, they may also fulfil an important function of restraining the inclusion in laws of paragraphs that facilitate corruption – and therefore by implication may help to prevent or restrict corruption during the legislative process itself.

In principle, the opinion of expert staff should be an automatic input into every stage of the process of discussion among and decision-making by both executive officials and parliamentary representatives. In general, expert input is more likely to be an automatic component of the legislative process in the Executive Branch, as the Executive is organised (although to varying extents) on the principle of permanent professional staff and sectoral (line) specialisation. The level of professionalism of the civil service clearly varies massively across countries.

Professionalisation of the parliamentary legislative process is equally important. There are vast differences between legislatures within the European Union in terms of the size of their legal staff. For example, the legal department of the German Bundestag employs some 1000 lawyers, compared to around 15 in the Czech Chamber of Deputies. The less adequate is the legal staff a legislature employs, the more amateur its legislating activities will be, the less information will be available to MPs to make informed decisions, and the more vulnerable to corruption the legislative process.

c) Collective decision-making

Another very important principle of democratic law-making is that of collective decision-making. This means that decisions at each stage of the legislative process should be collective. For example, the opinion of a line ministry on a draft law that falls within its competence should be the result of a collective decision-making process within the ministry – not just the decision of the minister, who may either decide arbitrarily or on the basis of inadequate information.

The collective decision-making principle also means that proposed amendments to any draft by individual officials or MPs should be subject to sufficient collective consideration - in practice meaning discussion by a parliamentary committee - before being voted on by the legislature. This is a particularly vital aspect of the legislative process, and where it is not applied the opportunities for corruption may multiply.

An example of how not to design the parliamentary legislative process is provided by the Czech Republic. The Parliamentary Rule of Procedure allow MPs to submit proposed amendments to law both during the second reading and up to 24 hours before the third and final reading begins. There are essentially no restrictions on the possible scope of such proposals, and there is no procedure to ensure that they are collectively discussed by the relevant parliamentary committee with expert assistance from legal staff. The result of this is that parliament is often literally inundated by proposed amendments at third reading, and very often approves amendments with which MPs did not have the time, capacity or assistance to acquaint themselves. This creates extensive opportunities for corruption during the parliamentary legislative process. It also leads to lower-quality legislation, and also other curious phenomena such as the inclusion of a legislative proposal within an entirely unrelated draft law.

By contrast, in Estonia all proposed amendments must be submitted at the committee stage, which takes place prior to second reading, and are then submitted to second reading with the opinion of the committee attached to each proposal. This makes it impossible for an MP to submit an amendment near the end of the legislative process to avoid scrutiny by committees and

professional staff. In short, the application of the principle of collective decision-making is an important mechanism to reduce the probability of additions being made to draft laws to serve particular corrupting interests.

d) Justification

If laws are supposed to embody the pursuit of the public interest, then by definition any legislative proposal or proposed amendment to a draft law must be justifiable in the public domain. Proposed provisions that are designed to benefit particular interests are less easy to justify in terms that can be acknowledged publicly. The requirement of justification usually exists for draft laws themselves, and is often specified in some detail: the initiator should be required to summarise the current legal framework, identify and explain the need for a legislative change, and justify in detail why the proposed law or amendment is the optimal solution. The initiator will also usually be required to calculate the estimated financial impact of the proposal on the state budget. It is also important, however that any change proposed (for example by a ministry or Member of Parliament) to a draft law that is going though the legislative process is also accompanied by a precise justification. This makes the work of others involved in the legislative process easier and provides an *ex ante* restraint on the freedom of legislators to propose anything they want – thereby helping to prevent corruption.

e) Consultation

Consultation is a vital core component of a democratic legislative process. Where the legislative process is well institutionalised and professionalized, consultation that gives individuals and groups in society an equal chance to comment on a draft law is likely to improve the quality, increase the legitimacy and therefore lower the costs of enforcement of the law. When conducted properly – and if the input gained from consultation is used well - it lessens the probability of corruption of the legislative process by providing influence to a broader range of interests.

Consultation may take place at all stages of the process prior to final approval of a law and may take different forms at each stage; this is an issue dealt with in more detail in the forthcoming Council of Europe Guide. A key rule is that the earlier consultation takes place the better. Ideally, consultation should take place both on the outline proposal and the initial draft law, prior to the government approving a draft for submission to parliament.

Consultation may be targeted or open. Targeted consultation invites selected interests or groups to comment on a draft; participants should be chosen who are expert in the subject of the legislation or represent the interests of those affected by it. Open consultation means opening consultation to the public in general.

Targeted consultation will normally seem to be the more attractive option for legislators, as it will tend to elicit informed responses and is less costly and burdensome administratively. However, there is a risk that not all relevant interests will be consulted. Therefore, if targeted consultation is chosen then it is very important for the state to attempt to engage representatives of as broad as possible a range of groups/interests affected by the proposal.

Open consultation is likely to elicit a large number of poorly-structured responses that are less well-informed. However, the ease with which open consultation can be organised has changed dramatically, especially due to the expansion of the Internet; the BBC's invitation to visitor's of its website to comment on the renewal of its Charter is a topical example. In order to improve the quality of responses from open consultation and reduce the costs of processing responses, it is a good idea to institutionalise a compulsory format for responses to consultation.

Consultation is an ideal mechanism for addressing the danger of unrestricted lobbying. By defining clear rules for consultation and publicising the input of groups or organisations that participate. An important issue is what types of organisation to invite for consultation. The World Bank suggests that "countries in which firms can find expression in legitimate collective associations are less likely to suffer problems of [state] capture and administrative corruption."[4] If this is true, then a clear guideline for consultation is that for a law that impacts a particular sector, only collective industry organisations should be consulted, not individual firms.

On the specific subject of corruption, consultation during the legislative drafting process – but also the activities of professional lawyers mentioned in sub-section b) above – may specifically be designed to include the commissioning of analyses of the risks of corruption created by a draft law. Methodologies for analysing corruption risks in legislation have been developed in Russia and Moldova specifically, with Council of Europe assistance.

f) Transparency

Finally, transparency is an absolutely necessary component of the legislative process, and a minimum requirement if there is to be any effective democratic scrutiny of draft legislation. Transparency is also a necessary condition for any meaningful form of consultation to take place. Moreover, transparency is in practice an important means even for institutions within the state to be made aware of draft laws and their passage.

Council of Europe Committee of Ministers Recommendation No. 2 (2002) on Access to Official Documents underlines the crucial role of transparency in the democratic process, stating that

> A public authority should, at its own initiative and where appropriate, take the necessary measures to make public information which it holds when the provision of such information is in the interest of promoting the transparency of public administration and efficiency within administrations or will encourage informed participation by the public in matters of public interest.[5]

The Recommendation defines "official documents" (to whom the recommendation as a whole applies) as

> any information recorded in any form, drawn up or received and held by public authorities and linked to any public or administrative function, with the exception of documents under preparation.[6]

While it is not unambiguously clear whether draft laws satisfy the definition of 'official documents', when taken together with the public interest criteria of Article XI they would appear to constitute official documents under the most logical common sense interpretation of the definition. That is, at a minimum draft laws after each stage of submission and approval should be regarded as public documents.

Transparency in the legislative process therefore means - at a minimum - the publication of government legislative plans, outline proposals for legislation, initial draft laws submitted by an initiator, and drafts approved by the Government for submissions to Parliament. However, this is hardly sufficient for citizens or groups with an interest in participating in debate on draft legislation to be equipped with sufficient information. In addition, it should be considered whether to make public comments on a draft law which are submitted by institutions within government.

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[4] World Bank, *Anticorruption in Transition*, p. 51.

[5] Council of Europe Committee of Ministers (COM) Recommendation No. 2 (2002) on Access to Official Documents, Article XI. Available at http://www.coe.int/T/E/Human_rights/rec(2002)2_eng.pdf#search=%22Council%20of%20Europe%20Recommendation%20No.%20R(2002)2%22

[6] COM Recommendation No. 2 (2002), Article I.

All amendments submitted during the parliamentary process should be available to the public, as should the decisions and recommendations of committees on draft laws and the up-to-date versions of draft laws prior to each reading. Last but not least, the voting record of all MPs should be public.

3. Other mechanisms to reduce corruption in the legislative process

Even where the legislative process is designed to apply the above principles, public officials and legislators will still under some circumstances face incentives to attempt to influence the content of draft legislation for the benefit of particular interests. In particular, officials or legislators in key positions (for example heads of a key ministry departments or chairpersons of parliamentary committees) may be especially attractive targets for corrupt pressures. Thus, other mechanisms for the prevention of corruption will be necessary. In addition to traditional criminal law anti-bribery provisions, important measures may include the following: provisions on conflicts of interest; codes of conduct or codes of ethics; duties to declare individual interests and/or assets and income; political party and election campaign finance regulations; and direct regulation of the activities of lobbyists. This paper does not cover such mechanisms in detail.

IV. Conclusion and recommendations

1. The legislative process as a virtuous circle

Section III.2 outlined principles whose full incorporation into the legislative process should maximise the effectiveness of the legislative process and help ensure that laws are drafted on the basis of the criteria of professional expertise and well-regulated democratic debate. The implementation of these principles will tend to minimise corruption. Section III.3 noted in addition other anti-corruption measures that should also be in place.

The principles outlined in this paper and their application may be seen as a summary 'road map' for the creation of a legislative process that fulfils a number of objectives at once, in particular:

- high-quality democratic input in the form of well-regulated access to the legislative process;
- high-quality output (quality legislation);
- increased legitimacy of laws that are passed as a result of the creation of a level playing field for feedback into the legislative process;
- lower costs of enforcement, as more legitimate laws engender increased voluntary compliance.

The indirect result of the application of the principles outlined here will be reduced corruption:

- The availability of information on all legislative proposals and key stages of their passage reduces the chance that legislation will be passed in secret at the behest of vested interests.
- Consultation with legitimate representatives of affected and interested parties leads to broad-based feedback on the content of proposed laws, and lessens the probability that laws will be influenced only be well organised interests with privileged access.
- Collective decision-making and the requirement of justification at each stage of the process reduces the probability that individual officials or legislators (MPs) will insert changes that are counter to the purpose of the law or otherwise contrary to the public interest.

- The engagement of professional lawyers and staff at all stages of the legislative staff provides a necessary complement to the free rein of democratically-elected legislators, provides them with the expert assistance they need to perform their role effectively, and is also a necessary counterweight to attempts by legislators to create or amend legislation in order to serve particular interests.
- In addition, the implementation of standard anti-corruption measures will work to counter remaining corrupt pressures on officials with the most influence on the legislative process.

The fulfilment of these objectives will tend to result in a mutually reinforcing virtuous circle. Well-regulated access increases the legitimacy of the law-making process and results in higher-quality laws. This in turn further increases the legitimacy of laws and lowers the costs of enforcement – not to speak of reducing the need for further legislative changes. Where the legislative process is professionalized and based on collective decision-making at every stage, this virtuous circle is reinforced.

By contrast, failure to implement the principles will tend to create a vicious circle:

- Where draft proposals or draft laws are not publicly available, this will naturally result in a situation where knowledge of drafts laws will be limited to interests who are well-organised and connected, while the public will lack awareness of upcoming legislation and its justification and will tend to respect the resulting law less.
- The absence of consultation will reinforce this, creating the impression that only privileged interests have influence.
- A legislative process which does not subject every input and proposal to collective discussion and decision-making and does not require every proposal to be explicitly justified will raise the probability of draft laws lacking a public interest justification, and will directly increase the risk of changes being inserted during the legislative process that do not reflect the public interest and are not subject to the filter of collective approval.
- These factors will result in lower quality legislation, undermine its legitimacy, raise the costs of enforcement and – last but not least – increase the probability that the law will have to be amended.

2. Recommendations

Some general recommendations may be addressed to any country that wishes to minimise corruption within its legislative process. In general, a systematic review of the rules and procedures governing the entire legislative process should be undertaken to assess the extent to which they institutionalise the principles advocated in this paper, and especially to assess whether:

- the rules of the legislative process are binding, clear and codified;
- the exact roles of all institutions and actors participating within the legislative process are clearly defined and known to them, and there is a clear and binding statement of who has the right and/duty to initiate laws and proposed changes to draft laws;
- information on draft laws and proposals is systematically disseminated both within the institutions of government and to the public;
- legislative drafting within the executive is carried out by professionals, and within parliament adequate professional staff are closely involved in assisting and mediating proposals brought forward by elected representatives;
- in parliament, the legislative process is designed to ensure that proposed laws or changes are screened by committees and are not submitted to the legislature for approval without a collective committee opinion attached;

- all drafts and proposed changes must be accompanied by a clear and sufficiently detailed justification;
- both targeted and open consultation are conducted as a means of improving draft laws and increasing their legitimacy.

In addition, at a minimum the following specific anti-corruption measures – which reflect standards issued by the Council of Europe - should be put in place.

- Provisions on conflicts of interest that provide adequate assurance that both officials and elected representatives will not be subject to personal interests that affect their judgment with respect to a particular draft law. Such provisions should normally combine on the one hand general incompatibility provisions for officials, members of the government and MPs, and on the other hand duties to declare personal or potential personal interests in specific proposed laws or amendments.

- Codes of ethical conduct to provide rules and guidance to civil servants (and preferably elected officials as well) on the standards of conduct that are required of them.

- Regulation of political party and election campaign finance that minimise the probability that representatives of parties in government or elected representatives will wish or need to provide benefits to particular interests in return for political donations. Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns is a useful reference point, especially in combination with the Council of Europe Guidelines on Financing Political Parties and Election Campaigns.