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An Analysis of the Role of the National Assembly in Nigeria's Fourth Republic and its Possible Reform

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Abstract

The legislature is one of the key institutions in the democratic process, to the extent that any attack on its composition or functioning is seen as a blow against democracy. This is premised on the fact that it symbolizes democracy and avails the people the opportunity to participate in governance. However, there have been allegations of misuse of powers and gross misconduct by members of the Nigerian National Assembly which have led to the calls for its scraping or total reformation. It is against this backdrop that this paper examines the utility of the National Assembly in the democratic process in Nigeria. The paper uses two parameters: indispensable functions of the legislature and the institution's impact in entrenching good governance in the country. Using the descriptive method, the paper examines the role of the National Assembly in Nigeria's democratic process to determine its indispensability or otherwise. The paper found that though there are numerous issues that need to be resolved, the National Assembly is too weighty to be discarded. As a result of this, it encourages the Nigerian legislators should avoid unnecessary confrontation with the executive arm and improve on legislative-constituency relations to make the institution more effective.

Keywords: Legislature, National Assembly, democracy, good governance, legislative-executive relations.

Introduction:

The Indispensability of the Legislature in a Democratic Process

All democratic institutions and features exist in other forms of undemocratic regimes, all except the legislature. The legislature is central and is at the heart of democracy to the extent that it is the only institution of

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government that symbolizes democracy. Its inviolability is seen on the grounds that any attack on the composition or functioning of the legislature is seen as a blow against democracy. The sweeping wave of democratization is made popular and enjoys the support of the people across the globe because it makes provisions for people's assembly, which other forms of government fail to provide. It affords the people the opportunity to participate in politics and governance by constitutionally entrenching their rights to vote and be voted for. As a result of the largeness of countries, which makes it practically impossible for all people to directly participate in governance, the legislature allows them to select, nominate and in most cases, elect representatives to the legislature to represent the interests of all the communities that make up the modern countries both in urban and rural areas. While it is difficult for the people (especially those in the rural areas) to access the executive and judiciary, the legislature is quite accessible to all by virtue of the proximity of legislators to the grassroots. Through this, legislators serve as an important link between the people and governments.

Several studies have established that the legislature occupies a central position in any democratic administration.¹ Most scholars have premised their positions on the indispensability of the roles played by the legislature in ensuring good governance and the subsequent sustainability of the democratic project from external intruder (the military and rebel forces) especially in developing democracies. The structures and institutions of democracy, whether developed or developing, are built around the legislature. This is why the legislature is often said to epitomize the existence of democracy in a polity.² Perhaps this is why Sha³ has posited that the legislature is an indispensable institution that all democratic countries must build and maintain. One cannot agree less with this assertion on the ground that it is inconceivable to have democracy without the legislature. This is premised on the fact that the legislature epitomizes the existence of democracy.

¹ David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974); Craig C. Volden and Alan E. Wiseman, "The Lawmakers," accessed July 13, 2013, http://polisci.emory.edu/home/cslpe/conference_2013/papers/Craig_Volden_Ch2_Ch4.pdf; Mojeed O. Alabi and Yinka J. Fashagba, "The legislature and anti-corruption crusade under the Fourth Republic of Nigeria: Constitutional imperatives and practical realities," *International Journal of Politics and Good Governance* 1, no. 1 (Quarter II, 2010): 1189 – 1195; Hassan A. Salu and Alada A. Muhammad, "Exploring the Parliament," *Nigerian Journal of Legislative Affairs* 3, no. 1&2 (2010): 73-89. Carol S. Weissert, "Issue Salience and State Legislative Effectiveness," *Legislative Studies Quarterly* 16, no. 4(1991): 509-520.

² Steven M. Fish, "Stronger Legislatures, Stronger Democracies," *Journal of Democracy* 17, no.1 (2006): 5-20, accessed February 10, 2019, http://www.europarl.europa.eu/pdf/oppd/page_8/stronger_legislature_stronger_democracies.pdf.

³ Pam D. Sha, "Duties and Responsibilities of Principal Functionaries of the Legislature," in *Legislators and the Legislature: A Guide for Legislators in Nigeria*, ed. S. G. Tyoden (Kuru: National Institute for Policy and Strategic Studies, 2014).

Despite the convergence of opinions on the indispensability of the legislature in a democratic process, there is a subtle divergent argument in the democratic studies on the exact power and position of the legislature in relation to other arms of government. Since democracy is built on constitutionalism, the variations in the constitutional designs adopted by countries have prompted the argument along the three major constitutional designs/systems (parliamentary, presidential, and semi-presidential). The basis of the divergence of opinions is anchored on the superiority of the legislature and the executive on one hand and the complementary nature of their relationship on the other.

The advocates of the parliamentary system have argued that the legislature gave birth to the executive since the Prime Minister and his cabinet is hitherto members of the parliament and serves at the pleasure of the Assembly.⁴ In contrast, Horowitz⁵ and Mainwaring and Shugart,⁶ who are advocates of the presidential system, opined that the legislature is important and powerful but not superior to the executive because the latter is directly elected and responsible to the people. The proponents and advocates of the third school (the semi-presidentialism, sometimes called a “dual” or “mixed” system) tend to balance the superiority argument of the other two schools. Duverger⁷ has called for a mutual control of governance apparatus by both the executive and the legislature. He called for absolute adherence to the theory of separation of powers and that the people should have the final decisive voice since they select or elect both the president and members of the parliament. On another separate ground, while the said debate has yielded some very useful insights, Fish⁸ argued that it has also been largely inconclusive. On his part, he submitted that evidence has shown that “the presence of a powerful legislature is an unmixed blessing for democratization.”⁹ Therefore, while admitting the indispensability of the legislature, the major concern should be on how effective the institution is performing its functions in entrenching good governance.

The legislature across the globe performs four cardinal functions: lawmaking, representation, oversight, and budgeting. The legislature makes laws for the good governance of the polity, represents the people's interest in

⁴ Alfred Stepan and Cindy Skach, “Constitutional Frameworks and Democratic Consolidation,” *World Politics* 46 (1993): 1-22; Juan J. Linz and Arturo Valenzuela, *The Failure of Presidential Democracy* (Baltimore: John Hopkins University Press, 1994).

⁵ Donald L. Horowitz, “Comparing Democratic Systems” in *The Global Resurgence of Democracy*, ed. Larry J. Diamond and Marc F. Plattner (Baltimore: John Hopkins University Press, 1996).

⁶ Scot Mainwaring and Matthew S. Shugart, *Presidential Democracy in Latin America* (New York: Cambridge University Press, 1997).

⁷ Maurice Duverger, “A New Political System Model: Semi-presidential Government,” *European Journal of Political Research* 8 (1980): 165-187.

⁸ Fish, “Stronger Legislatures,” 5.

⁹ *Ibid.*, 10.

the government, performs oversight functions on the executive to prevent democratic tyrannical tendencies, and also guards the guardians of the treasury by appropriating money for the running of government businesses. Aside from these, each country's legislature performs other functions as conferred on it by the country's constitution. For instance, Section 88 of the Nigerian 1999 constitution (as amended) confers investigative functions and responsibilities on the National Assembly. The constitution also charges the National Assembly to receive and enquire into Public Petitions and Complaints brought to its attention. In the same vein, section 8 of the 1787 United States Constitution granted legislative powers to the Congress on the four core functions and other matters ranging from collection of taxes, the constitution of tribunals inferior to the Supreme Court, and military deployment, among other powers and functions.

The critical nature of these functions to good governance makes the legislature to be an indispensable force in any pro-people democratic regime. However, there have been allegations of misuse of powers and gross misconduct levied against members of the legislature, especially in Nigeria.¹⁰ The perception of the people about the National Assembly is quite disturbing and this has necessitated the call for its reformation. The allegations range from legislative corruption, insensitivity of the legislators to the constituents' problems, flamboyant lifestyles despite the daunting recession rocking the economy, flagrant disregard for people's agitations, self-centredness and dereliction of duties, among others. To this end, many people believe that the National Assembly is the root cause of all governance problems in Nigeria. The popular notion, therefore, is that once the legislature is fixed, the challenges facing the country will naturally be fixed. In view of these, several agitations are on the table on the fate of the National Assembly in the democratic process in Nigeria. While some have called for its total overhaul by turning it to a part-time job, some other people even have called for its scrapping.

It is against this backdrop that this paper examines the utility of the National Assembly in the democratic process in Nigeria. The paper uses two parameters: indispensable functions of the legislature and the institution's impact in entrenching good governance in the country. While the first parameter deals with the weightiness of the National Assembly against its reformative agitations, the second parameter weighs up the problematic of retaining the institution from the perspective of its expensiveness to maintain which has

¹⁰ Albert T. Sam-Tsokwa and Christopher Ochanja Ngara "The National Assembly and the Budget Process in Nigeria's Fourth Republic: Tackling the Challenges of Timeliness," *Canadian Social Science* vol. 12, no. 5 (2016): 1-7; Hon S A Kawu Sumaila, "Nigerian Parliament: Challenges and Prospects." Being Text of a Paper Delivered on the Occasion of the Post Matriculation Lectures for Matriculating Students of Bayero Univesity, Kano, Organized by the Student Union Government, June 12, 2013.

warranted its negative public perception. The main objective of the paper is to examine the role of the National Assembly in Nigeria's democratic process with a view to determining its indispensability or otherwise. Other objectives are to: explore the institutional framework of the National Assembly in order to understand its place in Nigeria's democratic process and to analyze the conflicting positions on the actual remuneration of the Nigerian legislators. In achieving these objectives, the paper is divided into six sections. The first section is the introduction. The second section explores the historical development of legislature in Nigeria and the institutional framework of the National Assembly in the democratic process. The third section examines the impact of the National Assembly on Nigeria's democratic process in the Fourth Republic. Section four of the paper assessed the two contending arguments in favour of the calls to discard and/or retain the National Assembly as the country's national legislature. Section five of the paper briefly highlights the factors responsible for the negative public perception facing the National Assembly in Nigeria and the paper ends with recommendations and conclusion.

Historical Overview and Institutional Framework of the National Assembly in Nigeria's Democratic Process

Nigeria's formal experience of legislative politics dates back to the colonial era. Although, there is evidence to suggest that there were elements of legislative activities (especially lawmaking and oversight) long before the advent of colonialism. Best¹¹ attested to this when he noted that kingdoms such as Kanem-Borno empire, Sokoto caliphate, and Oyo empire, among others, had legislative processes in their traditional administrative systems. During the pre-colonial era, all powers were centrally vested in Kings (fusion of power), but legislative functions were noticeable in the Councils. However, the first formal legislature established by the British colonial government was the Lagos Legislative Council in 1862 when Lagos was declared a Crown Colony.¹² The Council was headed by the Governor who also doubled as the executive head and the essence of the Council was to advise and assist the Governor of the Colony.¹³ However, the development of a national legislature began with the abolition of the Lagos Legislative Council and the establishment of the

¹¹ Shadrack G. Best, "The Legislature in a Democratic Setting," in *Legislators and the Legislature: A Guide for Legislators in Nigeria*, ed. Sonni G. Tyoden (Kuru: National Institute for Policy and Strategic Studies, 2014).

¹² Hanibal Goitom, "National Parliaments: Nigeria," accessed November 3, 2017, <https://www.loc.gov/law/help/national-parliaments/nigeria.php>.

¹³ Timothy I. Ojo, "Nigerian legislature: Historical survey of colonial administration before independence," accessed March 21, 2019, <https://www.loc.gov/law/help/national-parliaments/nigeria.php>.

“Legislative Council” in 1922; an institution made up of forty-six members including six Nigerians to legislate for Lagos and Southern Provinces.¹⁴ The emergence of the national legislature was unconnected with the agitations of the National Congress of British West Africa (NCBWA), a body established in 1920 in Gold Coast (now Ghana) as an umbrella body for all nationalists across the four British colonies (Nigeria, Ghana, Gambia and Sierra Leone) in the region.¹⁵ It was made up of educated nationalists from British West African countries that felt dissatisfied with the legislative structure in the region and demanded for greater participation of Africans in the administration of their countries.¹⁶ In 1946, Sir Arthur Frederick Richards through the Nigeria (Legislative Council) Order-in-Council of 1946 reviewed and established a new national legislature still known as the Legislative Council but different in terms of membership composition. For the first time in the history of the country, the new Legislative Council was empowered to legislate for the whole country.¹⁷

In 1951, based on the recommendations of the 1950 Hugh Foot-led Ibadan conference, Sir John Stuart Macpherson through the Nigeria (Constitution) Order-in-Council of 1951 abolished the Legislative Council and established a new central legislature known as the “House of Representatives.”¹⁸ The House of Representatives continued to serve as the only central legislature (though with amendments in membership composition and electoral method by Oliver Lyttelton in 1954) until 1959, when the Nigerian Senate was established bringing about the adoption of a bicameral legislature in the country. In 1960, the independent Nigeria borrowed a leaf from Britain by adopting a parliamentary system of government with two chambers known as the House of Representatives and the House of Senate. However, the military intervention in Nigerian politics in 1966 led to the suspension of the legislature. Thirteen years later, democratic rule was restored in 1979 and the legislature renamed as “National Assembly.”¹⁹ Nigeria dropped the parliamentary system and opted for the presidential system retaining the bicameral type of legislature. Subsequently, the National Assembly only existed for four years after which the General Muhammadu Buhari-led military struck and put it under lock and key. The current National Assembly was reinstated in 1999 with the advent of the

¹⁴ Neirus I. Nwosu, Johnson O. Olaniyi, and Samuel O. Oyedele, *An Introduction to Constitutional Development in Nigeria* (Ibadan: Sunad Publisher Ltd, 1998).

¹⁵ Warisu O. Alli, “Development of Legislative Practice,” in *Legislators and the Legislature: A Guide for Legislators in Nigeria*, ed. Sonni G. Tyoden (Kuru: National Institute for Policy and Strategic Studies, 2014).

¹⁶ National Assembly, *Nigeria Legislature: 1861-2011* (Abuja: Department of Information and Publications, National Assembly, 2010).

¹⁷ National Assembly, *Nigeria Legislature*.

¹⁸ Goitom, “National Parliaments”; Nwosu, Olaniyi, and Oyedele, *An Introduction*; National Assembly, *Nigeria Legislature*.

¹⁹ Ojo, “Nigerian legislature”; Nwosu, Olaniyi, and Oyedele, *An Introduction*.

Fourth Republic and has since witnessed eighteen years of uninterrupted legislative activities.

On the other hand, the institutional framework of the National Assembly is as dynamic as its historical development. It changes with the prevailing political conditions in the country at one point to the other. At inception, the Legislative Council in 1922 was operated as a unicameral legislature with both official and unofficial members partly selected, nominated, and elected. The membership strength was forty-six (46), out of which twenty-seven (27) were official members including the Governor and Lieutenant Governors. The fifteen (15) unofficial members included six (6) Nigerians while the remaining four (4) were elected with three (3) from Lagos and One (1) to represent Calabar.²⁰ Its jurisdiction covered only Lagos and Southern Provinces of the country. Its power was limited to that of advisory and assistance to the Governor. Section 27 and 28 of the Nigeria (Legislative Council) Order in Council, 1922 provided that members could initiate Bills provided such Bills were not finance-related.²¹

As a result of the agitation for inclusion of more Nigerians in the governance of the country, the institutional framework of the 1946 Legislative Council changed in terms of membership composition and legislative jurisdiction. The number of official members was reduced to sixteen (16). The Governor (Sir Arthur Richard) and Chief Secretary to the Government (Hon. G. B. Stooke) among others retained their official membership (National Assembly, 2010). Out of the four (4) unofficial members, 3 were directly elected from Lagos and 1 from Calabar. The Regional Assemblies were made to serve as Electoral College to indirectly elect 20 unofficial members (North: 9; West: 6; and East: 5). The legislative jurisdiction of the Legislative Council covers the whole country.²² Following the renaming of the Legislative Council as the 'House of Representatives' in 1951, the membership composition increased to 7 official members, 136 unofficial members and 6 special members nominated by the Governor. The 1954 Lyttelton constitution abolished Electoral College and members of the House of Representatives were directly elected by the constituents. The membership composition also changed. While the North had 92 representatives, the West and East had 42 each. Lagos had 2 representatives and the Southern Cameroons produced 6 members. There were also 3 ex-officio members.²³

As part of the arrangement for the 1960 independence, the country switched to a bicameral legislature. The 1960 independence constitution granted full legislative power to the two chambers. It recognized the Senate as the upper chamber with 44 members and the House of Representatives as the lower

²⁰ Nwosu, Olaniyi, and Oyedele, *An Introduction*.

²¹ Goitom, "National Parliaments."

²² Nwosu, Olaniyi, and Oyedele, *An Introduction*.

²³ Nwosu, Olaniyi, and Oyedele, *An Introduction*.

chamber with 306 members. The Senators were all nominated with each region producing 12 each and 4 selected by the Governor-General on the advice of the Prime Minister. On the other hand, the House members were all directly elected from their constituencies.²⁴ The fact that the 1963 republican constitution conferred full political independence on the country did not change the institutional framework of the national legislature except for few amendments. It retained the parliamentary system and gave more power to the parliament to elect the President of the country. The number of the Senate rose to 56 members and the House increased by 6 to make it 312-member House of Representatives. The First Republic legislature was suspended in 1966 following the first Aguiyi Ironsi-led change of government.

The return to democratic rule in 1979 ushered in the Second Republic. The country switched from parliamentary to presidential system as provided for in the 1979 constitution. Section 43 of the constitution retained the bicameral legislature as named it “National Assembly” which consisted of the Senate and House of Representatives. Section 44 – 45 provided that 5 Senators are to be elected from each state with 450 members representing the whole country on the basis of population. For the first time in the history of the country, the legislature is totally separated from the executive and there was a clear separation of powers among the organs of government. However, the National Assembly was again put under lock and key following the Buhari-led military intervention of 1983. Despite this situation, the 1979 constitution became a turning point in the history of legislative politics in Nigeria. The contents and provisions of subsequent constitutions (1989 and 1999) were heavily influenced by the provisions of the 1979 constitutions except for few amendments.

The current National Assembly derives its legislative powers from section 4 of the 1999 constitution (as amended).²⁵ It grants the National Assembly the power to make laws for the peace, order and good government of the country. However, sections 47 – 89 explicitly provide for the institutional composition, framework, and legislative procedures. These range from membership composition, legislative procedures, qualification for membership, elections as well as powers and control over public funds. In terms of composition, section 48 provides that the Senate shall consist of 3 Senators from each of the 36 states of the federation and 1 from the FCT, Abuja; making a total of 109 members. Section 49 provides that the House of Representatives be made up of 360 members representing federal constituencies of nearly equal population. Section 50 provides for the leaderships of the two chambers as well as the process of their elections and removals.

²⁴ National Assembly, *Nigeria Legislature*.

²⁵ Federal Republic of Nigeria, *Constitution of the Federal Republic of Nigeria* (Lagos: Federal Government Printer, 1999).

Section 65 and 66 of the constitution provide for the conditions of membership qualifications into the National Assembly as well as conditions of disqualifications. A prospective candidate for the Senate must have attained the age of thirty-five years while that of the House of Representatives is pegged at thirty years. Both are required to be citizens of Nigeria and must have been educated up to at least School Certificate level; in addition to being member of a political party and are sponsored by such parties. Section 66 on the other hand identifies a number of grounds by which a person may not be eligible to stand for election into the National Assembly. The first condition is that a person who had voluntarily acquired the citizenship of another country and declared allegiance to such a country is not eligible to contest for a seat in the National Assembly. Other conditions include if the prospective candidate had been declared to be of unsound mind or adjudged to be a lunatic; if he is under a death sentence imposed on him by a court of law; and he is in active public service (as a civil servant) among others.

The constitution recognizes the fact that its provisions may not be sufficient to cover the legislative procedures of the two chambers. Thus, section 60 provides that the two chambers shall have the power to regulate its own affairs and procedures. It is on this premise that the Senate and the House of Representatives enacted for themselves other rules and regulations to guide their activities. Prominent among these is the Standing Orders which govern the legislative procedures and behaviours of members both within and outside the National Assembly. For instance, section 50(1) only provides that a Senate President, Deputy Senate President, Speaker and Deputy Speaker of the House of Representatives shall be elected among the members to direct the affairs of the National Assembly. However, legislative activities and procedures are much a responsibility that could be shouldered by only four persons. Therefore, the Standing Orders of both chambers make provisions for the appointment, selection, or election of more legislators as Principal Officers. For example, Order 7 makes provision for the nomination of members to fill the following positions: Majority Leader and Deputy, Majority Whip and Deputy Whip, Minority Leader and Deputy, and Minority Whip and Deputy.²⁶ For administrative convenience, section 51 provides for the recruitment of a Clerk and such other staff that may be required for the optimal functioning of the National Assembly. It is against this backdrop that the National Assembly has three Clerks and several assistants. While the Clerk to the National Assembly is the most senior, he is assisted by two other Clerks: the Senate Clerk and House Clerk.

²⁶ National Assembly, *Standing Orders of the House of Representatives, Ninth Edition* (Abuja: House of Representatives, 2016).

Examining the Impact of the National Assembly in Nigeria's Fourth Republic

Since the advent of the Fourth Republic in 1999, there have been mixed feelings on how the National Assembly has been performing its legislative functions. The rate of its effectiveness has been a subject of debate. While some people scored the institution high, most people scored it below average. The popular notion among Nigerians is that the National Assembly is not effective. This position is premised on the generally negative perception of the institution which stems out of the perceived endemic legislative corruption that characterized the institution since its inception in 1999. The National Assembly is scored very low in the performance of its four cardinal functions by Nigerians. First, the representativeness function is nothing to write home about as the legislators are seen to be representing self-interests rather than the interests of their constituents. Secondly, the processing of national budgets has not gone without drama since 1999. It is characterized by issues such as of late passage, inflating budget provisions of MDAs in conspiracy with the heads of the MDAs, budget disappearance, and above all, the 2017 budget padding scandal that it yet to be resolved. Anytime the legislators go on oversight, the general belief is that they are on a mission to make money for themselves. While the legislators are condemned on the three functions, there seems to be a different perspective to lawmaking function.

Between 1999 and May 2019, the Senate has processed 2,482 Bills and passed 681 representing 27.4 per cent performance level. On the other hand, the House of Representatives in the same period processed the total of 3,514 Bills out of which only 928 were passed thus, putting the percentage of Bills passed by the House to stand at 26.4 per cent. The breakdown of the lawmaking performance is depicted in table 1 for ease of understanding.

From the table 1, while the huge number of Bills processed is appreciable, one may not be out point to score the National Assembly low on lawmaking performance given the significantly low percentage of Bills passed compared to Bills processed. Though, the current 8th Assembly seems to be outstanding by virtue of the fact that it processed and passed the highest number of Bills when compared with the previous Assemblies. The Senate processed 718 Bills and passed 293, while the House processed 1,588 Bills and passed 382 of same. This is evidence that there is continuous improvement in the lawmaking capacity of the National Assembly. However, the issue is not the number of Bills passed but their impact of the people. While most of the Bills passed were geared toward entrenching good governance, little can be shown

for it as Nigerians are still wallowing in the mud of high rate unemployment, endemic poverty, economic degradation and high incidences of socio-political frustrations.

Despite the low performance level of the National Assembly, the institution gulps significant percent of the country's overhead cost which the former Governor of Nigeria's Central Bank, Sanusi Lamido Sanusi puts at 25 per cent;²⁷ a figure which the legislators have since refuted. Premised on the claim and the counter-argument, there have been several calls on the leadership of the National Assembly to publicize the actual remuneration package of legislators. However, these calls are yet to be appropriately responded to by the National Assembly paving way for several guesstimate analyses on the subject matter, thereby leading to the negative public perception of the National Assembly as a den of corrupt and self-centered people.

According to the Revenue Mobilization Allocation and Fiscal Commission-RMAFC (an institution empowered by section 70 of the 1999 Constitution (as amended) to determine the salary and allowances of members of the Senate and House of Representatives), a Senator is officially entitled to N12, 902,360.00 (US\$33,442.54)²⁸ per annum with a once and for all severance package of N24, 090,000.00(US\$62,440.58). Likewise, a member of the House is entitled to N9, 525,985.50 (US\$24,691.08) annually as salaries and allowances annually with N23, 822,000.00 (US\$61,745.93) as a severance pay at the end of his four-year tenure.²⁹ This shows that about N30, 544,578,080.00 (US\$79,170,660.59) is spent on the 469 legislators as salaries, allowances, and severance package in four years (excluding estacode and tour duty allowances).

However, it is widely believed as argued by Amaefule³⁰ that the salaries and allowances of legislators are not limited to the ones officially stated, rather there are others that accrue through self-appropriation and corruption. For instance, whiletable 2 above shows that the legislators did not collect allocations for constituency projects, Hon. Abdulmumin Jibrin disclosed that they do collect it which make each member of the House of Representatives earns about N10million monthly (US\$25,919.71).³¹

²⁷ Ben Agande and Inalegwu Shaibu, "National Assembly Expenditure: Sanusi Insists, says he's Ready to quit if..." *Vanguard*, December 2, 2010.

²⁸ The US\$ equivalent was calculated at N385.81 to US\$1, official rate as at June 2, 2020.

²⁹ National Institute for Legislative Studies, "Legislators' Salaries and Allowances: A Cross-Country Comparison," accessed on August 23, 2016, <http://nils.gov.ng/docs/legislators-salaries-and-allowances.pdf>.

³⁰ Everest Amaefule, "Senators' Allowances Nine Times Higher than Basic Pay," *The Punch*, June 23, 2015.

³¹ Femi Adesanya, "House of Representatives Earn N10m Monthly-Abdulmumin Jibrin," *Information Nigeria*, accessed on November 2, 2016, <https://www.informationng.com/2016/10/house-of-reps-members-earn-n10m.html>.

The position of Hon. Abdulmumin Jibrin on the unofficial earnings of the legislators is one too many. There are several claims on the guesstimate figures of the annual salaries and allowances noted by prominent persons that could not be dismissed out-rightly. For instance, Prof. Itse Sagay, who is the Presidential Adviser on Anti-corruption, claimed that information available to him shows that a Nigerian Senator earns about N29 million (US\$75,167.16) a month and over N3 Billion (US\$7,775,913.00) a year.³² The breakdown of the figure shows that the basic salary is pegged at N2, 484,245.50 (US\$6,439.09) as against the official N2, 026,400.00 (US\$5,252.37) stated by the RMAFC. While the difference in the figure seems marginal, there are some that are widely different with some allowances not captured by the official pay but claimed to be payable to the legislators by Sagay. For example, while the official newspaper allowance is put at N303, 960.00 (US\$787.86) for a Senator and N297,781.00 (US\$771.84) for House member, Sagay claimed that a Senator gets a whopping N1, 242, 122.70 (US\$3,219.55) for newspapers annually. In addition, the RMAFC in its official payment breakdown did not make provision for hardship allowance; Sagay claimed that a Senator takes N1, 242, 122.70 (US\$3,219.55) for such.

In the same vein, another report of the bogus remuneration of the legislators worthy of note is the one put forward by the Economic Confidential.³³ The NGO claimed that aside from the official remuneration packages of the federal legislators, they corruptly appropriate non-regular allowances for themselves. The table also shows the overall entitlements of the principal officers of both chambers. Despite public outcry and press triggering the Freedom of Information Act in this regard, the National Assembly refuses to publicly declare the actual salaries and allowances of the legislators.

It is interesting to note that the legislators have on several occasions continued to refute the claims but little is done to absolve the institution of the alleged scandalous remuneration. After several requests that the National Assembly publish its financial dealings, the Senate President ordered the breakdown of the budget of the legislature to be published online. However, the breakdown did not show precisely how much each legislator earns. In reaction to the open challenge once made by the Governor of Kaduna State, Nasir El-Rufai that the Speaker of the House of Representatives, Rt. Hon. Yakubu Dogara should make the details of the National Assembly's N115 Billion (US\$298,076,665.00) budget public, the Speaker published his pay slip for six

³² Taiwo-Hassan Adebayo, "Senate, Sagay at War again over Lawmakers 'Jumbo' Pay," *Premium Times*, September 7, 2017, <https://www.premiumtimesng.com/news/headlines/242661-senate-sagay-at-war-again-over-lawmakers-jumbo-pay.html>.

³³ Economic Confidential, "Official Remuneration Packages and Non-regular Allowances for Federal Legislators in Nigeria," accessed on October 28, 2017, <https://economicconfidential.com/wp-content/uploads/2016/09/Economic-Confidential-Remuneration-Legislators-PDF2.pdf>.

months which shows that he receives N402,500 (US\$1,043.27) monthly.³⁴ The authenticity of the pay slip is questionable on the ground that the official remuneration as fixed by the RMAFC as his entitlement as a House member (excluding his allowances as a principal officer) is more than what was shown.

Argument in Favour of Discarding or Reforming the National Assembly as Nigeria's National Legislature

Despite the indispensability of the legislature in a democracy, it may not be out of point to consider the position of the people clamouring for the scrapping or complete overhaul of the National Assembly in Nigeria's democratic process. Their position is unconnected to the actions and/or inactions of the Nigerian legislators which are widely seen as affronts to good governance and inimical to the country's democratic survival. The most prominent out of the many issues of this school of thought is the high cost of running the institution. The National Assembly gulps between N115 to N120 billion (US\$298,076,665.00 to US\$311,036,520.00) yearly with little or nothing to show for the huge budgetary allocation in term of the institution's impact on the well being of Nigerians. The budget has consistently been pegged at N150 billion (US\$388,795,650.00) annually despite the fact that the country is faced with devastating revenue shortfall as a result of sliding oil prices since 2014. While the country is currently facing economic hardship and infrastructural deficit, the National Assembly is gulping a huge amount that is sufficient enough to fix a substantial infrastructural gap to make life better for Nigerians. The annual budget of the institution which has 469 members and legislative aides, civil servants, and other support staff of less than 1, 600 persons has an annual budget that is bigger than the budgets of 19 states in Nigeria.³⁵

Similarly, taking the official remuneration package by RMAFC, Nigerians are also not comfortable considering the days of working vis-à-vis the pay. The Nigerian constitution states that each chamber must sit for a minimum of 181 days in a year. This means that the chambers will make 724 sittings in their 4-year tenure. A Senator receives an average of N104, 557.24 (US\$271.01) per sitting, N313, 671.72 (US\$813.03) in one week and N1, 254,686.88 (US\$3,252.11) in a month; an amount no Professor can make in two

³⁴ Jacob S. Olatunji, "Dogara Replies El-Rufai, Releases Payslips for 6 Months," *Nigerian Tribune*, April 11, 2017.

³⁵ Ibanga Isine, "National Assembly's Huge Allocation Higher than Individual Budgets of 19 States," *Premium Times*, May 28, 2015, <https://www.premiumtimesng.com/news/headlines/183784-national-assembly-huge-allocation-higher-than-budgets-of-19-states.html>.

months. On the other hand, a member of the House receives an average of N85, 533.07 (US\$221.70) per sitting, N256, 599.21 (US\$665.10) weekly and N1, 026,396.84 (US\$2,660.39) monthly; an amount that can be used to pay the monthly salaries of about 35 graduate civil servants in a State in Nigeria.³⁶

The legislators are also condemned on the grounds that they usually fail to read the public mood before taking decisive legislative actions. For instance, on December 2, 2015, a Bill calling for the censorship of the use of social media sponsored by Senator Ibn Na'Allah scaled through the second reading. The Bill proposed a two-year jail term or option of N4 million fines for anybody found to have abused the use of social media.³⁷ It took a series of public outcries and outrage reactions from Nigerians before the Bill was stepped down. It is widely acknowledged that the electoral victory of the APC-led government in the 2015 general election was unconnected with the adoption and use of social media. The concern is that on what moral and political ground could such government attempts to censor the use of the same social media when such is used to expose its lack of responsiveness and dereliction of duties, especially of the National Assembly. Another issue of the same trajectory is the ongoing legislative consideration of a Bill to regulate NGOs in Nigeria which many people in all spheres of life have condemned.³⁸ The Bill seems to be an attempt by the National Assembly to enact a law that will enable the government to control and undermine the operations of the NGOs thereby suppressing any form of criticism and dissident views on government's activities.

The call for scrapping the National Assembly is also thick on the grounds that the legislators are found guilty of pursuing selfish personal interest at the expense of Nigerians. A case in point was the purchase of utility vehicles for lawmakers despite the economic recession that eclipse the country's economy. The House of Representatives used about N6.1 billion to buy new Peugeot 508 cars at N17 million (US\$44,063.51) per unit for all the 360 members.³⁹ On the other hand, the Senate bought 36 Toyota Land Cruiser VXR V8 at 36.5 million

³⁶ Salu and Bakare, "An Assessment of the performance of the 7th National Assembly in Nigeria," Paper presented at the National Conference on the Dynamics of Democratic Practice in Nigeria, 1999-2015, organized by Aminu Kano Centre for Democratic Research and Training, Mambayya House, Bayero University, Kano on November 9-10.

³⁷ Monjola Sotubo, "Social Media Bill: Nigerians Express Anger at Senate's Plan to Censor Twitter, Facebook others," *Pulse*, December 3, 2015, <http://www.pulse.ng/news/local/social-media-bill-nigerians-express-anger-at-senate-s-plan-to-censor-twitter-facebook-others-id4420926.html>.

³⁸ *Premium Times*, September 7, 2017, "NGO Regulation Bill Threatens Nigeria's Hard-won Democracy, Academics, Experts, others Warn," accessed on December 29, 2017, <https://www.premiumtimesng.com/news/headlines/242640-ngo-regulation-bill-threatens-nigerias-hard-won-democracy-academics-experts-others-warn.html>.

³⁹ Samuel Ogundipe, "While Nigerians Groan under Recession, Lawmakers buy N6.1 billion Cars," *Premium Times*, August 8, 2017, <https://www.premiumtimesng.com/news/headlines/239538-nigerians-groan-recession-lawmakers-buy-n6-1-billion-cars.html>.

(US\$94,606.94) per unit amid a biting recession.⁴⁰ In this regard, the legislators are also seen to be living a flamboyant live and engaging in senseless spending on luxury properties amid high incidences of poverty among the people in their constituency. For example, Senator Dino Melaye, representing Kogi West Senatorial district recently bought a Rolls Royce estimated to cost about N180 million (US\$466,554.78) and also possessed about 28 of such expensive cars.⁴¹

The bandwagon effects of the 2012 scrapping of the Senegalese Senate and the post of the Vice-President to reduce the cost of governance;⁴² and the “yes” vote to scrap the upper chamber in Mauritania in 2017⁴³ also contributed immensely to the call for similar action in Nigeria. The call became weighty when government functionaries started leading the agitation. For instance, the sitting Governor of Ekiti State, Kayode Fayemi and Senator Rochas Okorocha (APC- representing Imo West Senatorial District) shared the view and argued that the best form of legislature that foster development in Nigeria is the unicameral legislature.⁴⁴ Over the years, this call has gained momentum to the extent that some even called for the conversion of legislative job to part-time basis where the elected legislators will be meeting occasionally and get paid based on the number of sittings.⁴⁵

While the Buhari-led executive enjoys the support and sympathy of Nigerians in its course to bring development to the country, the many incidences of needless confrontations and excessive politicking by the National Assembly also pitch the institution against the people. Most Nigerians see the 8th National Assembly as serving as opposition to the executive despite belonging to same political party. Unlike the mutual relationship that existed between the David Mark-led National Assembly and Goodluck Jonathan-led executive, the Bukola Saraki-led National Assembly is seen to be antagonistic

⁴⁰ Samson Ezea, “National Assembly: Car Purchase Palaver and the National Grazing Reserve Bill,” *The Guardian*, April 23, 2016, <https://guardian.ng/features/national-assembly-car-purchase-palaver-and-the-national-grazing-reserve-bill/>.

⁴¹ Goodness Adaoyiche, “Lawmaker Buys N180m Rolls Royce Despite Economic Recession,” *Pulse*, October 6, 2016, <http://www.pulse.ng/news/local/dino-melaye-lawmaker-buys-n180m-rolls-royce-despite-economic-recession-photo-id5574084.html>.

⁴² Senegal Parliament votes to scrap Senate. *Vanguard*, September 13, 2012, available online at: <https://www.vanguardngr.com/2012/09/senegal-parliament-votes-to-scrap-senate/>, accessed June 2, 2020.

⁴³ Mauritania votes to abolish Senate by referendum. *Aljazeera*, 7 August, 2017, available online at <https://www.aljazeera.com/news/2017/08/mauritania-votes-abolish-senate-referendum-170807003416088.html>, accessed June 2, 2020.

⁴⁴ Samson Adenekan, “Fayemi calls for scrapping of Senate,” *Premium Times*, October 10, 2019, available online at <https://www.premiumtimesng.com/news/top-news/356963-fayemi-calls-for-scrapping-of-senate.html>, accessed June 2, 2020.

⁴⁵ Seye Olumide, “Why we advocated part-time legislature, restructuring,” *The Guardian*, 13 August 2018, available online at <https://guardian.ng/politics/why-we-advocated-part-time-legislature-restructuring/>, accessed May 25, 2020.

in nature to all Buhari-led executive's decisions bringing about a mutual suspicion and cold executive-legislative relations. Nigerians see the National Assembly as a den of corruption as a result of its refusal to confirm the appointment of Ibrahim Magu as EFCC Chairman because more than half of the legislators are said to be under corruption-related charges.

Other reasons advanced for the calls to scrap the National Assembly include but not limited to legislature's misconception of its power limits, dereliction of duties, high rate of legislative absenteeism at plenary, usurping the power of the executive, engaging in wasteful spending, and duplication of roles by the bicameral nature of the legislature among others.

Argument in Favour of Retaining the National Assembly as Nigeria's National Legislature

Not minding the actions and inactions of the National Assembly as perceived by the anti-National Assembly school, the second school of thought believes that the institution should be retained on the following grounds. First, the National Assembly in most difficult periods of Nigeria's political development rose to expectation by intervening on critical issues to save the country from plunging into political crises. Notable in this regard is the constitutional gap in the 1999 constitution with regard to when the Vice President can become Acting President in the event where the President did not transmit letter on such to the National Assembly. In 2010, the ailing President Umar Musa Yar'Adua was incapacitated and flown abroad for treatment without transmitting a letter to the National Assembly to enable the Vice President Goodluck Jonathan becomes the Acting President. This was in contradiction to section 145 of the 1999 constitution (as amended). The country was enmeshed in political confusion with a Vice President who could not command obedience from the members of the cabinet and could not wield presidential power on strategic issues such as assenting to Appropriation Bill to become budget. At this period, governance in the country was in disarray with the fear of military takeover not out of insinuations and permutations. Consequently, on February 9, 2010, the two chambers of the National Assembly passed the "Doctrine of Necessity", a resolution to empower the Vice-President to act as the President; dousing the political tension that engulfed the country. The utility of the Doctrine stems from the fact that it validates the extra-constitutional issue necessary to preserve political stability in the country.⁴⁶

⁴⁶ Sahara Reporter, "The Doctrine of Necessity in Perspective," February 13, 2010, <http://saharareporters.com/2010/02/13/doctrine-necessity-perspective>, accessed on December 29, 2017.

The National Assembly's symbolic depiction of the existence of democracy in Nigeria is yet another reason adduced in support of the National Assembly as an important institution too weighty to discard. It serves as the only avenue that avails Nigerians the opportunity to participate in governance by giving voices to all tribes regardless of the size, geographical location and economic status among other social cleavages and complexities. While the executive as an institution of governance is very far from the people, the National Assembly brings governance closer to the people at the grassroots through constituency-legislative relations and accessibility to lawmakers through submission of petitions, requests and input into government decision making process. Whether this representativeness function is performed effectively is another issue of discourse, but the fact that the legislature makes provision for it is enough to be seen as indispensable in Nigeria's democratic process.

There have been a series of agitations against the 1999 constitution as a result of contradictions of provisions as well as obsolete provisions that no longer suit the prevailing socio-economic and political situations of the country. If not for the input of the National Assembly through its continuous amendments to the constitution, Nigeria could have been engulfed in constitutional crises capable of truncating the hard-earned democracy. In addition, elections in Nigeria since inception have been marred with controversies, irregularities, and consequential high number of litigations. The National Assembly has on many occasions since 1999 rose above expectation to amend the Electoral Act in response to prevailing needs especially with regard to the Supreme Court's stand about the place of the card reader and PVCs as legal instruments of election.

The fear of the National Assembly has been the source of executive's wisdom in entrenching good governance in Nigeria. There were instances where the legislative checks on other arms of government especially the executive have avoided democratic tyranny in the country. For instance, Nigeria could have ended up in a similar situation that engulfed Burkina Faso (in October 2014) earlier in 2007 when President Olusegun Obasanjo attempted to elongate his tenure. While average Nigerians continued to mount resistible pressures, it took the irresistible effort of the National Assembly to throw out the "third term agenda" thereby sustaining and consolidating Nigeria's nascent democracy. In view of this, the watchdog function of the National Assembly is weighty enough to be considered in retaining the institution.

Other reasons advanced in favor of retaining the National Assembly include but not limited to the utility of its four cardinal functions of lawmaking, representation, oversight, and budgeting to entrenching good governance in the country, the timely passage of resolutions in aid of people hit by natural and manmade disasters and aversion of contingencies, among others.

Factors Responsible for the Negative Public Perception of the National Assembly in Nigeria's Fourth Republic

The discussion so far pointed to the fact that several factors affect the National Assembly which, consequently, makes it to be the weakest link in Nigeria's democratic process. These include but are not limited to the following:

- i. low impact of the enacted Acts on the lives of the people and the country in general;
- ii. dereliction of duty especially by unproductive legislators who see the National Assembly as means to make economic and political gains;
- iii. poor working relations between the legislature and the executive, characterized by mutual suspicion leading to hegemonic contestations and power struggles;
- iv. lack of appropriate mediating mechanisms to address the impasse caused by the incessant frictions between the arms of government;
- v. wide negative public perception of the legislature leading to a damaged institutional image as a result of the over-condemnation of bad actions and the criticism of good actions;
- vi. the secrecy of the complete emolument of the Nigerian legislators despite public outcry to make it public;
- vii. the nonchalant attitude of legislators to the negative public image;
- viii. Public display of flamboyant spending on luxury things and purchase of expensive properties;
- ix. weak enforcement and sometimes non-implementation of legislation, motions and resolutions as a result of unhealthy executive-legislative relations;
- x. high prevalence of corruption-related actions of the legislators who were alleged to be demanding for financial benefits from MDAs to approve their budget or during oversight functions;
- xi. internal power struggle and personality rivalry among members mostly brought about by the circumstances of seniority status, individual socio-economic status, party identification (whether ruling or opposition), constituency status (whether representing a rural, urban or mega city constituency), individual behavioral and personality traits, religious and ethnic identification among others; and
- xii. the challenge of local politics that usually pitch the state governor against the federal legislators, thus becoming national issues. A good example is the feud between the Governor of Kogi State, Yahya Bello and Senator Dino Melaye.

What ought to be Done? Arguments for Safeguarding the National Assembly but Modifying its Rules

As enormous as the challenges facing the National Assembly are, it is our position that if all cannot be mitigated, the basic ones should be given utmost priority especially those that will impact directly on the people. For example, the legislators are expected to be effective in making laws and passing resolutions and motions that solve the challenges of the basic needs of the people. While we admit that the process of lawmaking is energy-sapping, time-consuming, tedious and cumbersome, accelerated consideration should be given to bills, motions and petitions on issues such as food, shelter, security, education, and economy.

Second, the Nigerian legislators ought to be susceptible to issues affecting Nigerians at home and in Diaspora. The recent xenophobic attacks in South Africa, migrant killing and burying in France without recourse to Nigerian government's directives, slave trading of Nigerians in Libya, farmer-herdsmen clashes, militancy in the Niger-Delta, serial kidnapping in the country, and resuscitated Boko-Haram attacks, among others, should be front-burner issues of discourse in the National Assembly and not triviality issues that currently enjoy legislative attention.

Third, one expects that the complete remuneration of the legislators be made public. If perceived to be high, the legislators should work hard to justify being entitled to such pay. The legislature can take a cue from the recent declaration by the Vice President, Prof. Yemi Osinbajo that the N1.7m and N1.5m salary packages for the President and Vice President respectively are too small compared to the magnitude of duties they do. Nigerians reacted positively to it by clamouring for increase of their salaries because they believe the President and Vice President are working tirelessly in the course of promoting good governance in the country.

Furthermore, the legislators are not in any race for trophies for continuous confrontations and bickering with the executive. Therefore, they are expected to collaborate and work as development partners with the executive in repositioning the country, especially by passing the budget on time without any form of controversy such as budget padding and other practices that could derail the executive from bringing the dividends of democracy to the people.

Finally, the legislature is encouraged to step up in the performance of their duties, reconcile with their constituents to bring about a robust legislative-constituent relations, and make their activities much open to the public. By doing this, the people will be conversant with legislative activities thereby appreciating their work and efforts at engendering good governance in the country.

The Nigerian National Assembly: To Be or Not To Be?

The paper has successfully examined the utility of the National Assembly in the democratic process in Nigeria. Using the parameters of indispensable

functions of the legislature and the institution's impact in entrenching good governance in the country, the paper argued that the functions of the National Assembly are too important and central to democratic process to be downplayed. On the other hand, the paper shed light on the problematic of retaining and managing the institution especially with regard to the cost of running the institution. It achieved all the stated objectives set out under the introductory section. Based on the significance of the legislative roles and its institutional relevance in engendering good governance and its strategic place in the democratic process, we opine that the National Assembly is too weighty to be discarded. We admit that there are numerous issues (as identified above) that need to be addressed; however, the National Assembly as an institution is needed for smooth governance. Since the National Assembly is an institution that transcends the life span on individuals, the institution should be retained as it is. If the past and present legislators are misbehaving, Nigeria could be lucky to have good people to inherit the institution perhaps in the 9th Assembly and make good use of the opportunity provided by the National Assembly to the benefits of Nigerians.

Table 1: Summary Presentation of Bills Processed in the National Assembly, 1999 to May 2019

	Senate			House of Representatives		
	Bills Received	Bills Passed	% of Bills Passed	Bills Received	Bills Passed	% of Bills Passed
4th Assembly (1999 - 2003)	250	64	25.6	325	103	31.7
5th Assembly (2003 - 2007)	446	129	28.9	343	168	49
6th Assembly (2007 - 2011)	477	72	15.1	503	152	30.2
7 th Assembly (2011 - 2015)	591	123	20.8	755	123	16.3
8 th Assembly (2015 - 2019)	718	293	40.8	1,588	382	24.1
Total	2,482	681	27.4	3,514	928	26.4

Source: Authors' computation with data from NILS, Ndoma-Egba, Nda-Isaiah, Salu and Bakare, Odey, Jimoh. See National Institute for Legislative Studies, *14 Years of Lawmaking in the Nigerian National Assembly, 1999-2013: An Analysis of Bills Processed* (Abuja: NILS, 2013); Victor Ndoma-Egba, "Seventh Senate passed 123 Bills," *Premium Times*, June 4, 2015; Jonathan Nda-Isaiah, "Senators who made 7th Senate Tick," *Leadership*, June 29, 2015; Hassan A. Salu and Adebola R. Bakare, "An Assessment of the Performance of the 7th National Assembly in Nigeria," paper presented at the National Conference on the Dynamics of Democratic Practice in Nigeria, 1999-2015, organized by Aminu Kano Centre for Democratic Research and Training, Mambayya House, Bayero University, Kano on November 9-10, 2016; Odey, K., "X-Raying Legislative Agenda of the 8th House of Representatives," *Leadership*, June 9, 2017; Abubakar Jimoh, "8th National Assembly from a critical assessment," *CISLAC Publications*, June 10, 2019, available on line at <http://cislacnigeria.net/the-8th-national-assembly-from-a-critical-assessment/>, accessed on September 29, 2019.