

**EFFECTIVE  
PARLIAMMENTARY  
OVERSIGHT**

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# What is the justification of parliamentary oversight?

1. Our constitution and representative democracy is predicated upon the principle that sovereignty vests in the people, and those that weild the power for governance do so in representative capacity for and on behalf of the people.

- Central to this principle is also the principle of separation of powers, an antithesis and far cry from the tyranny of monarchical rule, where the absolute monarch was the repository of both legislative powers and executive rule, as well as adjudicatory judicial functions.

- The separation of powers is a guarantor of good governance and just rule. The Executive arm of Government will exercise the day to day function of governance, while the judiciary will exercise adjudicatory function to guarantee due process and the rule of law, with the legislature discharging the legislative function of law making.

- The separate discharge of these powers guarantees the discharge of good, just and peaceable governance.
- It is to be noted however that the legislature has the additional function of providing oversight and scrutiny of Executive Function in the interest of good governance, and as a bulwark against Executive arbitrariness, impunity and sheer tyranny.

- The instruments of legislative oversight and scrutiny are myriad, and amongst these are the subjecting of the executive to the interrogatories through the parliamentary process of questions and answers, as well as through the debate of motions and other forms of legislators advocacy in the legislature to ensure a full accountability by the Executive Government to its citizenry.

# Definition, what on earth is Parliamentary oversight?

2. Generally speaking, parliamentary oversight can be said to be a tool and means of holding the executive arm of government accountable for its actions and also for ensuring that it does implement policies in an effective and efficient manner.

- Parliamentary oversight is the monitoring of the executive by the parliament and this indicates good governance. Parliament uses its oversight function to ensure a balance of power and assert its role as a defender of peoples interests.
- Tools and Mechanisms of parliamentary Oversight used in Botswana.



# **Tools and Mechanisms of parliamentary Oversight used in Botswana.**

- (a) Hearings, either in plenary or committee meetings are a primary tool of parliaments for obtaining information related to specific policies or issues. All parliaments do conduct hearings with varying capacities to compel individuals to give testimonies.

(b) Parliamentary questions are the most commonly used tool of oversight and scrutiny. Questions are intended to clarify or discuss government policies and may lead to interpellation if the answer is not satisfactory. In order to properly oversee the executive, it is essential for members of parliament to be properly informed of the policies of the executive and its ministries. Government responses does lead to clarification, further enlightenment and exposure of more useful details to both the legislatures and public as a whole. Granted that at times questions can be asked merely to cause embarrassment, a very effective political tool for political opponents and warring factions. Parliamentary questions and answers can therefore not be undermined as an essential and very effective tool of parliamentary oversight and scrutiny.

(c) Committees of inquiry formed to carry out indepth investigations on specific issues of public importance. These commissions usually benefit from a greater degree of access to information than normal committees. Their powers may include summoning witnesses to testify under oath, seizing documents, organizing field visits. Of recent Botswana has adopted committees of inquiries to investigate very important cases of alleged corruption and or abuse, time will tell if such is effective or not as more cases are investigated.

(d) The Public Accounts committee provides effective budgetary oversight to ensure financial accountability . In Botswana there is additionally the committee on statutory bodies which effectively does scrutinizes statutory bodies of Government, this does keep them on check and enhances responsibility, transparency and enhanced accountability.

# Challenges and weaknesses of Parliamentary Oversight

- (a) This is a school of thought in Botswana that believes that, there is some ambiguity of the terms oversight and scrutiny, the two terms are not provided in the constitution of Botswana but only appear in the parliamentary standing orders which inherently makes such function potentially ultravires the constitution and that, this anomaly needs to be cured quickly.

(b) By way of benchmarking, both the Constitution of Kenya and South Africa do specifically mention oversight, hence lending credence to the above school of thought.

(c) Prioritization of political convenience and partisan tendencies. A parliamentarian's first allegiance is their political party and party caucus resolution; this may often cloud the judgment and affect the effectiveness, neutrality and objectiveness.

(d) Lack of capacity and resource constraints. In order to effectively provide effective parliamentary oversight and scrutiny, parliament requires enhanced capacity, enhanced capacity building, continuous training continuous education, attendance of international and regional conferences and sufficient and adequate resources.



(e) Enhanced parliamentary independence and financial autonomy. If indeed parliament has to provide effective oversight, it can not always be fully dependent on the executive for resources and its budget, this is inherently problematic and can stifle its effectiveness and zeal not wanting to bite the same hand that is feeding it.

(f) Equipping of parliamentarians as individuals, they must be computer literate, they must possess research skills, they must have the gadgets, smart phones, internet 24 hours, tablets, ipads, laptops access to parliamentary archives , electronic libraries. At no time should parliamentarians lack access to information and the facilities that enable them to be effective representatives of the people.

# Conclusion

- Effective parliamentary oversight must be a priority not a mere activity of every serious parliament.
- Parliament must earn the respect of the public and citizens by its credibility, efficiency boldness and prioritizing the public interest over party politics.
- Parliament must possess humanity, sensitivity and humility and seriousness.

**I THANK YOU ALL**