

Indicator 1.10: Relations with other branches of government

About this indicator

This indicator concerns the constitutional separation of powers between parliament, as the legislative branch, and other branches of government, namely the executive, the judiciary and subnational levels of government. It also covers mechanisms for communication or coordination between parliament and other branches with regard to parliament's jurisdictional powers, such as legislative oversight of the executive, judicial appointments, and coordination and information-sharing with subnational levels of government.

This indicator comprises the following dimensions:

- Dimension 1.10.1: Relations with the executive
- Dimension 1.10.2: Relations with the judiciary
- Dimension 1.10.3: Relations with subnational levels of government

The Indicators for Democratic Parliaments are a multi-partner initiative coordinated by the Inter-Parliamentary Union (IPU), in partnership with the Commonwealth Parliamentary Association (CPA), Directorio Legislativo Foundation, Inter Pares / International IDEA, the National Democratic Institute (NDI), the United Nations Development Programme (UNDP), UN Women and the Westminster Foundation for Democracy (WFD).

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Dimension 1.10.1: Relations with the executive

This dimension is part of:

- Indicator 1.10: Relations with other branches of government
- Target 1: Effective parliament

About this dimension

This dimension concerns the relationship between parliament and the executive. In democratic systems, parliament and the executive have distinct and autonomous roles with established mechanisms for a well-functioning working relationship.

One of the key roles of an effective parliament is to hold the executive to account. It is therefore critical that mechanisms and channels exist to allow parliament to access information, data and officials, in order to report on public accounts, services and performance, and to ensure the accountability of government expenditure and programmes. These mechanisms may include an ombudsperson, auditors-general, inspectors-general, oversight and accountability committees, commissions and agencies, audit offices, anti-corruption commissions and information commissions.

In some systems, the executive may have dedicated legislative liaisons, who are responsible for providing MPs with direct access to data and information on programmes and accounts. This helps to ensure better exchange of information between the two branches at all times, and enables both MPs and their caseworkers to enquire about public programmes and services on behalf of citizens. The existence of legislative liaisons also helps to maintain the executive-legislative relationship in law-making, such as when the executive proposes new legislation or changes to existing laws.

A nation's laws may require periodic information-sharing between the executive and legislative branches, such as through semi-annual, annual or periodic performance reports, audits and reviews. Such laws should require these reports, audits and reviews to be made available to parliament and the public.

See also *Indicator 1.1: Parliamentary autonomy* and *Indicator 1.7: Oversight*.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "relations with the executive" is as follows:

The constitution establishes a separation of powers between the legislative and executive branches. It also establishes mechanisms for the relationship between the executive and parliament, including fluid communication and parliamentary access to information.

The executive is legally required to report on its activities, including through regular reporting on performance and services, periodic audits, inspector-general reports, ombudsperson reports and other relevant commission reports.

The legal framework and mechanisms in place enable parliament and the executive to perform their respective roles, and support the effective sharing of information between the executive and legislative branches.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very

good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the constitution establishing an independent legislative branch
- Provisions of the legal framework establishing mechanisms for the relationship between the executive and parliament, as well as timetables for reporting, audits and reviews, as applicable
- Details of mechanisms providing both branches with fluid and consistent access to information, and evidence of communication with liaisons who can supply direct information on public expenditure, services and programmes

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Constitution

The constitution establishes a separation of powers between the legislative and executive branches, and establishes a framework for the relationship between the executive and parliament. In countries where the Head of State is a part of the executive branch, there are constitutional and legal provisions regarding the election, mandate and roles of the Head of State, as well as the conditions and procedures for impeachment.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 2: Legal framework

The legal framework defines the powers and duties of the executive and parliament, as well as mechanisms for a well-functioning relationship between them. The legal framework requires the executive to report periodically to parliament on its activities, and establishes a systematic approach to the review and scrutiny of such activities.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 3: Information-sharing

There are established mechanisms for periodic information-sharing, as well as for access to, and oversight of, executive expenditure, programmes, services and performance. Any offices or commissions established for this purpose are non-partisan in nature and enable fluid communication and access to information between the branches.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
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Evidence for this assessment criterion:

Assessment criterion 4: Coordination

Both parliament and the executive have dedicated offices or staff to manage and coordinate issues including parliamentary agenda-setting, prime minister's questions, the participation of ministers in parliamentary meetings, the summoning of executive officials to parliament, answers to MPs' questions, and similar matters.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
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Evidence for this assessment criterion:

Assessment criterion 5: Practice

In practice, there is a well-functioning working relationship between the executive and parliament, which is based on a mutual understanding of, and respect for, their respective roles. Information is shared effectively between the executive and legislative branches.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
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Evidence for this assessment criterion:

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

Dimension 1.10.2: Relations with the judiciary

This dimension is part of:

- Indicator 1.10: Relations with other branches of government
- Target 1: Effective parliament

About this dimension

This dimension concerns the relationship between parliament and the judiciary which, owing to the political nature of the former and the political impartiality of the latter, should be strictly separated under the constitution. This relationship entails both parliament's responsibility for law-making and the judiciary's responsibility for interpreting and applying the law.

It is the responsibility of parliament to establish a legal framework setting clearly defined criteria for judicial appointments, unambiguous and fair rules on the suspension or removal of judges, and appropriate security of tenure and guarantees of independence for judges, and to ensure that the judicial system has adequate budgetary resources.

In many jurisdictions, the system of checks and balances requires parliament's consent in the confirmation of senior judges, and parliament has the power to impeach such judges for serious crimes or misconduct. The relationship between parliament and the judiciary also implies that the interpretation and application of the law is the responsibility of the judiciary and not parliament. In most legal systems, the judiciary has the mandate to rule on the constitutionality of laws adopted by parliament and, in some cases, even abolish them.

In addition to these formal relationships between parliament and the judiciary, the separation of powers also requires both branches to perform their roles with mutual respect and restraint. For instance, parliament's rules of procedure may restrict MPs from making adverse comments about judges or raising matters before the courts in debate, while the judiciary may be prohibited from interfering in matters that are solely within the jurisdiction of parliament.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "relations with the judiciary" is as follows:

The constitution establishes a separation of powers between the legislative and judicial branches. All relations and interactions between the judiciary and parliament take place in strict compliance with the constitution and law, and in a spirit of mutual respect for their independence.

Parliament has established a legal framework that sets clearly defined criteria for judicial appointments, unambiguous and fair rules on the suspension or removal of judges, and appropriate security of tenure and guarantees of independence for judges. Judges may only be suspended or removed for reasons of incapacity or misconduct that renders them unfit to carry out their duties.

Parliament allocates adequate budgetary resources for the judicial system to operate effectively without any constraints.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the constitution, or equivalent rules, on the separation of powers between the legislative and judicial branches, as well as procedures and practices reflecting mutual regard for their independence
- Provisions of the legal framework establishing clearly defined criteria for judicial appointments, unambiguous and fair rules on the suspension or removal of judges, and independence safeguards
- Budgetary allocations providing adequate resources to the judiciary in order for it to operate effectively
- Provisions of the legal framework establishing explicit and detailed procedures for the appointment and impeachment of senior judges
- Reports on judicial appointments and impeachments issued by parliament

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Constitution

The constitution clearly establishes a separation of powers between the legislative and judicial branches. The relationship between parliament and the judiciary is based on mutual respect and restraint.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 2: Legal framework

The legal framework, as established by parliament, sets clearly defined criteria for judicial appointments and establishes appropriate security of tenure and guarantees of independence for judges. In countries where parliament confirms and/or impeaches senior judges, it does so in accordance with this legal framework, using clear and transparent procedures, and by way of a majority or supermajority vote. Rules on the suspension or removal of judges are unambiguous and fair, and judges may only be suspended or removed for reasons of incapacity or misconduct that renders them unfit to carry out their duties.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 3: Resources

Parliament allocates adequate budgetary resources for the judicial system to operate effectively without any constraints.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

Sources and further reading

- The Commonwealth, [Commonwealth Principles of the Accountability of and the Relationship Between the Three Branches of Government](#) (2004).
- National Democratic Institute (NDI), [Toward the Development of International Standards for Democratic Legislatures](#) (2007).

Dimension 1.10.3: Relations with subnational levels of government

This dimension is part of:

- Indicator 1.10: Relations with other branches of government
- Target 1: Effective parliament

About this dimension

This dimension concerns the relationship between parliament and subnational levels of government, such as states and/or provinces, and local and municipal governments. The nature of this relationship may vary significantly depending on a nation's legal framework and the representational status of parliament. This dimension therefore covers the key issues that generally apply to the relationship between parliament and subnational levels of government in all countries, whether they are federations, unitary States or somewhere in between.

The constitution and/or other aspects of the legal framework should clearly delineate the respective roles, responsibilities and authorities of parliament and subnational levels of government. There should also be mechanisms and practices in place for communication, coordination, cooperation and information-sharing. These could include:

- a parliamentary committee dedicated to coordination with subnational levels of government, particularly in bicameral parliaments
- a communications or policy office that assists it in tracking or sharing information on subnational affairs
- centralized hubs and/or organized associations through which subnational levels of government share information with parliament
- a national ministry dedicated to subnational governance affairs, which is tasked with maintaining connectivity between affairs at the State and local levels.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "relations with subnational levels of government" is as follows:

The constitution and/or other aspects of the legal framework clearly delineate the respective roles, responsibilities and authorities of parliament and subnational levels of government.

Parliament has established mechanisms and practices in place for communication, coordination, cooperation and information-sharing, and for maintaining awareness of subnational affairs.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the constitution and/or other aspects of the legal framework delineating the respective roles, responsibilities and authorities of parliament and subnational levels of government
- Provisions of the legal framework establishing shared responsibility between parliament and subnational levels of government

- Information on a centralized parliamentary mechanism for tracking subnational affairs, and on mechanisms and practices in place for communication, coordination, cooperation and information-sharing

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Constitution and legal framework

The constitution and/or other aspects of the legal framework clearly delineate the respective roles, responsibilities and authorities of parliament and subnational levels of government.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Assessment criterion 2: Mechanisms and practices

Parliament has established mechanisms and practices in place for communication, coordination, cooperation and information-sharing with subnational levels of government.

Non-existent <input type="checkbox"/>	Rudimentary <input type="checkbox"/>	Basic <input type="checkbox"/>	Good <input type="checkbox"/>	Very good <input type="checkbox"/>	Excellent <input type="checkbox"/>
Evidence for this assessment criterion:					

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.