



NATIONAL
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SUPPORTING FREEDOM AROUND THE WORLD

LEGISLATIVE DIGEST 2022

Fostering Legislative openness, responsiveness and accountability in Liberia



Produced by Naymote Partners for Democratic Development

First Edition

Executive Summary

This report presents findings from an assessment and monitoring of the Legislature of Liberia from 2018 to 2021. This is a maiden edition of a new initiative by Naymote Partners for Democratic Development called **Legislative Digest**. The aim of this initiative (publication) is to foster “Legislative Openness, Responsiveness and Accountability” in Liberia.

This first edition of the Legislative Digest presents findings on the number of activities conducted under core functions of the legislature during the period 2018 – 2021. The assessment found that the legislature is disproportionately occupied by men, despite numerous campaigns over the years for women inclusion and representation in decision-making and leadership structures. As at the end of 2021, the men constituted 91% of members of the legislature with women making up 9%. Similarly, the two houses are strikingly unequal in terms of gender composition: men constitute 90% of members of the House of Representatives are men, and 93% of members of the Senate, while women constitute just 10% and 7% of the House of Representatives and Senate respectively.

During the period under review, the Legislature held 497 sittings of which 243 were regular sittings, 173 were secret/executive sittings, 68 were extra sittings and 13 were special sittings. The Legislature passed a total of 129 bills during the reporting period — 65% of those bills originated from the Executive/presidency.

There were 84 public hearings held during this period, with 2018 recording the highest number of hearings (34) and 2021 the lowest number of hearings (13).

It is estimated that Liberian taxpayers spent USD 164,282,257 on the Legislature during the reporting period. But it is difficult to establish how the legislature expends its budgetary allocation due to the lack of public financial records on the legislature’s finances. Popular demands to audit their financial records have yielded no results. The assessment did not also find any voting records, nor did it find records on ministries, agencies and commissions, for instance, annual reports.

As a modern legislature, crucial reforms will be needed to strengthen its institutional capabilities in exercising oversight, promoting inclusion and advancing democracy. In this light it is recommended that the legislature, among others, work towards greater transparency and openness, deepen engagement with government ministries and provide greater oversight and accountability; and advance the inclusion of women by supporting constitutional reform that increases the proportion of women in both house through affirmative action provisions.



About Naymote Partners for Democratic Development

Naymote Partners for Democratic Development is a good governance and research institution working to advance the principles of democracy, rule of law, and participatory governance in Liberia. The institution believes that a determined and effective civil society is needed to set the national policy agenda, stimulate sound and healthy grassroots' response to governance issues, and influence the uneven power dynamics that characterize the relationship between Liberia's citizens and government. Since its establishment in 2001 by students' leaders and activists, the institution has initiated several programs to foster political accountability in an effort to make elected leaders more accessible, responsible, and accountable to the electorates; and to build the capacity of local leaders to be more effective in the delivery of essential government services.

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Introduction

An inclusive, accountable, accessible, and responsive legislature is a pillar of constitutional democracy. Under Liberia’s system of constitutional democracy, like in many other democracies, the legislature is responsible to enact legislation, represent citizens and oversee executive policy implementation and performance. An effective and responsive government, in many ways depends on the outputs and quality of legislative decisions. Despite, their crucial roles, not much has been done in recent years to demand accountability from members of the legislature. Besides electoral periods, citizens have limited opportunities to exact accountability from their elected representatives. This might be partly due to the lack of information and awareness on the roles, functions, and activities of the legislature among citizens.; and partly due to the lack of transparency in the workings of the legislature, among other factors.

Naymote Partners for Democratic Development has established a new program aimed at fostering “Legislative Openness, Responsiveness and Accountability”. Called the “**Legislative Digest**”, a quarterly publication that assesses the Liberian legislature in the performance of its three core functions of representation, lawmaking and oversight, as well as accountability and level of transparency. This maiden edition of the digest reports on the activities of the legislature for the period January 2018 – December 2021. It focuses more on sittings of the legislature during the period and the outputs in terms of legislative instruments, and engagement with the public through hearings and petitions.

Methodology

The data for this report was collected through archival research of legislative records. Between January and May 2022, Naymote analysts reviewed the various records on sittings, public hearings, and legislative instruments passed from 2018 to 2022. The report was corroborated by media reports during the same period. The analysts was done using basic statistics method in Microsoft Excel. The various legislative terms used in the report are defined or explained under each section for ease of reference.

Findings

Gender Composition

The Legislature had 102 members at the end of 2021 – 73 members of the House of Representatives and 29 members of the Senate. Although the Senate has 30 seats, one seat (for Lofa County) remained unoccupied due to legal disputes up to the end of 2021. The gender breakdowns are presented in the table and figures below

Table 1. Gender Composition of the Legislature, 2021

Gender composition the Legislature as at 2021			
Gender	House of Reps.	Senate	Total
Male	66	27	93
female	7	2	9
Total	73	29	102

Figure 1. The Legislature

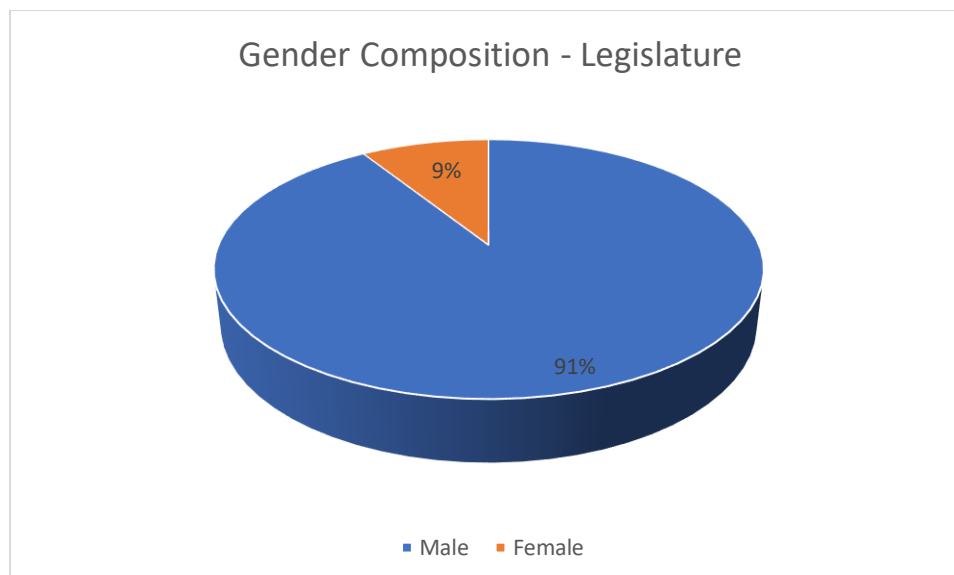


Figure 2. House of Representatives

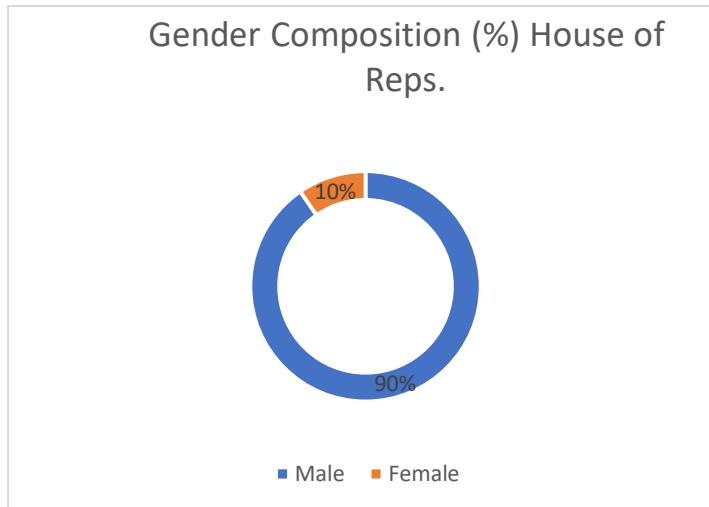
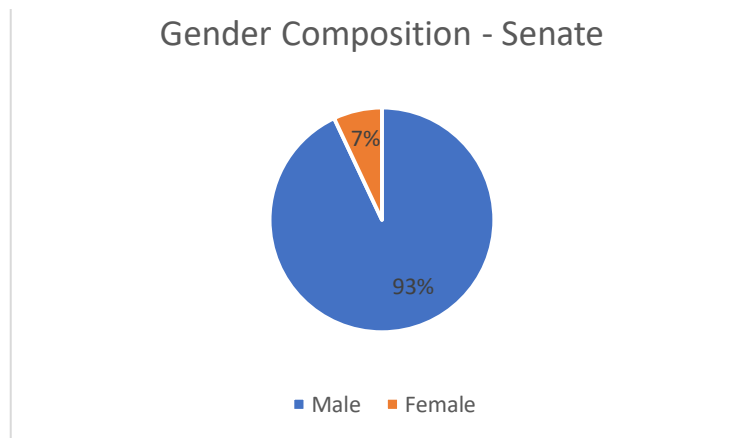


Figure 3. House of Senate



Sittings of the Legislature

Sittings are the meetings of the legislature where proposals (for examples bills and budgets) are deliberated and decided upon. The two houses have separate meetings, but at times do meet for joint sittings. Four types of sittings were tracked during the period under review.

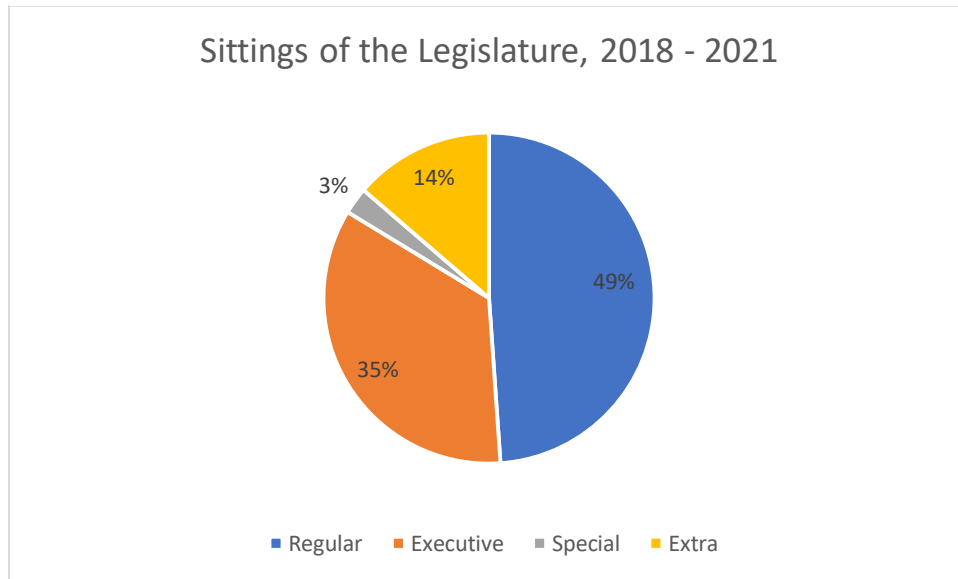
1. **Regular sitting** - This is the routine plenary sitting/meeting of members of a House (Representative or Senate) consistent with their rules. Currently, regular sittings are held on Tuesdays and Thursdays each week of a legislative session, save for public holidays falling on those days. Regular sessions are usually open and observed by the press and the public.
2. **Executive Sitting:** This is a sitting that is held behind closed doors— cannot be observed by the press and the public— and usually meant to discuss sensitive national security and defense matters. These meetings are dubbed by the public as ‘secret’ sittings.
3. **Special Sitting** – Is a sitting outside held outside of the regular/statutory sitting —which are held on Tuesdays and Thursdays.
4. **Extra Ordinary Sitting:** Sitting which takes place when the Legislature adjourns but have to return to perform official duty based on decision by the lawmakers themselves or by request from the president.

During the reporting period, the legislature held 497 sittings. However, over one-third (35%) of those sittings were Executive sittings or ‘secret meetings’ which neither the press nor members of the public had access to. This huge number of ‘secret’ sittings essentially shielded the legislative deliberations from the public and made it impossible for citizens to follow the debate and hold their legislators accountable for views expressed and decisions made in those sittings. The table and figure below show the number of sittings held at the legislature under each category during the reporting period.

Table 2. Sittings of the Legislature (number of sittings per year)

Sittings of the legislature				
Year	Regular sittings	Executive sittings	Special sittings	Extraordinary sittings
2018	57	49	3	0
2019	56	47	2	40
2020	69	34	2	15
2021	61	43	6	13
Total	243	173	13	68

Figure 4. Sittings of the Legislature, 2018 - 2021



Some sittings are Certificate: Legislative certificate is an instrument which supports additional time for legislative work to continue either because it is about to go on constitutional break or to return. Five certificates were issued during the reporting period: three (3) in 2019 and two (2) in 2020.

Bills and Resolutions

A bill is an instrument/proposal presented to the legislature for enactment into law. These instruments (bills) are presented by an individual lawmaker or group of lawmakers, the president, or any member of the public but through a member of the legislature.

During the period January 2018- December 2021, the Legislature passed a total of 129 bills. As shown in the table and figures below, more than one-third (39%) of those bills were passed in 2019 alone. The least number of bills (24) was passed in 2020, apparently due to lockdown imposed during the first wave of the Covid-19 pandemic when work activities slowed considerably in many public and private institutions. The results also show a disproportionately high volume of bills originating from the Executive/presidency (65%) compared to the House of Representatives (24%) and the Senate (11%).

Figure 5. Bills passes in the Legislature, 2018 - 2022

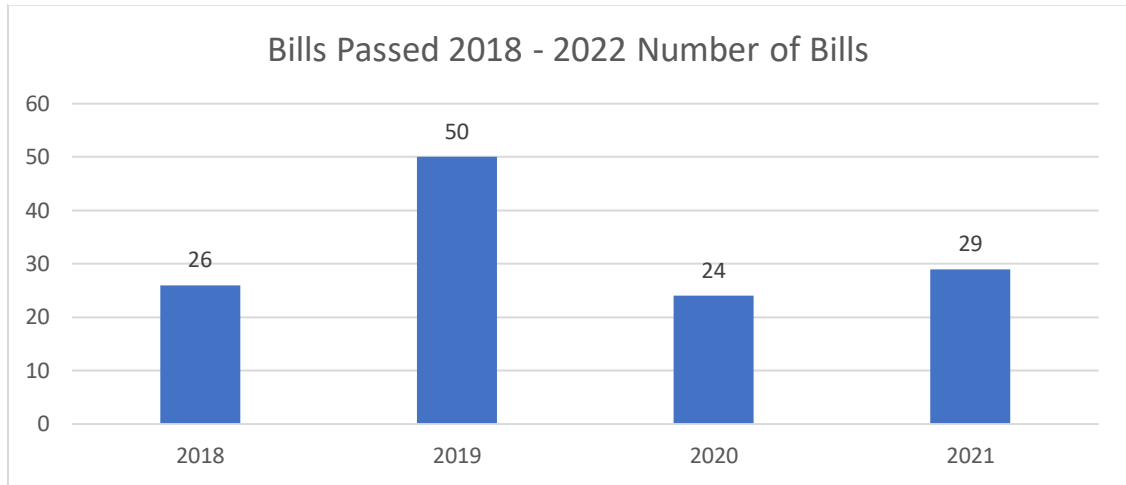


Table 5. Number of bills passed per origin

Number of Bills passed per origin			
Year	House of Representatives.	Senate	Executive/Presidency
2018	9	5	12
2019	11	4	35
2020	4	1	19
2021	7	4	18
Total	31	14	84

Figure 6. Bills passed per origin (percentages)

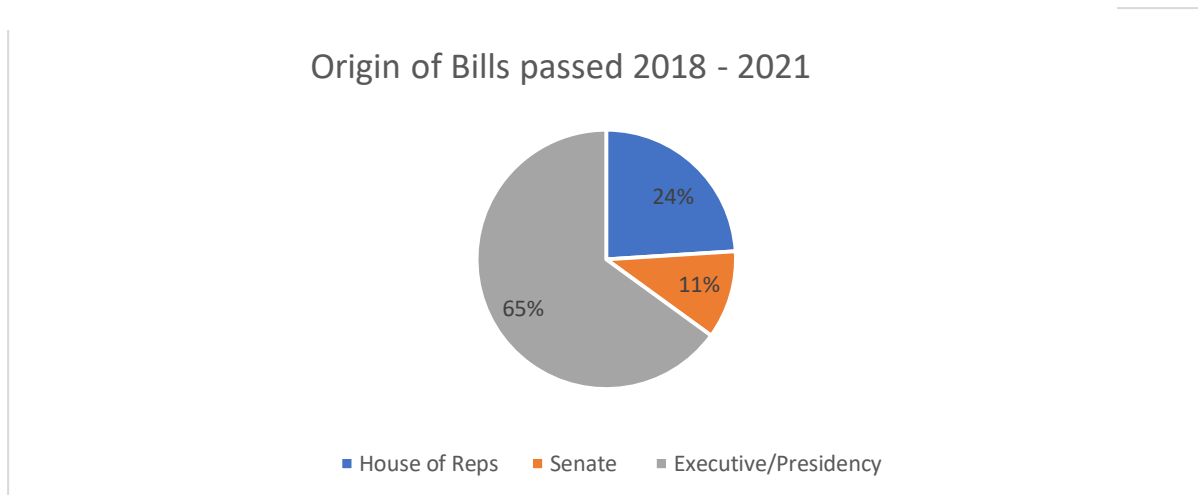


Table 3. Resolutions adopted, 2018 - 2021

Resolutions	
Year	No. of Resolutions
2018	8
2019	5
2020	2
2021	2
Total	17

In addition to bills, the legislature also adopts resolutions - a decision reached by the Legislature which is not a law that requires presidential approval to make it binding on all. A total of 17 resolution were adopted during the reporting period. The table below shows the number of resolutions adopted per year from 2018 to 2021.

Public Hearing

A public hearing is a meeting or session of a Senate, House, joint, or special committee of the legislature, usually open to the public, to obtain information and opinions on proposed bills, conduct an investigation, or evaluate/oversee the activities of a ministry, agency or commission. Members of the public are usually invited to speak as experts on issues discussed at public hearings. There were 84 public hearings held during the reporting period with the highest number of hearings (34) held in 2018 and the lowest (13) in 2021 as seen in the table below.

Table 6. Public Hearings conducted by the legislature, 2018 - 2021

Public Hearings	
Year	No. of Public Hearings
2018	34
2019	20
2020	17
2021	13
Total	84

Petitions Received

The legislature received a total of 24 petitions during the reporting period. A petition is a formal request presented by citizens to the legislature to address an issue of interest or grievance. The Constitution of Liberia provides that “All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances...” The table below shows the number of petitions received by the Legislature per year.

Table 7. Petitions received by the Legislature, 2018 - 2022

Petitions	
Year	No. of Petitions
2018	10
2019	3
2020	4
2021	7
Total	24

Budget of the legislature

It is estimated that Liberian taxpayers spent USD 164,282,257 on the Legislature during the reporting period. The budget information was obtained from actual amount spent as indicated in the fiscal budget documents of the years under review. With nearly 200 million spent, the legislature has not presented reports on its finances and expenditures over the years and demands from the public for an independent audit of that body has yielded no result.

Table 4. Annual budget of the Legislature, 2018 – 2021

Annual budget of the Legislature per fiscal year (USD), 2018 - 2021	
Fiscal year	Amount
FY2018-19	53,990,836
FY2019-20	38,893,165
FY2020-21	44,603,304
Special Budget 2021	26,794,952
Total	164,282,257

Despite the huge financial support to the legislature, the body has no official publication on its activities nor an official website for public information. The assessment did not also find any voting record, making it nearly impossible for citizens to track the legislative and voting decisions of their elected representatives. Similarly, it was impossible to access reports of ministries and agencies at the legislature mainly because the ministries and agencies have not been submitting periodic reports to that body since 2018. This further indicates that the legislature has been derelict in exercising its oversight responsibilities over the Executive branch.

Conclusion and recommendations

The findings of this report reveal the activities of the legislature, the output from those activities in the forms of legislative instruments such as bills and resolutions. Furthermore, the findings reveal that during the reporting period citizens interacted with the legislature through public hearings and by submitting petitions to the legislature on various issues. These developments seem remarkable. However, the high number of executive or secret sessions held during the reporting period is concerning and indicate a lack of openness and transparency in the workings of the legislature.

Also, an important issue of concern is the highly unequal representation of men and women in both chambers. While the electoral process is theoretically open for all citizens to participate, the disproportionate representation of men in the legislature is an indication that other social and economic factors continue to limit the potentials of women in ascending to elected offices in the country.

This initiative could not report on a number of factors including quality of oversight, expenditure pattern, and tracking of various legislation due to the dearth of information from the legislature and the lack of a public source of information (such as a newsletter or website) on legislative activities. Nonetheless, it is hoped that citizens and civil society organizations would find this report useful in their engagements with the legislature on issues of accountability and democratic development in Liberia. Based on the findings of this report, the institution recommends the following:

- that the legislature implements immediate institutional reforms to strengthen its various oversight committees, and establish the appropriate systems for transparency, accountability, including limiting “executive/secret” sessions to only matters with serious implications for national security and defense as required under the law.
- That the institution setup a functional website, ensure voting records of members of that body is made public and available to assess performance of its members.
- The legislature should submit itself for a full-scale financial and system audit as required of all other public institutions.
- That the legislature makes deliberate effort to support constitutional reforms in support of affirmative action that increases the proportion of women in both houses.
- That the legislature, as part of its oversight responsibilities, ensures ministries, agencies and commissions submit periodic reports that are vetted and made available to the public.

