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BRIEFING PAPER

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FOSTERING RELATIONSHIP BETWEEN THE LEGISLATURE AND EXECUTIVE.



By: Paul S. Turay

For more information;

Please contact us:

Mobile: +232 78 827979

+232 79 162306

Email:

Research@parliament.gov.sl

The brief gives an insight into how both the Legislative and Executive arms of government can interface to respond to governance requirement in a state. Though both arms are expected to be separate in terms of their distinct functions, the brief however provides general information on how both arms can also foster a working relationship to enhance efficiency in the running of the state.

The brief highlights the various functions of the legislative arm which can provide an opportunity for specific engagements that can produce positive results and ensure a healthy cooperation between both arms of governance.

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1.0 Introduction

Fostering a cordial relationship between Parliament and that of the Executive arm of any government brings to the fore the concept of state effectiveness. For any democracy to thrive commendably for the effective functioning of the state, there should be an inseparable mutual relationship between these two conventionally established state institutions. This is because, it is in tune with the democratic tenets of constitutional democracy; where the promotion and protection of the rule of law, transparency, accountability and checks and balance is the norm. This contrasts sharply with that of authoritarian rule, where the executive operates or functions at will with absolute or unquestionable power, even at the detriment of 'rights' of citizens as provided for in the constitution.

It is also important to note that relationship fostering between the Executive and Legislature does not in any way serve as a strain in implementing Baron de Montesquieu's concept of separation of powers, but to serve as a complementary relationship in ensuring efficiency in service provision for the benefit of all. The intent of separation of powers is to prevent the concentration of unchecked power and to provide for checks and balances, to avoid autocracy or inefficiencies.

There can be no democratic system of government without transparency and accountability. The primary responsibility in this field falls squarely on the shoulders of parliament. Through its core oversight function, parliament holds the government to account on behalf of the people, ensuring that government policy and actions are both efficient and commensurate with the needs of the public. Parliamentary oversight is also crucial in checking excesses on the part of the government.

Nowadays, parliamentary oversight is extensive, with the growing need for state institutions to be more responsive to the aspirations of the people. Departments and Agencies created by an Act of Parliament have a crucial role to play in service delivery and can be more efficient, depending on the scope of parliamentary oversight provided.

This paper offers information about the wide range of tools that parliaments have at their disposal, or may wish to develop, in order to foster good relationship between it and the Executive.

According to chapter **VI Part IV and V** of the 1991 Constitution and the Parliamentary Act of 2007, Parliament of the Republic of Sierra Leone regulates itself and also maintains checks and balance over the executive arm of government. In accordance with the core parliamentary roles of law-making, budgeting, oversight and representation, there are a couple of ways through which relationship between parliament and government can be fostered effectively.

2.0 Question time engagement

During question time in parliament, a minister of government who would have to face the legislature to respond to questions pertaining the functions and activities of his or her ministry, should be approached in line with the provision of the law with appropriate and constructive questions, without any recourse to sentiments base on personal or political interest. The honest deliberations between a Government Minister and Parliament, provides an enriching engagement for policies to be well articulated and formulated in the interest of the electorates. This will account for sound policy- led initiatives that will ensure both arms are accountable to the people who are expected to be end users of laws that will eventually emanate from such discourse.

3.0 Law-making engagement

The Legislature in its law making role can interface with the Executive to ensure that Bills that are brought to parliament by the executive are pro-poor, gender sensitive, human rights-based and reflective of other indicators that promotes accountability and good governance. Ensuring national ownership of the development process requires legislation that promotes public accountability, participatory decision-making and inclusiveness. To that end, parliament must review legislation proposed by government to ensure that it reflects human rights principles and contributes to achieving the national development plan or agenda.

4.0 Budgeting process engagement opportunity

Resource mobilization and utilization is another critical area of engagement between the Legislature and the Executive. There is need to maximize all available domestic resources to achieve the best possible results. During the budget approval process, parliament must engage on how government funds are being allocated to their nationally defined development goals, including whether sufficient funds are reaching the most vulnerable and excluded. On the revenue side, parliament must ensure that fiscal and other economic policies that are set through the budget process are aligned to the National/sectoral planning implementation.

Parliament in its support relationship with the government, can ensure Multi-lateral Agencies and Non-Governmental Organisations are able to complement Government in reaching some of its development goals. Strategic Plan documents of such organisations or agencies must be skewed towards the development of budgets and programme activities that reflect the National Development Plan.

5.0 Oversight engagement opportunity

Monitoring results is a critical element of strategic development implementation. Parliament must make sure that implementation is on track and can be recalibrated in light of evidence and public feedback. Parliamentary oversight mechanisms such as Question Time, written questions to government, and parliamentary committee hearings can be very effective in identifying obstacles or assessing progress. Parliamentary committees should have the power to call on government officials to provide information on the impact of government policies and programmes. Committees should also be able to call public hearings to garner citizens' views on priorities of implementation. The knowledge collected can be fed back into government planning and delivery mechanisms through a national working group or equivalent body in which parliamentarians participate.

Conclusion

The executive and legislative arms are very important institutions in any democratic system. It is therefore significant that they foster a working relationship, since they play

very crucial role in the policy making and implementation. As earlier advanced, through the exercise of the basic legislative functions of law making, representation, and oversight, there is an opportunity for both arms of government to interact in such a way as to ensure efficient laws are enacted and policies formulated that will truly stand the test of time. Through their legislative function, parliaments are responsible for reviewing bills and enacting legislation, amendments, and regulations which are needed to support national development programs. The legislature and executive can work out a synergy to re-focus and re-engineer the policy making and implementation process to promote effectiveness in its administration. This is based on the fact that both the executive and legislature are vehicles for engineering good governance.

Further reading

1. Hironori Yamamoto, (2007) Tools for parliamentary oversight: A comparative study, Inter-Parliamentary Union 2007.
2. Document prepared by the Québec Secretariat of COPA National Assembly of Québec September 2011
3. The Sierra Leone Constitution
4. Benchmarks and Self-Assessment Frameworks for Democratic Parliaments. A Background Publication prepared for the International Conference on Benchmarking and Self-Assessment for Democratic Parliaments, Brussels/New York: United Nations Development Programme (UNDP), 2010. Page 7.
5. Transforming Our World: The 2030 Agenda For Sustainable Development

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