Advances in African Economic, Social and Political Development

Joseph Yinka Fashagba
Ola-Rotimi Matthew Ajayi
Chiedo Nwankwor *Editors*

The Nigerian National Assembly

Advances in African Economic, Social and Political Development

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ISSN 2198-7262 ISSN 2198-7270 (electronic)
Advances in African Economic, Social and Political Development
ISBN 978-3-030-11904-1 ISBN 978-3-030-11905-8 (eBook)
https://doi.org/10.1007/978-3-030-11905-8

Library of Congress Control Number: 2019935520

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The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Acknowledgements

The book is a product of the idea shared with Prof. Arthur Ebunola Davies in his office in 2014. Unfortunately, before its publication, Davies passed on in April 2018, having earlier retired from the Department of Political Science of the University of Ilorin, Nigeria, in 2017. Professor Ajayi and Dr. Fashagba are indeed indebted to the late scholar and mentor who played tremendous role in their careers, including serving as Fashagba's PhD supervisor. May his gentle soul rest in peace. The editors would like to appreciate Dr. Oladimeji Olaniyi of the Department of English and Literary Studies, Federal University Lokoja, Nigeria, for editing some of the chapters. Many thanks to Omololu Fagbadebo for his support as well. The editors are also indebted to Lorraine Klimowich and all members of the series editors of Springer Nature publisher for their support to this project. Similarly, we sincerely appreciate all our contributors for always responding to queries on their manuscripts promptly. Our thanks to our spouses, Helen and Taiwo, and children for their understanding of our absence while this project lasted. Finally, it has been a long journey from 2015 to date, but the Grace of God that never ceased kept this project afloat as evidenced by the book you are reading now. We return all glory to God for the publication.

Contents

Exploring the Nigerian Central Legislative Institution 1
Joseph Yinka Fashagba

The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018). 15
Samuel Oni, Faith Olanrewaju, and Oluwatimilehin Deinde-Adedeji

The Trajectory of the Legislature, Lawmaking and Legislation in Nigeria 33
Ibraheem O. Muheeb

Legislative Oversight in the Nigerian Fourth Republic. 57
Femi Omotoso and Olayide Oladeji

Constituency–Legislature Relations in Nigeria 73
Asimiyu Olalekan Murana and Adebola Rafiu Bakare

The Nigerian House of Representatives, 1999–2016 91
Luqman Saka and Adebola Rafiu Bakare

Senate Leadership in Nigeria's Fourth Republic, 1999 to Date 113
Ola-Rotimi Matthew Ajayi and Abdullahi Muawiyya

Inter-Chamber Relations in Nigeria's Presidential System in the Fourth Republic 125
Omololu Fagbadebo

Executive-Legislature Relations: Evidence from Nigeria's Fourth Republic 143
Yahaya T. Baba

Oiling the Legislature: An Appraisal of the Committee System in Nigeria's National Assembly 165
Agaptus Nwozor and John Shola Olanrewaju

Gender Representation in Nigeria's National Assembly Under the Fourth Republic 189
Segun Oshewolo and Solomon Adedire

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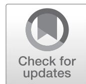
Exploring the Nigerian Central Legislative Institution



Joseph Yinka Fashagba

The legislative institution in Nigeria had at different times suffered series of abrogation as a result of military intervention in politics. The legislature, as a political institution, was one of the foremost political institutions of governance established in the early days of Colonial administration in Nigeria.

In 1922, a semblance of modern government was introduced in the emerging nation state by the colonialists. The Clifford Constitution introduced in that year not only produced a constitutional government but also gave birth to the legislative council which had very limited authority (Ojo 1985). As Ojo (1985, p. xi) notes, the legislative council 'could only legislate on certain matters for the Southern provinces while the North was ruled by proclamation'. The 1922 Council made laws for the Western and Eastern provinces of Nigeria subject to the Governor's reserved power while the governor alone made laws for the Northern Provinces (Sanni 1992).

The need to make the legislature more relevant and powerful led to the promulgation of the Order in Council of 1946. According to Sanni (1992), the 1945 Order-in-Council gave the Legislative Council the power to make laws for the whole of Nigeria, subject to the reserved powers of the Governor. Thus, while the 1922 legislative Council exercised a limited authority, the 1946 legislature was granted more power. Nevertheless, the power vested in the 1946 legislature was still too narrow and limited.

In 1951, a new legal order, popularly referred to as the Macpherson Constitution, was promulgated. The Constitution was enacted in response to the agitations of the emerging Nigerian elites. The emerging local elites were against the previous constitutions because they saw them as colonial impositions. Not only were previous constitutions imposed but they were bereft of local contents. The people whose fates

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_1

and lives were to be shaped and determined by the constitutions were not consulted before the previous constitutions were made by the colonialists.

To accommodate the concern as well as meet the expectation of the people, the Macpherson Constitution of 1951 established regional legislative houses. Under the constitution, the regional legislatures worked with the regional executive councils comprising the Lieutenant Governors and the top government officials to administer the regions. Members of the regional assemblies were elected through Electoral College System. Each regional assembly, on the other hand, elected those to represent it in the newly introduced House of Representative at the centre Lagos (Fagbohun 2010). The Constitution marked a departure from the past, because it was not only parliamentary in context and operation but also ensured that, in addition to making the leader of the majority in the House of Assembly the leader of government business, the house became a true legislature with the leader playing important and dynamic roles in governance. The legislatures were however subordinated to the authority of the Lieutenant Governor in the regions

The introduction of a new constitution in 1954 ushered in a proper federal arrangement, comprising a central government having a federal legislature and three regional governments with each region operating distinct regional legislative assemblies. The powers of the central legislature were clearly separated from those of the regional assemblies. A bicameral arrangement was introduced in the Western and Northern regions under the new constitutional order. A two-chamber legislature became operational in 1956 in the Eastern region. This transformed the regional legislatures into a bicameral system but the unicameral system was retained at the centre. By this, apart from the houses of assembly that had been in place in the regions, a house of Chiefs was established at the regional level. This was however not replicated at the centre as only one chamber was retained (Fashagba 2009a).

In 1957, the Western and Eastern Regions became self-governed. As part of the efforts to prepare the country for independence in 1960, the bicameral arrangement was created at the centre. Under the arrangement, the Senate had fifty-two members while the House of Representatives comprised of three hundred and twenty members drawn from different parts of the federation (Osaghae 1998). The office of a Prime Minister was established. The same structure was more or less retained under the first republic Independent Constitution of 1960 and the Republican Constitution of 1963 that came later.

The bicameral system was in operation at the federal as well as the regional levels at independence in 1960. However, the Senate had forty-four members nominated from the regional assemblies under the arrangement. The House of Representatives, on the other hand, had three-hundred and twenty elected members. The Independence Constitution also retained the division of powers among the levels of government based on the exclusive and concurrent lists provided by the 1954 constitution. Consequently, while only the federal legislature had power to legislate on matters listed in the exclusive list both the central and the regional assemblies could legislate on matters listed in the concurrent list. However, the first republic legislature was weak and incapable of providing the required anchor needed to sustain

democratic governance (Lafenwa 2006). Thus, the first republic collapsed in 1966; this was less than 6 years after independence.

The legislature returned to the political scene in 1979 under a presidential system. The presidential system was adopted because the legislature was considered more viable, vibrant and vigorous under it than was[1] usually the case under the parliamentary system (Fashagba 2009a). Consequently, a unicameral system was adopted for the constituent states while the bicameral arrangement was established for the centre under the 1979 constitution. Although the legislature was expected to be stronger under the presidential arrangement, but many writers on the republic appeared not too impressed with the performance of the second republic legislature (1979–1983). The National Party of Nigeria (NPN) and the Nigeria People's Party (NPP) formed a legislative coalition in the period due to the inability of the ruling NPN to win the simple majority seats required to control the central legislature. Following the collapse of the coalition between the NPN and NPP in 1981, the four opposition parties in the National Assembly ganged up to frustrate the ruling party (Akinsanya 2002). The implication of the action was the inability of the legislature to shape and influence public policy and governance in general. Since a weak legislature is by nature a threat to democratic survival (Fish 2006), the second republic democratic government became so fragile and consequently collapsed in 1983, just three months into the tenure of a new legislature.

Another attempt by the military to restore democracy that was earlier on truncated in 1983 resulted only in a partial and short-lived democracy in what is popularly called the aborted 'third republic' (1991–1993). The presidential election of the dispensation was inconclusive, as the military government that implemented the transition to civil rule programme terminated the process half-way. Before the third republic was terminated, the national assembly and the state Houses of Assembly were already inaugurated. The central legislature comprising the Senate and a House of Representatives was in operation and the state assemblies working alongside the executive cabinet at the state level. Worthy of note, however, is that the legislature at different levels had severe limitation imposed on them by the central military government. The military put in place different decrees with ouster clauses meant to incapacitate the legislative institution in the transition period. This was perhaps so because the military constituted the executive organ at the centre (Davies 1996).

However, after 15 years of military rule the Nigerian Military finally dropped the reins of government on 29 May, 1999. In the new dispensation, popularly referred to as the fourth republic-1999 to date, the bicameral arrangement was adopted at the centre under the presidential system based on the 1999 constitution. In the constituent units, the unicameral arrangement was established. Indeed, apart from transforming from the parliamentary to the presidential system, the unicameral arrangement has been a major feature of representative democracy at the state level

[1] The adoption of the presidential system was significant because the collapse of the first republic was attributed to the parliamentary system which some considered unsuitable for a society that is as diverse as Nigeria.

in Nigeria since the second republic. In other words, the 1999 constitution (amended) created the National Assembly as a representative and law-making institution under the current dispensation. From independence in 1960 to date, the fourth republic has been unique. To be sure, for the first time the national assembly has operated for 20 years without interruption. In the previous republics, the national assembly did not last more than 5 years. This is unprecedented in the history of Nigeria. Also six consecutive elections have been held to elect members. Despite the evident challenges that the institution faced in the first few years of returning to the political space, the national assembly has been a key player in the democratisation of the polity as well as in stabilising the fourth republic. The amended 1999 constitution gave the national assembly some powers and functions. At this juncture, it becomes necessary to interrogate the traditional and constitutional functions of the legislature. This will be the focus of the next section.

Functions of the Legislature

Although legislative scholars from different backgrounds and cutting across cultures in different parts of the world have argued that there exist a very wide variance in the degrees of powers and levels of influence wielded by different legislatures the world over, there is a convergence of opinion on the fact that certain roles are commonly performed by majority of the legislatures. These functions are sometimes traditional, but in most cases constitutional, because of the increasing importance and emphasis on constitutional government. The sole aim of having a constitutional government is to have a limited government; a government that has enormous power to develop and shape public policy as well as governance and maintain constitutional order but could be checked by other institutions and the people.

Consequently, certain legislative responsibilities are considered universal (Williams 2006). In a vibrant democracy, as Fish (2006) contends, the effective performance of the roles assigned to the legislature will not only strengthen democratic governance but also invigorate the vertical and horizontal accountability of the democratic political system (Barkan 2009).

Barkan (2009) in his work, ‘Legislative Power in Emerging African Democracy’ identified four ‘core’ functions performed by national parliaments. According to Barkan, the first function is that legislatures are the institutional mechanism through which societies realize representative government. Zwingina (2006, p. 285), the spokesperson of the Nigerian Senate between 1999 and 2003 avers that, ‘in actual facts the role of the parliament goes beyond making laws, and so includes; representing the interests of the constituencies of the various legislators’. While legislators are selected using different methods under different electoral systems, they however represent the various constituents from where they were elected. By this, the representatives are elected to represent different constituencies with occasionally diverse and incongruent cultures and interests. This is especially the case in a heterogeneous society like Nigeria characterised by diversity in cultures, religions,

languages and ethnic groups. In Nigeria, electoral constituency delimitation may be done in such a way that groups which would not have been represented would have been given a voice through a conscious delimitation of constituencies for small or minority groups. By this, the representative will represent a narrow interest and by this may articulate a very parochial concern of the group which he or she represents. The national president, especially in a country like Nigeria, who depends on popular plurality votes to become elected, represents the diverse constituents and different languages, cultures and peoples in the state. The entire nation is the constituency of the national president. Therefore, the President must rise above narrow, parochial and sectional interest in making decision affecting the state and the governed. Thus, the legislators are responsible for advocating for their constituents, ensuring that the opinions, perspectives and value of citizens are present in the policy-making process. Representational role remains the traditional roles that the legislature performs in a representative democracy irrespective of whether it is an old or a new democracy.

The second role performed by the legislatures, as Barkan notes, is the legislative role. This role of the legislatures put the body in a position to draft, mold and pass bills emanating either from members of the assembly or from the executive into laws. While the legislatures perform this role with different levels of involvement and efficiency, the institution is however able to shape and re-shape public policy through the enactment of necessary and appropriate legislations. Orstein (1992) avers that the legislature makes laws that affect the entire nation and are presumably intended to resolve differences among groups for the good of the nation as a whole. This role is in tandem with the provision of the 1999 constitution which provides for law-making for the purpose of maintaining order, peace and good governance. As Davies (2004, p. 201) contends, ‘The law-making role of the legislature ensures that government policies and programmes including those initiated in the budget, are enacted into law while other measures are given political and legal backing to solve substantive problems confronting the country’.

Apart from the representational and law-making roles of the legislatures, the institution also scrutinizes administration as well as ensures oversight of activities relating to the implementation of laws and measures passed or adopted by the legislature (Fashagba et al. 2014). Since the executive is vested with the responsibility of implementing public policy or legislation passed by the legislature, the executive is scrutinized by the assembly to ensure compliance with the content and intent of the policy framework approved by the legislature. Consequently, the legislative function does not terminate with the passage of bills. It is therefore only by monitoring the implementation process that members of the legislature can uncover any defect or deviation from the original intent and act to correct misinterpretation, misapplication or maladministration (Report of a Commonwealth Parliament Association Workshop, Nairobi, Kenya 10–14 December, 2001, p. 1; Parliamentary oversight of finance, Commonwealth Parliamentary Association, Nov. 2001). According to Barkan (2009), the legislatures exercise oversight of the executive to ensure that policies agreed upon through the passing of legislation are religiously implemented by the state. The legislature carry out this oversight responsibility on the executive

by carefully examining the request for legislative actions, investigating the administrative action of government departments and the performance and behavior of government officials (Davies 2004).

Williams (2006) notes that a parliament has four fundamental responsibilities in the exercise of the oversight of government vis:

- To debate, modify, approve or reject legislation;
- To debate, modify, approve, or reject authority for government to raise revenue through taxation and other means;
- To debate, modify, approve or reject proposed expenditure by government and;
- To hold the executive accountable for its governance of society.

However, Williams avers that these salient responsibilities of the legislature are often missed by legislators, particularly those belonging to the ruling party who often feel it is necessary or incumbent on them to support the government while those in opposition seek to oppose the government at all costs, regardless of the merits of the proposals of the government.

To hold the executive accountable, the legislature must be able to investigate into the quality of the administrative and bureaucratic networks of the federal government (Saffell 1989). The state legislatures must equally be capable of scrutinizing the state executive branch in a federal system. To be able to balance the power of the executive, the legislature must be able to exercise power of the purse. This power gives the legislature effective means to shape public policy through annual appropriation making process, levy of taxes, and it also enables the immediate representatives of the people for attaining redress of every grievance and carrying into effect just and worthwhile measures.

Barkan (2009) further identifies the fourth role of the assembly as one performed on individuals rather than on a collective basis. However, the way the role is performed, and the extent to which it is performed varies from one legislator to the other. For instance, in the new democracies, emphasis is placed on what the legislators can provide to meet the pecuniary needs of the members of the constituents. The focus may also be on providing some basic social facilities/amenities that are not available in the constituent. This is usually the case in a new democracy like Nigeria where official negligence, administrative ineptitude and bureaucratic and political corruption have eroded the capacity of the state to perform its responsibility of providing some basic facilities. The elected representatives are therefore compelled to take up the responsibility.

Composition of the National Assembly

The Nigerian national assembly is made up of two chambers. The first is the Senate. This is the upper chamber, but in Nigeria, the chamber is referred to as the 'Red Chamber'. The second chamber is the House of Representatives (HoRs). This is the lower house and is called the 'Green chamber'. The red and green chamber labels

derived from the colours of the floor-rugs of the chambers. The House of Representatives contested and rejected the lower chamber label at the inception of the fourth republic in 1999. The major contention is that members of the chamber did not see themselves as inferior to those in the Senate or the Senators, hence the rejection of the label. From the provisions of the amended 1999 constitution, the two chambers have concurrent power over law-making as well as oversight, especially power of the purse. However, only the Senate is constitutionally empowered to screen and confirm executive nominees (Fashagba 2009b). The senate screens nominees of the executive to confirm their suitability for appointment into public office or otherwise. The HoRs does not play any role in the screening and confirmation of executive nominees. A nominee may be confirmed or rejected, depending on whether the Senate finds him or her suitable or unsuitable for appointment. However, the confirmation power has come under executive attack of recent. This is evidenced by the case of the Acting Chairman of the Economic and Financial Crime Commission (EFCC) whose nominated was rejected twice between 2016 and 2017. Despite the rejection of the nominee, the President did not remove him from office. Thus, without confirmation, the nominee has remained an acting chairman for over 2 years, in violation of the amended 1999 constitution. The president and his supporters have put up different arguments to justify the action. By this, the presidency sought to redefine the provisions of the constitution on the power of confirmation conferred on the Senate.

In terms of membership, the Senate is made of 109 members. Each of the thirty six states of the federation is represented by three elected senators. The senators are elected from single member district into a 4 year term. The Federal Capital Territory is represented by one elected senator. Indeed, representation in the Nigerian Senate is based on equality of state, irrespective of the landmass or population size of a state. The turnover rate of members has been very high from 1999, thereby robbing the chamber the needed institutional memory for efficiency (Fashagba 2014; Fashagba and Babatunde 2016). The House of Representatives on the other hand is made up of 360 elected members. Representation in the chamber is proportional to the relative population size of each state (Fashagba 2013).

The Nigerian Senate is headed by the Senate President and assisted by the Deputy Senate President. There are other offices like the office of the Majority and Deputy majority Leader, Majority and Deputy Majority Whip, Minority and Deputy minority Leader and majority and Minority Whips etc. The Senate President presides over the Senate and on or during any joint sitting of the two chambers. The Senate President is the Chairman of the National Assembly. The President of the Senate is elected by members from the ruling party. However, with the defection of the Senate President in 2018 from the ruling All Progressive Congress (APC) to the opposition People's Democratic Party (PDP), and the inability of the ruling APC to muster the two-thirds majority members needed to impeach or change the Senate President, the opposition took charge of the leadership of the chamber. Earlier on, the opposition PDP had produced the Deputy Senate President at the inauguration of the assembly in 2015 contrary to the expectation of the ruling party-APC. The internal cracks within the majority APC gave the leading opposition PDP the power

to strike at the appropriate time by delivering the votes to win and capture the office of the Deputy Senate President. Similarly, the House of Representatives is headed by the Speaker and assisted by the Deputy Speaker. Other important offices in the chamber include the Majority leader, majority whip, minority leader and whip (Fashagba and Babatunde 2016). Until 2014, the then ruling PDP controlled the house. However, following the defection of the then Speaker from the PDP to the newly formed opposition party-the APC, the new party took over the leadership of the House despite being a minority in the chamber. The precedent laid by the APC in 2014 therefore emboldened the defecting senate leader in 2018. Party switching has remained a major feature of the current democratic dispensation.

The two chambers of the national assembly have been carrying out the bulk of their responsibilities through the committees system. The committees have been the engine rooms of the national assembly. Through their oversight functions, waste has been averted, corruption has been exposed, officer's excesses have been checked and the public has been made aware of activities of government and its agencies. However, most of the scandals that have been reported against the national assembly have been from the activities of committees. From 1999 to date, the two chambers have proliferated the committees resulting in the rise to over 90 committees in a chamber after the inauguration of the assembly in June 2015. The constitution of the committees had most often triggered avoidable conflict among members. Most often the conflict is not driven by partisan but personal interest. In extreme cases, house leadership had been challenged and changed over conflict resulting from the composition of house committees. This was very evident in the removal of the speaker in 2007. The constitution of committees is used as a patronage for rewarding members with 'juicy' committee placement by the leadership of both chambers (Fashagba 2009b). For further discussion, most of the issues highlighted in this introductory chapter are given greater attention the remaining nine chapters.

Some Constitutional and Emerging Features of the National Assembly

The provisions of the amended 1999 constitution of Nigeria reveal some major features of the Nigerian central legislature. The features are as follows:

The members of the national assembly are elected under a separate election. The president is also separately elected.

The constitution provides for a 4-year term for members. However, there is no restriction or limit to the number of time a member can serve provided he or she continues to be re-elected.

The national assembly is a bicameral assembly. The lower house is the House of Representatives while the upper house is the Senate.

Each state elects three members to the upper chamber, however the Federal Capital Territory is represented by only one senator. On the other hand, the relative population size of each state determines the number of representatives that represent it in the lower chamber.

The legislature is vested with veto power. By this, if the executive declines assent to any bill passed by the national assembly, and the legislature is able to muster the two thirds majority of members of members to pass the bill, the bill will become law and the assent of the executive will no longer be required.

The assembly is vested with the power to impeach the president. However, the procedures for impeachment is also well laid out. The president does not have the power to dissolve the legislature.

The Nigerian Senate is headed by the Senate President elected by members from among themselves. The House of Representatives is headed by the Speaker elected by members from among the members of the lower chamber.

The president and the members of his cabinet are not members of the legislature and so cannot participate in the activity of the assembly. However, in the course of discharging their oversight function, any member of cabinet may be invited by the legislature or its committee to shed light on any matter under scrutiny.

In our further discussion we will briefly examine some features which became visible from the day to day operations of the fourth republic national assembly.

The Nigerian national assembly experiences high legislative turnover each session. To be sure, in the last four elections (2003, 2007, 2011, 2015), over 60 % of incumbent legislators lost their re-election bid and could not return to the chamber for a new session. By this, over 60% of members of every new legislative session are new members joining the assembly afresh to replace the old members who lost in the legislative election.

Another emerging characteristic is the high rate of party switching. On the average, at least 18% of members switch parties per session in the Senate from 1999 to 2018 (Fashagba 2014).

Also a feature of the national assembly is that parties that did not win any seat at the polls often end up having members in either the Senate or the House of Representatives through defection.

The committees of the national assembly have been unduly proliferated.

The national assembly has been very assertive and demonstrated capacity to challenge the executive.

Another major emerging feature is the control of either one or the two chambers by an opposition party. This was evident in 2014 when the APC controlled the House of Representatives in 2014/2015 as an opposition party and 2018 when the PDP controlled the two chambers in 2018/2019 as an opposition party. In each instance, it followed the defection of the presiding officer(s) to an opposition party. We will proceed to the next section to examine the state of legislative studies in Nigeria.

The State of Legislative Studies in Nigeria

Nigeria is one of the states in Sub-Saharan Africa where the legislature, as an institution of government, has been abrogated on several occasions. Indeed, the dissolution of the legislature has often followed each military take-over of government in

Nigeria. This was evident in 1966, 1983 and 1993 when the legislative institution was abrogated after military intervention in the politics. The implication is that after 58 years of statehood, Nigeria has only experienced democracy for about 30 years. The first republic operated from 1960 to 1966, the second republic from 1979 to 1983, the aborted third republic has a legislature that was inaugurated in January 1992 but dissolved in November 1993. The current fourth republic which took off in 1999 is about 20 years old, and is in fact the longest democracy that Nigeria has ever experienced at a stretch. The remaining political periods were filled by different military regimes.

The implication of this on the study of democratic institutions is the marginal attention they have received from the academic circle. However, while political or democratic institutions like the executive, judiciary, political parties and elections as well as systems of government like presidential, parliamentary and federal have received some little attention from a few different writers, legislative studies have not been given the attention the discipline deserved (Fashagba 2009a, b; Lafenwa 2006). Furthermore, a few more writers have focused on military rule in Nigeria. This is largely so because the legislature has remained the main victim of infrequent and inconsistent democratic practice. To be sure, while the executive organ has always been part of the institutions of governments, irrespective of whether there is a democratic regime or not, although the arm is often peopled by the military personnel under a military regime, and the judiciary existing alongside the executive, the legislature was usually dissolved. Perhaps, this has made the legislature less attractive to study among both western Africanist and Nigerian scholars.

However, in recent time, a few Nigerian based scholars appear to have discovered the need to correct the academic neglect and lacuna in that area of study. The effects have only yielded an insignificant academic output. One of the recent works on the Nigerian Legislature is the edited volume by Ojo E. O. and Omotola J. S. (2014). Major areas and wide scholarship gap are still evident in the area. For instance, while about six of the first ten chapters of the work of Ojo and Omotola focused on the national assembly, only four addressed substantive issues. The remaining 17 chapters focused on state assemblies. This explains the necessity for more academic attention to further examine salient aspects of the Nigerian legislatures, especially at the federal level. However, in this study, our focus is on the fourth republic national assembly (1999–2019) only.

Why This Study?

There is a prevailing argument in the new literature on legislative studies focusing on Nigeria that the Legislature of the first republic was weak (Adebayo 1986). The weakness of the assembly was in fact mentioned as parts of the reasons for the demise of the republic. The second republic legislature did not fare better; this was particularly so prior to the collapse of the coalition between the NPN and NPP in 1981. Indeed, the legislatures of the first and second republics performed not more

than a rubber stamp role in the public-policy and decision making arena. Any legislature with such a weak level of performance is inimical to the sustenance of democracy. For instance, Fish (2006) noted that the stronger a legislature is the stronger the democracy which produces the legislature will be.

Therefore, this study is timely. In this book, we will focus on and discuss in detail the ways and manners the national assembly has handled each of its major functions, the nature and ways the two chambers have been relating, the leadership structure and the institutional mechanism through which its internal business is facilitated and executed. In doing this, apart from documenting the ways the legislature has conducted its business, in some cases, we direct attention at examining the level of assertiveness of the legislature, the degree of importance and weight attached to their contributions to governance in motions, resolutions and law-making among others.

Lay Out of Chapters

In chapter "Exploring the Nigerian Central Legislative Institution", Fashagba carefully articulated the central issues of the study and laid the background of the study, looking, chronologically, at the emergence and development of the legislative institution in Nigeria. He equally review the roles of the legislatures, the composition of the national assembly, the state of legislative studies in Nigeria and the reasons for this book. In chapters "The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018), The Trajectory of the Legislature, Law-making and Legislation in Nigeria, Legislative Oversight in the Nigerian Fourth Republic, and Constituency-Legislature Relations in Nigeria" the authors focussed on the three functions of the Nigerian legislature since 1999 to date. Specifically, in chapter "The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018)", Samuel Oni, *Faith* Oviasogie Olanrewaju and Deinde-Adedeji examines the law-making roles of the national assembly and supported their claims with data on legislations made from 1999 to 2015. In chapter "The Trajectory of the Legislature, Law-making and Legislation in Nigeria", Ibraheem Moheeb further discussed the law-making role of the legislature. He looked at the roles from historical perspective and narrowed the discussion down to the current fourth republic. In chapter "Legislative Oversight in the Nigerian Fourth Republic", Omotosho and Oladeji focused on the legislative oversight roles of the legislature and provided some good instances of the performance of the roles to clarify their positions. The chapter highlighted how the performance of oversight have resulted in occasional avoidable conflict. In chapter "Constituency-Legislature Relations in Nigeria", Constituency-Legislators relations received an extensive discussion from Murana and Bakare. While anchoring the relations on relevant theories, the media of the relations and cases of provision of constituency services also featured to enrich the work. Chapters "The Nigerian House of Representatives, 1999–2016 and Senate Leadership in Nigeria's Fourth Republic, 1999 to Date" focus on the two

chambers of the national assembly. Thus, while Saka and Bakare briefly examine the institution of the House of Representatives in chapter "The Nigerian House of Representatives, 1999–2016". Ajayi and Abdullahi focused on the Senate leadership in chapter "Senate Leadership in Nigeria's Fourth Republic, 1999 to Date". Appreciating the importance of the relations between the two chambers of the national assembly, namely, Senate and House of Representatives, Fagbadebo Omololu helped us to shed light on this subject, drawing out areas of cooperation and conflict from 1999 to date in chapter "Inter-Chamber Relations in Nigeria's Presidential System in the Fourth Republic". In chapter "Executive-Legislature Relations: Evidence from Nigeria's Fourth Republic", Baba Tanko Yahaya takes the discussion further by looking at executive-legislature relations at the national level from 1999 to 2018. This is a very important study, considering the fact that democratic institutional checks and balance find expression in the relations between the two organs of government, especially in Nigeria from 1999 to date. The chapter "Oiling the Legislature: An Appraisal of the Committee System in Nigeria's National Assembly" focuses on the committees of the national assembly. The critical place of the legislative committees and the politics that have characterized their composition and the dramas that have characterised their operations from session to session under this dispensation are too relevant to this study to be left out. Thus, Agaptus Nwozor and Olarewaju focused on this institution and dissected it analytically. Finally, Oshewolo, Adedire and Nwankwor examine the gender dimension of the national assembly in chapter "Gender Representation in Nigeria's National Assembly Under the Fourth Republic".

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The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018)

Samuel Oni, Faith Olanrewaju, and Oluwatimilehin Deinde-Adedeji

Introduction

The fundamental expectation of the modern state is effective and efficient governance. This expectation is fulfilled by the government which not only provides security to the people but also looks after their basic needs and ensures their political and socio-economic development (Gill 2002; Oni et al. 2016). These objectives are achieved by the government through the enactment of binding rules, the giving of direction to societal activities and the enforcement of the rules to ensure compliance (Bang and Esmark 2009). Thus government performs these important functions by mapping out policies, implementing and enforcing the laws and adjudicating or administering justice (Nwagwu 2014).

The imperative of effective governance necessitates the division of governmental powers and functions between its institutions with each having some specific powers and performing some specific functions (Edosa and Azelama 1995). Perhaps, it is because of the division of the powers and functions among these institutions of governance that government is defined as a set of institutions through which the will of the state is realized (Adler 1996). Thus institutionalist scholars averred that powers and functions of government are vested in the legislature, the executive and the judicial organs of government which are coordinate or independent (Jones 2002). Constitutional government all over the world recognizes these three basic departments of government (Ball 1977; Magill 2001). Laski (1992) reiterates this position when he averred that since the time of Aristotle, it has been generally agreed that political power is divisible into three broad categories which include the legislature which makes the general rules for the society, the executive

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_2

which seeks to apply those rules laid down by the legislature to particular situations and the judiciary which settles disputes between government and its citizens and those between citizens. This tripartite political and administrative institutional arrangement is also corroborated by Kousoulas (1975) as he views that all contemporary states, in practice, have three branches of government responsible for carrying out the basic functions of government. According to him, one set of officials has the primary function of enacting laws, another set of officials implements state policies and decisions while the third settles disputes and punishes those who contravene the law of the land.

The legislature holds the place of primacy out of the three organs of government being that governance begins by making laws and is followed up by enforcing the laws and adjudication of disputes that may arise from the implementation. While scholarly works abound concerning the various roles of the legislature in democratic governance, only a scanty works have been written on the legislative function of law-making. This chapter therefore, interrogates the extent to which the National Assembly has been able to perform its constitutional role of law-making for the Nigerian State. This study is particularly important because, for the first time since 1960 when Nigeria became an independent state, the legislative institution has survived and operated for about twenty uninterrupted years. In other words, this is the longest democratic experience that Nigeria has ever had with the legislative institution intact and legislating.

The Legislature as a Law Making Political Institution

The legislature varies in power, functions, structure, pattern of organization and operational procedures among states (Ball 1977; Ray 2004). The variation is contingent upon past traditions, theory of government, character of the regime and most importantly, the nature of the society in question (Nwabueze 1982; Okoosi-Simbine 2010). In some political systems, (e.g. the United States Congress), the legislative body assumes wide powers and exercises real power with respect to various decision-making processes while in some other political systems (e.g. the former Soviet Union), the legislature exists as a mere rubber stamp whose main role is to legitimize the policy of government (Burnell 2003; Thomas and Sissokho 2005; Nijzink et al. 2006). Heywood (2007) alludes to this position by noting that the twentieth century witnesses a progressive weakening of the legislature's law making power in the form of a decline of legislatures to a mere deliberative assembly.

Despite the declining powers of this institution however, the legislature as the primary institution for making law is fundamental to democratic governance. This is because acts of the legislature are the embodiment of people's will transformed into the will of the state resulting from a transparent system of political compromise and elite bargaining among different social and political interests in a society. As observed by Nwaubani (2014), the law making responsibility of the legislature is fundamental because the laws of a country are expression of the will of the people

and the life of the people are substantially defined by the laws enacted by the legislature. The primacy of the legislature in a democratic polity is further buttressed by the fact that it is the legislation of this institution that is implemented by the executive and interpreted by the judiciary (Mahajan 2012).

The legislature, as a key institution of democratic governance, performs the basic role of enactment, repeals, revision and review of laws and regulations for the socio-economic and political advancement and wellbeing of the society it serves (Anyaegbunam 2012). The law making function of the legislature contributes to good government by increasing its capacity to respond to public sentiments/dissatisfactions, by playing a part in passing legislation capable of withstanding critical scrutiny, and serving as a vehicle for improving the degree of probity, efficiency, and responsiveness in the administration of laws. As observed by Laski (1992), the legislature has the responsibility for passing laws.

The legislature is the body which lays down the general rules of a society, making laws for the good governance of a state. It is the law-making, deliberative and policy influencing body working for the furtherance of democratic political system (Okoosi-Simbine 2010). These laws may originate as private member's bills, or they may originate from the executive branch (Abonyi 2006; Benjamin 2010). It is expected that laws made by the legislature are in the interest of the general populace with the expectation of modifying peoples' behaviour and response towards a given situation, be of good quality and self-sustaining. This is perhaps the reason why Abonyi (2006) averred that bills are expected to be thoroughly examined and passed through various stages, and in the process, could be altered through addition or deletion.

The fact that law and governance matter for development, be it macro-economic growth or the improvement of micro-level basic needs and freedoms is the reason the legislature holds a pivotal role in any democratic governance. The strength and the state of the legislature is therefore, among the strongest predictors of a country's democratic development and survival (Poteete 2010).

The National Assembly and Law Making: A Historical Analysis

From the most ancient times to the present, there has always existed in every political community, a system of rules and regulations codified or not which gives directions to societal activities and governmental institutions which map out policies and enact rules to regulate the interactions among members of the community (Edosa and Azelama 1995; Fashagba 2009). In this regards, there had existed traditional system of rules and regulations as well as law making political institutions in the various communities and kingdoms in Nigeria through which laws were made (Bereketeab 2011; Oni 2013). While laws in these traditional settings were either derived from customs, traditions and religious injunctions, or issued by the kings as

their commands, modern law making and institutional frameworks in Nigeria are however, traceable to the British colonial government which produced various constitutions for Nigeria in 1922, 1933, 1946, 1951, 1954 and 1960. In all these constitutions, legislative organs were created at various times in different regions of the country (Okoosi-Simbine 2010).

The British Colonial powers established the Legislative and Executive Council in 1862 for the Colony of Lagos and following the amalgamation of the Colony of Lagos with the Southern and Northern Protectorates in 1914, a Nigerian Council which existed side by side with the Legislative Council was established (Nwabueze 1982).

The Legislative Council was however merged with the Nigerian Council to become the Nigerian Legislative Council for the whole of Nigeria by the 1922 Clifford constitution (Oyediran 2007). Its jurisdiction was confined to the Southern provinces, including the colony of Lagos. The Northern Nigeria continued to be governed by order from the colonial office in London and the Governor in Lagos (Oyediran 2007). Perhaps the most striking feature of the 1922 Constitution was the introduction of Elective Principle which, for the first time, provided opportunity for Africans to elect their representatives and participate in the legislative process (Akinboye and Anifowose 2008).

The Richard Constitution of 1946 which replaced that of Clifford created a Central Nigeria Legislative Council with overwhelming African majority and having jurisdiction to make laws for the whole country. The constitution also established three regional assemblies for the three provinces, viz—North, West and East (Akinboye and Anifowose 2008). The Macpherson Constitution of 1951 represented a major step forward in the political development of colonial Nigeria. The constitution created a House of Representatives that replaced the Legislative Council and the regional legislature (Houses of Assembly). Thus the number of the elected Nigerians into the legislative councils both at the central and regional levels was increased. Both the North and the West had a bi-camera Legislature each while the East had a single-chamber legislature (Ojo 1998; Dudley 1982). In terms of power vested in the assemblies, while the House of Representatives could legislate on any matter whatsoever, the regional legislatures were no longer consultative or advisory bodies. The 1954 Lyttleton Constitution consolidated and improved on the foundation laid by Macpherson thereby creating a through federal system for the country. To be sure, for the first time, the constitution created three separate lists, namely, the residual, exclusive and the concurrent lists, and defined the spheres of powers between the central and regional legislative houses. Each region had a legislature, while the Governor-General and the regional governors were no longer members of the legislature (Dudley 1982). The House of Representatives was presided over by the Speaker instead of the governor that was previously performing the function. The House of Representatives was vested with power to make laws for the country and discuss financial matters. Regional legislatures were to become independent of the Central Legislature and thus the centre's power to approve regional laws was removed. Following the federal structure, three legislative lists were created—an exclusive legislative list which specified the items on which the House of

Representatives had powers to legislate upon, a concurrent list which the House of Representatives and the Regional Houses of Assembly had coexisting legislative powers and a residual list made up of items on which the regional legislatures alone had powers upon (Ojo 1998). In order to avoid conflict of powers therefore, the constitution stipulated that in the event of a clash under the concurrent legislative matters, the regional laws was void to the extent of its inconsistency with that of the central legislature (Oyediran 2007).

The salient issue that needs to be raised at this juncture is the way and manner the legislature evolved and developed under the colonial administration. The colonial legislative institutions were mere advisory tools in the hands of the Governor consisting of Nigerians and a majority of nominees of the colonial government (Kadende-Kaiser and Kaiser 2003). Their resolutions did not have the force of law, as the British intended them only to be deliberative houses and hence performed no law making functions (Nwabueze 1982). The colonial legislative institutions were not for any altruistic motive, rather they were essentially administrative strategies designed for better administration of the colonial state (Akinboye and Anifowose 2008). The colonial legislature were merely designed to complement the work of the colonial governments by serving as agencies for articulation of views and ventilation of popular feelings that were not expected to radically change the patterns and policies of the respective colonial governments (Oni 2013). Furthermore, the subordination of the legislative council to the executive subjected the latter to the whims and caprices of the Governor. The Governor was empowered to veto or give consent to any law passed by the Legislative Council subject to the instruction given to him by the British Government. No law took effect until he or the British Government had assented to it. He also had power to suspend any member of the council with the approval of the British Government (Akinboye and Anifowose 2008). At no time during the colonial period did the type or the extent of legislative power seemed to be an important issue. Even when the independence constitution was under discussion, there seemed to be little or no attention paid to the type of political institutions which should be established. This political orientation was to have a long lasting effect on the performance of the legislature, not only during but even years after effective renunciation of colonial rule. Thus at independence, Nigeria inherited weak legislative institutions (Juergensmeyer 1964; Nwabueze 1982; Dudley 1982).

The Independence Constitution of Nigeria established a Parliamentary system modeled after the British parliamentary democracy (Mbah 2007). Chapter V of the Constitution provided for a bicameral legislature made up of a House of Representatives, presided over by a Speaker and the Senate headed by a President. Two legislative lists were established—the Exclusive Legislative List of 44 items for the Parliament and the Concurrent Legislative List consisting of 28 items on which both the Parliament and the Regional Houses of Assembly were empowered to make laws (Ojo 1998). Both the Federal and the regional legislatures were competent to legislate with respect to matters contained in the concurrent list (Dudley 1982).

The legislative institutions operating at the centre were replicated at the regional level and following the parliamentary tradition, the same structure of party

government existed in each region, but under an entirely different shape as de-facto one-party rule was the major feature of regional governments during the republic. The Senate, however, had very limited legislative powers; it had delaying powers only and lacked jurisdiction over financial matters. In addition, the house appeared to have been transformed by the politicians into a dumping ground for those who failed to win seats at popular elections but who had ambition to be ministers (Osaghae 2002). Moreover, the legislature in the First Republic consisted of the Queen, represented by the Governor-General at the centre and the Governor at the regions. A legislative measure therefore, could never become an Act without any one of these institutions (Ojo 1998). Thus, despite the country's independence, the legislature of the Nigeria's First Republic did not change in relations to the legislative power of the British Crown in Nigeria (Omoweh 2006).

The First Republic parliamentary system was, however, terminated following the military intervention of January 1966. The collapse has been attributed to the inappropriateness of the political institutions and process bequeathed to Nigeria and their not being adequately entrenched under colonial rule as well as the failure of the elite to follow the rule of the game due to lack of political culture that sustains democracy (Dudley 1982; Akinwumi 2004).

The military intervention in 1966 dethroned the Nigeria's democratic governance and marked the end of the First Republic. The legislative bodies were abolished with the law making powers exercised by the Military. Military incursion into the political arena of Nigeria consequently further worsened the precarious situation of the legislative body in the country (Nwabueze 1982; Okoosi-Simbine 2010). The military rule arrogated to itself the supreme power of the Nigerian state by abolishing the constitution and governed the country by decrees.

Unlike the First Republic, the Second Republic Constitution enacted by Decree No. 25 of 1978, adopted a presidential democracy modeled after the United States of America. Legislative power was vested in the National Assembly (bi-cameral) at the Federal level. Members of the National Assembly are elected to a maximum of two 4-year terms (Oyediran 2007). Sections 4, 5 and 6 of chapter of the 1979 Constitution established and provided for the distinct and specific functions and composition of the National Assembly.

While the Senate was largely a ceremonial body in the First Republic, the 1979 Constitution gave the Senate equal powers with the House of Representatives (Suberu 1988). A unicameral legislative house of assembly was established in the states of the federation. There were two legislative lists which defined the powers of the National Assembly exclusively on Exclusive Legislative List matters and concurrent powers with Houses of Assembly in the States on Concurrent Legislative items (Oyediran 2007). The Second Republic was abruptly terminated by a Military coup on December 31, 1983 and the 1979 Constitution was suspended. The National Assembly was abrogated and the military exercised legislative powers by way of promulgating Military Decrees.

Through a carefully controlled plan for the return to civilian rule by the Armed Forces Ruling Council (AFRC) under Babangida administration, a new Constitution was promulgated in 1989 for the Third Republic through Decree Number 12 of

1989 (Oni 2013). It is pertinent to note that the Constitution did not fundamentally depart from the 1979 Constitution except for certain provisions such as the establishment of Two-Party System among others. Unfortunately however, the constitution was merely promulgated but did not wholly come into operation due to lack of full democratic governance in the country. It was only at the state level that it was practiced for 2 years. The national and State legislatures only existed but were powerless as the military held on to power (Akinboye and Anifowose 2008). The Presidential election that held in June 12, 1993 which would have ushered in properly constituted democratic governance at the centre was annulled by the military regime.

The annulment of the presidential elections was a major setback for the country as the level of public disenchantment with military rule had grown tremendously. Due to both local and international pressures, the military rulers relinquished political powers in 1993, leaving behind an interim, unelected civilian government. Amidst public outcry against the illegitimacy of the Interim National Government (ING) which the military government handed over power to on August 26, 1993, the military moved swiftly again and toppled the government. It abolished the constitution and governed the country by decrees, having disbanded the legislative bodies and proscribed elections until when the country returned to a presidential democracy in 1999 (Egwu 2005).

The National Assembly and Law Making in Nigeria's Fourth Republic (1999–2018)

The 1999 Constitution (now amended) of the Federal Republic of Nigeria established the legal framework for the democratic government of the Fourth Republic. The constitution established a presidential democracy with a legislature that is bicameral. By this, at all levels of government, the constitution preserves the three basic presidential institutions, namely, the executive, the legislature and the judiciary. According to Section 4 of the 1999 Constitution, legislative responsibility for the federation is vested in the National Assembly, a bicameral legislature. Subsection 1 provides that "the legislative power of the Federal Republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a senate and a House of Representatives". Subsection 2 empowers the National Assembly to make laws for the peace, order and good government for the Federation or any part thereof with respect to any matter in accordance with the provisions of the Constitution. In order to avoid conflict of jurisdictional power, Sections 3, 4 and 6 of the constitution clearly demarcate between the areas which can be legislated upon by the National Assembly and the Houses of Assembly of the states. These are contained in the exclusive and concurrent legislative lists. The National Assembly has exclusive jurisdictional power to legislate on matters included in the exclusive legislative list, to the exclusion of the Houses of Assembly of the states, while both

the National Assembly and the Houses of Assembly have legislative powers on those matters contained in the concurrent legislative list. It is apparent from the items on the exclusive legislative list that the federal government enjoys overwhelming power to legislate virtually on every subject. This is clearly an indication of the federal government dominance at the expense of the states and of course, inimical to the tenet of federalism which the constitution enunciated.

It is instructive to note that while separation of powers is a fundamental constitutional principle of the 1999 Constitution, nevertheless absolute separate among the organs was not what the constitution intended. In fact, power overlap, which is a major hallmark of presidential democracy, was essentially a major feature of the 1999 constitution. A system of checks and balances exist among them. Sections 58 (1) and 100 (1) reveal that the President or the Governor shares the law making power of the legislature by virtue of the constitutional provision for presidential or governor's assent to bills before they become laws. According to sections 58 (5) and 100 (5) however, at the event of presidential or gubernatorial refusal to assent to bills, the respective legislature can override such refusal by two-thirds majority.

The legislative power vested in the legislature under the 1999 Constitution is subject to judicial review as to its constitutionality. Section 4 (8) states that the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law, and accordingly, the National Assembly or a House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law. This system of checks and balances is necessary for maintenance of, and at the same time, needed for co-operation and interdependence among these fundamental institutions of governance with the essence of promoting liberty and as well, harmony that are essential in governance.

Since the emergence of Nigeria's Fourth Republic, the National Assembly has metamorphosed from being a nominal and peripheral to an active institution and exerting its influence on the law making process for the peace, stability and good governance of Nigeria (Oni 2013; Nwaubani 2014). Despite the tendency towards executive dominance, excesses and overbearing, the 4th Assembly was able to exercise its law making powers in the country by deliberating on a total of 74 bills during its existence between 1999 and 2003 (Lewis 2011). One of the issues on which the National Assembly demonstrated its resolve to protect it constitutional power was the scrapping, by President Obasanjo, of the Petroleum Trust Fund (PTF) established under Decree No. 25 of 1994. The action of the president was viewed by the National Assembly as usurpation of its constitutional responsibility of making and repealing laws. It however took the intervention of the Attorney-General and Minister of Justice to lay the matter to rest. The Minister argued that the President's action was not unconstitutional going by the provision of Section 315 (4) (a) and (c) of the 1999 Constitution which provided that the President could modify any existing law. He argued that the modification could be addition, alteration, omission or repeal (Ehwarieme 2010).

Another notable bill passed to law by this assembly was the Independent Corrupt Practices Commission (ICPC) Act 2000. The executive bill aimed at curbing the

spate of corruption in the country. The Electoral Act of 2001 was another remarkable legislation of the National Assembly. In the original bill, clause 80 (1) had submitted that at the close of nominations for the 2003 general elections, any political party which fails to sponsor at least 15% of the candidates for councillorship, council chairmanship, and state houses of assembly respectively throughout the federation, spread among two-thirds of the states of the federation, and the Federal Capital Territory, shall not participate in the general elections (Ogunmupe and Phillips 2002). This clause would have made it impossible for new political parties to field candidates in the 2003 general elections except for council polls. Section 80 (1) of the bill was however amended. Thus, the provisions changed to a newly registered political party would be eligible to participate in federal and state elections provided that the political party shall first participate in the local government election and win at least 10% of the councillorship and chairmanship positions throughout the federation, spread among two-thirds of the states of the federation and the Federal Capital Territory (Dunmoye 2002).

The 5th National Assembly existed between 2003 and 2007 and was able to pass 159 bills into law out of the 298 bills it considered (Iroanusi 2018). In a similar vein, the Nigeria's 6th National Assembly (2007–2011) was able to pass 91 bills into law out of the 757 bills introduced to the assembly during the period. Similarly, the assembly passed a total of 92 resolutions (Uche 2011). Remarkable amongst these legislations which had great influence on the political stability of the country is the 'Doctrine of Necessity' which on February 9, 2010 transferred power from the terminally ill late President Yar'Adua to Dr. Goodluck Jonathan as the Acting President of Nigeria. The failure of President Yar 'Adua to transmit a written declaration to the National Assembly to inform it that he was proceeding on health vacation caused a power vacuum with the danger of truncating Nigeria's nascent democracy if something was not urgently done (Fashagba 2010). Section 145 of the 1999 Constitution provides that whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives, a written declaration that he is proceeding on vacation or unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary, such functions shall be discharged by the Vice President as Acting President (CFRN 1999). Though the Constitution mandates the President to transmit to the National Assembly his inability to perform the functions of his office and his consequential proceed on vacation, it does not specify the modality and time limit for transmitting the written declaration (Sagay 2010). For more than 100 days politicians took advantage of the lacuna, inadequacies and the ambiguities in the provisions of the 1999 Constitution by given divergent interpretations to further their personal interest at the expense of the country (Fashagba 2009). As aptly argued by Sagay (2010), the vacuum in the constitution led to the adoption of the "doctrine of necessity" in that what was otherwise not lawful was made lawful by necessity. Other major law making achievements of the assembly was the repealing and re-enactment of the Electoral Act 2010 which granted credibility to the 2011 general elections.

Some other notable billed passed by the 6th Assembly include the Hydroelectric Power Producing Areas Development Commission Bill, Freedom of Information

Bill, National Health Bill, National Minimum Wage (Amendment) Bill, Prevention of Terrorism Bill, Anti-Money Laundering Bill, Asset Management Corporation of Nigeria (Establishment) Bill, National Sovereign Investment Authority Bill, FCT Abuja Area Courts Bill, Alteration of the 1999 Constitution Bill. Others include National Human Rights Commission Act, (Amendment) Bill, Independent National Electoral Commission Act (Amendment) Bill, Remuneration of Former President's Head Federal Legislative Houses and Chief Justices of the Federation and other Ancillary Matters Bill, Institute for Democratic and Legislative Studies Act (Amendment) Bill, Employees Compensation Bill and National Assembly Service Commission Act (Repeal and Enactment) Bill (Uche 2011).

The Nigerian 7th National Assembly (2011–2015) on the other hand, had 1,063 bills sponsored out of which it passed 106 into law (Umeagbalasi 2015). Some of the acts with landmark influence on Nigerian development include the Pension Reform Act 2014, Same Sex Marriage (Prohibition) Act, National Health Act, and the Terrorism (Prevention) Act (Agbakwuru and Erunke 2015). Some observers have however, scored the 7th Assembly low in its constitutional responsibilities. They have noted the Assembly's persistent recesses and adjournments which made it rather difficult to beat the constitutional threshold for mandatory number of sittings (Ugwuanyi 2015). By the provisions of the 1999 Constitution (as amended), each chamber of the National Assembly ought to sit for a minimum of 181 days in a year which totals 724 legislative sittings throughout the 4-year tenure. It is instructive to note however, that quite a number of the bills introduced to the assembly were private members bills though public interest and expert bills did not feature much during the assembly (Ugwuanyi 2015). A good number of the bills passed were also sponsored by the executive (FGN 2017). Such bills include the appropriation (budgetary) and supplementary appropriation bills and bills permitting the Presidency to borrow loans.

The 8th Assembly was inaugurated June 9, 2015 and as at July 2018 has enacted a total of 213 laws (Umoru 2018). The Assembly has witnessed some Senate members being very active in proposing bills for consideration into law. For instance, as at July 2018, Dino Melaiye had sponsored 15 bills while Stella Oduah had sponsored 5 bills among which is the bill for the construction of Dams to remedy the perennial flood disasters in Nigeria. Abiodun Olujimi a Senator representing Ekiti South sponsored 11 bills including the Whistle Blowers Protection Bill 2016 passed into law in 2017. Mallam Shehu-Sani representing Kaduna Central had sponsored over 10 bills. In 2017, Senator Ben Murray-Bruce proposed over 10 bills, one of which is the Ward Security Bill that seeks to protect Nigerians from herdsmen attacks and other insecurities related threats through the creation of Community Policing. In like manner, Enyinnaya Abaribe representing Abia South senatorial district sponsored the Public Procurement Act (Amendment) Bill of 2015 which seeks to promote Made-in-Nigeria products in the country. Ovie Omo-Agege sponsored a bill to establish the University of Petroleum Resources in Effurun, Warri, Delta State.

Some other bills passed into law include the National Senior Citizens Centre Act 2018 and the Legislative Houses (Power and Privileges) 2018 which strengthens the

legislators' power to implement their legislative functions. This comprises power to call upon any one to appear before the assembly to provide evidence and, power of an officer of the legislative house to arrest any person that commits an offense against the Act. Other laws include Chartered Institute of Project Managers of Nigeria (Establishment) Act 2018, Chartered Institute of Local Government and Public Administration Act, 2018, National Institute of Legislative Studies (Amendment) Act, 2018, Nigeria Agricultural Quarantine Service (Establishment), Act 2018; Dangerous drugs (Amendment) Bill 2015 which empowered the Minister of health and members of the public with respect to control of consumption of harmful drugs and also reviewed penalties, petroleum industry governance bill 2017, whistle Blowers Bill 2015, national grazing routes and reserve bill 2016, Nigeria Legion Act (Amendment) Bill 2016 and the Petroleum industry governance bill (Adeniran 2018).

Some bills were vetoed and with assent withheld by the president after been passed by the National Assembly. They include the disability bill passed by the national assembly in March 2018 (Adeniran 2018). The Corporate Manslaughter Bill 2018 was rejected because section 1(5) of the bill was at variance with section 36(5) of the 1999 Constitution which supports the presupposition of innocence until suspected offender is convicted by a tribunal, court or competent jurisdiction (Onyedi 2018). National Child Protection and Enforcement Agency (NCPEA) Bill 2018 was rejected because the responsibilities of the proposed agency are the statutory responsibilities of the Federal Ministry of Women Affairs. Furthermore, there were claims that the creation of the NCPEA could lead to the replication of mandates of the federal ministries, thus resulting in wastage of resources. Others include the Electoral Act (Amendment) Bill 2018, National Agricultural Seeds Council Bill, 2018; The Chartered Institute of Entrepreneurship (Establishment) Bill 2018; The Advance Fee Fraud and Other Related Offences (Amendment) Bill 2017, The Subsidiary Legislation (Legislative Scrutiny) Bill 2018; National Research and Innovation Council (Establishment) Bill 2017; National Institute of Hospitality and Tourism (Establishment) Bill 2018; Nigerian Maritime Administration and Safety Agency (Amendment) Bill 2017 and Agricultural Credit Guarantee Scheme Fund Amendment Bill, 2018. The rejections of these bills were alleged to be owing to some unaddressed issues relating to the drafting of the bills (Onyedi 2018). The Peace Corps of Nigeria bill 2017 was also vetoed by the president. Indeed, while President vetoed less than ten bills in 8 years, and Jonathan left a number of bills unassented to by the time he left office in 2015, the number of bills vetoed by President Buhari in 3 years appeared to be more than what his predecessors vetoed in 16 years. Apart from the 4th assembly (1999–2003) which successfully counter-veto two bills, the legislature had often defer to the executive once the executive vetoes any bills passed by the assembly. Perhaps, partisan politics played a role as the People's Democratic Party controlled both the national assembly and the presidency between 1999 and 2015, while the All Progressive Congress controlled majority in the national assembly and captured the presidency from 2015 to date.

What is evidently clear from the foregoing analysis is that private members sponsored a good number of bills from one assembly to the other. Despite this observation,

it suffice to note that the executive bills have higher possibility of been passed by the national assembly and assented to by the executive. For instance, during the 1st session (2007/2008) of the 6th assembly in 2009, the House of Representatives received and considered one hundred and fourteen (114) bills. 18 of the bills emanated from the executive, while 94 originated with the members of the House. The 18 executive bills translated to 15.78% while the 94 bills translated to 82.46%. The remaining two bills were transmitted from Senate to the House. Eleven bills representing 9.56% were passed out of all. Six (54.55%) of the eleven bills were executive bills while five (45.45%) were members bills. In the second session (2008/2009), the House received 181 bills in all. 141 (77.90%) of the 181 were members bills. 38 (21%) of the bills were executive bills. Two of the bills were transmitted from Senate to the House. Out of the 181 bills, 41 (22.66%) were passed into law. 18 (9.95%) of the bills were executive bills, while 19 (10.50%) private members were equally passed. Senate bills passed during the session was four (2.21%) (National Assembly Statistical Information 2009).

Similarly, most bills that the executive vetoed from 1999 to 2015 were largely private members bills. By this, legislative initiative appeared not to be enjoying executive support and approval as evidenced by the unwillingness of the executive to assent to bills emanating from the national assembly.

The National Assembly and the Challenges of Law Making

There are a number of issues that have made the Nigeria's National Assembly not to live up to expectations. These factors have affected its ability to guarantee good governance through the enactment of good and necessary legislations to drive the development of the state.

One apparent hindrance is the subjugation of the legislature by the executive. The executive treated the legislature as an appendage of the presidency especially from 1999 to 2007. Although the executive has changed its approach from 2007, essentially following the change of regime, yet, the subsequent presidents have not yet fully understood the import of a separate and independent legislature in a democracy. Perhaps, this is a trace of military hangover which is yet to completely vanish from the political scene after about two decades of the return of democratic rule (Alabi and Fasagba 2009). The implication of this is that while the legislature exists as veritable instruments of representative democracy, it is unable to perform is role of serving as effective checks on the executive as well as making laws capturing the interests of the people.

Parliamentary mercantilism, quackery and the commodification and commercialization of the law-making process and activities remain another pungent banes to effective law making and law making processes in Nigeria. Law making processes in Nigeria have been grossly compromised and commercialized over the years. The crave for pecuniary and personal gains drive legislators and legislative action. This often rob the legislature of critical supports of the public. The executive sometimes take advantage of this to blackmail the legislature. it appeared that the lack of effec-

tive and well-structured lobbying system sometimes expose the legislature to temptation to succumb to pressure from moneybags interested in influencing legislative activities. Nevertheless, it appeared also that some legislators see their positions as means of promoting selfish and parochial interest rather than national interest (Lafenwa 2009). Public interest legislative issues are often abandoned, relegated and sometimes compromised for subsidiary legislative functions such a*s constituency projects, legislative probes, budgetary legislation amongst others* (Umeagbalasi 2015). This is substantiated by the fact that public interest bills and expert bills were very minimal. For instance, in the first 12 years of the Fourth Republic, the parliament only passed 134 legislations, most of which were the several appropriation bills in which the lawmakers habitually have vested interests (Nwalonue and Ojukwu 2012). Also while the 112th U.S. Congress (2011–2012) passed a total of 326 Bills over a 2-year tenure, the 6th National Assembly only passed 91 Bills over its 4-year tenure (2007–2011) (Okigbo and Oyeka 2012). Additionally, by the provisions of successive appropriation Acts of the Federation, the Seventh National Assembly got over N600 billion ($3 billion) in budgetary allocations on an annual average of over N150 billion. This suggest that the national assembly got N5.77 billion for each of the 106 bills passed into law. The average cost per legislation is high on the basis of this. Furthermore, the processes involved in the initiation of Private Member bills both at the State and Federal legislative levels were also characterized by bribery and fraud. Huge amounts of money exchanged hands in some cases to initiate a bill through a member of the National Assembly (News Express 2015).

The Nigerian National Assembly remains one of the extravagant and expensive parliaments in the world (Sanusi 2010; Oni 2013). The cost of running the National Assembly has been on an ascending trajectory since Nigeria return to democracy in 1999, even as the percentage of Nigerians living in poverty continues to grow. Between 11 years of Nigeria's democratic rule (between 1999 and 2010), the National Assembly was assumed to have drawn over N684.6 billion from Nigeria's treasury (Ajani et al. 2010). According to Okigbo and Oyeka (2012), the average annual spent (salary and allowances) on a Senator and a member of the House of Representatives is about N240 million ($1.6 million) and N204 million ($1.36 million) respectively. Sanusi (2010) observed that the overhead cost of running the National Assembly is about 25.4% of the nation's total budget whereas 61.2% of Nigerians whose interests the legislators purport to represent live on less than $1 per day. The productivity and results is not proportional to the cost.

Another major challenge is the high turnover rate of members with each new assembly populated by new members. Institutional memory suffers due to perennial mass non-reelection of incumbent legislators (Omoweh 2006). Learning the legislative process and procedures take time for new members and this limit the extent to which they contribute to the activity of the institution.

Frequent allegation of corruption against some members constitutes another challenge facing the Nigerian federal legislature. The legislature has the duty of controlling and protecting public treasury, upholding the standard of transparency, ethics, accountability, efficiency and leading by example so as to serve as a spring board for a democratic and corruption-free society (Joshua and Oni 2014). The

Nigerian legislature at all levels of government-federal, state and local has not been able to satisfactorily discharge the onerous duty of protecting public funds and other resources due to the activities of some of its corrupt members (Alabi and Fasagba 2009; Oni 2014). Rather than facilitating accountability through scrutiny of the executive, some members often pay attention to the material and financial benefits they could amass using their power and office (Alabi and Fasagba 2009; Benjamin 2010; Oni and Joshua 2014).

Some political analysts have also argued that one of the major reasons for the poor performance of the Assembly is the frequency of recesses and adjournments. This made it rather difficult for the federal legislature of the 7th Assembly to beat the constitutional threshold for mandatory number of sittings. By the provisions of the 1999 constitution as amended, each chamber of the National Assembly ought to sit for a minimum of 181 days in a year which total 724 legislative sittings throughout their 4-year tenure. This was not met due to incessant recesses and adjournments (Ugwuanyi 2015). The 6th and 8th National Assemblies also had too many recesses that robbed the national assembly some precious times that should have been dedicated to legislative activities.

Conclusion and Recommendations

Nigerian legislature has no doubt witnessed a gradual evolution from advisory roles to active partner in governance for the peace, political stability and development of the country. This view is supported by Nwaubani (2014) who noted that the legislative institution in Nigeria evolved from minimal to marginal and to an active legislature. The role of the National Assembly as the primary law making institution of the Federal Republic of Nigeria has had consequences for the political stability and development of the country.

Thus, the National Assembly needs to consolidate on the progress it has made under the Fourth Republic. Indeed, despite the challenges the body has faced from 1999, its contributions to the stability of the current democratic practice is self-evident. It has been assertive despite efforts to undermine it by the executive. Yet, for it to make useful contributions and enjoy the support of Nigerians, the body must purge itself of most vices associated with it and get rid of the label of corruption and perception of self-serving attached to the institution.

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The Trajectory of the Legislature, Lawmaking and Legislation in Nigeria

Ibraheem O. Muheeb

Preamble

Studies abound (Almond et al. 1996; Aiyede 2006; Coleman 1970; Hague and Harrop 2004; Hans 2000; Lijphart 1992; Obiyan 2007; Eminue 2006; Olson 1994; Theen and Wilson 1986) on the relevance and significance of the legislature at the national and subnational levels of government. This chapter focuses on the Nigerian experience in legislative practices and legislation, particularly at the national level within the context of the two environments of the legislature. The chapter is a follow-up to the existing works on legislative studies in Nigeria focusing on lawmaking, representation and oversight. It is also within the context of the Nigeria's share of the myriads of distinguishing characteristics of postcolonial and post-conflict systems of its kind including transactional politics, the pervasive defective state system, poverty and inequality, desperate quest for power, appropriation of the state and the reign of impunity. It acknowledges the nature and character of the state system, a dearth of autonomous civic culture, prevalence of distinct traditional and religious patterns, distorted development trajectory of representative institutions and the peculiar circumstances of successive electoral processes as some of the consequences of the chaotic party politics that hinder legislative performance and undermine representative government. This intervention does not intend to run a detailed history of the myriads of self-inflicted and externally induced crises that bedevilled the National Assembly in the Fourth Republic; neither does it intend to

This chapter drew inspiration and benefitted from a paper by this author on the topic: "The Nigerian Experience in Legislative Practice, Process, and Legislation", *African Journal of Politics and Society*. Volume 2, Number 3, July 2016. pp. 49–97. The chapter is also a follow-up to similar works by the author on the subject matter.

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_3

embark on partial or wholesale assessment of the extensive government programmes at the federal level (Muheeb 2016b). The Nigerian representative governance is an emerging and ongoing project.

Introduction

The legislature is the critical unit that joins society to the legal structure of authority in the state. Legislatures are symbols and agencies of popular representation. It is the most organised theatre of political action and a veritable avenue for the mobilisation of people's consent for the system of rule. Legislators play an essential role of standing for the people by providing a formidable defence against executive tyranny (Hague and Harrop 2004). This presupposes that the legislature's performance is to be rightly measured vis-à-vis people's expectations. As critical units of a political entity, the legislature is expected to make the values, goals and attitude of a social system authoritative in the form of legislation. The combination of these variables better explains why the legislature constitutes desirable subjects and objects of analysis in contemporary democratic governance discourse (Almond et al. 1996). The legislature is an institutional representation of the popular will that legitimises the system of rule. The two major environments of the legislature, that is, the legislature–executive relations and the legislature–electorate relations provide the structural context for the assessment, characterisation and classification of legislative institutions. The identified network of relationship is essential in understanding and explaining the nature and character of the legislature in the foremost tasks of lawmaking, representation and oversight. Legislators must think highly of their responsibilities as trustees of the electorate. They are expected to perform an intermediate role between the government and the people whose wishes and desires must take precedence (Muheeb 2016a, b, c).

The significance attached to the legislature derives from the extensive powers vested in the legislative institution and the broad range of functions it is expected to perform, which include, but not limited to, representation, deliberation, lawmaking, exercise of power of the purse, education, socialisation and recruitment, interest articulation, aggregation and harmonisation, and keeping a potent check on other arms of government through oversight, scrutiny and investigation (Anyaegbunam Emmanuel 2010; Hague and Harrop 2004; Olson 2004, 1980; Mahler 2003; Akinsanya and Idang 2002; Almond et al. 1996). The extent to which the legislature represents the interest of the people in the conduct of members vis-à-vis their relationship with other actor-institutions in the governmental process; particularly, the executive is crucial to the nature and character of the legislature (Muheeb 2016a, b). As Olson noted, in a representative government, the legislature as an institution is not an extension of the executive but a partner working with the executive for public good (Olson 1980). Representation signifies an individual or sizeable number of individuals acting on behalf of a larger group of individuals, as a feasible mechanism for harmonising interests. Expectedly, representatives are to project the

opinions and choices of the individuals who elected them. Consequently, a representative must be responsible to no one but the electorate because each representative in the legislative assembly is autonomous in relation to other representatives and to the executive (Hans 2000).

Following Hague and Harrop (2004), the legislature's exercise of power of the purse manifests in the exerting of authority over government spending, approving of, or withholding executive authority to make financial transaction on state's account as may be considered necessary. Public expenditure must have legislative approval as government budget is subject to legislative review. This includes the legislature's significant inputs in the budgetary process among other responsibilities. The legislature reviews the bills for revenue sharing, possible taxation as well as catalogue of financial transactions of the executive. Thus, legislators are statutorily recognised as the custodians of budgetary power. In this regard, the legislature could initiate consultative assemblies where people are expected to put forward, and defend their immediate budgetary needs. Legislators are equally vested with the powers to check any noticeable trend of budgetary failure and ensure the smooth operations of budgets and the budgetary process. The people, therefore, become involved in the budgetary process through their representatives in the legislature.

Essential Features and Functions of the Legislature

The renewed emphasis on legislative scrutiny and oversight appears to have further enhanced the prominence of the legislature as a watchdog over the executive. Legislative oversight entails monitoring and reviewing the actions of the executive and aligning executive performance with the rules and dictates of the governance process. Through oversight, the legislature ensures that the executive gives account of its actions or policies, as and when necessary. The legislature also ensures that the executive make amends for any fault or error and take steps to prevent its reoccurrence in the future. Deliberation functions of the legislature suggest that the organ is vested with the right to make laws (legislation) and, where and when necessary, alter executive proposals. It entails giving due consideration to issues of public importance. The executive initiates and forwards bills to the legislature while the latter review and work on them as deemed fit. Legislators, as representatives of the people, a fact which qualifies them as trustees of the society, are expected to bring to bear their intra- and inter-institutional networking knowledge, competence and expertise on issues brought before them. In this manner, important issues are exhaustively debated and deliberated upon, setting the tone for the consequent legislative outcome, legislation. This implies that bills are scrutinised and authorised by the legislature, as lawmaking is clearly deliberative, involving extensive consultation, serial readings and debates modifying in the process executive proposals (Hague and Harrop 2004).

Baldwin posits that virtually all legislative institutions are constitutionally designated for giving assent to binding measures of public policy, that assent being given

on behalf of a political community that extends beyond the government elite responsible for formulating those measures (Baldwin 2013). While stressing the importance of representative government with broad powers and authority derived from the people, Born and Urscheler, nonetheless, recognise the variations in the functioning of the legislature particularly as regards the interplay of forces in the shaping of legislature–executive relations. Consequently, they posit that there are no universal standards or best practices for legislative oversight; more so that accepted substantive and procedural principles and practices as well as legislative structures in one established democracy may be a radical departure from what is obtainable in another system (Born and Urscheler 2002). This is in conflict with the emphasis on the minimum standard to which the legislature must conform (Muheeb 2016a, b, c).

Structure of the Legislature

Legislatures vary in structure, form, shape, sizes, power, functions, autonomy, procedures and traditions. The size and diversity of a country plays a significant role in determining the size and form of its legislature. However, the two most prominent classifications of the legislature in the literature are: unicameral and bicameral legislatures. At the national level, both types are characteristically reflective of such variables as; diversity, hegemony, party politics, political arrangement, forms of government and regime type, among others. Unicameral legislatures are one-*House* or one-*Chamber* legislatures common to most one-party states like Israel. In some federal systems like Nigeria, the subunits (states and local governments) have each a single chamber legislature. Bicameral legislature, on the other hand, presupposes two chambers, often referred to as the lower and the upper chambers. The Constitution of the Federal Republic of Nigeria 1999 vests legislative powers in the Senate and the House of Representatives being the upper and lower chambers respectively. This is by the provisions in Section 4(1) of the Constitution. Article 1 Section 1 of the US Constitution equally vests legislative powers on Congress, which consists of the Senate and House of Representatives. Germany has the *Bundestrat* and *Bundestag* as upper and lower chambers as well, while the British Parliament comprises the House of Lords and House of Commons. Baldwin (2013) observes that while Demark (the Folketing) and New Zealand (the House of Representatives) are unicameral legislatures; others, France (the National Assembly and the Senate), Russia (the State Duma and the Council of the Federation) are bicameral legislatures. According to the Inter-Parliamentary Union there are no fewer than 114 unicameral and 79 bicameral functional legislatures around the world.

Countries opt for either of unicameral or bicameral legislative structure not necessarily based on the size of their population. Choice of structure could be a function of the political and constitutional history and development of each country. For example, the People's Republic of China with a population of more than 1.3 billion has a unicameral legislature with a statutory 3000 members (though currently 2978 members), while bicameral legislature suffices in Antigua and Barbuda with a population

of some 87,884 consisting of the House of Representatives (with 19 members) and the Senate (with 17 members). Baldwin also noted that some countries like Denmark in 1953, Sweden in 1970 and Peru in 1993 were previously bicameral but have moved to unicameral structure. Others like Tunisia in 2005 were unicameral and subsequently moved to a bicameral structure. Again, Turkey was unicameral from 1921, became bicameral in 1961 and reverted to unicameral structure in 1982. Structure in this regard is the result of the political and constitutional history and development of each country (Baldwin 2013).

Baldwin (2013) also noted that there are the highly disciplined, tightly controlled legislatures of one-party authoritarian states such as the former Soviet Union, the German Democratic Republic (East Germany) and other Soviet bloc countries or those that can be seen today in the People's Republic of China (the National People's Congress) and the Islamic Republic of Iran (the Islamic Parliament of Iran, or Majles). There are unruly, fragmented legislatures like the Knesset in Israel, in which executive control often appears difficult if not impossible to establish. The working relationship between the House of Representatives and the Senate in the USA, particularly when one party has a majority in one chamber and a different party is in majority position in the other can lead to an inability to get anything through the legislative process, producing "legislative logjam". The legislative term 2010–2012 witnessed such logjam when the Republicans controlled the House and the democrats controlled the Senate and the executive under President Obama had difficulty getting government policies and programmes (like the Obama Healthcare programme tagged Obamacare) requiring legislative backing through the Congress.

A functional representative legislature holds far-reaching implications for the people as well as the system of rule. Recourse to the legislature on virtually every issue best captures the very essence of representation and the legislature. Such words as: assemblies, congress and/or parliament could be used interchangeably to denote the legislature as applicable to different climes. The legislature in the USA comprises the House of Representatives and the Senate, both of which make up the US Congress. The British Parliament, which comprises the House of Lords and the House of Common constitute the British legislative arm of government (Hague and Harrop 2004). The word "assemblies" often refer to legislatures at the national or sub-national levels of government in Nigeria. According to Baldwin Nicholas (2013), legislatures are known by different names from one polity to another. The word "Parliament" suffices in the UK, "State General" in the Netherlands, "Cortes Generales" in Spain, "Federal Assembly" in Russia, "Diet" in Japan, "Supreme Council" in Ukraine and "Congress" in the USA.

The "Operation of Legislatures"

The extent to which a legislature is able to exercise power and exert influence is dependent upon a variety of variables. They include the institutional nature of the system within which it operates, for example presidential or parliamentary, unitary

or federal, electoral factors, that is, the nature of the electoral system, the use of different systems for the choice of the head of the executive. There could be staggering of executive and legislative elections. Other factors are the position as outlined in the constitution and the extent of its constitutional authority; its working practices and the extent of its political independence from the executive. The extent to which it is affected by the nature of the party system; its standing in the eye of the public; and its organisational coherence, particularly the independence and strength of its committee system and the professionalism of its membership are also imperative (Muheeb 2015a, b, 2016b, and Baldwin 2013). Baldwin also brought the UK parliamentary experience to bear to reinforce his argument, pointing to the importance of such factors as: the party balance, particularly whether one party forms a majority government or whether coalition or minority governments are the norm; the size of the majority; the perceptions among MPs of the authority and popularity of the Prime minister; the skills of the prime minister in managing the parliament; the skills and abilities of parliamentary business managers (such as the Chief Whip); the prevalence of "divisive issues"; the quality of the institutional structures by which the parliament can scrutinise the executive; the unity and quality of the opposition; and national and international events. These are essential considerations when assessing the nature and status of the relationship between the legislature and the executive to determine whether it is the legislature or the executive that has the upper hand (Baldwin 2013).

It is however important to note that influence can be exerted "behind the scenes", in private meetings with other political actors, and when the interests of the executive and the legislature align, it may be difficult to determine to what extent the executive is leading the legislature or responding to it (Muheeb 2015a, b, 2016b; Baldwin 2013). Also of importance is the fact that electorates have increasingly looked up to the executives for succour and that governments have often been found wanting. This has tended to bring political institutions and political actors under criticism, weakening legislatures in the process. Against the background of the growing complexity of contemporary governance, the policies and aspirations of even the most powerful political entities, legislatures or executives are vulnerable to development and decisions elsewhere over which they have little influence and less control, as the global economic crisis starting from 2008 readily attests. This fact, among others, including the increasing interface with ICT and the ease of cross-border movement for improved life chances poses significant threats to the ambitions and jurisdictions of national political entities, be they legislatures or executives. They risk losing credibility by holding on religiously to claim of competence in the face of biting hardship and limited economic choices (Muheeb 2005, 2015a, b, 2016a, b; Baldwin 2013).

In the final analysis, Baldwin's argument suffices. The reality of the position of a legislature in a political system is dependent upon the prevailing history, traditions and special circumstances of such a system. The operation of the legislature in such system goes beyond mere assessing the position and capacity of the legislative vis-à-vis the executive. Even in instances where the balance of power undeniably favours an executive it is not to the point of total subordination, as there are

evidences of concrete legislative input and impact. The executive–legislative relationship is relative on lawmaking, representation and oversight, being the three crucial roles of the legislature, except in the most extreme cases of executive dominance (Baldwin 2013). Thus, what can be identified when assessing legislatures is "a complex set of interrelationship often involving the capacity to influence, as opposed to determine; the ability to advise, rather than to command; the facility to criticize but not to obstruct; the competence to scrutinize rather than to initiate; and the desire to ensure that light is shed upon what is going on rather than to have things covered by a veil of secrecy." Therefore, there is ample justification to align with Baldwin that many modern legislatures are better equipped than previously to function effectively in their onerous tasks. Regardless of possible shortcomings, legislatures remain the linchpin joining the people to the political system of a polity, the intermediaries in the peaceful transfer of executive power, the articulators of grievances, the agencies of oversight and forums for scrutiny of the executive (Baldwin 2013).

The Nigerian Legislature Before 1960

The history of modern legislature in Nigeria could be said to have started with the Legislative Council established in 1862 by the British colonial powers to legislate for the Colony of Lagos. The Legislative Council was composed of the colonial governor, six officials, two Europeans and two Nigerians, who were unofficial members. The council only functioned in an advisory capacity to the governor. Nigerian Council, which existed side by side with the Legislative Council, was established following the amalgamation of the Colony of Lagos with the Southern and Northern Protectorates in 1914**.** The Nigerian Council was put in place to reflect the expanded size of the federation largely in terms of representation of the various units in its composition. It was larger than the Legislative Council but had only advisory powers, with neither executive nor legislative authorities.

The Clifford Constitution of 1922 established new Legislative Council of 46 members. It was the first Legislative Council with elected members. The new Legislative Council was empowered to legislate for the peace, order and good government of the Colony of Lagos and the Southern Province. The governor legislated for the Northern Province by proclamation. The Richards Constitution of 1946 replaced the Legislative Council with Central Legislative Council. The Central Legislative Council had an enlarged membership, which featured an unofficial majority. The council was empowered to make laws for the entire country but subject to the reserve power of the governor. The constitution also made provision for regional assemblies by dividing the country into North, East and West. While the Northern Regional Council was bicameral, the West and East were, each, unicameral. The Northern Regional Assembly comprised the House of Chiefs and the House of Assembly. The Regional Assemblies largely served in an advisory capacity

and also nominated those who would represent their various regions at the Central Legislative Council (Muheeb 2016b).

The Macpherson Constitution of 1951 was the product of the Ibadan general conference of January 1950. It replaced the Central Legislative Council with the House of Representatives. The constitution strengthened the regional Legislative Council put in place by the Richards Constitution with an elected Nigerian majority. The regional councils were to make laws on a range of issues but subject to ratification by the Central Legislative Council. The regional councils were to also serve as electoral colleges for both the council of ministers as well as the Central Legislative Council, the House of Representatives. The Central Legislative Council had powers to legislate on all matters affecting the entire country, including appropriation and those matters that were under the purview of the regional councils. The Council was comprised the governor as president, 6 European officials, including the lieutenant governors, 136 representatives elected by the Regional Houses; (68 by the Northern Regional Assembly, 34 each by the Western and the Eastern Regional Assemblies, and 6 special members appointed by the governor to represent interests and communities which had inadequate presence in the House of Representatives). The House of Representatives then had no powers over bills relating to public revenue and public service.

The constitution provided for a bicameral legislature in the North and West with a House of Chiefs and a House of Assembly. The Eastern Region had only one house, the House of Assembly. Notwithstanding the desire for regional autonomy, it must be noted that regional bills could only become laws with the consent and approval of the Central Legislative Council. The governor was empowered to make laws with the advice and consent of the House of Representatives under the Macpherson Constitution; he was also given reserved powers in areas like public finance, foreign policy and public service. To maintain the legislative supremacy of the governor, the House of Representatives was given pseudo-supremacy of vetoing legislation made by the Regional Houses of Assembly.

The Lyttleton Constitution of 1954 retained the House of Representatives, but without the governor presiding. Instead, the House of Representatives had a speaker, 3 ex-officio members, and 184 Representatives elected from the various constituencies in Nigeria. With direct election of members by the constituencies, the regional assemblies ceased to be electoral colleges for the Central Legislative Council. The House of Representatives was empowered to make laws for the country and discuss financial matters. Legislative powers were divided along three legislative lists, namely exclusive, concurrent and residual. Exclusive Legislative List contained about 68 items on which the House of Representatives had powers to make laws. These include defence, currency issuance, foreign relations and so on. The Concurrent List included those issues on which the House of Representatives and the Regional Houses of Assembly had concurrent legislative powers, like education and basic facilities. However, federal laws and powers would take precedence in the event of conflict of interest. The Residual List made up of items on which the Regional Legislatures had the final say in passing a bill into law.

Ojo (1997) recalled that from January, 1955, Nigeria's premier legislature, the House of Representatives started the conduct of its legislative affairs under a "speaker" appointed for the first time, as the affairs of the legislature were being conducted along strict parliamentary lines neither subservient to the former president of the house, then the governor, nor subjected to mere "rule of thumb". Thus, Nigeria adopted in full measure, the parliamentary system of government. The Parliament consisted of the governor-general, as the queen's representative, the Senate and the House of Representatives without any of which a legislative measure could not become an act or a law. Any measure originating in a bill in any of the Houses, Senate or House of Representatives must have the concurrence of the other House after which it must go to the governor-general for assent. It then became an Act of Parliament. The 1960 Constitution was a replica of British system tagged "Parliament" rather than "Assembly" or "Congress".

The First Republic 1960–1966

The 1960 Constitution established a Parliament made up of a House of Representatives of 320 elected members and a Senate of 44 nominated members. This was in keeping with the practice of the House of Lords in the UK. In line with the federal system or government, which the imperialists had favoured with the Richards and Macpherson Constitutions, the 1960 Constitution also provided for a bicameral legislature at the Regional level with "Houses of Assembly and Houses of Chiefs" to distinguish them from the central legislative body tagged "Parliament" consisting of the Senate and the House of Representatives. The 1960 Constitution made provisions for the central legislature in its Chapter IV, giving details of its composition (Part 1), Procedure in Parliament (Part 2), Summoning, prorogation and dissolution of Parliament (Part 3) and its legislative powers (Part 4). Part 4 (Sections 69–83) listed the legislative powers of parliament as including powers of parliament to make laws "for peace, order and good government of the Federation" in regard to matters in the exclusive legislative list and the concurrent legislative list as well as in relation to emergencies in respect of any area of the country and in respect of any subjects whatsoever. Parliament would also make laws in respect of money (grants and loans) as well as imposition of taxes and in respect of treaties. Thus, two legislative lists were established—the Exclusive Legislative List of 44 items for the Parliament and the Concurrent Legislative List consisting of 28 items on which both the Parliament and the Regional Houses of Assembly were empowered to make laws. In addition, the Parliament was conferred with emergency powers.

The Republican Constitution of 1963 was not a complete departure from the 1960 Constitution, as all the changes it made were to the effect that the Queen of England had ceased to be Nigeria's Head of State as well as sit in the Legislative Houses. The fundamental change from a monarchy to a republic was the major alteration of the 1960 Constitution, making the contents of both the 1960 and 1963

constitutions generally the same. The parliamentary system of government was still retained, as the three arms of government, the judiciary, the legislature and the executive, continued to function as of the old and the same Standing Orders of the legislature were in use. Highlights of the changes effected in the 1963 Republican Constitution included the fact that the Queen's Representative ceased to be the Head of State but now replaced by a president elected by representatives in the Parliament to reflect the new independent and republican status of the federation. The contents of both constitutions including parliamentary procedures were largely the same both under the monarchy from 1960 to September 1963 and as a republic from October 1963 to January 1966 when the military took over (Ojo 1997). The standing order was based on the provision of Section 65(1) of the 1960 and 1963 Constitutions in the following terms. The section stated thus: "65(1) subject to the provisions of this Constitution, each House of Parliament may regulate its own procedure." This section conferred the Parliament with the power to make laws in accordance with the provisions under Section 69 of the constitution in respect of the legislature.

The specific powers for the internal working of the legislature to enable it perform the legislative tasks specified above were contained in Part 2 of Chapter V—Procedure in Parliament and included Oaths to be taken by members of Parliament, Presiding in Senate, Presiding in House of Representatives, Quorum in Houses of Parliament, Mode of exercising legislative power, Restrictions with regard to certain financial measures, Limitation of powers of senate and Regulation of Procedure in Houses of Parliament (Sections 55–65). Therefore, the House of Representatives, in 1962, issued the "Standing Orders of the House of Representatives 1962", and the Senate followed suit in relation to its own legislative procedure. The two procedures were virtually similar, save that the House of Representatives was the more powerful of the two with exclusive powers to initiate money bills (the power which the Senate did not have).

However, Ojo's observations on some identifiable shortcomings of the parliamentary system as regards its negation of the full application of the principle of separation of powers suffice. The prime minister and his ministers, both of cabinet and non-cabinet status, as well as their parliamentary secretaries were all legislators before being appointed ministers. They must have won their seats in the elections into the House of Representatives, or must have been nominated as senators. Again, most of the legislative measures including bills and resolutions coming before the parliament emanated from the Council of Ministers and were introduced by the appropriate ministers. A few bills and resolutions in form of Motions were also brought before the House by floor or ordinary members. Such measures must, however, have the consent of the Council of Ministers in order for the bills and resolutions to succeed. The minister of finance usually assumed leadership of the House or of government business from 1960 to 1966. All financial measures including the appropriation and finance bills must originate in the House of Representatives as provided for under Section 62(2) of the 1960 and 1963 Constitutions (Ojo 1997).

In line with parliamentary tradition and as earlier noted, the real power resided with the prime minister who doubled as the head of government. The governor-general or president from October 1963 was the head of state who followed the

advice of the prime minister and would not likely veto the laws passed by both legislative houses. Any important measure of the government, which failed to pass in the House and any motion of no-confidence, which succeeded, would result in bringing down the government before the completion of the 5-year term of office. The government and opposition legislators would then have to seek a new mandate from the people. Since the government controlled the majority in the legislature, either of these measures, usually promoted by the opposition, hardly ever succeeded. Thus, there was a thin line between the executive and the legislature. The executive remained dissolved with the legislature and the latter stood dissolved whenever the government resigned. Instructively, the executive so controlled the legislature that the latter became completely subordinate to the former, and the former almost becoming a rubber-stamp legislature (Ojo 1997). These were to later provide justifications for the jettisoning of parliamentary for presidential system of rule as shall be discussed in the subsequent sections of this chapter.

The Civilian, the Legislature and Lawmaking (1979–1983)

After 13 years of legislative hiatus, democracy was restored in 1979. In 1976, the then military government heeded the call of Nigerians for a return to civilian constitutional and democratic governance through a transition to civil rule programme. Accordingly, a Constitution Drafting Committee (CDC) was appointed to review not only the 1963 Constitution but to also look at what other constitutional practices and lessons from other parts of the world could be used as input in crafting a constitutional system suited to the Nigerian environment. For effective leadership, national unity and the need to develop bargaining and consensus approaches to politics and decision-making, the CDC recommended a departure from the Westminster parliamentary system of government and the adoption of the American executive presidential system (Muheeb 2016a, b, c).

The CDC recommendations were debated by the Constituent Assembly members before their coming into force on October 1, 1979 as Constitution of the Federal Republic of Nigeria. The federal government proclaimed a new constitution for the country, based on the presidential system of government. Among other provisions, the constitution acknowledged the creation of 19 states, established a bicameral National Assembly consisting of the Senate and the House of Representatives, and unicameral legislative Houses of Assembly for the States in the Federation. The functions of the legislature include lawmaking, representation and checking, supervising and controlling the administration. The Constitution of the Federal Republic of Nigeria 1979 established a bicameral National Assembly as recommended by the CDC and unicameral legislative Houses of Assembly in the States. There were two legislative lists: (1) the Exclusive Legislative List and (2) the Concurrent Legislative List defining the powers of the National Assembly on Exclusive Legislative matters and the concurrent powers with the Houses of Assembly in the states on Concurrent Legislative items. Lt. General Olusegun Obasanjo handed over power to President

Shehu Shagari who was declared the winner of the national elections in the military midwifed the military-to-civilian transition in 1979.

The constitutional provisions for the legislature under the presidential system of government were quite similar to those for the legislature under the previous parliamentary system with provisions for a bicameral legislature for the Centre—Senate and House of Representatives as was the case under the Parliamentary system of the first Republic. The legislature also developed its own Standing Orders called "Rules" in the House of Representatives and "Standing Rules" in the Senate. The Standing Orders of the parliament of the First Republic (1960–1966) and the Rules of the Assembly of the Second Republic (1979–1983) derived their power and authority from the same sources, namely constitutional and statutory provisions, the unwritten rules (practices and conventions of the legislature), the written rules (standing orders) and rulings from the presiding officers. To enable the legislature perform the tasks enumerated in the exclusive legislative list, the 1979 also outlined the procedure in the legislature to include Oaths of Members (Section 48), Presiding at Sittings (Section 49), Quorum (Section 50), Languages (Section 51), Voting (Section 52), Mode of Bills (Sections 54 and 55), Regulation of Procedure (Section 56), Committees (Section 58) and Sittings (Section 59).

However, after 4 years and 3 months, there was yet another military takeover of government in December 1983 consequent upon which the 1979 Constitution was suspended, the National Assembly abrogated and the military exercised legislative powers by way of promulgating military decrees.

The Aborted Third Republic

The Constitution Review Committee (CRC) was set up in 1987 to re-examine the 1979 Constitution. The CRC recommended a retention of the 1979 Constitutional stipulations and therefore a 1989 Constitution was promulgated which established a National Assembly in the same way it was done under the 1979 Constitution. Going by the provisions under Sections 56, 57(4) and 98 of the 1989 Constitution, a bill that has been passed by the National Assembly or an Act of the National Assembly shall become a law after assent of the president, and a bill passed by House of Assembly of a State shall become a law only after assent of the governor in accordance with the provision of the Constitution. Where the president or governor withholds assent, otherwise known as vetoing, the bill is returned to the assembly and the bill, if again passed by the assembly by two-thirds majority, "shall become a law", and the assent of the president or governor, as the case may be, "shall not be required". The entire transition to civil rule programme midwifed by the Babangida regime was brought an abrupt end in August 1993 as a result of the aborted June 121,993 presidential elections, which took place under the 1989 Constitution. The legislature was short-lived though but both the National and sub-National Assemblies were accused of conniving with the Executive in stifling the legislative institutions through impeachment campaigns against the principal officer until another military

regime of General Sani Abacha took over in November 1993 and again disbanded the legislature. The Military retained power but the continued agitation for the return to civil rule informed the convening of a National Constitutional Conference in 1994 with a Report in 1995. Again, the Constitutional Conference retained the pattern established under the 1979 Constitution, namely a bicameral National Assembly consisting of a Senate and a House of Representatives with exclusive and concurrent legislative powers. The military administration led by General Abdulsalami Abubakar commissioned a Constitution Review Committee whose recommendations brought about the promulgated 1999 Constitution of the Federal Republic of Nigeria (Muheeb 2016a, b, c).

The Re-emergence of the Legislature (1999–2015)

Nigeria exited authoritarian dictatorship to embrace civilian rule in May 1999 with the successful inauguration of the Obasanjo administration after prolonged popular pro-democracy agitation and several attempts at democratisation. As noted elsewhere, the military to civilian transition ushered elected officials into the executive and legislative institutions both at the national level and the component units for a renewable term of 4 years under the provisions of the 1999 federal Constitution. It is noteworthy that the 1999 Constitution largely incorporated the provisions of the 1979 Constitution. The 1999 Constitution provides for an executive presidency, a bicameral legislature of two chambers, the Senate and House of Representatives at the national level and a unicameral assembly, and a State House of Assembly in each of the 36 States of the Federation. There is an Exclusive Legislative List of 68 items and a Concurrent List defining the extent of federal and state legislative powers. Section 4(1–7) clearly defined the legislative powers of the National Assembly and the State Houses of Assembly.

The Legislature and Lawmaking in the Fourth Republic

Chapter V, Sections 47–89 and 90–129 outline details on the composition and staff of the legislature, procedure for summoning and dissolution of the legislature, qualification for membership and right of attendance, election into the legislature as well as legislative powers and control over public funds including right to the conduct or investigations and to seek evidence within the confines of legislative oversight. Section 4 of the 1999 Constitution, therefore, enjoins separation of powers and checks and balances. The powers conferred on the legislature in the Constitution are exercisable only for the purpose of enabling the legislature to make laws with respect to any matter within its legislative competence and to correct any defects in existing laws; and expose corruption, inefficiency or waste in the execution or

administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it (Nyong 2000).

The Constitution enjoins the principle of separation of powers and personnel, which entails provisions limiting executive influence in and on the legislature. These include provisions that clearly define the direction of legislative–executive relationship vis-à-vis the principle of checks and balances. For example, Section 100(1–5) of the Constitution requires that a bill passed by a State House of Assembly be presented to the governor for assent and for the Assembly to by-pass the governor's assent when and where such action is delayed or denied. Section 101 granted the Assembly power to be self-regulatory. Section 105(3) granted the governor power to issue a proclamation for the holding of the first session of the House of Assembly or for its dissolution as and when necessary. These are similar to Sections 58 and 64 as regards National Assembly. Sections 60 and 101 grant the legislature at the National and state levels concurrent rights to be self-regulatory. Section 188 empowers a State House of Assembly to remove, as a measure of last resort, an erring governor or deputy governor as the case may be, in line with these provisions. This is similar to provisions under Section 143, which empowers the National Assembly to remove an erring president or vice-president. Thus, the 1999 Constitution made adequate provisions for the effective functioning of, and a representative legislature.

Composition of the National Assembly

The composition of the **Senate** is based on equal representation of the States of the Federation, irrespective of size. There are 109 Senators comprising three each from each of the 36 States of the Federation and one senator representing the Federal Capital Territory. In line with Section 47 of the Constitution on leadership composition, and in fulfilment of Section 60, which grant the National Assembly rights to be self-regulatory, the leadership of the Senate comprises the president and deputy president at the helm. Other principal officers include the majority leader, chief whip, deputy majority leader, deputy chief whip, minority leader, minority whip, deputy minority leader and deputy minority whip. There are 54 standing committees, each headed by a chairman appointed by the senate president. Similarly, the House of Representatives consists of 360 members elected based on proportional representation of population of each of the 360 States of the Federation and the Federal Capital Territory. The leadership of the House of Representatives consists of the speaker and the deputy speaker. Other principal officers include the house majority leader, chief whip, deputy majority leader, deputy chief whip, minority leader, minority whip, deputy minority leader and deputy minority whip. There are 84 standing committees in all, each headed by a chairman appointed by the speaker.

The Legislative Process in the Nigeria's National Assembly

A bill for a law or an act of the National Assembly undergoes a definite process requiring extensive deliberation, serial reading, and consideration of the many interests and implications of the bill. The processes and the tasks involved are usually in stages. **Stage One** involves the identification of the need for a bill. A bill could be entirely new with novel ideas and insight not yet covered by an existing law. It could also be an amendment to an existing law, which may be thought to be inadequate either because of some changes in government policies or changes in the society. The existing law could also be considered to be an infringement on another legal framework, thus necessitating changes requiring legislative actions. An individual within or outside the legislature can initiate a bill. However, only a member of the Senate or House of Representatives can introduce a bill on the floor of the House or the Senate. Bills are grouped into three categories, namely *Executive*, *Member* and *Private*. A bill is like a proposal that has to be deliberated upon and passed into law by the legislature. In processing **Executive** bills, the presidency is expected to forward a prepared copy to the speaker of the house and the senate president with a cover memo from the president. Bills from the Executive arm of government could be deliberated upon concurrently in both the Senate and the House of Representatives. A bill from members of the House of Representatives is presented to the speaker while the one from Senate is presented to the senate president. Bills from members of the Assembly and **Private** individuals are first deliberated upon in the chamber of its origin before it is forwarded to the other chamber for passage.

All bills are marked according to their chamber of origin. For example, a bill from the House of Representatives is marked HB (house bill) while the one from the Senate is marked SB (senate bill). An executive bill is marked with "Executive" printed on the title page of the bill. On the receipt of a bill, the speaker forwards it to the Rules and Business Committee, while the senate president sends it to the Committee on Rules and Procedure. These committees have preliminary view of the bill to determine whether it meets the standards in draft and presentation. Otherwise, it is forwarded to the Legal Department of the National Assembly for redrafting and further advice. The committee thereafter forward the bill for gazette and for subsequent stages involving the first, second and third readings. Executive bills are gazetted or published in the House/Senate Journal once, while those introduced by members are published three times before they can be presented to the House/Senate for consideration. The House Rules and Business Committee or the Senate Committee on Rules and Procedures is also expected to determine the day and the time a bill is to be discussed in the House/Senate. All bills must receive three readings before they can be passed into law and the readings must be on different days. Some bills can receive accelerated consideration based on urgency, and significance and related considerations, in which case, rules of the House/Senate are to be suspended or set aside to accommodate the special circumstances.[1]

[1] ibid.

Stage Two involves serial readings of the bill. The clerk of the House or the Senate usually does the *First Reading* of bills scheduled on the House/Senate calendar. S/he reads the short tittle of the bill and then proceeds to “table” it, in which the clerk places the bill on the table before the speaker/senate president. There is no debate on the bill on the floor of the House/Senate at this stage, as the first reading simply notifies members that a particular bill has been introduced and received. The *Second Reading* involves a debate, which commences with a motion by the Senate or House Leader that the bill be read the second time, if it is an executive bill. The motion must be seconded (supported) by any of the other parties’ leaders. When it is not seconded, the bill cannot be debated but in most cases, Executive bills are allowed, as a matter of courtesy to proceed to a second reading. However, the sponsor of the bill would move the motion that it be read the second time if the bill is by a member of the House or the Senate and the motion must be seconded (supported) by another member of the House or Senate.[2] Also, when a bill by a member cannot get the support of another member in the House or Senate, it cannot be debated and it stands rejected. The individual moving the motion, be it an executive or member bill, is expected to highlight the objectives, general principles and subject matter of the bill. He is also expected to state the benefits of the bill if passed into law. If the House agrees to the motion, the clerk will read the long tittle of the bill, after which members signify their intention to speak on the bill. Speakers on a bill are usually allocated time of about five or 7 min to speak. Either of two things could follow at this stage, namely the bill may receive the support of the majority of the House/Senate and be allowed to move to the next stage. Once it gets the needed support, it moves to the committee stage. The bill may be “Negatived” (killed) if it does not get the support of the majority of the House or Senate members. When a bill is killed, it is taken off the table and cannot be discussed until it is reintroduced at a later date. After the debate on the general principles of the bill, it is referred to the appropriate standing committee. The senate president/speaker of the house is empowered by the rules of both Senate and the House to determine the relevant committee(s) to which the bill would be referred.[3]

The committee stage is that moment when the committee assigned to further action on a bill examines it critically. The House and the Senate, each, have two types of committees, namely the Committee of the Whole House, and the standing committees. The deputy speaker of the House acts as the chairperson if the Committee of the Whole House is to discuss a bill. The speaker would vacate his or her seat for the clerk’s seat at this point. The chamber’s symbol of authority, the mace would occupy the lower table for the Committee of the Whole House deliberation to commence. In the case of the Senate, the senate president acts as the chairperson of the Committee of the Whole House and thus presides over sittings. When the deputy speaker or the senate president presides over the Committee of the Whole House, s/he is stopped being addressed as the deputy speaker or the senate president. Rather, s/he is to be addressed as “Mr. Chairman Sir” or “Chairperson Ma” for

[2] ibid.

[3] ibid.

the period of the committee session. As for the standing committees, the chairperson, appointed by the senate president/speaker of the house, presides over the committee, and in his or her absence the deputy steps in instead.

The assigned standing committee examines all aspects of the bill clause by clause and point by point. They also organise public hearings on the bill either at the National Assembly Complex or any other location the committee deems appropriate. The public hearing would afford interested member(s) of the public or expert(s) opportunity to make intervention and contribute to the public debate of the bill. However, while members of the public can offer suggestion(s) on any aspect of the bill, only a member of the committee can propose amendment to the bill. Amendments must be in line with, and relevant to the principle and the subject matter of the bill as agreed to at the second reading stage. It is pertinent to stress that a bill could touch on areas of two or more standing committees. The committee with dominant issues is assigned the bill, while others will form subcommittees to consider their areas of interests and report to the main committee. The main committee will collate all suggestions and amendments of the "sub-committees" and report to the House/Senate.[4]

A standing committee on a bill reports back to the Committee of the Whole House/Senate in plenary after the committee has concluded its work with or without amendments. The committee must ensure that the House Rules and Business Committee or Senate Committee on Rules and Procedure include the bill on the House/Senate Calendar for the hearing of the committee's report. It is important to stress that the Committee of the Whole House must also report back to the House/Senate. The speaker or the senate president takes his or her former seat and the mace is returned to its original position where Committee of the Whole House is reporting back on the bill. Whether it is the standing committee or the Committee of the Whole House that considered a bill, at committee stage, the chairperson is expected via a motion to report progress on the bill and the clerk of each chamber prepares a clean copy of the bill for members. For the *Third reading* thereafter, a motion may be moved that the bill be read the third time either immediately or at a later date and passed after each chamber has certified the contents of the clean copy to be accurate. Amendment cannot be entertained after the third reading stage. If a member wishes to amend or modify a provision contained in the bill or to introduce a new provision, s/he must give notice of his or her intention "That the bill be re-committed" before the motion for the third reading is moved. If the motion is agreed upon, the House/Senate will dissolve itself into Committee of the Whole House/Senate immediately or at a later date to discuss the amendments; and after all necessary amendments, the House or the Senate will thereafter proceed on the third reading and pass the bill.[5]

[4] For example, all committees are always involved in the "Appropriation Bill" (Budget), but they act as sub-committees to the Appropriation Committee in the House/Senate. In other words, they report back to the Appropriation Committee with their changes or amendments. http://nass.gov.ng/page/the-legislative-process accessed 19/06/2016.

[5] op. cit.

On Stage Three, a clean printed copy of the bill, incorporating all amendments will be produced, signed by the clerk and endorsed by the speaker/senate president when it has been read the third time and passed. The copy will then be forwarded to the clerk of the House or Senate as the case may be. The copy will be accompanied with a message requiring the concurrence (passage of the bill or agreement) of the receiving chamber (House or Senate). In the case of the executive bill, both chambers will just exchange copies of the bill since they both received copies and discussed the bill almost the same time. When a bill is sent to either chamber for concurrence, three things may happen: the receiving chamber may agree with the provisions of the bill and pass it; the chamber may not agree to some part of the bill and make amendments; or the chamber may not agree with the bill and therefore reject it in its entirety. This situation is however rare and has never been witnessed in Nigeria. The *Joint Conference Committee* is constituted when there are differences in a bill passed by both legislative chambers. Membership of the committee is based on equality, usually six members from each chamber with a senator acting as chairperson.

The mandate of the committee is to harmonise the differences between the two chambers on the bill. They cannot introduce any new matter into the bill at the joint conference committee. The decision of the committee on those areas of differences is binding on the chambers. Failure to accept the decision of Joint Conference Committee may lead to a joint sitting of both the Senate and the House with the senate president presiding on the area of contention. The report of the Joint Conference Committee is presented in both chambers for consideration. If both chambers adopt the report, all the original papers are sent to the clerk of the chamber where the bill originated. The clerk puts together all the amendments and produces a clean copy of the bill, which is sent to the clerk of the National Assembly who then sends it to president for his signature. At the conference committee stage, members or select members of the committees, which considered the bill, originally meet and deliberate only on the areas of disagreement between the two chambers.

Stage four involves the presidential assent, as the bill does not become law without presidential assent. The clerk of the National Assembly will “enrol” the bill for the president’s signature. Enrolment is the production of a clean copy for the assent of the president. The clerk of the National Assembly produces the clean copy, certifies it and forwards it to the president. In line with constitutional provisions, the president has 30 days to give his assent. If s/he disagrees with the provision of the bill or some aspects of it, s/he can veto by withholding his or her signature. Within the 30 days the president must communicate to the National Assembly his or her feelings and comments about the bill. The president must state the areas s/he wants amended before s/he signs the bill. If the National Assembly agrees with the president the bill can be withdrawn for deliberation on the amendments suggested by the president. As noted earlier, the National Assembly is empowered by the Constitution to overrule the veto of the president. If, after 30 days, the president refuses to sign the bill and the National Assembly is not in support of the president’s amendments, the two chambers can recall the bill and repass it with two-thirds majority vote. If the bill is passed in the form it was sent to the president by two-third majority vote

in both chambers, the bill automatically becomes a law even without the signature of the president.

Record of Bills Tabled Before the National Assembly 1999–2015

By and large, in addition to a number of motions, the record of which was not readily available, no fewer than 1367 bills were reportedly table before the fourth, fifth, sixth and the seventh national assemblies, 1999–2015, as available on the Nigeria's National Assembly website. Seventy-four bills were reportedly tabled before the 1999–2003 assembly, 298 bills were reportedly tabled before the 2003–2007 fifth assembly, 757 bills were recorded against the 2007–2011 sixth assembly and 238 bills were recorded against the 2011–2015 seventh National Assembly.

The Legislature and Legislation 1999–2015

As stated elsewhere (Muheeb 2016a, b, c), the prolonged years of authoritarian rule devoid of legislative institution afforded the executive the benefit of sustained viability, established order of public service, visibility and prominence over the legislature. The political instability occasioned by military incursion, disrupted the immediate post-independence representative rule and the nurturing of a vibrant and enduring legislative and democratic culture. Hence, a preponderance of political actors crave for conquest, command, obedience and loyalty as opposed to cordiality, mutuality, tolerance, bargaining and compromise that could have enhanced institutional cohesion. This state of affairs was bolstered by the politics of godfatherism, in which prospective public office seekers weaved their political aspirations around personalities and individuals with political and financial prowess to deliver victory by whatever means possible including taking the most extreme measures to grab power. The politics of personality has had damnable consequences for the much desired effective inter-institutional relationship, quality representation and effective government beginning 1999. The military background of the Republic tainted the disposition of political actors as exhibited by President Obasanjo in his disposition towards other political and governmental institutions and component units of the federation (El-Rufai 2013; Bugaje 2003). Nevertheless, the National Assembly recorded considerable successes in lawmaking and representation. It has risen up to the challenge of democratic consolidation when viewed against an empowered executive through prolonged military rule. In addition to scrutinising and passing annual budgets and supplementary appropriation bills, the legislature made inputs into the budgetary process, sometimes adjusting budget proposals made by the executive when and where considered necessary to meet exigent needs.

Following Muheeb (2016a, b, c), the National Assembly for the legislative term 1999–2003 exhibited traits of institutions in transition in the ways and manners it disposed of its legislative responsibilities and the ease with which it fell prey to occasional executive antics of the Obasanjo presidency. Principal officers in both chambers of the National Assembly were victims of impeachment campaigns on sundry allegations including financial impropriety, abuse of office and allied misconduct depriving the two chambers the benefit of cohesion, leadership and institutional stability. In the heat of the overbearing influence of the executive in what was popularly referred to as the era of "banana peel", neither the Senate nor the House of Representatives was able to maintain its autonomy by managing its affairs independent of external interference particularly from the executive. The chambers were enmeshed in both intra and inter-institutional politics with harvest of scandals and brinksmanship on account of inexperience in legislative practices and processes. There was the preponderance of single-party majority with People's Democratic Party (PDP) at majority advantage.

Thus, political party and executive dominance suffice, as legislators rode on the influence of influential party leaders with enormous goodwill to secure membership of the legislature, and this cuts across the most prominent political parties, namely the PDP, AD and APP. This culminated in poor perception of roles and responsibilities by the lawmakers who supplanted loyalty to the system of rule by loyalty to primordial causes. Being political parties' and executives' appendages, the National Assembly became susceptible to external manipulation. There was competition between the legislators and executive officials on sundry issues like the execution of constituency projects (Muheeb 2016a, b). The legislature was not self-regulatory but institutionally weak. Although there were adequate constitutional provisions for the legislature to perform, it fell short of the requisite human and material resources to initiate and sustain independent action. Comparatively, the magnitude of intra-institutional conflicts was not comparable to full-blown crises witnessed across the State assemblies though, yet infightings festered among the transitional National Assemblies of 1999–2003, and 2003–2007. They manifested in the ease and frequency of deployment of impeachment, which accounted for the high turnover of leadership and principal officers (Muheeb 2016a, b).

The legislature, nonetheless, recorded considerable success in lawmaking. In addition to a number of crucial motions, the record of which was not readily available to this author, no fewer than 248 bills were reportedly enacted by the fourth, fifth, sixth and the seventh national assemblies, 1999–2015, as available on the Nigeria's National Assembly website. This figure represents 18.14% of the total number 1367 of bills tabled before the National Assembly during the period under review. From this figure, not less than 30 bills representing 41% of a total of 74 bills received were reportedly enacted by the 1999–2003 assembly, 94 bills representing 32% of a total of 298 bills received were reportedly enacted by the 2003–2007 fifth assembly, 70 bills representing 9.24% of a total of 757 bills received were reportedly enacted by the 2007–2011 sixth assembly, and 54 bills representing 23% of a total of 238 bills received were enacted by the 2011–2015 seventh National Assembly.

The legislature complemented the federal government's economic reform initiatives with the passing of such bills as the Sovereign Wealth Bill, the Freedom of Information (FOI) Bill, Money Laundering and Antiterrorism bills, Income Tax Bill and other crucial bills that were of significance to the economy (Oluwole 2011a, b, c). Aiyede (2006) recalls that the National Assembly passed the Niger-Delta Development Commission bill and the Corrupt Practices and Other Related Offences Act into laws on the strength of their two-thirds majority power even against presidential assent on both bills by Obasanjo. The legislature played prominent roles in shaping the business environment. The National Assembly particularly helped to resolve sensitive issues of national importance including long pending onshore–offshore dichotomy that has been a subject of controversy between the federal government, the component units and the oil-producing areas. The National Assembly, however, could not ensure the passage of the all-important Petroleum Industry Bill (PIB), which holds greater promises for the oil and gas sector of the economy, being a legal framework capable of addressing the rot in the industry.

Going by Oluwole's (2011a, b, c) account, the legislature worked towards effecting comprehensive amendments to the 1999 Constitution and the Electoral Act 2010. The legislature has been a major stabiliser in the nation's fragile and fledgling democracy. The National Assembly has to its credit the invocation of the Doctrine of Necessity that launched President Goodluck Jonathan to power as the Nigeria's president following the death of the incumbent, Alhaji Umar Yar'Adua. Passing such bills as the Sovereign Wealth bill, the FOI bill, money laundering and antiterrorism bills, income tax bill and other crucial ones that would affect the economy and Nigerians positively speak volumes of the significant contributions of the legislature to national development (Oluwole 2011a, b, c). The two chambers of the National Assembly have since been maintaining consistent leadership stability, and away from the initial compromising posture, they have been more assertive, insinuations of executive inducements and occasional blackmail notwithstanding (Muheeb 2016a, b).

On lawmaking, much of the landmark bills to the credit of the legislature have been highlighted in the previous sections of this chapter, and to avoid repetition, other bills of national importance would be touched on in this section. The passage of the Anti-Same Sex Bill, prohibiting marriage of people of the same sex in all parts of Nigeria, was quite remarkable among a number of other bills during the Seventh Assembly. Deliberation on the bill and its eventual passage by the Seventh Assembly was highly controversial, as lawmakers were subjected to intense pressure from the international community for legislative actions on the bill to be jettisoned. The lawmakers were, however, resolute in seeing to the eventual passage of the bill, which has since been assented to by President Jonathan, thus making gay and lesbian marriage in Nigeria illegal. Another bill which stipulates capital punishment for anyone found guilty of terrorist acts was also successful pursued.

The Terrorism Prohibition Bill was passed in 2013 and was assented to by the president. The Pension Reform (Amendment) Bill 2014, which phased out the old Pension Reform Act promulgated during the Obasanjo regime, was meant to eliminate all forms of bottlenecks associated with delays in payments and attendant frustration

experienced by retirees in the course of waiting endlessly for and during verification and allied exercises. The amendment in the new bill, which has since been signed into a law, requires retirees to register with the retirement savings account (RSAs) into which their employers and employees will jointly contribute pension on a monthly basis. The funds managed by pension administrators can only be accessed after retirement. The bill also reduces the years of experience of the Director-General of Pension Commission (PENCOM) from 20 to 15 years.

Concluding Remarks

There is no gainsaying the fact that the legislature has undergone several changes in major functions, composition, operational efficiency and administrative infrastructure since the commencement of the Fourth Republic in 1999. In spite of the complexity of its operational environment, particularly the increasingly fluid party platforms, the palpable determination to be self-regulatory is reassuring with sustained reform of requisite legal framework as well as commitment to internalising best practices. Viewed against the background of a false start in 1999, the legislature has played quite significant roles in stabilising the polity, validating its democratic identity and updating its representative credentials. During the period 1999–2003, the Fourth legislature was almost ineffective, as it was practically overshadowed by the executive. It has continued to improve subsequently through Fifth, Sixth into the Seventh legislature at the national and subnational levels. However, the legislature's increasing reinvigoration contributed significantly to the increasing recurrent expenditure across levels; yet there are adequate justifications for the optimism that a constitutional representative government through enduring legislative institutions is being entrenched (Muheeb 2016a).

Barkan's (2008) edited volume on *Legislative Power in Emerging African Democracies,* which revolves around the question of whether more democracy leads to stronger legislatures, or stronger legislatures lead to more democracy, attests to the significant improvement in the National Assembly's representative credentials. The study acknowledged that, when viewed against other legislatures across sub-Saharan Africa, the Nigeria's National Assembly was becoming relatively stronger as the country strived to consolidate its democratisation process. The complementary role of the National Assembly Service Commission in making the legislature self-regulatory cannot be overemphasised. Much the same was the institution of the Institute of Legislative Studies for capacity building and allied services to the legislature. The legislature demonstrated its resolve to hold executive accountable resulting in the deployment of impeachment threat, without which the executive would possibly have assumed dictatorial tendencies. Barkan's (2008) volume, nonetheless, canvassed for the reformation of the legislatures. It opines that building legislative capacity requires changes to the rules that structure legislative–executive relations coupled with provision of commensurate resources both to the legislature as an institution and to the legislators as individuals. The transformation

of the legislature also requires a revisit of the issue of campaign finance. The pursuit of election and re-election into the legislatures often makes legislators vulnerable to financial inducements from the executive and patronage from overbearing party leaders, which invariably hinders legislators' independence in the discharge of their official duties to the detriment of their mandates (Muheeb 2016a).

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Legislative Oversight in the Nigerian Fourth Republic

Femi Omotoso and Olayide Oladeji

Introduction

The necessity to curb the despotic tendencies of human nature and ensure good governance is the core of doctrine of Separation of Powers. Indeed, a major ingredient of democracy is the institutional compartmentalisation of governmental powers in such a way as to ensure that the same group of people or institution is not saddled with the responsibilities of law-making, law execution and law interpretation. This implies that there should be three separate organs/arms of government with their separate sets of functions and powers in a democratic system. Thus, the need to limit the powers of each of the various organs of government is at the centre of constitutional democracy using the instrumentality of compartmentalization of governmental powers (Omotoso and Oladeji 2015). To be sure, government performs its role of effective governance by dividing its powers and functions between distinct institutions and personnel, with each performing some specific but *interrelated and sometimes overlapping* functions (Edosa and Azelama 1995, *italics added*).

Essentially, the legislature makes authoritative policies/laws for the smooth running and administration of the stat. The executive gives meaning to the legislations or policies through enforcement. The essence of which is to ensure that that the governed are provided good living condition and environment. To ensure compliance with the policy content, the legislature follows up during implementation of the policies and measures approved or promulgated by the body. The ultimate goal of which is to ensure good quality of life of all its citizenry. The judiciary organ is the third arm of government and its main role is to interpret the laws, as well as arbitrate any disputes that may arise from the processes of authoritatively making and executing governmental decisions (Omotoso and Oladeji 2015). However, there are inbuilt checks and balances mechanisms under the principle of separation of

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_4

powers. To be sure, through the power of interpretation, the courts can declare laws made by the legislature unconstitutional, null and void and of no effect whatsoever. On the other hand, the legislature has the power of oversight over the execution and administration of laws by the executive. The executive holds the powers of investigation, coercion and implementation of laws and can as well use these powers to call the legislature and judiciary to order (Onyekpere 2012).

In the main, the legislature is an essential constituent of any democratic government and a major factor in its sustenance. In fact, its existence predates modern democracy. For instance, it has been noted that the emergence of the legislature dates back to the twelfth century and a product of medieval European civilization transformed in the age of democracy to suit the needs of contemporary political systems (Loewenberg 1995, p. 736). Boynton (2003, p. 279) notes that...constitutions incorporate national legislature to replace extant governing institutions throughout the world and that the influence of legislature continues to be on the rise in twenty-first century. Similarly, Yaqub (2004) contends that the "popularity of the legislature cannot be divorced from the wave of democratic growth across the continents. And that if democracy is a system anchored on the informed and active participation of the people, the legislature is a vehicle for equal and wider representation".

From the foregoing analysis, the legislature as the representatives of the citizens could be seen as the hallmark of a democratic government. It must however be noted that across political systems, legislatures differ in composition and relationship with the executive arm of government. While there is fusion of power between the legislature and the executive in a parliamentary government, there is a clear power separation between the two in a presidential government. Despite the variations in composition and structure across political systems, two cardinal principles are common to all legislatures–representation and law-making. As representative of the citizens, the legislature not only makes laws, but also acts as a watchdog on the other arms of government, especially the executive. Indeed, the legislative oversight and representational duties are critical to sustainable development, good, responsible and accountable government (Usman 2015).

The survival of any democracy and its ability to propel development depends largely on the capacity of the legislature not only to make good laws for the ordering of the society, but also to ensure that the laws so enacted are not violated by the other arms of government, especially the executive (Poteete 2010). Often time, the legislature does this through oversight and scrutiny of administration. In presidential democracy, the power to invite members of cabinet, policy implementation agency of the state and investigate executive excesses or its application of resources is a major weapon in the hands of the legislature to ensure accountability and transparency in government. Therefore, legislature could be regarded as the custodian of sustainable democracy, good governance and development. In other words, if well applied legislative oversight could serve as a bulwark against executive recklessness, encourages checks and balances; enthrones fiscal discipline, good governance, accountability and transparency in public offices. Indeed, the importance of legislative oversight in a democracy cannot be over emphasised, especially in a new

democracy where the legislative institution is relatively young and the legislative culture is absent due to the prolonged military rule (Ewuim et al. 2014). This is more so in Nigeria where democracy has been very infrequent and legislative hiatus has been the rule. Indeed, the current fourth republic is unique in Nigeria because, unlike the first, second and the aborted third republics, where both the democracy and the legislative institution collapsed in less than six years of existence, the current fourth republic has lasted for two decades. This calls for some scholarly evaluation of the institution considered as the pillar of democracy. However, in this chapter our focus is on oversight function of the Nigerian national assembly.

Consequently, from the foregoing, the following questions can be raised: To what extent has the legislature been performing its oversight functions in Nigeria, especially since the country returned to democracy about two decades ago? Could the governance and development crises confronting the Nigerian state be seen as a result of failure of the legislature to perform its oversight functions? Does the 1999 Nigerian Constitution empower the legislature to perform oversight functions optimally? How can the legislature be strengthened in the discharge of its oversight functions? These and more questions are what we attempt to provide answers to in this chapter.

Historical Evolution of Legislature and Oversight Roles in Nigeria

The Nigerian state, as presently constituted, was a creation of the British colonialists. The state evolved in piecemeal through various phases, which started at the Berlin Conference of 1884/1885 where the scrambling European Powers partitioned African territory among themselves. The geographic territory that would later become Nigeria fell under the British control. However, arguably Nigeria became a state in the real sense of the world in 1914 with the amalgamation of the hitherto separately administered North and South Protectorates. The amalgamation thus completed the colonial process of state creation by bringing together the two protectorates under the same national colonial government.

In the same vein, it is colonialism to which the modern legislative institution in Nigeria owes its origin. But, it must be stated here that the above statement does not suggest that there were no institutions of governance in traditional Nigeria prior to colonialism. Indeed, many traditional Nigerian societies had well developed structures and institutions of state before the advent of colonialism. A good example here is the Yoruba democratic traditional city-states (Atanda 1973; Omotoso and Oladeji Forthcoming; Oyediran 2003). To be sure, the Yoruba traditional system of government was highly democratic with the decision of *Alaafin* subjected to the approval of the constituents and oversight of a group of Kingmakers (*the Oyomesi*) and the *Ogboni* cult group. It must be emphasised that the *Oyomesi* performed rotes similar to modern day parliamentarians in a democratic setting.

However, with the advent of colonialism, everything in Africa that was not exotic or derived from western model was depicted as bad. The African traditional mode of governance underpinned by religious beliefs and practices was the principal culprit and was discarded, except where it served the extractive and domineering tendencies of the colonialists (Omotoso and Oladeji Forthcoming). Thus, the emergence of the legislature in Nigeria could be traced to the 1914 Lugardian Advisory Council consisting of 36 members that were handpicked by the colonial masters to serve colonial interests. While the Advisory Council lacked real legislative powers, the real attempt at instituting a legislature with legislative powers was under the 1922 Clifford Constitution, which also introduced elective principles that allowed Nigerians to be elected into the central legislative body. From this point on, legislative structures are provided for in subsequent Nigerian constitutions. However, it must be noted that despite constitutional provisions for legislatures under colonial constitutions, the legislatures could not exercise any oversight of the colonial government other than serving as rubberstamps for colonial policies in most cases. In fact, under colonialism, the executive assumed prominence and dominated governance at the expense of the legislature. A gradual constitutional reform introduced from 1946 climaxed with the transfer of power to the educated Nigerian political class in 1960.

Nigeria gained independence on 1st October 1960. Despite the political independence, the executive arm of government continued to dominate governance at the expense of the legislature. Indeed, as argued by Basiru (2014, p. 86), "during the First Republic, despite the inclusion of parliamentary oversight in the 1960 Constitution, the parliament hardly checked the executive." The legislature was weak and lacked the capacity to scrutinise the executive. Some have attributed this to the fusion of power under the parliamentary arrangement of the first republic. The First Republican Constitution was terminated in a military coup and the countercoup of 196. The collapse of the republic in a manner that raises suspicious of ethnic cleansing plunged the country into a three year civil war between 1967 and 1970.

By the time the military was disengaging from politics in 1979, a presidential constitution was introduced. Thus, the 1979 Presidential Constitution, unlike the parliamentary constitution that predated it introduced separation of powers. To be sure, the 1979 Constitution in Section 4(1) vested the Legislative Powers of the Federation in a National Assembly consisted of a Senate and a House of Representatives (FRN 1979). The oversight powers of the national legislature under the 1979 Constitution relates to its control powers over Public Funds (see Sections 55, 74, 76 and 77). Apart from this, the constitution empowered the National Assembly to conduct investigations into any matter or thing with respect to which it has powers to make laws and the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of responsibility for executing or administering laws and disbursing or administering moneys (Section 82(1)). The constitution further gave the legislature power of evidence in Section 83.

However, despite the above constitutional provisions regarding legislative oversight powers, the Second Republic legislature still exhibited weakness like the first republic legislature in its relations with the executive. That is, though the National

Assembly retained its structure of representation, it had a relatively weak structure as the executive preferences shaped the political agenda and more importantly, the legislature did not exercise significant oversight of the executive or other government operations (Basiru 2014, p. 87). It must be noted that by December 1983 the Second Republic too fell to a military coup led by Gen. Muhammadu Buhari. Thus, another tortuous and long journey to democracy began with the military experimenting with different political models, which came to head with the transition programme of the Babangida-led military administration. The administration had elaborate transition programmes, which took off with the inauguration of the Political Bureau in January 1986. The transition became effective at the local, state and the National Assembly where civilians had taken over institutions of government. However, the planned transition to civil rule by 27 August, 1993 became a stillbirth with the annulment of the June 12, 1993 presidential election.

The annulment of the presidential election and the cancelation of the transition programme by the Babangida administration threw the whole country into chaos which culminated in Babangida stepping aside and hurriedly transferred power to an Interim National Government (ING) headed by Chief Ernest Shonekan on 26 August, 1993. But by November of 1993 General Sani Abacha toppled the interim government in a bloodless coup. Under General Abacha, the transition to civil rule programme changed to self-succession plan as Abacha did all he could to suppress all politicians who showed interest in the presidency with a view to transmuting himself to a civilian president. However, the ambition was cut short by his sudden death on 8th June 1998. General Abdulsalami Abubakar that succeeded him quickly began another transition programme and by May 29, 1999 he successfully transferred power to democratically elected civilians under the 1999 Constitution. The new constitution was fashioned in line with the 1979 Constitution with very little modification.

It must be noted that between December 1983 (when the military took power) and May 1999 (that civilian regained political power in Nigeria), the legislature was abrogated and there was no institution to serve as the watchdog over the executive or call the executive to account. Thus, over the period under review, the legislature was infrequent, immature and inconsistent vis-a-vis the executive. It was under this state of legislative experience that the Fourth Republic legislature was inaugurated in 1999. But before examining the oversight performance of the legislature under the current Fourth Republic, it is wise to first examine some constitutional provisions of legislative oversight under the 1999 Constitution.

The 1999 Constitution and the Legislative Oversight Functions

The extent to which the legislature of any state can shape governance and public policy as well as initiate reforms and push them to successful end depends on the constitutional provisions. The constitution as the ground norm sets parameter of

behaviour in any polity and demarcates the sphere of powers and or influences of each arm of government. A presidential constitution like that of Nigeria compartmentalizes governmental powers and institutions into three distinct arms with the executive, the legislature and the judiciary draw their powers from the constitution (See Sections 4–6 of 1999 Constitution, as amended). Indeed, the Section 4(1) of 1999 Constitution vests the legislative powers of the Federation in a National Assembly, which comprises of a Senate and a House of Representatives. The constitution thus provides for a bicameral legislature with the composition of the Senate based on equal representation of three Senators from each State and one from the Federal Capital Territory, Abuja and the House of Representatives composed of three hundred and sixty members representing constituencies of nearly equal population (See Sections 48 and 49). Specifically, Subsection 2 of Section 4 of the 1999 Constitution invests National Assembly with "power to make laws for the peace, order and good governance of the federation …' (FRN 1999).

The Constitution also gives National Assembly powers and control over public funds and other matters such as: the establishment of revenue fund, authorization of expenditure from consolidated revenue fund, authorization of expenditure in default appropriations, contingencies fund, remuneration etc. of the President and certain other officers, appointment of Auditor-General among others. Furthermore the constitution empowers the legislature to prescribe how money could be withdrawn from the federation account. Thus, the legislature is constitutionally empowered to control government purse and this allows it to shape government policies and programmes (Saffell 1989; Verney 1969).

This is achieved through legislative power to debate, deliberate, mould and/or amends the annual budgetary appropriation proposal by the executive. Also, the power to impose tax or duty is vested in the National Assembly, according to Section 163 of the 1999 constitution. Due to many challenges in the country such as: long history of military rule, lack of institutional accountability, corruption, mismanagement of national resources and dysfunctional public policy, the role of legislature in budgetary appropriation proposal is of essence in the Nigerian democratic system. Moreover, the oversight of the executive by the legislature is provided for in Section 88 of the Constitution. The Constitution provides that:

> each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the government of the Federation to direct or cause to be directed an investigation into (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for (i) executing or Administering laws enacted by the National Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly" (Section 88, Sub-sections 1(a)-(b) and 2(a)-(b)). Sub-section 2(a)-(b) of the same Section 88 provides that "the powers conferred on the National Assembly under the provisions of the section are exercisable only for the purpose of enabling it to (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and (b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it(FRN 1999).

Furthermore, Section 89 of the Constitution endows legislature with the power of investigation. According to Section 88, the legislature is authorised to procure evidence, invite and examine persons as witnesses to give evidence but such evidence must be given on oath. In addition, it is constitutionally empowered to summon persons to procure additional documentary or oral evidence and (where necessary) issue warrant to compel attendance by any person so required, and punish those who fail to honour such summon. From the foregoing constitutional provisions, it could be seen that the legislature is saddled with the responsibilities of ensuring good governance particularly prudency, fiscal discipline, efficient service delivery and rule of law in the country. Moreover, legislature is empowered to intervene in the judicial administration as shown in Section 233 and Sub-section 21 of the 1999 Constitution as amended. The legislature could override executive veto on any bill by using its two-thirds majority power to pass the bill into law. Therefore, such bills passed in this manner do no longer require presidential assent to become law (Fashagba 2013).

In the main, the legislative oversight functions of the legislature can be graphically presented under the following thematic headings.

The Power to Make Approval To ensure good governance and public trust in the democratic process the legislature is empowered to perform certain oversight of the executive through approval powers of the former over some policies of the latter. For instance, it is mandatory for the President to send the list of nominees for top government positions to the legislature for scrutiny and approval/rejection before such appointment could be made. For the first time under the fourth republic, the exercise of this power has been challenged by the Buhari-led administration, following the senate rejection of the executive nominee for the chairmanship of the Economic and Financial Crimes Commission (EFCC) by the Senate. The president has disregarded the constitution by retaining a rejected nominee as the head of the EFCC. Also, certain governmental policy proposals must be sent to the legislature which will properly examine and debate them before they are passed into law or otherwise. These may include: proposal to raise funds through loan, ratification of treaties and/or bilateral agreements with other countries, the need to carry out or embark on some policies, especially the ones that may not have been provided for in the constitutions, approval to embark on the establishment of developmental projects and programmes, etc. That is, as a watchdog to the other arms of the government (Executive and judiciary), the legislature must be alert to its responsibilities and be ready at all times to treat all issues fairly and without sentiment and must be shielded from executive preponderance through financial strangulation and intimidation to force the legislature to support its policy proposals at all times.

The Power to Conduct Investigations The essence of the legislature conducting investigations on those matters appropriated to it by law is to ensure or make its legislation apparently effective for good governance. The national assembly has from time to time used this power to investigate the departments, ministries and agencies of government. In recent time, the investigation of subsidy disbursement in

2012, the utilisation of the subsidy re-investment funds and SURE-P fund in 2018 and others are clear examples of the power of the central assembly to investigate the executive organ. Aside the constitutional provisions, is an established democratic practice for the legislature to conduct investigations for the good governance of the country, but the question is, how effective and transparent is the legislative houses in carrying out these investigations?

Impeachment as an Instrument to Guarantee Good Governance One of the most important constitutional responsibilities assigned to the legislature in the legislative processes, which gives room for good governance and constitutes a subtle check on executive excesses and discretion is perhaps the impeachment power. The impeachment of the Chief Executives and their deputies is one of the highest sanctions given to these elected officers, which must not be based on sentiments, but on evidence of gross misconduct or bad governance. Away from the impeachment of the Chief Executives and their deputies, impeachment could also be carried on the principal officers of the legislature, which include the Speaker and Deputy Speaker of the House of Representatives, the President and the Deputy President of the Senate. While there has not been any case of executive President being impeached in Nigeria, there are cases of impeached Governors, Deputy Governors, Senate Presidents, and Speakers of State House of Assemblies (Nkwede, Ibeogu and Nwankwo 2014). Worthy of note is that most of these impeachments are done not to improve governance but are mostly to settle cheap political scores and most of them never complied with constitutional provisions.

Supervision and Monitoring of Projects by the Legislature Another oversight function of the legislature to ensure good governance is through supervision and monitoring of projects and programmes embarked upon by the executive arm of government. Constitutionally, the executive is saddled with the responsibilities of executing developmental projects through the use of funds appropriated by the legislature. On the other hand, the executive is monitored and kept under constant surveillance by the legislature. The legislature is charged to check, raise questions and where necessary directs the executive through the political heads (ministers) of various ministries to appear before the appropriate committees of the parliament or on the floor of the house to defend allegations levelled against their ministries, especially as relates to performance or compliance with the laws. Thus, Akintola (1999, p. 52) argues that supervision of the executive by the legislature, sometime assumes the nature of legislative control when exercised through questions addressed to ministers or through the rejection of executive proposal or bill forwarded to the Houses of parliament. Therefore, this makes the executive arm, under democratic settings to live up to its responsibility and ensure good governance.

Effective Representation as a Responsibility of the Legislature As the representatives of the people, it is expected of the parliamentarians to provide effective representation to the electorates by taking decisions or making laws that are not detrimental to the survival of the electorates. This must have informed the emergency seating

convened by the 7th House of Representatives on Sunday 8th January, 2012 to move against the deregulation of the downstream sector of the Petroleum Industry and the increase of pump price of Premium Motor Spirit (P.M.S) by Dr. Goodluck Jonathan's led government from sixty-five Naira (N65.00) to one hundred and forty-one naira (N141.00). The intervention of the lower chamber and the mass protests of various coalitions of civil society organizations (CSOs) forced the government to reduce the price to ninety-seven naira (N97.00). Also, the legislators as elected representatives of the people must constantly be closer to the people they represent with a view to educating them adequately about the activities of government.

The Power to Raise and Control the Spending of Public Fund (Budget) In a bid to ensure that government (the executive) performs her statutory responsibility of catering for the welfare of the people, the law empowered the legislature to ensure effective management of public fund. The legislature also has great influence (monitoring and supervision) over the borrowing powers of the state. All these are to ensure prudent management of public fund and promotion of good governance. To be sure, Section 81(1) of the 1999 Constitution provides that "the President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the federation for the next following financial year." Also, Section 80(2–4) provides that no moneys can be withdrawn from the Consolidated Revenue Fund or any public fund of the Federation except to meet expenditure for which such funds are meant through Appropriation Act, Supplementary Appropriation Act or an Act passed by the National Assembly. In line with the legislative powers of the legislature to raise and control public spending, section 59(2) of the 1999 Constitution states that where there are differences between the proposal and amendments made by the Senate and House of Representatives, a joint Finance Committee of the two Houses shall be convened by the Senate President, to resolve the differences. The final version mutually agreed to by the joint finance committee must be referred to each of the two Houses (sitting jointly or separately) for approval, before it is sent to the President for assent.

Assessing Legislative Oversight in Nigeria's Fourth Republic: 1999–2015

There is no doubt that the National assembly is invested with enormous constitutional powers. The legislature has absolute power to determine its internal operations (as stipulated in section 101 of the 1999 Nigerian constitution). It is equally empowered to shape and influence government policies, programmes and policy reforms. However, the effective use of these powers determines its societal relevance (Fashagba 2013).

Legislative oversight is not only the tool used to ensure compliance with legislative intents by the executive for effective service delivery; it equally constitutes the core function of the legislative assembly on governance and public office management in any democratic system. This is not different in Nigeria where legislative power as shown in section 88 of the 1999 Constitution gives the National Assembly the requisite legal and constitutional backing among other things to: assemble information on proposed Bill, prevent or expose corruption, inefficiency or wastage in the implementation of laws within its legislative competence and in the disbursement and administration of funds appropriated by it.

It must be noted that the Nigeria's National Assembly has demonstrated capacity and capability in exercising its constitutional power since 1999. It has exposed corrupt practices among the officials in both executive and legislative arms of government. For examples, the mismanagement of Petroleum Technology Development Funds PTDF and shady deals associated with this particularly by the former president Obasanjo and his deputy, Alhaji Atiku Abubakar were exposed by the National Assembly. This is in addition to the discrepancies in power sector spending between 1999 and 2007. The committee of the lower house had in 2007 exposed massive misappropriation of funds meant for the national power project. The misappropriation of the oil subsidy funds was also exposed by a committee of senate in 2012. The on-going investigation into the spending of the subsidy re-investment funds and the SURE-P funds may likely expose more rot in the executive organ. Similarly, many of the principal officers of the upper legislative assembly were at one time or the other relieved of their positions as a result of confirmed sharp practices ranging from corruption, certificate forgery and the likes. Such indicted officers included Evan Enwerem, Dr. Chuba Okadigbo, Salisu Buhari, etc. However, some of them have been pardoned by the state. But the truth of the matter is that their indictments were based on the successful investigations undertaken by the National Assembly to expose abuse of power in government. Notwithstanding the foregoing, there were instances where members of the National Assembly compromised the confidence reposed in them. This no doubt often eroded the capability of the institution to serve as safeguard against corrupt practices in government (Fashagba 2009).

The National Assembly is seen as cesspool of scandals which constraint its oversight functions, limit its capability to impact positively on the society and resulted in the removal of at least three Senate Presidents and two Speakers of the House of Representatives between 1999 and 2009 (Bello-Imam 2005). Consequently, the oversight functions of the legislature or its investigative power has attracted some degree of criticisms by Nigerians due to obvious abuse of this time tested and essential parliamentary mechanism. In some cases, most legislators at the National Assembly see legislative oversight function as a short-cut to richness. This is a very wrong perception of parliamentary tool. It is worrisome because it negates the principle of good governance (Nwagwu 2014).

To give fillip to this is the undue struggle and lobby by many legislators who also employ several shady tactics to be committee's chair or membership of supposed 'juicy committees'. The essence of this is to use the position for personal aggrandisement from government parastatals and departments under their

supervision. To achieve this desire, they resort to humiliation and intimidation of their prey (government officers) and forced them to do the biddings of the legislators. There are cases where ministries, parastatals, agencies and other organizations that are supposed to be under the 'supervision' of the legislature end up sponsoring the law-makers and their nuclear families, paying for their overseas trips and others. Indeed, the legislature has reduced this all important constitutional responsibility to mere alarm mechanism being used sometimes to blackmail or witch-hunt political opponents, extort money from the ministries, departments and agencies under its supervision for selfish or personal aggrandizement (Nwagwu 2014). The case of bribery scandal of 620,000 US Dollars between 'Honourable' Farouk Lawan, Chairman, House of Representatives Ad Hoc Committee on the Monitoring of Fuel Subsidy and the Chairman of Zenon Oil and Gas readily comes to mind here. In the course of probing into an alleged 1.3 trillion naira fuel subsidy scam involving some oil importing companies, The Chairman, Zenon Oil had alleged that the chairman of the investigative committee had demanded and received US$500,000 as gratification from him with a view to removing the name of his companies from those being investigated. Although, the allegation was denied by the legislator initially but he later admitted that the money was meant to be reported and serve as an exhibit against his accuser. The case is presently in a court where the legislator is facing prosecution over abuse of office. The bribery allegation was in its entirety a negation of the legislative oversight function, particularly on its resolve to ensure probity, accountability and transparency in the conduct of its business.

Putting the above legislative misnomer into perspective, Akomolede and Bosede (2012) argue that:

> The legislature is truly not independent of the executive and therefore, is often incapacitated from acting as the watchdog of executive activities. Thus, the inordinate ambition of members and leadership of the legislative houses often see them hob-nobbing with the executive such that valuable time for law-making is lost in the process of lobbying for juicy leadership positions and committees in the legislative houses. It is common knowledge that a good number of members of the legislative houses pursue pure selfish interests that often inhibit them from combating the challenges of lawmaking. Members pursue contracts from the leadership of the houses and even from the executive such that they easily compromise when it comes to contributing meaningfully to debates on the floor of the house. At times, some members resort to absenteeism from the floor of the house and do not participate at all in the proceedings. Again, many of the legislators have ambitions to contest for leadership positions in the house or membership and chairman of juicy committees. A lot of valuable legislative time is wasted while pursuing these ambitions.

A good case of such legislative rascality and activities by some members of the legislature is that of House of Representatives Committee on Capital Market and Institutions investigations into the corruption charges preferred against the former Director-General of the Securities and Exchange Commission (SEC), Ms. Aruma Oteh in 2012. The report of the investigation showed that as part of its statutory oversight functions, the House Committee probed the cause of the near collapse of the Capital Market for two years running. However, instead of relying on available evidence, the Committee resulted to intimidation to compel and bring the Director-General of SEC to her knees. It was alleged that the House Committee Chairman

(Mr. Herman Hembe) resorted to unguarded utterances on the accused thus: "you are not fit to regulate the sector". The Committee Chairman allegedly accused Ms Oteh of profligacy, asserting that she had "been spending money as if it was going out of fashion since assuming office one year ago'. "You stayed in a hotel for eight months and spent over N30 million". "In one day you spent N85,000 on food at the hotel. The other day you spent N850,000 on food". "These are the things we should look at to see how you will regulate a market that is collapsing" (*The Nation,* March 21, 2012, p. 2). The accusations and counter-accusations of corruption between the DG SEC and the Committee Chairman over the Chairman's demand for N39 Million contribution to a public hearing and N5 million for himself from the SEC marred the investigation and showed how some legislators could use all means to enrich themselves at the expense of the state and the people who elected them as their representatives.

Aguda (2012) made reference to the time-honoured procedure for the conduct of judicial or quasi-judicial proceedings which has long been well established by the courts in all the common law countries, including Nigeria. The procedure requires that any person against whom any allegation is made, or whose interest may be adversely affected by such allegation, or by any statement made, must be clearly and fully informed of such allegations or statements in advance of any trial or investigation involving the accused (http://www.thenationonlineng.net/2011/index/php/politics/48492-national-assembly.html). Aguda (2012) observed that in carrying out the statutory legislative oversight function, had the Committee Chairman followed the requisite judicial requirement to give the accused prior notice of the charges he/she was going to face at the trial, he would have found out, as the accused subsequent defence might have indicated, that she had plausible explanations for the allegations the House Committee Chairman was making against her.

Thus, the legislative oversight process in Nigeria shows that the legislature has not lived up to the expectation of Nigerians in terms of administrative scrutiny that will guarantee good governance for the benefit of all and sundry. Some of the legislators are driven more by personal gain and the desires for wealth accumulation (Akomolede and Bosede 2012; Kadir n.d.).

Challenges of Legislative Oversight in the Fourth Republic

From the foregoing assessment of legislative oversight in Nigeria, it is obvious that a lot still needs to be done by the legislature to ensure and/or promote good governance in Nigeria. However, the oversight function of the legislature is faced with a lot of challenges that must be addressed if the legislature must be able to perform effectively its oversight of the executive and thus contribute meaningfully to democratic good governance in Nigeria. Some of these challenges are thematically assess below.

Dysfunctional Democratic Culture Nigerian democracy is still far from being consolidated as the evidence of military hangover still manifest from time to time. Basic democratic principles like rule of law, free and fair elections and institutional accountability are still rarity. This has resulted in the weakening of democratic culture, structures and institutions. Thus, the legislature as a major institution of democracy has been at the receiving end and has therefore often attracted negative comments and dim view from the public. As a result of some of its actions, the executive often treats institution with disdain (Egwu 2005).

Political Culture of Corruption A corollary to the above is an entrenched culture of corruption in Nigeria, itself a consequence of the several years of military (mis) rule. As noted earlier in this chapter, it is often the case that legislators in the discharge of their oversight duties are more interested in financial gains accruable to them than ensuring good governance through such duties. The implication of this is that investigations into any issue bothering on governance cannot be subjected to thorough scrutiny in the best interest of Nigerians so long as the ministries/ departments of government concern know how to 'settle'.

Interference with Legislative Oversight Functions by the Executive As observed earlier in this work, the legislature is adequately empowered by the constitution to perform oversight functions and act as the watchdog of the executive. Again, the legislature must screen and approve certain appointees of the executive. The legislature is further empowered to even remove the President, Vice President, Governor and the Deputy Governor through impeachment procedure provided for in the constitution. It is however disheartening to say that the exercise of the above functions to ensure good governance for the benefit of all and sundry is often interfered with and hampered by the executive. This is done, first and foremost, by the executive ensuring that their cronies are elected as the leaders of the two chambers. Executive interference manifests in some covert excessive politicking, and occasionally it deployed the needed funds and logistics to install a pliant legislator in leadership position. Also, where the legislature musters enough courage and ventures to carry out any of the oversight functions, the executive often resorts to the use of money to pursue a 'divide and rule' agenda to create a crack among the legislators. The effect of the game is that good governance is denied to Nigerians who are entitled to have same (Aiyede 2005).

Personal Interests of the Legislators It is common knowledge that a good number of members of the legislative houses at both federal and state levels pursue pure selfish interests that are often at variance with the primary roles. Where personal interest override collective interest, as occasionally seen in the national assembly, the system will be undermined and legislative efficiency will be compromised. The foregoing challenges, amongst others, have largely robbed Nigerians the opportunity of enjoying good governance through effective and efficient legislative oversight of the executive. The actions or inactions of the national assembly has in turn resulted

in a situation in which the state has failed state to move in the right direction and deliver necessary democratic goods.

Conclusion and Recommendations

Legislative oversight function is the mechanism through which the people in government are kept under watch (Nwagwu 2014). It aims at curbing waste, inefficiency, ineffectiveness, corruption, mismanagement of public resources, etc in governance. Oversight function is essentially valuable to a democracy in ensuring that the intent of the legislature in legislating laws that will improve the living standard of the people is reflected in the performance of the executive functions. Thus, to improve legislative oversight in Nigeria, the following are recommended:

There is need to observe and adhere to the basic tenets of the principle of separation of power as provided in the 1999 Constitution of the Federation as amended.

The legislature should be guided by professionalism and the globally tested legislative working ethics. Ability to distinguish between private and public interests and resources will go a long way in enthroning necessary morality to guide official conducts. The interest of the country should override personal and legislative corporate interests of members. Congressional assignments should not serve as sources of exploitation to enrich individuals.

The legislators should see their membership in the legislature as a call to national duty which demands sacrifice, commitment to duty, sincerity of purpose in all aspects of governance and a demonstration of the true representatives of the people. Fraudulent enrichment must be abhorred because it is a total negation of social value, ethics of good governance, expectations and aspirations of the electorates.

The functions of the legislative oversight should advance beyond mere investigation and recommendation. There is need for constitutional and/or legal teeth to be structured for effective and efficient legislative oversight, as a watchdog on the executive arm and its agencies, to bite culprits or cause any persons found culpable to be sanctioned to serve as deterrent. The legislature should introduce some constitutional power through the amendment of the constitution to be able to compel the executive arm of government or its representative to appear before the legislature or to take appropriate action to cause to be prosecuted any indicted individuals. This is only possible if the legislature can amend the constitution to separate the ministry of justice from the office of the attorney general of the federation.

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Constituency–Legislature Relations in Nigeria

Asimiyu Olalekan Murana and Adebola Rafiu Bakare

Introduction

The notion that the legislature occupies a central position among the institutions of democratic governance seems to continuously enjoy the support of scholars, practitioners and observers. The argument of the centrality of the legislature to democratic governance was supported by Blondel (1973) when he averred that democracy cannot exist in any country without a healthy and lively legislature. While lending his voice to the argument, Murana (2018) noted the indispensability of legislative activity to the advancement of democracy. In the same manner, Bogaards (2007) and Poteete (2010) contended that the strength, composition and the state of the legislature is one of the strongest measures and predictors of a country's democratic development and survival. Similarly, the National Democratic Institute [NDI] (2006) sees democracy as dependent on the legislature. Furthermore, Oni (2013) pointed out that the legislature occupies a fundamental place in democratic governance and performs the crucial role of citizens' representation for the advancement and wellbeing of the citizenry. Edosa and Azelama (1995) also noted that the nature of the legislature that is adopted determines whether a given political system is democratic or not. This is because while democracy has been defined in many different ways, depending on the influence of many factors including culture, tradition, ideology and politics, what is much less crucial is that citizens would like to have at least some meaningful say in how they are represented by their governments (Janzekovic 2010).

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_5

On this note, legislature is seen and known to be the heartbeat of democracy. Its functions are defined in term of lawmaking, representation, oversight and constituency related responsibilities, all of which are pivotal to the good health of democracy (Omotola 2014, p. 3). The legislature ensures that government operates and functions in such a manner that the ultimate goal is to meet the expectation of the governed. In addition, it also serves as an arena for reconciling differences in opinions about policy within the state; its oversight and representational duties are critical to sustainable development which is considered one of the ends of democracy. Thus, it is arguable to say that it is possible to have a government without the legislature, whereas there can never be a democracy without the legislature. As Muhammad (2007) rightly averred, the existence of an independent legislative institution made up of the representatives of the people is a distinctive hallmark of democratic government. It distinguishes a democratic government from an autocratic government; as both systems have the executive and judiciary arms. Legislatures are a symbol of popular representation. They join society to the legal structure of authority in the state. As representative bodies, they reflect the sentiments and opinions of the citizens. Thus, the legislature is the essence of representative democracy and this has made representation an important function of legislature. Perhaps, it is in the light of this that Fashagba (2009) sees the legislature as a link and bridge for information, communication and policy making between the constituents and the government. Thus, elected members respond to the needs and demands of people through legislations and policy making.

One of the distinctive features of modern legislatures centres on the fact that they are constituted by people chosen by the electorate to represent them. The elected Representatives therefore, are required to interact with their constituent members and as much as possible reflect the interests of their constituents in their general conducts and activities. It is against this backdrop that Esebagbon (2005, p. 3) argues that:

> In a modern democracy today, the legislature evokes the idea of representative democracy, more than any other branch of government. Thus, democracy can only be sustained when legislatures have the will, ability and information to make decisions that reflect the interests and needs of the society. Similarly, the governed must have the will, ability and information to transmit their needs and interests to their legislators and to evaluate the performance of the legislators and the various parties and to reward or sanction their actions.

This assertion is a true reflection of the function of a legislature as a representative institution of governance in a democracy. To this end, if democracy is a system anchored on the informed and active participation of the people, the legislature is a vehicle for equal and wider representation (Yaqub 2004). However, as important as this role is, especially in a state like Nigeria where prolonged military regime has not only stifled mass participation in public decision-making but also reduced governance to the affairs of a handful clique, the interest of the few scholars on legislative performance in Nigeria has been largely confined to its lawmaking and oversight functions (Fashagba 2009). Yet there is a real representational gap as observed by Fashagba (2009); Nijzink et al. (2006) that requires study and analysis to know the media of legislative–constituencies relations in Nigeria, the degree of utility of each medium of constituent relation and their effectiveness. With particular focus on

Nigeria, there is a gap in knowledge on legislators–constituencies relations. Thus, this chapter addresses the question of the legislator–constituency relations in Nigeria. How has the Nigerian legislators fared in the areas of constituencies projects, welfare packages and social responsibility? What have been their challenges in carrying out these assigned duties? And how can these challenges be mitigated?

Conceptualizing the Legislature

Legislative arm of government is the most important organs of political representation. In fact some have erroneously argued that representative government is confined to the election of members of the legislature, whose role purpose is 'not to govern, but to watch and control the government' (Fairlie 1940, p. 463) cited in (Edigheji 2006), which in this view comprises the administrative, executive and judicial officials. In modern times, however it is generally acknowledged that the legislative arms of government perform three important functions—they represent the electorate, make laws and oversee the executive. They also interact with constituencies and citizens.

The term "legislature" has been given different names across nations of the world. It is referred to as parliament in Britain, National Assembly in Nigeria, Congress in the USA, Diet in Japan and Duma in Russia. Legislatures are, generally speaking, elective and accountable bodies. The legislature is an assemblage of the representatives of the people elected under a legal framework to make laws for the good health of the society. It is also defined as "the institutional body responsible for making laws for a nation and one through which the collective will of the people or part of it is articulated, expressed and implemented" (Okoosi-Simbine 2010, p. 1). The legislature controls through legislation all economic, social and political activities of the nation. It also scrutinizes the policies of the Executive and provides the framework for the judiciary to operate. Carey (2006) conceptualizes the legislature as a body with large membership that offers the possibility both to represent more accurately the range of diversity in the polity and to foster closer connections between representatives and voters.

To Anyaegbunam (2000), the legislature is the institution having the role of making, revising, amending and repealing laws for the advancement and wellbeing of the citizenry that it represents. Lafenwa (2009) defines the legislature as an official body, usually chosen by election, with the power to make, change and repeal laws, as well as the power to represent the constituent units and control government. Okoosi-Simbine 2010 sees the legislature as the lawmaking, deliberative and policy influencing body working for the furtherance of democratic political system. He describes the legislature as the First Estate of the Realm, the realm of representation and the site of sovereignty, the only expression of the will of the people. It follows from this analysis that the authority of the legislature is derived from the people and should be exercise according to the will of the people that they represent. This is the position of Bogdanor (1991) when he affirms that the authority of the legislature as

a political institution is derived from a claim that the members are representative of the political community, and decisions are collectively made according to complex procedures. Similarly, Oni (2013) argues that the legislature is the primary mechanism of popular sovereignty that provides for the representation in governance, of the diverse interests in a multicultural and sub-national society. Perhaps, it is in the light of this that Smith (1980) sees the legislature as the symbol of power and legitimacy because its decision is based on the collective wisdom of men and women who enjoy the confidence of the electorate.

Jewell (1997) on the other hand, identified legislation and representation as the features that distinguish the legislature from other branches of government. According to him, the legislature possesses formal authority to make laws, and members are normally elected to represent various elements in the population. It is on the acknowledgement of the representative role of the legislature that Carey (2006) argues that plural societies warrant representation of broad diversity within the legislature. Loewenberg (1995) and Okoosi-Simbine (2010) seems to concede to this important notion of the legislature as the people's representative when they view the legislature as assemblies of elected representatives from geographically defined constituencies, with lawmaking functions in the governmental process of a country. Thus, Davies (2004) averred that representative liberal democracy cannot exist without a healthy, lively and credible legislature. He noted that the establishment of the legislature rests on the assumption that in the final analysis, political power still resides in the people and that the people can, if they choose, delegate the exercise of their sovereignty to elected representatives.

Political Representation

Etymologically, the concept of representation in western political theory could be traced back to the later centuries of Rome, when the prince was regarded as the representative of the Roman people as a collective (Fairlie 1940). In the medieval period, both the monarch—that is, the king, the emperor, the pope and such bodies as the cardinals in the church—and assemblies and councils of qualified citizens in organised communities, were attributed the character of representatives. This meant that representatives were conceived in terms of single rulers and largely hereditary or property-qualified groups. The monarch was the trustee of the people. To a large extent, the trustees/representatives were free to act in a manner they deemed served the national interest. In the early conception of representative government, representation did not necessarily involve election of the representative. It is either by appointment or inheritance, with a single ruler acting on behalf of all the people and not particular constituencies (Edigheji 2006, p. 96). Over the centuries, the idea of political representation has changed fundamentally.

In the modern system of government, representation is generally recognised as a necessary condition for democracy in practice in an urbanised polity. Thus, J.S. Mill points out:

> The only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate... But since all cannot, in a community exceeding a single small town, participate personally in all but minor portions of the public business, it follows that the ideal type of perfect government must be representative (Mill 1861, p. 80).

Representative democracy, in the view of Fairlie (1940, p. 456), is that system of government where the powers of sovereignty are delegated to elected representatives, who exercise them for the benefit of the whole nation. Viewed from this perspective, political representation can be defined as the machinery or process to make democratic government possible. To a considerable extent, the different conceptualisations of political representation are based on the different interpretations of the relationship between the representative and his or her constituents, as well as the functions of an elected representative. Also, the disagreements centre around how representative institutions are to be composed, the conditions under which they act, and the scope of their authority. How any of these are conceived has different meanings and implications for representative democracy and political representation.

According to Loewenberg and Patterson (1979), political representation is regarded as a relationship between the representative (legislature) and the represented (constituents). These two scholars pointed to four basic elements of representation expressed by the legislature. According to them, the first feature is the focus of representation expressed in terms of legislators' perception of what make up their constituents. The constituents can be geographical delineated area, political party or other kind of constituency such as ethnic groups, gender, social classes or interest group. The second feature, according to Loewenberg and Patterson (1979), is the style of representation which focuses on the way the legislators respond to their constituents. In this view, the legislators can act on the expressed preferences of their constituents (delegate), follow his intuition (trustee) or act according to prevailing circumstances (politico). The third feature however, is the components of the responsiveness, that is, the kind of expectations the legislators respond to. Thus, the expected components could be policies on certain issues, provision of some services, allocation of public resources or symbolic (psychological needs).

Mansbridge (2003), cited in Oni (2013), on the other hand, identifies four different forms of representation in modern democracies. The first, according to them, is the promissory representation which is the one in which the representatives focus on what they had promised their constituents before they were elected. The second form of representation is the anticipatory representation, that is, the type in which the representatives focus on what they think constituents will approve in the next elections. The third form is the gyroscopic representation, a type in which the representatives look within their personal background to derive interests and principles, without external incentives. The fourth type of representation, according to Mansbridge (2003) and Oni (2013), is the surrogative representation. In the latter form of representation, the representatives tend to represent individuals, groups, party or institutions outside their particular constituency. Example of this form of representation is the monetary surrogacy which occurs when citizens with high income contribute to the electoral success of representatives outside their district or party and as a result have an influence over them. This type is likened to the politics

of godfatherism in Nigeria in which elected representatives tend to satisfy the interests of their godfathers who were seen as instrumental to their electoral victory at the detriment of the electorate.

Constituency–Legislature Relations

Political scientists have recognized constituency related services as one of the key legislative functions (Eulau and Karps 1977). Representatives devote part of their time and resources to activities such as responding to mail, answering phone calls, sending out newsletters, and managing casework (Cain et al. 1987). For some, these duties represent the central component of their job, more important than bill or policy-related responsibilities (Eulau and Karps 1977). Scholars have argued that office holders purposefully engage in these important activities to bolster their electoral prospects (Cain et al. 1987). Explaining heterogeneity in constituency service provision has implications for the literatures on incumbency advantage, legislative organization, the allocation of scarce legislator's resources, inter-branch relations, and member–constituent interactions.

The increased research on legislatures in less developed countries has emphasized the attention given by legislators to their constituents. Although much of that research has concentrated on constituent service and district projects, some information has been collected concerning the ways in which legislators perceive their district and maintain contact with it. Some of these studies are primarily descriptive. A study of Malaysian MPs (Ong 1976) describes in some detail visits of members to their districts, emphasizing urban–rural differences. Some studies provide more systematic data on communication patterns. Narain and Puri (1976) have measured the frequency and methods of contact between constituents and members of an Indian legislature. A study in the Indian state of Rajasthan (Sisson and Shrader 1977) provides data on the members' perceptions of the constituency affairs. A study of members of the national parliament in India (Maheshwari 1976) provides data on the amount of time MPs spend in the district and the numbers of communications of various kinds they receive from constituents. A recent study of Malaysia (Musolf and Springer 1979) describes the methods by which legislators maintain district contacts and the frequency of such contacts as letters and visits; it also describes the priorities MPs assign to various types of activity within the district. The most detailed study of constituency communication patterns comes from a survey of legislators in Kenya, Korea, and Turkey (Kim et al. 1983). The data come from interviews with legislators and with constituents and local elites in legislator–constituent communications. Although the level of attention to the district is relatively high, the data show variations among legislators and among the countries in the priority accorded to the district.

A study of the Canadian parliament (Kornberg and Mishler 1976, pp. 191–199), devoted primarily to measuring influence within the institution, contains some statistical information on constituency communications. The data show that the levels

of mail and other contacts from constituents are relatively high, and that these contacts are mostly requests for assistance. MPs are found to use newsletters, questionnaires, town meetings, and other forms of contact extensively and communicate with local elites such as party workers to get a sense of local opinion. The major finding of the research on constituency activities in non-Western and developing countries has been that most legislators devote considerable amounts of their time and give high priority to seeking and attracting projects and benefits to their districts and acting as intermediaries between their constituents and the bureaucracy. In those legislative bodies that have minimal policy-making functions, this may be the most important activity performed by legislators. Those legislatures where these activities have been shown to be important include Tanzania (Hopkins 1970), Afghanistan (Weinbaum 1977), national and state levels in India (Maheshwari 1976; Narain and Puri 1976), Bangladesh (Jahan 1976), Malaysia (Ong 1976; Musolf and Springer 1979, pp. 50–55), and South Vietnam (Goodman 1975).

Several surveys of allocation and service responsiveness provide additional analysis of the causes or consequences of these activities. Goodman (1975) found that in the late 1960s about one-third of the legislators in South Vietnam had initiated constituency service work. Weinbaum (1977) found that in Afghanistan the legislator's service activities made him an intermediary between the citizens and the national and provincial governments, thereby adding some support to the fragile parliamentary system. Kim et al. (1983) describe in some detail the resource allocation and constituency service activities of legislators in Kenya, Korea, and Turkey. Data are presented on legislators' perceptions of constituency needs, the types of services performed, and constituent awareness of services. The authors argue that, in performing these roles, legislators are an important linkage between the central government and local communities, a linkage which may enhance support for the government. However, despite these findings on non-Western and developing countries about legislator–constituencies relations particularly on constituency projects and media of constituency relations/communications, Nigeria has not been captured. Therefore, the current effort is needed to fill the lacuna.

Media of Legislative–Constituent Relations and their Degree of Utilities and Effectiveness

A research carried out by NDI (2006) shows that effective communication with the constituents demonstrates legislator's commitment and responsiveness to the plight of the people he or she is representing. To corroborate this, Nigerian legislators are mostly assessed not by the number of bills sponsored rather by the rate of access which the people have to them. The legislators who are accessible by the people are likely to continue to enjoy their electoral support. This is premised on the fact that legislative–constituents relations enhance routine interactions, exchange of views and information to enable citizens express their preferences and provide support or

opposition for decisions that affect their lives (CID n.d., p. 1). This benefits the constituents as their views are considered during decision-making and policy making. To this end, the legislators use different media to communicate with their constituents. These include e-mail, text messages, phone calls, social media platforms and constituency offices. However, in advanced democracies, legislators complimented these platforms with others such as office/party newsletters, letters to the editors, opinion editorials, posting flyers, local radio or TV shows, public service announcement and public forums and direct public outreach/meetings to communicate with the constituents.

Out of these media, constituency office remains the most prominent in Nigeria. There is provision for the establishment of constituency offices by all legislators situated within their territorial constituency. However, while some constituency offices witness beehives of activities, others are just structure without life. A number of staff members are recruited mostly among the members of the political party of the legislators to man the constituency office. In some cases, family members and relations are also recruited. The office is usually the meeting point of the legislators with members of the constituencies when there is need to deliberate on issues of concern. It is also used as a meeting place for political party leaders in the absence of befitting party secretariats. Constituent members also submit letters of request, complaint, protest or petitions to the office for onward delivery to the legislators.

As a result of the boom in the usage of the new social media, most legislators in Nigeria, especially those from the urban constituencies, use social media platforms such as Facebook, Twitter, WhatsApp and Instagram, among others, to communicate with their constituents. Legislators recruit bloggers who manage the social media platform on their behalf. Pictures of legislative activities are usually posted for people to know the effectiveness of their representatives. The platform is also used to gather and articulate opinions of the elite constituents on national or regional issues. It is usually the fastest means of communication between the elite constituents and the legislators especially for the legislators who have the capacity to operate it.

Nigerian legislators also communicate with their constituents through local print media and electronic media especially radio advertorials. In addition to this, text messages and telephone calls are used. Telephone conversation ought to be the most used but it is seldom used. This is because very few constituents have the direct telephone numbers of the legislators. The constituency office telephone number is usually circulated thus hinder direct access to the legislators. In a situation where many people eventually have access to the direct line, it is often changed. To correct this, the Sahara Reporters released a list of the telephone numbers of the 109 Senators of the eighth National Assembly (2015–2019) with the intent of helping their respective constituents to have direct access and socialize with them. In order to avoid their usual changing of viral telephone numbers, several postings were publicly made to call for protest in each constituency should any of them become inaccessible through the phone numbers. For the telephone numbers, visit http://www.nigerianmonitor.com/full-list-of-telephone-numbers-of-the-109-senators-of-the-national-assembly/.

Attending Community Development Associations (CDAs)' meetings are another media of Legislative–Constituent relations. The CDAs often serve as middlemen between the constituents and legislators by harvesting people's complaints and requests, filter them and table the most cogent ones before the legislators during their meetings. The outcome or responses of the legislators are usually fruitful to the advantage of the constituents because it is usually an avenue to secure popular support and re-election by the legislators. To this end, it is the most viable medium of communication.

We did an online opinion survey to examine the utility of each of the media of communication in respect of their effectiveness. Our findings show that legislator–constituent communication in Nigeria is very weak. Most of the respondents never communicated with their legislators on both national and constituency issues. The few ones (mostly in Lagos State) that communicated with their legislators did so on the basis of Community Development Association meetings. The few meetings were also as a result of electioneering activities to seek for peoples' mandate for re-election bids. It is observed from the survey that most legislators do not attend the CDA meetings except during election periods.

Many of the respondents claimed to have sent e-mail request for jobs, community development appeals, financial support requests and letters of recommendation to the embassies for visa application and workplace for employment consideration, among others. Very few admitted to have received replies from the legislators. Out of the responded, 66.4% received promise without fulfilment, while 18.1% received positive and fulfilled responses. The remaining 15.5% only received acknowledgement of mail responses without any further correspondence.

For those who sent text messages and phone calls to the direct telephone numbers of the legislators, many of them claimed that the legislators' aides usually pick the calls. The aides mostly replied them that the legislators are busy and will return their calls and messages at appropriate time. Most of the messages were never replied and calls mostly not returned.

For social media interactions, the respondent observed that the kind of responses received shows that most legislators hire bloggers who manage their social media platforms and give no concrete responses to requests. This shows that most of the bloggers either do not relay postings to the legislators or legislators are unwilling to respond.

Indeed, our study shows that Nigerians are not also interested in asking the legislators about their floor voting or their stand on national issues. Rather, they are mostly interested in what they can get in terms of material and tangible benefits from the legislators. The inability of the legislators to satisfy all their needs and requests make them to evade accessibility by their constituents. Akinderu-Fatai (2016) apprised that he spent an average of 300,000 naira for every visit to the constituency office on daily basis. To him, the peoples' requests range from personal upkeep to community development projects which are mostly out of his constitutional mandate and beyond his financial capability. He noted that failure to satisfy these needs will make the people to tag the legislators as not giving them the dividends of democracies. This corroborated the argument of Udefuna et al. (2013,

p. 648) that Nigerians are hungry for democratic dividends and demanded the same from the legislators which led to the yearning for constituency projects.

Legislative Constituency Projects in Nigeria: Rationale, Controversies and Clarification

The issue of constituency project has been generating heat in Nigerian since the return of democratic governance in 1999. The National Assembly requested for its approval by the Obasanjo Administration to take care of the enormous request for the dividends of democracy by the constituents. Upon approval, Obasanjo released N5million and N3million each for the Senators and House members respectively despite the fact that the budget did not make provision for such funds (Udefuna et al. 2013, p. 647). The process became controversial as a result of lack of transparency in the implementation and poor handling of the projects. The constituency project fund became controversial and a source of executive–legislature acrimony when the legislators started deciding on the kind of constituency projects to provide and were awarding contracts like the executive. Most legislators tilted their interest away from their primary assignment of lawmaking and their offices became pilgrimage centres for contractors looking for jobs.

Legislative–constituency project as a concept is not peculiar to Nigeria alone as it is practiced in developed and developing democracies. However, the point of divergence is the method of operating it. Legislators are involving themselves in attracting developmental projects to their constituency in order to foster development in their area and prove their ability to translate the needs and aspirations of their constituents into policy outcomes. While in countries like India, Tanzania, Kenya and Philippines, the legislators are paid Constituency Development Fund (CDF) as part of their salaries and allowances, other countries like the USA, the UK, Singapore, Australia and Nigeria retained the CDF with the executive. See Table 1 below for the countries and amount of CDF per member.

The argument or rationale for its inclusion in most democracies is a result of the attempts to be responsive to the yearning of the people requesting for the dividends of democracy especially in the rural areas where the impact of the executive is hardly felt. Its aim is to ensure minimum presence of government in every constituency by siting developmental projects to the benefit of the people (Okuronmu 2009).

As a result of the controversies and the intrigues that characterized the CDF in Nigeria, the implementation of the concept was redesigned. The legislators were striped of the power to award contract and only required to consult with the constituents and identify the preferred projects for inclusion in the budget by the executive. After budget approval, the appropriate executive agencies will identify the contractor to execute the projects and award the contracts, supervise the payments and ensure their execution (Okuronmu 2009).

There is wide allegation that Nigerian legislators still lobby the executive to either get the contract for companies of their interest or get kickback from the contract

Table 1 Countries and amount of CDF per member (in US dollars)

Country	Amount of CDF per MP
Philippines	$4,270,001
Bhutan	$43,000
Solomon Islands	$140,000
Kenya	$794,464
Malaysia	$577,951
Jamaica	$456,361
India	$420,790
Sudan	$317,543
Pakistan	$240,000
Malawi	$21,352
Tanzania	$13,761
Uganda	$5187

Source: Udefuna et al. 2013, pp. 651–652

execution. In view of this allegation, Udefuna et al. (2013, p. 652) established that Nigerian lawmakers do engage in the determination of constituency project execution as the fund for the project is routed through them. Though, this claim is constantly disputed by the legislators (see Turaki 2015). Either way, what is certain in Nigeria is the fact that the legislators have overbearing influence on the kind of projects to be implemented. Most constituencies get what the legislators want and mostly not what the constituents want.

Aside from the official constituency projects, some legislators privately engage in the provision of constituency projects, welfare packages and social responsibility, among others, in the form of empowerment schemes, health services, digging of boreholes, education supports, visa procurements and construction of drainages, among others. Akinderu-Fatai (2016) apprised that this became necessary as a result of the fact that not all projects listed for inclusion in the budget would be executed by the executive. In this case, the constituents will not understand but will blame the legislator for not pursuing their interest or even allege that he or she has diverted the money for the constituency project for personal use. It is as a result of this that most lawmakers personally embark on execution of private constituency projects and empowerment schemes in a bid to fulfil electioneering pledges and boost his or her chances of re-election.

Challenges of Legislative–Constituency Relations in Nigeria

In as much as most legislators will want to relate with their constituents, there are challenges hindering such relationships. These ranges from time and resource constraints, misconception of the roles of the legislature by the constituents, enormous

needs of constituents, overbearing influence of local political gladiators, political party's interest and legislators' personal interest, among others.

The fact that no government in the world has enough resources to take care of the people's needs has a trickle-down effect on the legislators. On several occasions, the National Assembly often complains of paucity of fund which negatively affects legislative activities. A comparison of the annual pay of legislators in the USA and Nigeria shows that while a senator and a member of the house in the USA are annually entitled to $3,409,422 and $1,429,909 respectively, those of Nigeria get $184,961 and $166,739, respectively (NILS 2015). This implies that the annual remuneration (including salaries and yearly allowances) of a Nigerian Senator is pegged at N12, 902,360.00 and a member of the house is entitled to N9, 525,985.50 annually as salaries and allowances (Saliu and Bakare 2016). Though, it is widely believed, as argued by Amaefule (2015), that the salaries and allowances of legislators (especially in Nigeria) are not limited to the ones officially stated; rather, there are others that accrued through self-appropriation and corruption. However, the Table 1 below shows the breakdown of the official entitlements of Nigerian legislators. Going by the official amount of money at the disposal of an average legislator in Nigeria, one may agree that it cannot take care of the enormous constituency needs before him or her. Table 2 below shows the breakdown of official salaries and allowances of legislators in Nigeria.

From the Table 2 above, one can see that a Senator is paid N5,000,000.00 annually to support his or her constituency, while a House member takes N1,985,000.00 annually for the same purpose. Going by the analysis of Hon. Akinderu-Fatai who claimed to spend an average of N300, 000.00 daily to support the needs of the constituents, an average legislator will need about 100 million naira (N100,000,000.00) for constituent supports. In addition, there is also time constraints as legislators are usually busy with legislative works (plenary and committee sittings, oversights and project sites tours, party caucus meetings, etc.) which gives little or no time for constituency relations. To this end, financial and time constraints greatly hinder legislative–constituency relations in Nigeria.

Misconception of the roles of the legislature by the constituents is another challenge hindering effective legislative–constituency relations. Many Nigerians expect their legislators to construct roads and build schools and other infrastructures in their respective constituencies, against the constitutional roles of lawmaking. The failure to provide these infrastructural facilities makes them to be seen as ineffective and irresponsive. This to a large extent deters most legislators from visiting their constituencies. The erroneous belief that legislators receive funding for constituency projects is also an issue. Any attempts by the legislators to clarify these misconceptions are usually met with stiff rebuff from the constituents, leading to hostile relationship between both parties.

Out of all elected officials in Nigeria, legislators are most proximate to the people. Thus, most people believe that the legislators can help them to solve individual problems. This leads to enormous constituent requests from the legislators beyond their financial capability. The easy accessibility to constituency offices prompts people to flood the office with direct assistance requests ranging from jobs,

Table 2 Breakdown of Nigerian legislators' salaries and allowances

	Senators (N)	House of Representatives (N)
Annual		
Basic salary	2,026,400.00	1,986,212.50
Vehicle fuelling/maintenance	1,520,000.00	1,489,000.00
Constituency	5,000,000.00	1,985,000.00
Domestic staff	1,519,000.00	1,488,000.00
Personal assistant	506,600.00	493,303.00
Entertainment	607,920.00	595,563.00
Recess	202,640.00	198,521.00
Utilities	607,920.00	397,042.00
Newspapers/periodicals	303,960.00	297,781.00
House maintenance	101,320.00	99,260.00
Wardrobe	506,600.00	496,303.00
Estacode	$950.00[a]	$900.00[a]
Tour duty	$37,000.00[a]	$35,000.00[a]
TOTAL	12,902,360.00	9,525,985.50
Tenure (Every 4 years)		
Others		
Accommodation	4,000,000.00	3,970,000,00
Vehicle loan	8,000,000.00	7,940,000.00
Furniture	6,000,000.00	5,956,000.00
Severance gratuity	6,090,000.00	5,956,000.00
TOTAL	24,090,000.00	23,822,000.00

Source: NILS 2015 (as reproduced from Revenue Mobilization Allocation and Fiscal Commission –RMAFC's website http://www.rmafc.gov.ng/)
[a]Not added to total. The exchange rate is $1 = 360 naira

community development appeals, financial support requests and letters of recommendation to the embassies for visa application and workplace for employment consideration, among others. The inability of most legislators to develop strategies to filter or cope with the enormous request encourages them to sever the legislative–constituency ties.

The overbearing influences of political lords/gladiators on legislators also contribute immensely to ineffective legislative–constituent relations. Nigerian politics is such that popular support of the people is inferior to the support of the few powerful political lords. An average legislator seeking re-election prefers the support of the political overlords than those of the people or electorates. This is because the powerful lords mostly determine who the party's flag-bearer is, and who also wins the general election not minding the direction of vote cast by the people. However, the introduction of electronic card reader appeared to have reduced direct falsification of election results. Vote buying has assumed a dangerous dimension in Nigeria, especially under the APC-led federal government. This is to make up for the check imposed on politicians by the electronic card reader. To this end, the legislators

prefer to use their resources to secure the anointment of the political overlords and sever the legislative–constituency relationship.

Supremacy of political party's interest over that of the people does negatively affect the legislative–constituency relations. In a situation where the interest of the constituency clashes with that of the political party, the latter supersedes. This is because legislators cannot afford to have an acrimonious relationship with the party chiefs as they need the party platform to run for re-election. Since the Nigerian electoral system does not recognize independent candidature, an average legislator will sever the legislative–constituency relations to satisfy his or her party's interest.

Conclusion

From the foregoing analysis, there is no doubt that legislative–constituency relations are an important aspect of the democratic process. This is premised on the fact that effective legislative–constituency relations contribute to democratic survival by incorporating the people in the governance of their own affairs. Governance with the input of the people during decision-making process not only ascribes legitimacy to the government but also gives the citizens a sense of belonging. However, legislative–constituency relations in Nigeria is marred by enormous challenges including resource constraints, time constraints, misconception of the roles of the legislature by the constituents, enormous needs of constituents, overbearing influence of political lords, political party's interest and legislators' personal interest, among others. These challenges make constituent relations one of the most daunting and difficult aspects of legislative job. Any action or inaction of the legislators to sever the constituent relations will have a catastrophic effect on democracy. This is because it will cut the link between the people and government; as Polsby (1975) describes the legislatures are the "nerve endings" of the polity due to their proximity to the people than other public officials.

No matter how experienced a legislator is, it is practically impossible for him or her to satisfy the needs of all constituents. In view of the fact that effective legislative–constituent relation is a problem facing all Nigerian legislators, a number of recommendations are offered to assist in this regard. First, the management of the National Assembly should embark on continuous public sensitization and reorientation on the constitutional role of the legislature. This will correct the impression of the people about the expectation of materialistic dividends of democracy and perhaps reduce the degree of requests that legislators face in the constituents.

Second, no matter the extent of public sensitization, there is possibility that many people will continue to approach the legislators for assistance to cater to their needs. In view of this, more funding should be made available to the legislators especially as constituency allowances to take care of the people's needs. By so doing, efforts should also be made to monitor them and ensure that the money is used for its purpose. The need to submit annual financial report to this effect may be ideal, and the management should cause such report to be made public for accountability.

This will enable the people to know how much their legislators collected, how such monies are expended and verify the genuineness of the spending. This will further open up the legislature to public scrutiny which will in turn make the people to have a sense of belonging in legislative activities.

Since there will always be limited money, time and other resources, each legislator is expected to develop strategies to manage his or her relationship with the constituents based on the specificity of the sociopolitical and economic circumstances prevailing in each area. The strategy developed by NDI (2006, p. 11) may be considered. This contains a five-point step: defining goals, establishing objectives to fit goals, determining priorities, developing goal-oriented action plans and evaluating the plan regularly.

Other ways by which the legislative–constituency relations can be improved include mandating the legislators to breathe life into their constituency offices to gather information and harvest opinions of the constituents on national issues, adoption of reciprocal or two-way channel of communication to strengthen public appreciation of legislative activities, encouraging constituents' participation in public hearings especially on bills of interest to them, strengthening of civil society organizations to have the capacity to serve as watchdogs to the activities of their legislators and mobilize support for the promotion of their interest and, above all, improving the capacity of the legislators to attach importance to the performance of their duties including giving priority to effective legislative–constituency relations.

Conclusively, effective legislative–constituency relations will enable the legislators to impact positively on the lives of their constituents and also open up legislative activities to the people for proper appreciation. By this, Nigerians will understand the scope of the roles of the legislature and also see it as a true institution representing their interests, thereby making them to have trust in the democratic institution.

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The Nigerian House of Representatives, 1999–2016

Luqman Saka and Adebola Rafiu Bakare

Introduction

The institution of the legislature is an important arm of government in democracies given that it is an assemblage of citizen's representatives. As a cardinal democratic institution, the legislature is saddled with enormous task, the most significant being that of lawmaking, representation, oversight of state activities, budgeting and other constituency-related tasks. Being the representative of the people, the legislature in democracies is expected to be the embodiment of popular will. The institution of the legislature is expected not only to represent the general will but also to articulate, advance and promote the will, interest and welfare of the citizen from which members of the legislature derive their mandate. The legislature is the most representative of the arms of government and institutions of the state in democracies given that the chamber(s) members are elected to represent constituencies and that each member draw votes across social strata (religious, race/ethnicity, gender, ideology, wealth) identifiable within their constituencies. With the exception of political parties, the legislature provides the most comprehensive and inclusive avenue for popular participation in politics and governance in modern democratic states (Omotola 2014, p. 3).

From historical antecedents, Nigeria adopted the bicameral structure of legislative organisational arrangement even before the attainment of political independence. The Nigerian legislature, whether under the parliamentary system of the First Republic or the presidential system of the Second Republic, aborted Third Republic and the present Fourth Republic, are composed of two chambers: the lower chamber (House of Representatives) and the upper chamber (Senate). The bicameralism that have characterised the institutional and structural working of the legislative arms of

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_6

government at the federal level in Nigeria comes with peculiar advantages and challenges especially as it relates to legislative–executive relations and relationship between the two chambers of the legislature. This becomes feasible within the context of the peculiarities that characterised executive–legislative relationship under parliamentary and presidential systems of government. Under the parliamentary system as practiced by Nigeria during the First Republic, the prime minister that serves as the chief executive and head of government of the Federation is first and foremost an elected member of the lower chamber of the legislature (the House of Representatives) as some, if not all, of the members of the executive. Under the system, the executive is collectively responsible to the legislature especially the House of Representatives. With the adoption of the presidential system of government, there comes significant alteration to the working relationship between the arms of government and institutions of the state given the precept of separation of power that forms the bedrock of the presidential system (Fashagba 2014, pp. 163–164).

As was the case in the Second Republic and aborted Third Republic, the organisation of the legislature in Nigeria's Fourth Republic followed not only the bicameral structural arrangement but was also guided by the principle of separation of power that is a core foundational issue in presidential system. The legislature has two chambers (House of Representatives and Senate) that are saddled with the task of lawmaking, representation and oversight of the running of the state. The two chambers of the legislature complement each other in the discharge of their constitutionally assigned legislative responsibilities especially as it relates to lawmaking and oversight of the executive arms and affiliated institutions/agencies of the state. However, as Fashagba (2014, p. 164) notes, there are notable difference in both chambers' approach to the discharge of their responsibilities. The difference in approach can be said to be informed by number of factors of which composition, internal institutional structure, difference in rules and challenges of operation and experience are but significant.

Arising from this premise, this chapter engages in an examination of the Nigerian House of Representatives under the Fourth Republic. Utilising data drawn mainly from secondary sources and adopting thematic and explanatory approach, this chapter discusses the politics of the House of Representatives within the context of functions and power, leadership selection procedures, turnover and performance. It discusses the theoretical basis of bicameralism in legislative literature and the history of the House of Representatives in Nigeria's democratic evolution. The chapter discusses the constitutional provisions on the House of Representatives within the context of power and function of the lower chamber, elections of members, legislative turnover, and politics within the chamber especially as it relates to tussle for leadership positions. The chapter also examines the performance of the House of Representatives in the Fourth Republic using the chamber's constitutionally assigned functions as stipulated in the Nigeria's 1999 constitution as amended as point of reference. Within the context of the discussion of the issues highlighted above, the chapter draws an appropriate conclusion.

Theoretical Basis of Bicameralism

The concept of legislature has different definition depending on the standpoint view of the definer. Despite the variations in its definitions, there seems to be a point of convergence that it is an arm/organ of government saddled with the responsibility of making laws for the good governance of the polity. To this end, many scholars and practitioners define it on the basis of its lawmaking function and institutional composition. Ihedioha (2012) defined it as an assemblage of the representatives of the people elected under a legal framework to make laws for the good health of the society. It is also defined as "the institutional body responsible for making laws for a nation and one through which the collective will of the people or part of it is articulated, expressed and implemented" (Okoosi-Simbine 2010, p. 1). In this regard, we talk about it as the representative assembly of persons statutorily empowered to make laws at local, state or country level.

Since the advent of the legislature in representative democracies, it takes different forms depending on the specificity of the country especially in respect of how homogenous or heterogeneous the country is. There are basically two forms: unicameral and bicameral legislature. However, events in the political history of some countries had brought about other forms, unpopular in the modern political environment. These are "tricameral and tetracameral" legislature. However, this chapter is interested in the bicameral type as it is the one adopted by the country (Nigeria) under review. Countries like Nigeria and the USA, among others, adopt bicameralism to satisfy dual desires. The first is to create a chamber that guarantees equal representation of the states regardless of size and population. The second is to satisfy equity and justice by creating another chamber to guarantee proportional representation of the population. For better understanding, it is necessary that we briefly discuss all the typology in order to appreciate the basis of the bicameral legislature.

The etymology of *unicameral legislature* is traced to two *Latin* words: "*uni*" meaning "one" and "*camera*" meaning "chamber". This implies the assembly of legislators in one house to debate and make laws for good governance of the country. This form of legislature is used in countries that are homogeneous in nature and more often in unitary countries with weak regional identities. Examples are: Angola, Togo, Egypt and Croatia, among others. In some situations, some countries changed to unicameralism after having a stint of dual legislative chambers. Examples are: New Zealand and Denmark that abolished one of their two chambers. In the case of Sweden, the country changed to unicameralism after the merger of its two chambers into a single one. Approximately, half of the world democracies are presently using this system including the world most populous state, China; and the least populous state, that is, Vatican City (Wikipedia 2016a). The major advantage of this system stems out of the fact that it makes lawmaking more efficient and less likely to lead to the possibility of legislative deadlock. However, the system could be criticised on the ground that it can lead to tyranny especially in parliamentary system where the parliamentary majority dominate the executive arm of government (Saliu and Bakare 2016).

On the other hand, *bicameral legislature* also emerged from two *Latin* words: "*bi*" meaning "two" and "*camera*" meaning "chamber". It is a system by which the legislature comprises of two chambers. One is regarded as the upper/senior chamber, while the other is regarded as the lower/junior chamber. The membership requirement of the two chambers varies from country to another but in most cases that of the upper chamber is more stringent given that it is usually the most powerful house except in Britain and some other Westminster systems where the lower chamber is more powerful than the upper chamber. This system is mostly used in pluralistic societies to give voices to the different tribes. Examples are Nigeria, the USA, Brazil, France, Japan and the UK among others. As at 2015, a little less than half of the world's democracies were using bicameralism (Inter-Parliamentary Union 2016). One of its merits is that it gives voices to all and makes debate more robust. However, the major demerits are that it can easily lead to legislative deadlock and it is expensive to run (Saliu and Bakare 2016).

The third form is *tricameral legislature* derived from the *Latin* words "*tri*" meaning "three" and "*camera*" meaning "chamber". It is a situation where the legislature has three chambers. This system was used in South Africa under the apartheid regime as enshrined in the South African Constitution of 1983. It consisted of three race-based chambers: House of Assembly with 178 members reserved for whites, House of Representatives with 85 members for Coloured or mixed-race people and House of Delegates with 45 members reserved for Indians (Wikipedia 2016b). This is advantageous because it is more inclusive than bicameralism. However, it is also more expensive and can create legislative deadlock than bicameralism. The fourth, *tetracameral legislature* was coined from the merger of a Greek word "*tetra*" meaning "four" and a *Latin* word "*camera*" meaning "chamber". It is a system where the legislature has four chambers. This system is not currently in use by any country but was previously used by Sweden and Finland until 1906 when it was replaced with unicameral legislature (Wikipedia 2016c).

Institutional legislative composition is based on the form adopted by a country. It may be unicameral or bicameral. Whichever is adopted, the country is at liberty to name it as it preferred. This is why the name of some unicameral legislature is the same as the upper or lower chamber of the bicameral legislature. In some cases, the compound name of both chambers in a country can be the name of either the lower or upper house of another country. For example, the Senate and House of Representatives of Nigeria are jointly called "National Assembly" but the lower house of French legislature is called "National Assembly" with upper house called "Senate". However, both houses are jointly called "France Parliament". While all these names are globally recognised in the annals of legislative studies, some countries use names that are peculiar to their culture (e.g. *Saeima* of Latvia, *Riigikogu* of Estonia, *Golaha Wakiilada* and *Golaha Guurtida* of Somaliland; and *Masharano Jirga* and *Wolesi Jirga* of Afghanistan, among others). The membership composition of the legislature varies along the specificity of each country so is the constitutional electoral qualification, voting system and term span, among others. In addition, the number of people entitled to a representation in the lower chamber (population per seat or seat size) also varies depending on the population size of the

country and the total number of legislators the country wishes to have in the upper chamber (that is usually equal for all states, provinces or regions). It should be noted that countries with smaller population sizes adopt unicameral legislature while those with large population sizes adopt bicameral legislature. Although Austria, South Africa and Sudan have smaller populations, they adopted bicameralism as a result of their political environment and heterogeneous nature of their countries. The seat sizes of the upper chambers of most countries are smaller than that of the lower chambers. This is as a result of the fact that the composition of lower chambers is premised on population while that of the upper chambers is on equality (Saliu and Bakare 2016).

Nigerian House of Representatives in Historical Perspective

The historical emergence of the Nigerian House of Representatives is best discussed under three epochs. The first epoch was during the colonial era when the legislature was created as an avenue to accommodate Africans in the governance process. The history of the Nigerian House of Representatives dates back to January 1, 1947 when the Nigeria (Legislative Council) Order in-Council came into effect. Prior to this period, there were several agitations for increased participation of Africans in the determination of their own affairs which prompted Sir Arthur Frederick Richard to submit constitutional proposal to this effect to the Secretary of State for the colonies in December 1944 (Nwosu et al. 1998, p. 25). The British government approved the proposal which led to the emergence of the Richard constitution. The constitution makes provision for the creation of the Legislative Council made up of 45 members with the governor as its president. The members include 16 official members (13 ex officio and 3 nominated members) and 28 unofficial members (4 directly elected and 24 indirectly elected or nominated). The Legislative Council was inaugurated in 1947 by Sir Arthur Richard and vested with the power to make laws for the whole country (National Assembly 2010). The Legislative Council has Sir Richard as its president, Chief S. Ade Ojo as the clerk, assisted by Mr. B. A. Manuwa, with Mr. E. A. Mensah as the sergeant-at-arms.

The John Stuart Macpherson's constitution of 1951 retained the structure of the Legislative Council but with expanded membership. However, the Oliver Lyttleton Constitution of 1954 established the Federal House of Representatives with 92 members from the North, 42 from the West, 42 from the East, 6 from Southern Cameroons and 2 from Lagos; all directly elected (Nwosu et al. 1998). The constitution granted "independence" to the legislature by creating the office of the speaker. Premised on this, Sir E. A. Fellows was appointed as the first speaker of the Federal House of Representatives (Nnamani 2006, p. 3).

The second epoch of the development of the Nigerian House of Representatives began when parliamentary system of government was introduced in preparation for political independence. On August 30, 1957, Sir Abubakar Tafawa Balewa, a ranking member of the Legislative Council since 1947, was made the prime minister

with Sir Fredrick Metcalfe retaining his post as the speaker of the House of Representatives since 1955 till 1960 (National Assembly 2010). Though, the introduction of the Senate Council in 1959 brought about bicameralism in Nigeria but did not take away the power of the House. Immediately after independence, the Nigerian House of Representatives had its first Nigerian speaker, Rt. Hon. Dr. Jaja Amicha Nwachukwu (from Afikpo North constituency of the Eastern region). This parliamentary arrangement was sustained after independence and throughout the first republic until January 15, 1966 when the military struck.

After 13 years of military rule, power was transited to democratic administration in 1979 with the introduction of presidential system of government. This signalled the third epoch in the historical development of the Nigerian House of Representatives. The executive became totally separated from the legislature as it is directly elected as against the parliamentary system where it emerged from the House of Representatives. During this epoch, the nature of the bicameral legislature changed as the Senate is given more power compared to its power during the independence era. Consequently, the Senate became the upper chamber with more constitutional powers and functions than the House of Representatives. The subsequent 1983 military intervention and return of democratic governance in 1999 did not change the legislative status as the Nigerian House of Representatives maintained its lower-chamber status till date.

Constitutional Provisions on House of Representatives

The Nigerian House of Representatives was expressly established by the chapter V, Part I of the 1999 constitution (as amended), as a wing of the National Assembly as provided for in Section 47. Its composition is stated in Section 49 as thus:

> Subject to the provisions of this Constitution, the House of Representatives shall consist of three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one State (Federal Republic of Nigeria 1999).

Section 50(1)b requested the members of the Nigerian House of Representatives to elect a speaker and a deputy speaker among themselves who will be responsible for steering the affairs of the House and preside over the sittings (see Section 53[1]b). However, Section 53(2)a empowers the speaker to preside over the joint sitting of the Senate and House of Representatives (National Assembly) only in the absence of the senate president.

In term of structure, Section 62 of the 1999 constitution (as amended) allows the House of Representatives to appoint committees to make the performances of its duties effective and efficient. Section 63 and 64 mandated the House to sit for a period not less than 181 days in a year and stand dissolved at the expiration of a period of 4 years commencing from the date of the first sitting of the House. Section 65 limits the qualification for membership of the House to Nigerian citizens who

have attained the age of 30 years, with minimum school certificate and with membership of a political party that sponsored such persons. Section 66 places restrictions on the qualification for membership of the House. The restrictions range from voluntary acquisition of citizenship of another country and have made declaration of allegiance to such country, or under sentence of death or imprisonment, or are declared bankrupt among others.

The constitution also expressly states the conditions by which a member of the House of Representatives could lose his/her seat. Section 68 provides that:

A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if

(a) he becomes a member of another legislative house;
(b) any other circumstances arise that, if he were not a member of the Senate or the House of Representatives, would cause him to be disqualified for election as a member;
(c) he ceases to be a citizen of Nigeria;
(d) he becomes president, vice-president, governor, deputy governor or a minister of the government of the Federation or a commissioner of a state or a special adviser;
(e) save as otherwise prescribed by this Constitution, he becomes a member of a commission or other body established by this Constitution or by any other law;
(f) without just cause he is absent from meetings of the House of which he is a member for a period amounting in the aggregate to more than one-third of the total number of days during which the House meets in any 1 year;
(g) being a person whose election to the House was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that House was elected; Provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or of a merger of two or more political parties or factions by one of which he was previously sponsored; or
(h) the president of the Senate or, as the case may be, the speaker of the House of Representatives receives a certificate under the hand of the chairman of the Independent National Electoral Commission stating that the provisions of section 69 of this Constitution have been complied with in respect of the recall of that member (Federal Republic of Nigeria 1999)

In addition to the above, Section 69 makes provision for recall by the constituents should they lose confidence in such member. Other constitutional provisions on the House of Representatives include Section 70 that deals with remuneration of members, Sections 71–78 that deal with election of members to the House and Sections 79–83 that give powers to the House (together with the Senate), among others.

The fact that the provisions of the 1999 constitution (as amended) is not suffice to regulate the affairs of the House of Representatives, Section 60 allows the House to enact for itself other rules and regulations necessary to regulate its own procedure. This led to the enactment of the “Standing Order” and other regulations used

in directing the institutional affairs, proceedings and members conduct without prejudice to the provisions of the constitution.

Power and Function

The National Secretariat of Nigerian Legislatures (2011) classified the legislative power of the National Assembly into three:

1. Expressed powers by the constitution
2. Implied powers arising from extensions of the provisions of the constitution;
3. Assumed powers as a result of lacunae in the constitutional provisions

Premised on these, the power of the House of Representatives (and the National Assembly in general) in relation to the four cardinal functions and the specifics ones is expressly stated in the 1999 constitution (as amended). Chapter V, Part I, Sections 47–64 established the National Assembly as the federal legislature. Sections 88–89 expressly state the powers granted to the legislature. However, the scope of the power of the National Assembly is stated in the Second Schedule, Part I and II, that is, exclusive and concurrent lists on which the National Assembly can legislate upon.

Aside its four cardinal functions: lawmaking, representation, oversight and budgeting, the legislature also performs other important constitutional functions which are intended to promote good governance and development. As enshrined in the 1999 constitution of Nigeria (as amended), the legislature performs other functions aimed at engendering democracy. For instance, Section 88 of the 1999 Constitution (as amended) spells out the *investigative responsibility* of the legislature. The Nigerian House of Representatives is constitutionally empowered to conduct investigations into any agency of government with a view to exposing corruption and correcting any lapses in the conduct of public affairs. In carrying out its investigative roles, the House can summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness. It also has the constitutional mandate to receive and enquire into *Public Petitions and Complaints* brought to its attention, through its Committees on Public Petitions. By the power, Nigerians can approach the House of Representatives on any complaint bothering on issues such as illegal termination of appointment, maltreatment of workers, regularisation of promotion, unpaid salaries and wages, and retirement benefits, among others. Ihedioha (2012, p. 16) noted that since 1999, many of such petitions and complaints have been received and conclusively addressed by the two chambers of the National Assembly. The House also has the *Power of Appropriation* conferred on it by Section 81 of the Constitution as amended; which states that "no money shall be withdrawn from the Consolidated Revenue Fund or other public funds of the Federation without the authorization of the National Assembly".

In addition, there are other laws that empower the House of Representatives (and the National Assembly by extension) on specific functions. For example, the

Legislative Houses (Powers and Privileges) Act, Laws of the Federation of Nigeria, 2004. This Act declare and define certain powers, privileges and immunities of the National Assembly and of the members of the two legislative Houses; to regulate the conduct of members and other persons connected with the proceedings thereof and other matters of concern. It grants the House several powers ranging from immunity from proceedings, power of committee to order attendance of witnesses, power to issue warrant to compel attendance, power of arrest, courts not to exercise jurisdiction over acts of president, speaker or officer, civil process not to be served in Chamber or precincts, and restriction on prosecutions, among others.

Election of Members

Section 65 of the 1999 constitution (as amended) makes provision for the qualifications for membership of the House of Representatives. It states that:

(1) Subject to the provisions of Section 66 of this Constitution, a person shall be qualified for election as a member of:
(b) the House of Representatives, if he is a citizen of Nigeria and has attained the age of 30 years;
(2) A person shall be qualified for election under subsection (1) of this section if:
(a) he has been educated up to at least School Certificate level or its equivalent; and
(b) he is a member of a political party and is sponsored by that party (Federal Republic of Nigeria 1999).

From the above provisions, it became evident that independent candidacy is prohibited in Nigeria as a member of the House can only emerge on the platform of a political party. This shows the indispensability of political parties in legislative politics and Nigeria's democratic process in general.

In order to implement this, the Independent National Electoral Commission (INEC) is constitutionally empowered in Section 76 to fix date for and conduct election to fill the 360 seats in the House. It is on this ground that the fourth republic National Assembly emerged from the 1999 general elections that ushered in democratic rule after a 16-year military rule that lasted from 1983 to 1999. Hundreds of candidates under different political parties contested for the coveted 360 Nigerian House of Representatives' seats in an election conducted by INEC on February 20, 1999. Since then, the electoral management body INEC has been conducting elections every 4 years as established in Section 64(1):

> The Senate and the House of Representatives shall each stand dissolved at the expiration of a period of four years commencing from the date of the first sitting of the House.

On districting, Sections 71–74 state that:

71. Subject to the provisions of section 72 of this Constitution, the Independent National Electoral Commission shall –

(b) subject to the provisions of section 49 of this Constitution, divide the Federation into 360 Federal constituencies for purposes of elections to the House of Representatives.

72. No Senatorial district or Federal constituency shall fall within more than one State, and the boundaries of each district or constituency shall be as contiguous as possible and be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable.

73. (1) The Independent National Electoral Commission shall review the division of States and of the Federation into Senatorial districts and Federal constituencies at intervals of not less than 10 years, and may alter the districts or constituencies in accordance with the provisions of this section to such extent as it may consider desirable in the light of the review.

(2) Notwithstanding subsection (1) of this section, the Independent National Electoral Commission may at any time carry out such a review and alter the districts or constituencies in accordance with the provisions of this section to such extent as it considers necessary, in consequence of any amendment to Section 3 of this Constitution or any provision replacing that section, or by reason of the holding of a census of the population, or pursuant to an Act of the National Assembly.

74. Where the boundaries of any Senatorial district or Federal constituency established under Section 71 of this Constitution are altered in accordance with the provisions Section 73 hereof, that alteration shall come into effect after it has been approved by each House of the National Assembly and after the current life of the Senate (in the case of an alteration to the boundaries of a Senatorial district) or the House of Representatives (in the case of an alteration to the boundaries of a Federal constituency) (Federal Republic of Nigeria 1999).

It is worthy to note that the Independent National Electoral Commission is yet to trigger the implementation of these provisions on redistricting. However, INEC's action or inaction on this did not violate the constitution as it is prerogative power and not a mandatory directive. The choice of the use of the wordings: "*may at any time carry out such a review and alter the districts or constituencies in accordance with the provisions of this section to such extent as it considers necessary*" gives INEC an open blanket to decide whether or not to carry out redistricting. The second condition which could makes redistricting a mandatory exercise is yet to take place. It is stated that "*in consequence of any amendment to section 3 of this Constitution or any provision replacing that section*". This means that if one or more States is created, thus, it becomes mandatory on INEC to embark on redistricting exercise. The 360 seat size of the House in use since 1999 is a product of the INEC districting. Table 1 below shows the states and their corresponding seat allocation based on their population size.

INEC can be faulted in the districting outcome. A close look at the table shows some deficiencies and lopsidedness in the distribution of legislative seats in the House of Representatives. For instance, nine seats are given to Ogun State with a population of 3,751,140 while its contemporaries like Akwa Ibom and Sokoto in

Table 1 Numerical and percentage distribution of legislative seats in the House of Representatives by states' population

S/No	State	Population	% of total population	House of Representative seats	% of total House Of Representative seats
1	Kano	9,401,288	6.69	24	6.67
2	Lagos	9,113,605	6.49	24	6.67
3	Kaduna	6,113,503	4.35	16	4.44
4	Katsina	5,801,584	4.13	15	4.17
5	Oyo	5,580,894	3.97	14	3.89
6	Rivers	5,198,716	3.70	13	3.62
7	Bauchi	4,653,066	3.31	12	3.33
8	Jigawa	4,361,002	3.11	11	3.06
9	Benue	4,253,641	3.03	11	3.06
10	Anambra	4,177,828	2.97	10	2.78
11	Bornu	4,171,104	2.97	10	2.78
12	Delta	4,112,445	2.93	10	2.78
13	Niger	3,954,772	2.82	10	2.78
14	Imo	3,927,563	2.80	10	2.78
15	Akwa Ibom	3,902,051	2.78	11	3.06
16	Ogun	3,751,140	2.67	9	2.50
17	Sokoto	3,702,676	2.64	11	3.06
18	Ondo	3,460,877	2.46	9	2.50
19	Osun	3,416,959	2.43	9	2.50
20	Kogi	3,314,043	2.36	9	2.50
21	Zamfara	3,278,873	2.33	7	1.94
22	Enugu	3,267,837	2.33	8	2.22
23	Kebbi	3,256,541	2.32	8	2.22
24	Edo	3,233,366	2.31	9	2.50
25	Plateau	3,206,531	2.28	8	2.22
26	Adamawa	3,178,950	2.26	8	2.22
27	Cross River	2,892,988	2.06	8	2.22
28	Abia	2,845,380	2.03	8	2.22
29	Ekiti	2,398,957	1.71	6	1.67
30	Kwara	2,365,353	1.68	6	1.67
31	Gombe	2,365,040	1.68	6	1.67
32	Yobe	2,321,339	1.65	6	1.67
33	Taraba	2,294,800	1.63	6	1.67
34	Ebonyi	2,176,947	1.55	6	1.67
35	Nasarawa	1,869,377	1.33	5	1.39
36	Bayelsa	1,704,515	1.21	5	1.39
37	FCT	1,406,239	1.00	2	0.56
	Total	140,431,790	100	360	100

Source: Extracted from Bakare (2014)

terms of population size with 3,902,051 and 3,702,676 respectively have eleven (11) seats each. Also, Zamfara state with the population size of 3,278,873 people is allocated seven seats while those with lower population such as Enugu with 3,267,837 people and Kebbi with 3,256,541 inhabitants are given eight seats each and above all Edo state with 3,233,366 residents has nine seats. The injustice meted on Ogun and Zamfara among others like Anambra, Bornu and Delta can also be seen in the allocation of ten seats to Niger and Imo with 3,954,772 and 3,927,563 people respectively as against the same allocation to Anambra, Bornu and Delta states with a whopping one million people higher. The same trajectory is observed in the FCT's two seats compared to five given to Nasarawa and Bayelsa with a similar population range (Bakare 2014).

Committees

The large membership composition of legislatures make it difficult (if not impossible) to meticulously engage in legislative activities. This made the introduction of committee system inevitable in the legislature. Members are distributed into groups known as committees to carry out specific tasks and report back to the whole house for onward decision-making. Its significance is seen in its conceptualization by the National Democratic Institute (2006) that "committees are a small group of legislators who are assigned, on either temporary or permanent basis, to examine matters more closely than could the full chamber". Section 62 of the 1999 constitution (as amended) makes prerogative provision for the establishment of special or general purpose committees and delegate power to such in accordance with the resolution of each chamber. In light of this, Order 18 of the Standing Order (Ninth Edition) of the House of Representatives makes provision for the establishment and jurisdiction of committees. It makes provision for the creation of specific special and standing committees with the power to also create special ad hoc committees to perform special duties as the need arise (see Rule 9). Rule 1 mandates the House to constitute the membership of the Special Committees within the first 30 days (Federal Republic of Nigeria 2016). The following are the names of the Special and Standing Committees as stated in Order 18, Rule 1–99.

Special Committees

1. Selection
2. Rules and Business
3. House Services
4. Public Petitions
5. Public Accounts
6. Ethics and Privileges
7. Media and Public Affairs

Standing Committees

1. Agricultural Colleges and Institutions
2. Agricultural Production and Services
3. Aids, Loans and Debts Management
4. Air force
5. Anti-corruption
6. Appropriations
7. Army
8. Aviation
9. Banking and Currency
10. Basic Education and Services
11. Capital Market and Institutions
12. Civil Societies and Development Partners
13. Climate Change
14. Co-operation and Integration In Africa
15. Commerce
16. Constituency Outreach
17. Culture and Tourism
18. Customs and Excise
19. Defence
20. Delegated Legislation
21. Diaspora Matters
22. Drugs and Narcotics
23. Electoral Matters and Political Party Matters
24. Emergency and Disaster Preparedness
25. Environment and Habitat
26. FCT Area Councils and Ancillary Matters
27. FCT Judiciary
28. Federal Capital Territory
29. Federal Character
30. Federal Judiciary
31. Federal Road Safety Commission (FRSC)
32. Federal Roads Maintenance Agency (FERMA)
33. Finance
34. Financial Crimes
35. FOI (Reform of Government Institutions)
36. Foreign Affairs
37. Gas Resources
38. Governmental Affairs
39. Health Institutions
40. Healthcare Services
41. HIV, AIDS, Tuberculosis and Malaria Control
42. Housing
43. Human Rights
44. IDPs, Refugees and Initiatives on North East
45. Industry

46. Information National Orientation, Ethics and Values
47. Information Technology
48. Insurance and Actuarial Matters
49. Inter-parliamentary Relations
50. Interior
51. Justice
52. Labour, Employment and Productivity
53. Lake Chad
54. Land Transport
55. Legislative Budget and Research
56. Legislative Compliance
57. Local Content
58. Maritime Safety, Education and Administration
59. National Planning and Economic Development
60. Navy
61. Niger Delta Affairs
62. Niger Delta Development Commission
63. Pensions
64. Petroleum Resources (Downstream)
65. Petroleum Resources (Upstream)
66. Police Affairs
67. Population
68. Ports, Harbours and Waterways
69. Poverty Alleviation
70. Power
71. Privatization and Commercialization
72. Public Procurement
73. Public Safety and Intelligence
74. Public Service Matters
75. Rural Development
76. Science and Technology
77. Solid Minerals
78. Special Duties
79. Sports
80. Steel
81. Sustainable Development Goals
82. Telecommunications
83. Tertiary Education and Services
84. Treaties, Protocols and Agreements
85. Urban Development and Regional Planning
86. Water Resources
87. Women Affairs and Social Development
88. Women in Parliament
89. Works
90. Youth Development

Order 17, Rule 1(1 & 2) confers the power to nominate and appoint members of these committees with Committee on Selection. It further limits the membership size of these committees to 30 except the Committees on Appropriation, Constituency Outreach, FCT, Federal Character, Public Petitions, Niger Delta Development Commission, House Services, Public Accounts and Internally Displaced Persons, Refugees and Initiatives on North-East Zone each of which has a maximum of 40 members. Rule 3 of the Order 17 stipulates that the Committees shall be guided by the rules of the House except in connection with the motion of high privileges (Federal Republic of Nigeria 2016). This is because the committee system is an extension of the House. Anytime the committees are meeting, it is assumed that the House is meeting and all committees' activities are regarded as legislative activities.

The powers and jurisdictions of the Committees are clearly stated in the Order 17 and 18 of the Standing Order. These range from fixing of meeting days, organising public hearings, calling and interrogating witnesses, enforcing House rules and making recommendations to the House among others. The provisions also make room for the creation of sub-committees as may be required. However, despite the enormous powers granted the Committees, it places an express limitation to the powers of the Committees. Order 17, Rule 10 states that:

> The House shall not delegate to any Committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution under these Rules. A Committee may, however, be authorized to make recommendations to the House on any such matter (Federal Republic of Nigeria 2016).

It is pertinent to note that the politics that goes into the nomination and selection of the committee members is enormous. The politics is heightened at the level of appointing the chairmen of the committees. The speaker wields enormous influence being the statutory chairman of the Committee on Selection. The fact that the principal officers of the House make up the members of the Selection Committee makes the committee to be the most important and powerful committee in the House. The principal officers use the committee to check the perceive excesses or punish any member that is not on the same page with the House authority. For instance, Hon. Abdulmumin Jibrin was removed as the chairman of the House Committee on Appropriation of the eighth Assembly on July 20, 2016 by the speaker (Ogundipe 2016). The speaker enjoyed the unanimous support of other principal officers who are members of the Selection Committee to dispose him and replace him with Hon. Mustapha Bala Dawaki (Odunsi 2016). Though, the situation led to a legislative mess of 2016 budget padding where the ousted chairman (Hon. Abdulmumin Jibrin) raised several allegations against the principal officers and indicting all members including himself of corruption. The consequent of which is the House Committee on Ethics and Privileges triggering its powers as stipulated in Order 18, Rule 7 to recommend him for suspension which was approved by the House.

The oversight function of the House is carried out through the Committees. Each committee oversees the activities of the MDAs to ensure conformity to their statutory mandates and budgetary provisions. However, this often creates confrontations between the two arms of government. While the legislature sees it as constitutional

role, the executive sees it as antagonistic venture. This trajectory is highly responsible to the underperformance of this function by the National Assembly. The committees' ineffectiveness is borne out of the hindrances facing the oversight functions. This includes executive resistance, institutional constraints, material resource constraints and composition of staff of Committees, among others (Hammalai 2010).

House of Representatives Leadership

Section 50(1)b of the 1999 constitution (as amended) makes provision for the members of the Nigerian House of Representatives to elect a speaker and a deputy speaker among themselves. However, this directive is not as easy as stated. The politics and power tussle that go into the implementation of the constitutional provision is enormous. Since 1999, the House of Representatives seldom experienced easy and smooth elections and appointments of its leaderships. At a point, the democratic project is put at a brink of collapse and at other points, the image of the legislature is soil beyond imagination; all because of the political tussle in electing the leadership. Upon the inauguration of the chamber on June 3, 1999, the election its principal officers were characterised by political dynamics within the major parties (majority and minority parties). Hon. Salisu Buhari emerged as the speaker of the House of Representatives in an election somewhat peaceful on the surface but full of calumny behind the scene. However, he did not survive the muddy politics as he barely served for a year when the truth about his certificate forgery was unravelled which not only cost him his speakership but also signalled his end in Nigerian politics. He was replaced by Hon. Ghali Umar Na'Abba making the fourth House to have two speakers in 4 years. The fifth House witnessed a stable Assembly with very minimal controversy on the election and selections of the principal officers.

The disturbing trend continued in the sixth House when Hon. Patricia Etteh was removed in what is today known as *Ettehgate* in Nigerian politics that also claimed the life of a member. The emergence of Rt. Hon. Dimeji Bankole against the wish of the ruling party opened a new trend in the election of principal officers in the House. The members who belong to opposition parties in the House united to elect a member of the ruling party against the wish of the ruling party leaders. This also played out in the emergence of Rt. Hon. Aminu Tambuwal against the PDP leadership choice: Hon. Mulikat Akande. The PDP opposition also paid the ruling APC in its own coin when Rt. Hon. Yakubu Dogara was elected against the choice of Hon. Femi Gbajabiamila.

This trajectory made the speakers to be powerful and have disregard for party directives. Their loyalties are usually to the internal caucus which sometimes led to internal power struggle during Committees allocation. The presiding officers sometimes remove chairmen of committees and other principal officers in controversial circumstances devoid of due process even against party's directive. Example is the removal of Hon. Abdulmumin Jibrin (chairman, House Committee on Appropriation) which led to a budget padding allegation. The trajectory of the

elections and the intrigues that follows earned the legislature to be nicknamed "National Assembly of Drama". Ever since, the reoccurrence of drama in the process of electing principal officers of the institution has become a tradition (as witnessed in the *Bankoleism*, *Tambuwalism* and *Dogaraism*, among others). The elections of the principal officers have been enmeshed in controversy, desperation and bitter politicking portraying the institution negatively at the point of take-off of each Assembly. This is mostly responsible for why people score the institution very low even before been assessed. It is noted that this is not limited to the house but is more brutal in the Senate. As a result, the National Assembly as the central legislature is seen as the "indispensable bad egg" among the three arms of government.

Whether good or bad, the House of Representatives has produced 14 speakers since its inception including the seven speakers of the fourth republic since 1999. Their names and period of reign is shown in Table 2 below:

Performance

Nigeria's fourth republic has witnessed 18 years uninterrupted legislative politics and governance. This period registered the inauguration and dissolution of four House of Representatives assemblies, that is, fourth assembly (1999–2003), fifth assembly (2003–2007), sixth assembly (2007–2011), seventh assembly (2011–2015) while the eighth assembly was inaugurated in June 2015 with the timeline spanning till 2019. Since 1999, the House of Representatives as a lower chamber has been performing its legislative functions of lawmaking, representation, oversight, budgeting among other functions assigned to it by the 1999 constitution (as

Table 2 Chronological presentation of speakers of the Nigerian House of Representatives

S/No.	Name	Period of reign
1.	Sir E. A. Fellows	1952–1955
2.	Sir Fredrick Metcalfe	1955–1960
3.	Rt. Hon. Dr. Jaja Amicha Nwachukwu	1960–1964
4.	Rt. Hon. Ibrahim Jalo Waziri	1964–1966
5.	Rt. Hon. Edwin Ume-Ezeoke	1979–1983
6.	Rt. Hon. Benjamin Chaha	Oct. 1983–Dec. 1983
7.	Rt. Hon. Agunwa Anaekwe	1992–1993
8.	Rt. Hon. Ibrahim Salisu Buhari	June 3–July 22, 1999
9.	Rt. Hon.Ghali Umar Na'Abba	July 22–2003
10.	Rt. Hon. Aminu Bello Masari	2003–2007
11.	Rt. Hon. Patricia Olubunmi Etteh	June – October 2007
12.	Rt. Hon. Dimeji Sabur Bankole	Oct. 2007–2011
13.	Rt. Hon. Aminu Waziri Tambuwal	2011–2015
14.	Rt. Hon. Yakubu Dogara	June 2015 to date

Source: Authors computation from different sources

amended). It is worthy of note that general assessment of the performance of the chamber with regard to these functions is impossible in a discourse of this nature, given the constraint of time and space, we decided to examine only lawmaking performance in a comparative and exploratory perspective. This is premised on the fact that lawmaking is the primary duty expected of the legislature. Lawmaking is often used to define the legislature (as a lawmaking organ of government). Out of the four cardinal legislative functions, only bill making seems tangible and measurable in terms of number, content and impact. Perhaps, this accounted for why many legislative scholars adopted bill sponsorship to assess legislative effectiveness (see Ekor et al. 2014; Cox and William 2008; Miquel and Snyder 2006; Volden and Wiseman 2009, 2013; Cox and McCubbins 1993; Hall 1992, 1996; Wilson and Young 1997; Adler et al. 2003; Adler and Wilkerson 2005; Krutz 2005; Adler et al. 2005 among others). Other functions are difficult to measure especially with the peculiar nature of developing democracies like that of Nigeria. For instance, how representative is the legislature in the context of where the loyalty of members lies? Is it to the godfathers who determine electoral candidates or the electorates whose choices are limited? Furthermore, it is often difficult to assess legislative effectiveness in terms of budgeting because the legislature has power to appropriate fund but lack the ability to ensure its implementation. Finally, the legislators are often preoccupied with much legislative workload in the chambers and their constituencies which resulted in having less time and adequate resources for oversight function coupled with frustration of the exercise by the executive and civil servants.

The fourth Assembly of the House of Representatives spanned from June 6, 1999 to May 28, 2003. Throughout the 4-year tenure, it received 325 bills. Out of these, 225 bills were sponsored by the legislators while the remaining 100 bills were Executive bills. The fourth House of Representatives was able to pass 103 bills with 222 bills not passed. This put the performance level at 31.7% while 68.3% of the received bills were never passed. The fifth Assembly turned the table as 168 bills were passed out of the 343 bills received. The performance level rose geometrically to 49% (almost half of the received bills), though 175 bills (accounting for 51%) were not passed. It should be noted that the number of bills sponsored by the executive also rose to 146 with the legislators sponsoring 197 bills. The sixth Assembly received 503 bills, comprising 383 members' bills and 120 executive bills. Out of the 503 bills, only 152 bills (30.2%) were passed with 351 bills not passed (69.8%). The seventh Assembly recorded a geometric increase in the number of bills received. The seventh House processed 755 bills out of which 679 were initiated by members with 70 sponsored by the Goodluck Jonathan-led executive. The remaining 6 were sent by the Senate for concurrent passage. The House was able to pass 123 of these bills making 16.3% performance level. Table 3 below gives a snapshot of the analysis.

In all, the House of Representatives introduced 1926 bills between 1999 and 2015 (fourth, fifth, sixth and seventh assemblies) out of which 546 were passed. A number of these bills were passed with different gestation periods. However, while some were killed during debates, others met automatic death by virtue of the winding up of the Assembly in which they were introduced. This is because, once an

Table 3 Summary presentation of bills received and processed in the fourth, fifth, sixth and seventh House of Representatives

	Bills received	Bills passed	% of bills passed	Bills not passed	% of bills not passed
4th Assembly (1999–2003)	325	103	31.7	222	68.3
5th Assembly (2003–2007)	343	168	49	175	51
6th Assembly (2007–2011)	503	152	30.2	351	69.8
7th Assembly (2011–2015)	755	123	16.3	632	83.7
Total	1926	546	28.3	1380	71.7

Source: Bakare (2017); updated by the Authors

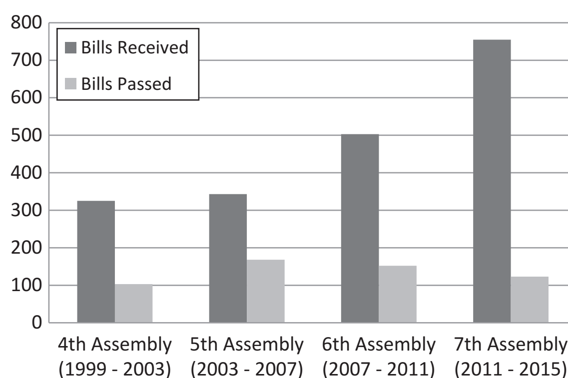

Fig. 1 Graphical presentation of bills received and passed in the fourth, fifth, sixth and seventh House of Representatives

Source: Bakare, 2017; updated by the Authors

Assembly winds up, all its activities are terminated making the succeeding Assembly to begin afresh. The accumulated performance level is put at 28.3% as only 546 bills were passed out of the 1926 bills received over the period under review. Judgmentally, the House of Representatives can be said to be ineffective in bill pushing giving the enormous number of bills killed. However, one should be careful in over flogging this conclusion as this trajectory may also confirm the fact the House is meticulous in its lawmaking function to ensure that only good laws are made for the good of the people and development of the country. Figure 1 below graphically shows the lawmaking performance trend of the fourth, fifth, sixth and seventh House of Representatives for comparative understanding.

The above Fig. 1 shows a contradictory performance trend. While the number of bills received by the House of Representatives increased continuous, the bill passage only increased during the fifth assembly but keeps diminishing thereof. The curiosity of unravel the causal factor(s) of this conflicting trajectory prompted our interaction with the lawmakers. This trajectory is attributed to the fact that legislators of the fourth assembly were relatively new to the system and lawmaking

procedure but gradually developed capacity to initiate and process bills overtime. However, the high turnover rate that characterised the transition election of 2007 affected the National Assembly as most experienced legislators were not returned (Interview with Ahman-Pategi 2016; Akinderu-Fatai 2016; Oritsegbumi 2016). This was chiefly as a result of the notion of two-term maximum syndrome applicable to the executive but extrapolated to the legislature. Most people believe that after two terms, it is the turn of another person to take charge especially in line with consensus agreement among several communities that make up a constituency on power rotation (Akinderu-Fatai 2016). This mostly leads to institutional memory loss and dearth of experienced lawmakers that ought to have facilitated the bill pushing beyond what was recorded.

Conclusion

The HORs as a distinct chamber of the Nigerian National Assembly has witnessed 18 years of uninterrupted legislative existence. Given that the legislature is often the first and the most significant casualty of the interruption of democratic processes arising from incessant military coups that characterised Nigeria's political history, these years are no mean feat. While it might be misleading to argue that the Legislature as an institution and the House of Representatives as part of a whole have achieved institutionalisation in the Nigerian democratic context, the consistency of legislative business since the inauguration of the Fourth Republic in May 1999 and experiences learned over the life span of four houses (fourth, fifth, sixth and seventh) had been significant in solidifying and strengthening the Nigerian National Assembly as a core pillar of the democratisation project in Nigeria.

As discussed in this study, the Nigerian House of Representatives is vested with enormous power and responsibilities by the 1999 Nigerian Constitution as amended. The most significant of these powers and responsibilities span core areas of lawmaking, representation, oversight and budgeting. Given the low level of institutionalisation of the legislature in Nigeria, it might be difficult to contextualise and gauge the performance of the House of Representatives on many of the functions and responsibilities as assigned by the constitution with the exception of lawmaking. Using lawmaking as the yardstick to measure performance this study put the accumulated performance level of the House of Representatives at 28.3% as only 546 bills were passed out of the 1926 bills received over the period under review. Thus, it can be safe to deduce that performance level of the House of Representatives is low when taking into consideration the numbers of bills received against those passed in the 18 years period spanning fourth, fifth, sixth and seventh House of Representatives. However, it is important to put this in context of the many challenges confronting the House of Representatives as a distinct chamber within the legislative institution in Nigeria.

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Senate Leadership in Nigeria's Fourth Republic, 1999 to Date

Ola-Rotimi Matthew Ajayi and Abdullahi Muawiyya

Introduction

Leadership is key to every enterprise. Organizational behaviour is largely a function of the context and content of leadership at different levels. To a great extent, the success (or otherwise) of any institution is dependent on the quality of its leadership, notably the vision, personality, goals and strategies of pursuing them.

The Nigerian Senate is no exception. It can be safely argued that since the inception of the current democratic process in 1999, activities at the upper legislative chamber have been determined by factors related to its leadership structure. The scenario is such that the Senate have spent substantial part of its tenure on leadership tussles and the attendant debilitating impact of rapid leadership turn over on their legislative business.

This chapter analyses the leadership of the Senate from 1999 to date. It highlights the background to the emergence of successive leaders and issues that necessitated their removal. The personality profile and decision making styles of these leaders are also examined vis-a-vis their larger implications for legislative-executive relations in Nigerian politics.

Leadership and Personality

Plato outline three dominant elements found in every individual that determines his personality and role in the society. These are; reason located in head, courage or spirit located in the breast and desire which is located in the stomach. He concluded that it is only those individuals who are dominated by reason that should lead

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_7

(Anifowose and Enemuo 1999, p. 63). Thus as pointed out by Eze (2002) leadership is the most important factor that determines whether a nation can or will develop, and that a leadership that is free, brave, patriotic, people-oriented, destination-bound, understands the psychology of leading and applies it to the development of the people must be at the affairs of men.

Ayodele (2006, cited in Ebegbulem 2012, p. 222) defines a leader as an individual appointed to a job with authority, and accountability to accomplish the goals and objectives of the society. He asserts that a leader must be a good manager as well as an individual who is able to effectively coordinate the activities of followers or a team towards pre-agreed or pre-defined goal or objectives within the limits of available resources. A leader must be astute with both man and material. A leader must possess the ability to create in the followers the necessary enthusiasm/motivation to put in every necessary effort to deliver on set goals. The ability not only to conceive but also to communicate a vision or idea is of utmost importance as an attribute of leadership. Above all, a leader must first and foremost be a member of his own team, internalize their feelings and galvanize their potentials towards reaching the goal (Cited in Ebegbulem 2012, p. 222). Personality and trait-based approaches to leadership argue that certain individuals have innate characteristics that make them ideally suited for leadership, and these traits or characteristics are what differentiate these leaders from everyone else (Michelle 2011, p. 639).

Early approaches in this genre included the great man theories, which were based on the assumption that the capacity for leadership is inherent; that great leaders are born, not made or developed. These theories often portrayed great leaders as heroic, mythical, and uniquely destined to rise to leadership when their skills were needed. The term "great man" reflects an assumption of these early theories that leadership was a predominantly male quality, especially in the domains of political and military leadership. One of the first systematic attempts to understand leadership in the twenty-first century, the great man theory evolved into personality or trait based approaches as more modern research revealed that leadership was not inherently male-dominated and that leadership could be found and studied in more common settings rather than at the highest levels of organizations or nations. More than a century of research has been conducted on the traits that have been associated to a greater or lesser degree with leadership, and some traits have received consistent support while others have emerged in some studies but not in others (Michelle 2011, p. 639).

Researchers over the years have examined the relationship between Personality and Leadership with a strong focus on what is called the "Big Five" dimension. The Big Five personality factors are conscientiousness, agreeableness, neuroticism, openness, and extraversion, which some researchers have labelled the CANOE personality model as an easy aid to remembering each factor (Atamanik 2013, p. 1).

Conscientiousness is defined as an individual's tendency to be organized, thorough, controlled, decisive, and dependable. Of the Big Five factors, it is the personality factor that has been related to leadership second most strongly (after extraversion) in previous research. Agreeableness or an individual's tendency to be trusting, nurturing, conforming, and accepting, has been only weakly associated

with leadership. Neuroticism or the tendency to be anxious, hostile, depressed, vulnerable, and insecure, has been moderately and negatively related to leadership, suggesting that most leaders tend to be low in neuroticism. Openness is sometimes referred to as openness to experience, refers to an individual's tendency to be curious, creative, insightful, and informed. Openness has been moderately related to leadership, suggesting that leaders tend to be somewhat higher in openness than non-leaders. Lastly, Extraversion is the personality factor that has been most strongly associated with leadership. Defined as the tendency to be sociable, assertive, and have positive energy, extraversion has been described as the most important personality trait of effective leaders.

The Senate Leadership: Constitutional Provisions

Chapter five of the 1999 Constitution of the Federal Republic of Nigeria as amended, clearly outlines the composition of the Senate and the procedure for the emergence its leadership. Sections 47 and 48 of the Chapter stipulate that:

- There shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives; and that
- The Senate shall consist of three Senators from each state and one from the Federal Capital Territory, Abuja.

On the leadership of the Senate, Section 50 provides that;

1. There shall be a President and a Deputy President of the Senate, who shall be elected by the members of that House from among themselves, and
2. The President or Deputy President of the Senate or the Speaker or Deputy Speaker of the House of Representatives shall vacate his office-
   a. If he ceases to be a member of the Senate or of the House of Representatives, as the case may be, otherwise than by reason of a dissolution of the Senate or the House of Representatives; or
   b. When the House of which he was a member first sits after any dissolution of that House; or
   c. If he is removed from office by a resolution of the Senate or of the House of Representatives, as the case may be, by the votes of not less than two-thirds majority of the members of that House. (The 1999 Constitution of the Federal Republic of Nigeria).

Senate Leadership in Historical Perspective

The history of Senate in particular is as old as the institution itself in Nigeria. At the time of independence Nigeria chose to experiment with the Westminster model of parliamentary democracy at the national level (Banjo 2013, p. 137), though the

system was ingrained with some characteristics of the American presidential system.

There was a House of Representatives (called the House of Commons in Great Britain), which was popularly elected in single-member districts that generally corresponded to ethnic divisions. Consistent with the Westminster model, the Nigerian House of Representatives elected the Prime Minister and Cabinet from its own members. There was also a senate that was patterned after the British House of Lords (Paul 2005, p. 13). Within this period, Nigeria had three Senate Presidents; Nnamdi Azikiwe, Dennis Osadebay and Nwafor Orizu. Osadebay succeeded Azikwe when the latter moved on to become the nation's ceremonial president.

The First Republic was followed by a thirteen-year military interregnum, which came to an end on September 30, 1979. The new Second Republican Constitution for a bicameral legislature which comprised a 450-member House of Representatives and a 95-member Senate, jointly referred to as the National Assembly. Within this period, the Senate was headed by Dr. Joseph Wayas.

Again, the Second Republic was truncated by another 16 years of military intervention between 1983 and 1999. Attempt at democratization in 1993 under the General Ibrahim Babangida transition programme was aborted with the annulment of the 1993 Presidential Elections by the military rulers. Within the transition to civil rule agenda were elections into the parliament. The inauguration of the Senate, brief as its tenure was, produced two presidents for the upper chamber, Dr Iyorchia Ayu and Ameh Ebute (Banjo 2013, p. 138).

The structure of the parliament in the Fourth Republic was not different from what had existed under the previous Republics. Consequently, the 1999 Constitution provided for a 360-member House of Representatives and a 109-member Senate.

Between 1999 and the current regime, the leadership of the Senate had changed seven times. Chief Evan Enwerem who was elected the president of the Senate in 1999 was succeeded 5 months after by Dr. Chuba Okadigbo. Okadigbo's tenure was also short-lived as he was impeached alongside the Deputy President of Senate Haruna Abubakar on August 10, 2000. Senator Anyim Pius Anyim succeeded Dr. Okadigbo and served in that capacity till the end of the regime in 2003.

Following the general election in 2003, Senator Adolphus Wabara emerged as the Senate President, but he was forced to resign by his colleagues on the 5th of April 2005, and was replaced by Senator Ken Nnamani who led the Senate till the end of the Second Senate on 29 May, 2007.

Between 2007 and 2015, the Senate leadership witnessed a relatively greater stability, with the election of Senator David Mark as its President. He was not only the first Senate President to complete his tenure, but was re-elected for another four year term in same capacity. In fact he was determined to retain same position for a third term but for the defeat suffered by his party, People Democratic Party (PDP) in the 2015 general elections, a development that led to the emergence of Senator Bokula Saraki of the ruling All Progressive Congress (APC), as new Senate President.

In all the changes in leadership, certain issues become germane and are worth considering. Firstly, the national government in the period under review, May 1999–2015

was led by or single political party, the PDP. Similarly the party had the majority of members in both the Senate and House of Representative for the different legislative assemblies within the period. Consequently, it is safe to argue that the crises that engendered the rapid leadership turn over within this period were more intra than inter-party in nature, some bothering on one or a combination of the following factors: Personality clashes among political gladiators, financial irregularities and administrative lapses in leadership, and meddleness of the executive in the affairs of the legislature and the attendant frosty relationship between the executive and legislature, institutions controlled by the same party at the national level. Subsequent sections further analyze these issues in details.

Factors Affecting Leadership Change in Senate

As earlier pointed out, Evan Enwerem tenure as the president of the First Senate in 1999 was brief. This was occasioned majorly by the events leading to his ascension to leadership, especially the squabbles within the ruling PDP on the choice between groups routing for the Senate President and his main challenger, Dr Chuba Okadigbo. The voting pattern in the election to the Senate Presidency is equally instructive. With 64 to 41 votes in favour of Enwerem, it shows ab initio, a house divided against itself, especially that Okadigbo was able to rally the support of the PDP members in the Senate against the choice of his party, while the Presidency successfully mobilized the opposition parties against the move by PDP members against the Enwerem's candidacy. With the election over, the barrage of attacks against the office and personality of the Senate President began.

Firstly, Enwerem was labelled a stooge of the Executive, especially President Olusegun Obasanjo. Secondly, the Senate President's style of leadership came under intense criticism. He was considered too slow and uninspiring in his approach to legislative business. To Banjo (2013, p. 138) Enwerem was simply "uncharismatic, lacklustre and without direction" such that only 16 bills and same number of motions were presented in Senate during his 5-month tenure.

Similar attacks on Enwerem's personality were centred on his actual educational qualifications, age and even the overtly ridiculous, his real name. Aspersion were cast in these directions with a view to damaging his integrity and by extension his leadership quality. Never in the history of the Nigerian Senate did we witness a leadership so ridiculed, maligned and disgraced by his colleagues.

The opposition to his leadership eventually reverberated in the Second Chamber, the House of Representatives, which also saw Enwerem as an extension of the executive arm of government. The animosity led the House to commence a boycott of all joint sessions of parliament at which Enwerem would preside.

The climax of the intrigue was a motion by opposition Senator Arthur Nzeribe, calling for the impeachment of the Senate President. His grounds could be summarized as follow: the decimation of the legislature under Enwerem's leadership by a dictatorial executive arm of government; The erosion of the moral authority and

confidence of the Senate arising the aforementioned issues bothering on the integrity of the person of the Senate President, Enwerem was consequently impeached by a vote of 92 to 2, and his main challenger, Dr Okadigbo was elected in his stead. It was obvious from the background to his emergence that Okadigbo's tenure would re-define the legislature-executive relationship, especially with the humiliation of the preferred candidate of the presidency by his colleagues.

To be sure, Dr Okadigbo ascended the position with a rich political and academic pedigree. Unlike Enwerem whose major political antecedents were his chairmanship of the Nigeria Airports Authority between 1980 and 1983 under the Shagari administration and his brief spell as Governor of Imo State (1991–1993), Okadigbo was not only a Professor of Political Philosophy, he was a gifted orator who served the Shagari government as Political Adviser to the President. Also he was in the limelight in the various political alignments and constitutional conference that preceded the return to civil rule in 1999, with his active membership of the late Shehu Yar'Adua Peoples Democratic Movement (PDM). The PDM was a formidable ally in the formation of the PDP and its members including Atiku Abubakar, the Vice President held major positions during the Obasanjo's tenure as President.

Therefore, it was obvious from the fierceness of the jostling for the Senate Presidency that Okadigbo saw the position as his natural possession for reasons not unconnected with the aforementioned personal attributes and political base. But by twist of fate, the same factors that propelled his leadership in Senate also became Okadigbo's major undoing. For no sooner had he emerged the president that allegations bothering on intellectual arrogance and disdain for his colleagues emerged against Okadigbo. Alienation of his supporters in Senate became a major spring board of the executive arm which exploited the internal dissatisfaction in Senate to launch a major tirade against Okadigbo and his office. Attempts by Okadigbo to re-assert the independence of the legislature, compromised by his predecessor, were seen as legislative rascality and deliberate attempts to undermine the executive. We saw an example of this in the controversy that attended the late passage of the 2000 Appropriate Bill, which the presidency interpreted as part of Okadigbo's grand design to frustrate its efforts and programmes.

The fear of the Executive was heightened when the Senate President permitted Senator Nzeribe to move a motion detailing alleged "impeachable" infractions of the president. It was obvious from that period that whatever basis of trust existed between the two arms of government had been permanently destroyed by this singular legislative episode. The presidency not only became suspicious of Okadigbo, the rights of his office and person were violated with impunity. An instance was when the police raided his home ostensibly in search of the maze allegedly "stolen" by the Senate President. This was followed by series of attack on Okadigbo's moral platform with allegations of financial misappropriation, indiscipline and corruption. The presidency apparently succeeded in undermining his office by capitalizing on the rising disenchantment of his colleagues who had begun to perceive Okadigbo's flamboyance and rising natural prominence as deliberate alienation bothering on intellectual arrogance. The highpoint of the intrigues was the setting up of the

Senator Idris Kuta committee by the Senate Presidency to investigate allegations bothering on the following issues:

1. Inflation of electrification contracts from a 55 million naira estimated to over 150 million naira.
2. Disregard of the tendering process, and nepotism.
3. Award of contracts to unregistered companies.
4. Recklessness in expenditure particularly with respect to expenses on Christian and Moslem festivals.
5. Lack of proper recording of physical movement of properties by Senate officials.

The committee found Okadigbo culpable, and following the adoption of the committee report, the Senate removed him on August 8, 2000, and elected Senator Pius Anyim as its new President. The coming on board of Pius Anyim as Senate President was greeted with mixed feelings both in the parliament and larger society, and the reasons are not far-fetched. Firstly, compared to his predecessors, at 39 years of age, he was considered young for the exalted position of the Senate Presidency. Secondly by his political trajectory, he was seen as politically inexperienced. His foray into active national politics was in 1998 when he became a member of the United Nigeria Congress Party (UNCP), and became a Senator a year later under the platform of the PDP. Consequently, not a few were apprehensive on his ability to handle the volatile political manoeuvrings, polarization and factionalization associated with the Senate.

But Pius Anyim soon proved his critics wrong not only by the way he handled its affairs, but by the relative peace that characterized his Senate Presidency. Part of his strategies was to strive at maintaining the independence of the legislature while at the same time cultivating a harmonious working relationship with the executive arm. Even though some of his colleagues felt uncomfortable with his non-confrontational approach to matters relating to the executive, the approach at least ensured for him a smooth sail with an obviously cantankerous presidency.

However, that relative peaceful executive-legislative relationship was shattered with the new attempt at impeaching President Obasanjo in August 2002. Particularly, for the Senate President, the event marked another turning point in his relationship with the embattled president who found him culpable in the motion moved by Senator Idris Mohammed calling for the resignation or impeachment of the president. Consequently, counter attempts at removing the Senate president began simultaneously with Senator Arthur Nzeribe again as the arrow head. His grounds were not different from his earlier adventures in the Enwerem's and Okadigbo's saga.

Nzeribe had accused Anyim of financial corruption in handling the impeachment move against President Obasanjo. Specifically he charged Anyim of appropriating 60 million of the 300 million bribe money allegedly doled by the Presidency to Senators in order to for stall the impeachment moves. However the tension generated in the senate by both events soon abated as both the President and Senate President successfully completed their tenure in May 2003.

Following the 2003 general elections, Senator Adolphus succeeded Anyim in spite opposition from two prominent Senators, Arthur Nzeribe and Ifeanyi Ararume. As a two-time Senator, Nwabara came on board the Senate leadership more experienced in legislative business than Pius Anyim. But his tenure was also not spared the intrigues that brought down his predecessors. Firstly, his re-election to Senate was marred in controversy following the legal challenge instituted by his main rival Elder Dan Imo of the All Nigeria Peoples Party (ANPP) against his victory. It took the ruling of an Abuja High Court to seal his place in Senate, a victory that became an object of ridicule among his opponents even in Senate (some referred to it as a "Black Market" court order). This was followed by two bribe scandals involving the Senate President and the key members of government. Nwabara was alleged to have received a 54 million and another 55 million bribe to facilitate an upward review of budgets of the Federal Ministry of Education and the National Universities Commission. The crisis led to the resignation of the Senate President on April 25, 2005, <2 years in the saddle.

However, to some, these were more than meet the eye in the removal of Nwabara. This was particularly so given his overt resistance to what has become the "third term bid" of President Obasanjo through an amendment to the 1999 constitution, which clearly stipulates a maximum two-term for the President. Allegations against Nwabara were therefore seen more as "the voice of Jacob but the hand of Esau", as some perceived his eventual removal as clearly instigated by the executive.

Senator Ken Nnamani was thereafter elected the Senate President and he led the Senate until the inauguration of a new legislature following 2007 general elections. His tenure was relatively peaceful and his handling of the Constitutional Amendment Bill especially the controversial provision on tenure extension for the President was suggestive of his high level maturity and leadership qualities. The open debate, consideration and voting on various provisions of the bill no doubt endeared the Senate under Nnamani's leadership to the Nigerian public, who have come to view the leadership and decisions of the upper house with disdain and suspicious of financial inducement from the executive. For public opinion was manifestly against presidential tenure elongation and Nnamani became an instant hero of that struggle by popular forces including organised labour, students and civil society groups.

Senate David Mark succeeded Nnamani and became the first and only President of the Senate to complete a two-term of four years each in spite the vigorous intra and inter party opposition and schemings against his candidature. First was the challenge to his election as Senator by the rival candidate of the ANPP, which he scaled over at the election tribunals. Secondly was the opposition from his base, Benue State, particularly Joseph Waku a former Senator who spared no opportunity to castigate and ridicule David Mark. He fingered the immediate past President Olusegun Obasanjo as the major force behind the emergence of Mark as Senate President, and saw that only as further attempts at deepening the subservient role of parliament to the executive, but also entrench the domineering influence of Obasanjo on the new government.

David Mark's tenure as Senate President was in structure in several respects. He was the most stable compared with his predecessors. Though there were various

parliamentary rows, none threatened his position as the President. Perhaps this could be attributed to his mature and bi-partisan disposition to issues. For instance, the political engineering of the Senate in promulgating the doctrine of necessity as a platform for then Vice President Good luck Jonathan to assume the role of an Acting President saved the nation from an obvious major political crisis following the medical challenge that incapacitated the tenure of Musa Yar'Adua. It is to Senator Mark's credit that under his leadership, the Senate witnessed more harmonious relationship with the executive. Even the amendments to the constitution passed by the National Assembly and to which the President withheld his assent could not jeopardise the established bond between the two organs of government.

Similarly, his handling of the intra-PDP crisis that led to the cross-carpeting of some members of the party to the opposition APC reflected his dexterity in management of parliamentary affairs. By refusing to declare vacant the seats of defecting Senators, even against the wish of his party, Mark was able to command the bi-partisan loyalty of the Senate till the end of his tenure. This becomes more instructive when the rancorous nature of the House of Representatives occasioned by a similar circumstance is compared with the serenity of the Senate.

On other issues involving the executive such as the non-implementation of appropriation bills by the executives, allegations of corruption against ministers and agencies of government especially the Aviation and Petroleum ministers, other oversight responsibilities, the non-conflictual manner they were handled vis-a-vis the House of Representatives again pointed to the positive aspects of David Mark leadership style as Senate President.

Also, it should be noted that Mark's tenure did not witness the allegations of bribery, corruption, fraud and misappropriation of funds, especially in the award of contracts that characterized his predecessors. Perhaps his long years in Senate as a witness to the rise and fall of its leaders became useful lessons in leadership for Senator Mark. It was obvious from the facts on ground that but for the defeat of his party in the 2015 general elections, Mark would have served an unprecedented third term as Nigeria's Senate President.

The defeat of the PDP and the rise to power of the opposition All Progressive Congress (APC) in 2015 produced a new set of Senate leadership. But the crisis within the emergent ruling party led to new forms of power relations and coalition within the Senate. On one side was an amalgam of PDP members now in the minority and some APC members made up of mainly former PDP members who left for the APC at the height of the intra-party crisis that preceded the 2015 elections. This group was loyal to the candidature of Abubakar Bukola Saraki. Others were the APC members routing for the adopted party candidate Ahmed Lawal. Saraki, not only contested the Senate Presidency against his party directive, but also emerged victorious. But much more interesting was the emergence a Deputy Senate President, Ike Ekweremadu from the flocks of the opposition Peoples Democratic Party.

This did not only open a new chapter in Nigeria's legislative business as a new Senate leadership from two different parties emerged, but also triggered a resurgence of intra and inter-party acrimony that characterized the pre-David Mark Senate. Similarly, this new development threatened the harmony that was

successfully established between the legislature and executive under the leadership of David Mark.

Today, the greatest critics of the Senate President are members of his own party, who are yet to come to terms with the reality of his affront against the position of the party on the choice of leadership of Senate. Saraki's alliance with the PDP to elect him and a member of the opposition PDP as his Deputy has continued to displease a cross-section of his party who have used every available platform to call for their removal. All efforts at ensuring this have failed, including the use of state machinery to prosecute the Senate President and his wife at the Code of Conduct Tribunal (CCT) for alleged false declaration of assets when the former was a governor of one of the states in Nigeria, Kwara, between 2003 and 2011. Many are wont to ascribe some ulterior motives to the prosecution coming four years after the crime was allegedly committed and just on the heels of Saraki's confrontation with his party on the Senate Presidency. But while Saraki was eventually acquitted at the tribunal, another criminal case linking him with sponsorship of a dreaded armed robbery gang in his state was hung on his neck by the Police authorities. These were in addition to the Police barricade of the residences of both Saraki and his Deputy, and the National Assembly by personnel of the Directorate of State Services at different times, in what were seen as deliberate ploys by the security agencies, acting in concert with the Presidency, to prevent the two leaders from attending plenary where plans by opponents to remove them from their offices were already concluded. The climax of the acrimony was the defection of Saraki and other members of the ruling party in the National Assembly to the opposition PDP. With the gale of defections effectively altering the numerical strength to the disadvantage of the ruling party in the Senate, it effectively put paid to any move at constitutionally effecting any change in the Senate presidency as it appeared difficult for the APC to muster the required two-thirds vote to execute such plans. Thus, it became more obvious that the tenure of Saraki's Presidency was intricately tied to how long he was able to sustain the coalition with the PDP members and the motley of his former APC sympathizers in the Senate, especially their capacity to withstand, ignore or resist the intimidation, cajoling, and incorporation strategies of the ruling party.

Conclusion

To be sure, the Senate of the Fourth Republic recorded the rise and fall of several leaders, 7 in 16 years. As this chapter explains, the instability in the leadership of the Senate was occasioned by number of factors, including administrative corruption, personality clash, leadership style, intra and inter-party politics, as well as unhealthy relationship between the executive and legislative arms. The only exemption was under David Mark between 2007 and 2015 when the Upper House witnessed a relative stability in its leadership and conduct of legislative business.

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Inter-Chamber Relations in Nigeria's Presidential System in the Fourth Republic

Omololu Fagbadebo

Introduction

In recent times, some bicameral legislatures are proposing the eradication of their second chambers. In March, 2017, Mauritanian president, Mohamed Ould Abdel Aziz, announced that a referendum would take place to determine whether or not the senate would be abolished (NEWS24 2017). The constitutional amendment process, which started in 1991, reached a stalemate when a majority member of the senate voted against the proposal. In Canada, opinion polls indicated that a majority of the citizens supported either the reform or abolition of the senate (Kennedy 2015; Trimble 2014). In 2012, the Senegalese senate was abolished (Allison 2012; Magaji 2016).

The demand to reform or abolish the second chambers has led to a series of works on the decline of the second chamber (Coakley 2013, 2014; Bochel and Defty 2012). This consideration has been hinged on the notion that the second chamber is nothing other than mere talking shops and waste of resources. The Senegalese decision, for instance, was 'intended to curb government spending, and will provide the cash needed to help the victims of the yearly rains which have left thousands homeless and killed at least 13 people' (Magaji 2016). The government claimed that the 100-member Senate would save the country of about $15 million.

This is not surprising. In 2014, out of the 192 legislatures in the data base of the Inter Parliamentary Union (IPU), 113 (59%) were unicameral while 79 (41.15%) were bicameral (Drexhage 2015). Out of these countries, however, Yemen, Ethiopia, Oman, Slovenia, categorised as bicameral, are functionally unicameral because their second chambers, the senate, play mere advisory role. Countries like Botswana,

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_8

Iran, and Indonesia that are declared unicameral in the IPU data base were considered in the literature to be bicameral systems, because two decision-making assemblies are involved in passing legislation (Russell 2013). Nevertheless, Coakley (2014) has discovered that there was a resurgence after the initial decline of the second chamber.

In bicameral legislature, the relationship between the two chambers is usually regulated by extant constitutional provisions. This is essential because of the need for boundaries of operation since the primary function of the legislative branch of the government is to represent the totality of the interest of the citizens. Essentially, bicameralism is a measure to prevent misuse of law-making power of the legislature. As the custodian of the general will of the society, the legislature is the conscience of the population. The purpose of its establishment is to serve as the approving authority for the necessary 'measures that will form the law of the land' (Norton 2013, p. 1).

In parliamentary systems, the legislature has the power to make, break or maintain the government (Martin et al. 2014). With the fusion of the executive and legislative power, the majority leadership has a monopoly of control of legislative process, to determine the agenda of the government. In other words, the legislatures in presidential systems lack the autonomy to operate without executive interference. On the contrary, the legislatures in presidential systems operate as independent institutions with agenda-setting power for the executive. Thus, the executive requires the cooperation of the legislature for policy process. In other words, the policy influence of the legislatures in presidential system is significant.

Perspectives on Inter-Chambers Relations

There are two major perspectives to explain the establishment of bicameral legislature. The first perspective incorporates Montesquieu's position on the danger of concentration of the power of the government in a single individual or institution (Shell 2001; Coakley 2013, 2014). In other words, while it is good to enforce separation of powers among the three branches of the government, it was also right to ensure that legislative power is not domicile in only one group. The argument is that such arrangement could provide avenue for abuse and misuse of power. As such, it would be expedient to have a 'blend or mixtures sources which contribute to the authority exercised by government' (Shell 2001, p. 5). Thus, the theory that underlies the establishment of bicameral legislature is rooted in the notion of checks and balances.

The justification for this perspective stemmed from the works of classical political philosophers on the need to protect the citizens against the oppression of the rulers. The Aristotelian conception of a mixed constitution sought for the combination of the elements enshrined in the monarchical, aristocratic and democratic principles with a view to preventing tyranny and abuse of public power (Drexhage 2015). The central focus is the need to exercise power in a manner that would cater

for the interest of the public. Thus, the concept of separation of powers among the institutions of government, as championed by Montesquieu, was informed by the need to safeguard the political freedoms and interests of the citizens (Drexhage 2015).

In England, as of the time Montesquieu propounded his theory of separation of power, the English monarch was the custodian of power in a unicameral parliament. The advent of a two-chamber parliament in England decentralized the political power of the state. And the interest of the people 'were best safeguarded, because the political power there was divided between the King, who had the executive power, and two legislative assemblies in which the various estates were represented' (Drexhage 2015, p. 7).

Montesquieu has noted

> In such a state there are always persons distinguished by their birth, riches, or honours: but were they to be confounded with the common people, and to have only the weight of a single vote like the rest, the common liberty would be their slavery, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have, therefore, in the legislature ought to be proportioned to their other advantages in the state; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs. The legislative power is therefore committed to the body of the nobles, and to that which represents the people, each having their assemblies and deliberation apart, each their separate views and interests (Montesquieu 1752 (2006), pp. 153–154).

The second perspective has to do with the need for a multiple source of wisdom in the administration of the power of the people. The notion is that counsels from various sources would energise the government, especially when special attention is 'given to the wise, the experienced, the distinguished, the elderly and the meretricious' (Shell 2001, p. 6). As Shell (2001, p. 6) has noted, 'government is not simply about the exercise of power; it is also about sound judgement and persuasion based on reasoned argument'. James Madison in the *Federalist Papers No 63*, rose in the defence of the senate on this ground.

> Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual; or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community (Madison 1788 [2008]).

This argument has its root in the ideas of the ancient political philosophers. Aristotle was an advocate of the composition of the elders, who, with their experience and wisdom, reinvigorate decision making in the government (Tesebelis and Money 1997). Ancient advocates of aristocratic government were motivated not by a self-seeking desire in the system but by the fact that the few educated class of people at the time when education opportunities were limited, would bring their wealth of knowledge and wisdom into the improvement of the government. Thus, the idea of a second chamber was based on the assumption that the wisdom of the senate would ensure better political outcomes.

Speaking further, Madison acknowledged the importance of the popular will but pointed out the danger of a rash decision engendered by passion. Thus, to him, a second chamber was 'necessary as a defense to the people against their own temporary errors and delusions' (Madison 1788[2008]).

> As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next (Madison, 1788[2008]).

Tesebelis and Money (1997) have posited that efficient bicameral legislatures are capable of producing both better legislation and stable political outcomes. They argue that the concurrence voting requirement from the two chambers for the passage of major legislations would eliminate the potential tendency of majoritarian autocracy of a unicameral legislature. The concurrent majority is an instrument designed to reduce 'corruption and slowing the legislative process' (Tesebelis and Money 1997, p. 40).

The collusion of the opinion of more individuals in two separate institutions is essential to provide a safety avenue for second thoughts on public policy. Thus, the delay in legislative process arising from the presence of a second chamber is a healthy strategy to ensure the outcome of an efficient and enduring legislation. Essentially, the second chamber affords the polity of an institution of quality control in decision making process though the practice of second opinion in decision-making process (Tesebelis and Money 1997).

> Quality control rests on two ideas. The first is preventive: knowing that some else will examine the product makes the producer more careful initially. Second, there is a system to discover mistakes after they have been made been committed. A second chamber, regardless of its level of expertise and wisdom, constitutes such a quality-control mechanism (Tesebelis and Money 1997, p. 40).

In other words, the practice of checks and balances in legislative process is necessary to ensure quality control of legislative decisions. The authors of the Federalist Papers, especially Hamilton and Madison, were concerned about the necessity of averting the tyranny of a single chamber in policy process. They were more interested in a constitutional safeguard in order to cater for the error arising from the individuals who might forget their obligations to their constituents (Tesebelis and Money 1997; Coakley 2013, 2014). To them, the second chamber would serve as measure to double the security of the interest of the people because of the concurring requirements of bicameral legislature in legislative decisions.

Evolution of Inter-Chamber Relations

The bicameral legislative structure evolved as part of the developments in the legislative institution. Primarily, the legislature became recognised structure of the government in order to serve as an avenue of consultation for the kings in the medieval Europe (Shell 2001). Bicameralism emerged 'because different forms of consultation were deemed appropriate with different sections or orders of society' (Shell 2001, p. 5). It evolved, more or less by chance, in different forms and period in England and the United States (Drexhage 2015). As Drexhage (2015, p. 7) has noted, its evolution 'was not underpinned by a carefully thought-out philosophy about the institutional design of state government'. The second chamber was created in the English parliament in the fourteenth century (Shell 2001, p. 5). The essence of its creation was to ensure separate representation for the nobles and the church, and the 'remainder of society'. The House of Lords represents the interests of the feudal lords, spiritual and temporal, and the House of Common represents the interests of the citizens, the commoners (Drexhage 2015; Shell 2001).

The bicameral parliament in the British political system has grown in power above the king and 'became an enduring institution in which both chambers could develop their own right to exist and their own legitimacy' (Drexhage 2015, p. 7).

> Thus the intellectual roots of bicameralism do not lie simply in the need for the different classes of society, or different estates of the realm, to be separately represented in different parliamentary chambers. Instead they lie in much more ancient notions going back to the dawn of government as a rational endeavour of the human mind and spirit (Shell 2001, p. 5).

In the United States, the idea of a second chamber, the senate, was a compromise of the two competing opinions over the representative institution. During the confederal period in American politics, there was a single congress composed of one member each of the thirteen British Colonies of North America (Drexhage 2015; Wood 1998). The drafters of the constitution however opted for a bicameral legislative structure to comprise the Senate, where all the states will have equal representation, and the Congress, with membership drawn in proportion to the population size of each state. Unlike the British system, the bicameral legislature in the United States was based on territorial interest rather than the interests of different estates or social classes (Wood 1998). This territorial representation is congruent with the principle of federalism in a plural society. In America, there was the notion that a second chamber was a necessity to serve as a bridge between the power of the people expressed in the House of Representatives, and the power of the executive, domicile in the presidency.

Bicameral Legislature in the Nigerian Presidential System

In Nigeria, the adoption of a presidential system of government in the Second Republic heralded the era of separation of powers between the legislature and the executive arms of the government. The parliamentary system of the First Republic operated on the principle of fusion of the executive and legislative powers (MAMSER 1987). The choice of a bicameral legislature at the centre did rest on the principle of federalism; the need to balance the interests of the component units. With varied population of the states, the House of Representatives would not be able to achieve the need for equal representation of the varied interests of the people in the policy making process in an ethnically differentiated federal state (MAMSER 1987).

The thinking of the drafters of the constitution was that a bicameral legislature in the Nigeria's presidential system would provide equal voice to all sections of the country in the policy making process. Aside from this, a second chamber in the legislature would also provide an opportunity for a second opinion in the policy making process.

The Political Bureau that was set up in 1986 to fashion an appropriate system of government for the country however recommended a unicameral legislature for the then impending Third Republic (MAMSER 1987). One of the arguments against a bicameral legislature at the National Assembly was that it was expensive for the country, and that it was a conflict prone legislative arrangement capable of slowing down the machinery of the government (MAMSER 1987). The Political Bureau specifically states:

> We are of the view that a second chamber either at the state or federal level is superfluous. We therefore, recommend unicameral legislatures of both state and federal levels. This, in our view, does not diminish the role that a legislature has to play in sustaining the democratic system. In a presidential form of government, such as we have recommended, we are persuaded that the unicameral legislature should not only make laws but also be informed of the way in which those laws are executed. In our situation, a unicameral assembly is probably more able to fulfil the function of a vigilant check on presidential powers than a bicameral one. Finally, in recommending a unicameral legislature the Bureau is guided also by the expressed wishes of the Nigerian peoples to minimize the cost of government (MAMSER 1987, p. 80).

This insight indicates the two perspectives upon which the Nigerian society views the appropriateness of a bicameral legislature. Nevertheless, the acceptance of a bicameral legislature, in theory, might have been informed by the need to uphold the federal principle (Mba 2014; Oni 2013; Lafenwa 2009; Awotokun 1998; Oyediran 2007; Nwabueze 1982).

This position was succinctly puts thus:

> The rationale for the establishment of bicameral legislature in Nigeria was based on issues of ethnic suspicion, fear of political and economic domination at federal and state levels and uneven access to wealth among others. Consequently, the National Assembly was created with the wisdom of the great compromise…The compromised arrangement that put the

> National Assembly in place in 1999 envisaged an assembly with diverse interest and views which make conflict and disagreement inevitable (Mba 2014, p. 678).

The Nigeria's Fourth Republic, like the Second Republic and the aborted Third Republic, operates on a bicameral legislature at the national level with constitutional requisites for the performance of a collaborative legislative activities.

Constitutional Provisions on Inter-Chambers Relations in Nigeria's Fourth Republic

The National Assembly is composed of two chambers: the Senate, the upper chamber, and the House of Representatives, the lower chamber. Sections 48 and 49 of the constitution stipulate the composition of the membership of each of the chambers. The Senate consists of 109 members elected on the basis of three senators per state and one from the Federal Capital Territory (Constitution of the Federal Republic of Nigeria 1999). The House of Representatives, on the other hand, is composed of 'three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state' (Constitution of the Federal Republic of Nigeria 1999).

The legislative power of the country is domicile in the National Assembly. Section 4 (1–5) of the constitution vests the National Assembly with the 'power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List…' This power is to be shared by the two chambers of the National Assembly. Section 58 (1) of the constitution states: 'The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives…' (Constitution of the Federal Republic of Nigeria 1999).

This law-making power of the National Assembly is guided by the constitutional collaborative procedures on specific matters. Section 59 limits this collaborative power to the money bills. The section states that the provisions of section 58 are applicable to:

a. An appropriation bill or a supplementary appropriation bill, including any other bill for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the Federation of any money charged thereon or any alteration in the amount of such a payment, issue or withdrawal; and
b. A bill for the imposition of or increase in any tax, duty or fee or any reduction, withdrawal or cancellation thereof.

The constitution does not provide for a rigid interaction in case of any gridlock. Rather, the provisions make rooms for the application of second and diverse opinions. Where the two chambers could not agree on a particular bill 'within a period of 2 months from the commencement of a financial year, the President of the Senate shall within 14 days thereafter arrange for and convene a meeting of the joint

finance committee to examine the bill with a view to resolving the differences between the two Houses' (Section 59 (2), Constitution of the Federal Republic of Nigeria 1999). The section states further that in case the joint finance committed could not resolve the differences, 'then the bill shall be presented to the National Assembly sitting at a joint meeting, and if the bill is passed at such joint meeting, it shall be presented to the President for assent' (Section 59 (3), Constitution of the Federal Republic of Nigeria 1999). The drafters of the constitution also pushed the collaborative imperative further even if the president withheld his assent to the bill. Section 59 (4) of the Constitution states:

> Where the President, within thirty days after the presentation of the bill to him, fails to signify his assent or where he withholds assent, then the bill shall again be presented to the National Assembly sitting at a joint meeting, and if passed by two-thirds majority of members of both houses at such joint meeting, the bill shall become law and the assent of the President shall not be required (Constitution of the Federal Republic of Nigeria 1999).

The essence of these provisions was to present a holistic and unified legislature in the process of the passage of fiscal bills. The process is more of collaboration rather than independent activities that are prone to gridlock.

In term of protocol, the Senate is superior to the House of Representatives. Section 53 (2) (a–b) affirms the seniority of the Senate over the House of Representatives, as indicated in the case of a joint sitting of the two chambers. It states:

At any joint sitting of the Senate and House of Representatives:

(a) The President of Senate shall preside, and in his absence the Speaker of the House of Representatives shall preside; and
(b) In the absence of the persons mentioned in paragraph (a) of this subsection, the Deputy President of the Senate shall preside, and in his absence the Deputy Speaker of the House of Representatives shall preside.

By the order of protocols, the Senate President, is the head of the National Assembly while the Speaker of the House of Representatives is the deputy. Each of the chambers has its rules and order that guides its legislative activities. Section 60 of the constitution states each of the chamber has the power 'to regulate its own procedure, including the procedure for summoning and recess of the House' (Constitution of the Federal Republic of Nigeria 1999). This means that each of the chambers has its own measure of freedom in a coordinated relationship.

Another area of legislative collaboration is in respect of the removal of the President and or his deputy. Section 143 provides elaborate procedures to be followed by the collaborative decisions of the two chambers of the National Assembly. Section 143 (2) makes the Senate president, the presiding officer, and the recipient of the written allegation 'signed by not less than one-third of the members of the National Assembly' stating that the holder of the office of President or Vice-President is guilty of gross misconduct in the performance of the functions of his office' (Constitution of the Federal Republic of Nigeria 1999). Subsequent legislative processes are to be coordinated by the Senate President. The resolution

to confirm the commencement of the investigation of the allegations is expected to be the outcome of a motion 'supported by the votes of not less than two-thirds majority of all the members of each House of the National Assembly' (Section 143 (3–4). Section 143 (8–9) of the Constitution stresses further the collaborative imperative of the two chambers of the National Assembly on this sensitive political decision thus:

> Where the Panel reports to each House of the National Assembly that the allegation has not been proved, no further proceedings shall be taken in respect of the matter. Where the report of the Panel is that the allegation against the holder of the office has been proved, then within fourteen days of the receipt of the report at the House the National Assembly shall consider the report, and if by a resolution of each House of the National Assembly supported by not less than two-thirds majority of all its members, the report of the Panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report (Constitution of the Federal Republic of Nigeria 1999).

This constitutional provision strengthens the primacy of the second opinion and enforces the collaboration of the two chambers of the National Assembly in arriving at a decision on such a sensitive but political issue.

The constitutional amendment procedure is another area where the two chambers of the National Assembly have to collaborate. Section 9 of the constitution empowers the National Assembly to carry out amendment of the constitution. Indeed, this constitutional responsibility goes beyond the domain of the National Assembly. Since it has to do with the alteration of the laws of the nation, the constitution also involves the input of the state houses of assembly with specificity. The proposal would emanate. Section 9 (3) of the constitution states:

> An Act of the National Assembly for the purpose of altering the provisions of this section,… shall not be passed by either House of the National Assembly unless the proposal is approved by the votes of not less than four-fifths majority of all the members of each House, and also approved by resolution of the House of Assembly of not less than two-third of all States (Constitution of the Federal Republic of Nigeria 1999).

The implication of this is that constitutional amendment in Nigeria is a collaborative legislative action by the legislatures at the state levels and the two chambers of the National Assembly.

Aside from these provisions on specific issues, there are other areas where legislation or other national legislative actions require the concurrent activities of the two chambers of the National Assembly. For instance, section 8 (1–2) of the constitution makes provisions for the creation of additional and adjustment of boundaries for the existing states of the federations based on an act of the National Assembly (Constitution of the Federal Republic of Nigeria 1999). The process for this legislative action is similar to the procedure for the amendment of the constitution. State creation and boundary adjustment exercises involve the concurrent legislative actions of the legislatures in the concerned states, and the two chambers of the National Assembly, with specificity of votes.

The constitution also makes provisions for other collaborative legislative actions by the two chambers of the National Assembly on the issue of treaty. Section 12 (1) stipulates that 'No treaty between the Federation and any other country shall have

the force of law to extent to which any such treaty has been enacted into law by the National Assembly' (Constitution of the Federal Republic of Nigeria 1999). Section 12 (2–3) empowers the National Assembly to 'make laws for the Federation or any part thereof with respect to matters not included in the he Exclusive Legislative List for the purpose of implementing a treaty' provided 'it is ratified by a majority of all the House of Assembly in the Federation' (Constitution of the Federal Republic of Nigeria 1999).

The intendment of the drafters of the constitution for these collaborative legislative activities is to enable the National Assembly exercises its power of making 'laws for the peace, order and good government' of the country (Section 4 (2), Constitution of the Federal Republic of Nigeria 1999). The import of this is for the realization of the *Fundamental Objectives and Directive Principles of State Policy* contained in part II of the constitution. Section 12–24 of the constitution itemised these fundamental issues directed towards the improvement of the quality of life of the Nigerian citizens. These provisions are expected to energise the oversight power of the legislature in a manner that would be enable efficient political outcomes of public policy.

> It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution (Section 13, Constitution of the Federal Republic of Nigeria 1999).

Events since the beginning of the Fourth Republic have not shown adherence to the intendment of these collaborative legislative actions in the National Assembly.

Inter-Chambers Relations and the Conduct of Legislative Activities in the National Assembly

Essentially, the constitutional design of bicameral legislature, especially in presidential systems, is to promote collaboration rather than competition in policy process (Shell 2001; Tesebelis and Money 1997). The two chambers are expected to work together as a single legislative body for the promotion of good governance through effective legislative process. Thus, the idea of supremacy struggle does not arise. The two chambers are usually equal partners in the legislative process with specific responsibilities defined by the constitution. The assumption is that the activities of modern government are becoming more complex and there was the need to balance diverse views (Shell 2001). The imperatives of good governance, therefore, requires mobilisation in the area of supports and cooperation from diverse views and opinions rather than competition among the institutions and structures of government.

The design of the Nigerian presidential constitution rests on this assumption. Section 4 of the constitution vests the legislative power of the country in the National Assembly which is composed of the senate and the House of Representatives.

Except in the order of protocols, both the Senate and the House of Representatives have specific collaborative and complimentary roles. Thus, in policy process and role specification, there is no provision for supremacy. Requisite constitutional provisions as identified in the immediate section provide the avenue for the Senate and the House of Representatives to work together in harmony (Mba 2014). Nevertheless, there have been a series of struggles between the Senate and House of Representative on certain issues. Two major issues have generated supremacy row between the \senate and the House of Representatives: Budget and amendment of the constitutions.

Row Over the Presentation of the 2010 Appropriation Bill

Section 81 (1) of the constitution mandates the President to present the fiscal plan of the year for legislative authorisation. The sections states:

> The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year (Constitution of the Federal Republic of Nigeria, 1999).

This provision does not specify the mode of the presentation neither does it stipulate where the presentation should take place. Conventionally, since 1999, the president usually presents the Appropriation Bill at a joint sitting of the Senate and the House of Representatives (Majebi 2009; Sam-Tsokwa and Ngara 2016). Since these are not constitutional matters, the considerations were usually treated as mere administrative issues. Nevertheless, this administrative matter became a major political issue in the presentation of the 2010 Appropriation bill.

The President, Alhaji Musa Yar'Adua had agreed to present the bill to the joint sitting of the Senate and the House of Representatives in November 23, 2009 (Onuorah et al. 2009; Mba 2014; Majebi 2009). The problem was the choice of the venue for the joint sitting of the national Assembly for the presentation of the bill by the president. The House of Representatives insisted that the presentation must be done in the Green Chamber, the official venue of the sitting of the House of Representatives. The position is that the chamber is more spacious than the Red Chamber of the Senate (Majebi 2009; Mba 2014).

The leadership of the two chambers disagreed on the appropriate venue for the joint sitting for the purpose of presentation of the bill. Conventionally, the venue for the joint sitting of the two chambers of the National Assembly is the House of Representatives chamber because of space. In view of this conflict, the 2010 budget was presented separately to the Senates and the House of Representatives (Onuorah et al. 2009). Mba (2014, p. 687) attribute this to the 'personal interest and ego' of the members of the House of Representatives who trivialized 'little issues of no importance'. The conflict was celebrated and drew public attention to the conduct of the members of the National Assembly. While there was great public expectation of

positive political outcomes from their representatives, the entire machinery of government was thrown into confusion (Mba 2014; Majebi 2009).

Legislative action over the appropriation bill is a crucial instrument for the promotion of good governance in the Nigerian presidential system. The executive cannot execute any project without legislative authorisation. Sections 80-89 of the constitution empower the National Assembly to have a grip control over public funds. The practice in accordance to the constitution is that all government revenues are expected to be paid into the 'Consolidated Revenue Fund of the Federation' (Section 80 (1), Constitution of the Federal Republic of Nigeria 1999).

> No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure that is charged upon the fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Act, Supplementary Appropriation Act or an Act passed in pursuance of section 81 of this Constitution. No moneys shall be withdrawn from any public fund of the Federation, other than the Consolidated Revenue Fund of the Federation, unless the issue of those moneys has been authorised by an Act of the National Assembly. No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly (Section 81 (2–4), Constitution of the Federal Republic of Nigeria 1999).

By virtue of these provisions, no public project could be executed by the executive branch of the government without legislative authorisation. This constitutional imperative makes consideration of appropriation bill a matter of national importance (Sam-Tsokwa and Ngara 2016; Mba 2014). The drafters of the constitution envisage that appropriation bill should be prepared and approved before the commencement of the fiscal year. Section 81 (1) of the constitution states:

> The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year (Constitution of the Federal Republic of Nigeria 1999).

With the exception of the 2007, none of the appropriation bills since 2000 was approved before the commencement of the fiscal year. Table 1 below shows the presentation and approved periods of appropriation bills from 2003 to 2015.

The drafters of the constitution realised the feasibility of delay in the approval of the appropriation bill. Section 82 of the constitution states:

> If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding months or until the coming into operation of the Appropriate Act, whichever is the earlier: Provided that the withdrawal in respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the Federation under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediately preceding financial year (Constitution of the Federal Republic of Nigeria 1999).

Table 1 Presentation and enactment of federal appropriation acts 2003–2015 fiscal years

Fiscal year	Date bill presented to the national assembly	Date bill sent to the president for assent	Date bill assented by the president
2003	20-11-2002	11-03-2003	10-04-2003
2004	18-12-2003	20-04-2004	21-04-2004
2005	12-10-2004	18-03-2005	12-04-2005
2006	06-12-2005	21-02-2006	22-02-2006
2007	11-10-2006	22-12-2006	22-12-2006
2008	08-11-2007	27-03-2008	14-04-2008
2009	02-12-2008	03-02-2009	10-03-2009
2010	23-11-2009	25-03-2010	22-04-2010
2011	15-12-2010	25-05-2011	26-05-2011
2012	15-12-2011	21-03-2012	13-04-2012
2013	10-10-2012	30-01-2013	26-02-2013
2014	19-12-2013	22-04-2014	21-05-2014
2015	17-12-2014	06-05-2015	06-05-2015

Source: Adapted from Obadan (2014)

The implication of this is that the legislature might not have the opportunity of scrutinising the projects that government intended to execute since there is no provision for authorisation before the withdrawal from the CRF. Thus, late approval of the fiscal policy often leads to distortion and haphazard implementation (Sam-Tsokwa and Ngara 2016). Over the years, 'government budget has generally not met the expectation of quality economic growth, poverty reduction, high level of employment, first grade infrastructure' (Obadan 2014, p. 15). Consequently, governance crisis could not be abated, as the general improvement in the quality life of the citizens depreciates. Effectively, budget process in Nigeria has been reduced to mere political and administrative rituals.

Disagreement Over the Amendment of the Constitution

Another issue that had generated conflict between the Senate and the House of Representatives was the furore over constitutional amendment. In 2009, a process of the amendment of the constitution generated conflict between the House of Representatives and the Senate (Ajani and Aziken 2009). The Deputy Speaker of the House of Representatives, Alhaji Usman Bayero Nafada, led 43 other members of the House of in Representatives in the Joint Committee on Constitutional Review (JCCR) to walk out of the retreat, held at Minna, Niger State, organized for in preparation for the amendment of the constitution (Mba 2014; Onuorah et al. 2009; Majebi 2009).

The reason for the boycott by the legislators was simply because the Deputy Speaker of the House was designated as the Deputy Chairman of the Committee

(Ajani and Aziken 2009; Nwabueze 2009). Rather, they wanted him to be designated as Co-Chairman. The Deputy Senate President, Ike Ekwerenmadu, was the Chairman of the Committee. The justification for their demand was that as co-chairman, the House of Representatives would have equal role and input into the decisions of the committee (Majebi 2009; Mba 2014). In other words, the members of the House were requesting equality with the Senate, thinking that parliamentary leadership is an executive position. In reality, parliamentary leadership at any level is a presiding position meant to direct the affairs of the legislative deliberations (Mba 2014; Zwingina 2009).

The action of the legislators from the House of Representatives was interpreted to mean a deliberate ploy to frustrate the amendment of the constitutions which would invariable affected the interest of some key political elites (Ajani and Aziken 2009; Nwabueze 2009; Onuorah et al. 2009). Contentious issue such as the removal of immunity of the state governor was slated for amendment. Section 308 of the constitution shields the elected leadership of the executive branch of government at the state and federal level against prosecution while in office. The section states in part:

> …no civil or criminal proceedings shall be instituted or continued against a person to whom this section applies during his period of office; a person to whom this section applies shall not be arrested or imprisoned during that period either in pursuance of the process of any court or otherwise; and no process of any court requiring or compelling the appearance of a person to whom this section applies, shall be applied for or issued:…This section applies to a person holding the office of President or Vice-President, Governor or Deputy Governor; and the reference in this section to "period of office" is a reference to the period during which the person holding such office is required to perform the functions of the office (Section 30891-3), Constitution of the Federal Republic of Nigeria 1999).

Popularly known as the immunity clause, this provision has remained an opportunity for sitting elected leadership of the executive to engage in sleaze without prosecution in the absence of an effective legislative oversight (Fagbadebo 2016; Bashir and Nwanesi 2016). There have been debates over the desirability of retaining the clause in the constitution (Ekott 2013; Bashir and Nwanesi 2016; Azu 2015). While this is beyond the scope of this chapter, it is pertinent to point out that the call for the amendment of the provisions, relation to the immunity of the elected members of the executive branch of the government was not necessary if there are effective legislative institutions that were willing to exercise their requisite oversight powers. Thus, a possibility of frustrating the constitutional amendment partly because of the plausibility of removing the immunity clause was a demonstration of a failed institution of governance.

The issue of the leadership of the JCCR should not have generated any conflict. Section 53 (2) of the constitution is clear about the leadership of joint sitting of two chambers of the National Assembly. The idea of co-chairman is strange to parliamentary proceeding of such because in the absence of the chairman, the deputy presides with the same power. Ego with the pursuit of pecuniary gain rather than the pursuit of public good was responsible for the wrangling (Mba 2014). The motivation for the wrangling was the need to protect the welfare interest of the

members. As Mba (2014, p. 685) has noted, 'the House members of the Joint Committee are more interested in the perquisites of a co-chairman—allowance, jeeps, luxury hotel suite and such other privilege befitting the dignity of a co-chairman of the committee—than in delivering to the Nigerians a reformed constitution better suited to their needs for good governance'.

Conclusion

The two cases of internal wrangling in the National Assembly were not based on disagreement over policy. A majority of the Nigerian citizens do not see the usefulness of their representatives other than as a set of people feeding on the resources of the nation (Oladesu 2016). The activities of the National Assembly since inception in 1999 have been shrouded with scandals, a development that has impaired its image. The issues of the pursuit of their pecuniary interest at the expense of the public good have created integrity problem for the legislative houses in Nigeria. Budget padding, outrageous salaries and emoluments, money-for budget syndrome, constituency projects, among other ethical issues, coupled with spiralling governance crisis, have eroded public sympathy and support for the legislature. The scourge of corruption and gross abuse of power by elected and appointed government officials is a reflection of a failed intuition bereft of the importance of its oversight power (Fagbadebo 2016). Rather than appropriate the requisite constitutional provisions to ensure sanity in the political system, the Nigerian legislators bicker over pecuniary issues through the manipulation of statutes to settle personal political scores.

The initiators of bicameral legislature did not envisage internal wrangling over pecuniary issues. The two-chamber parliament in England was a design to protect the interest of the commoners against the decision of the nobles who constituted the unicameral parliament. 'The legislative power is therefore committed to the body of the nobles, and to that which represents the people, each having their assemblies and deliberation apart, each their separate views and interests' (Montesquieu 1748, cf. Drexhage 2015, p. 8). In other words, the second chamber prevented 'the voice of the minority, which differed from the masses through birth, wealth or merit' from being lost to the overriding power of the nobles in the English unicameral system (Drexhage 2015, p. 8).

In essence, collaborative legislative activities enshrined in bicameralism are a design to strengthen governance institutions for effective political outcomes. In the Nigerian political system, since the First Republic, the legislative institution has remained an ineffective governing institution that has failed to proof its usefulness in the political process. The design of the institution as well as the constitutional provisions for its functionality is realisable only if the actors that empowered to administer the institution are responsible. Collaboration and cooperation in a presidential system is a measure to arouse consciousness of the need for a national community in a diversified polity through meaningful political outcomes. While

this chapter is not advocating for the scrapping of the legislative institution in the Nigerian political system, the position is the need for a reform that will make it less attractive to looters who seek powers for the promotion of pecuniary gains.

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Executive-Legislature Relations: Evidence from Nigeria's Fourth Republic

Yahaya T. Baba

Introduction and General Background

Relations between and among arms of government, particularly executive-legislature, is discussed within the context of democratic system of governance. This is because in other forms of government, the three arms of government are hardly separated. In non-democratic governments, executive and legislative functions and powers are mostly fused and interlocked. In other words, the powers of the arms of government, particularly the executive and legislature are mostly exercised by one institution, be it the king (in an absolute monarchy), the military ruler (in a military regime) or even members of the communist party (in a socialist regime). This is not however, to suggest that all forms of democracies guarantee separation of executive and legislative functions and powers. Essentially, some democratic systems of government also fuse the executive and legislative functions and powers as well as the personnel of government. The parliamentary system of government, for instance, typically assigns overlapping and concurrent functions to both the executive and the legislature. More so that members of the executive can also serve as legislators concurrently. This kind of arrangement, it is argued, does not institutionalize checks and balances required for accountability, transparency and probity in the management of public affairs.

It is largely on this account that Montesquieu (1750) argues that the essence of democracy is to institutionalize accountability and transparency in the process of governance. He stressed that democracy as a form of government evolves and internalizes some mechanisms of restraints in ways which powers of government would be separated and balanced. He, therefore, argued on the need to institute mecha-

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_9

nisms for checks and balances among the three major arms of government—notably the executive, legislature and the judiciary. Accordingly, the need to separate the functions of the three arms of government and restrain the actions of public office holders is essential. This is particularly so, if the electorates are to exercise tremendous influence over their elected leaders and representatives. This is because; according to him, "power corrupts and absolute power corrupts absolutely." The publication of Montesquieu had considerable influence on framers of American constitution. Thus, the presidential system of government, which is widely practiced, separates the powers, functions and the personnel of the three arms of government in addition to providing mechanisms for the arms of government to checkmate one another. This is recognized as the most efficient system of democracy that guarantees horizontal accountability across governmental agencies and to some extent downward accountability to the people. The essence is to prevent tyranny and abuse of powers by individuals, groups or even institutions that hold power in trust on behalf of the people.

Consistent with this line of thought, developed two working hypotheses, which mirrored a political order that could either entrench or distort the practice of democracy as a system of government, particularly the principles of accountability, transparency and probity. The first hypothesis is stated thus: if unrestrained by external checks, any given individual or groups of individuals will tyrannize over other. External checks are application of reward and penalties, or the expectation that they will be applied, by same source other than the given individual himself; Hypothesis II suggests thus: the accumulation of all powers- legislative, executive and judiciary in the same hands implies the elimination of external checks (empirical generalization). From these assumptions, two other propositions are also developed: (1) if unrestrained by external checks, a minority of individuals will tyrannize over a majority of individuals; (2) if unrestrained by external checks a majority of individuals will tyrannize over a minority of individuals. Madison's argument logically suggests that "give all powers to the many they will oppress the few. Similarly, give all powers to the few they will oppress the many. Madison's arguments published in the Federalist (1788) to a large extent influenced the ratification of the American constitution which adopted a republican government (Dahl 1956).

Accordingly, democratic frameworks of governance evolve not only as a mechanism to facilitate popular participation, equality, freedom but also as a strategy to guarantee the accountability of leaders to the governed. This can be understood from the context of power structure of the institutions of governments, particularly the three arms of government, and the nature of relations between and among them in the discharge of governmental functions. Executive-legislature relations, therefore suggest the nature and dimensions of *intra-governmental* interactions between the executive and the legislature as prescribed by the constitution and the laws of the state. In some constitutions and as provided by the laws of some democratic societies, powers and functions of the arms of government may be interlocking, overlapping or clearly separated. Depending on the system of democracy in place, executive-legislative relations determine the quality of democracy and governance in the state.

In Nigeria, the tensions and crises that characterized executive-legislature relations, in the previous republics, destabilized and derailed the democratic government. Indeed, the acrimonious inter-organ relations in those republics partly accounted for the truncation of the previous constitutional governments by the military. The entrenched culture of military rule in Nigeria, which robbed the system of the needed democratic and legislative cultures, is cited as one of the major sources of persistent conflicts between the executive and legislature in various democratic regimes in Nigeria. The hangover of executive dominance and/or absent of a distinct legislative institution under the military has made it difficult for checks and balances to be institutionalized or even powers of government to be actually separated in the aftermath of democratic transition. In spite of the various constitutional clauses that specify the functions and powers of the three arms of government and the role of each arm in checkmating one another, the culture of executive dominance prevail in Nigeria's Fourth Republic. Thus, executive dominance and arrogance defined the nature and character of executive-legislature relations. Although, the legislature at different occasions have been assertive in its relations with the executive, it cannot be said that the former has provided the needed checks on the latter.

The nature of executive-legislature relations is mostly discussed in the contexts of three governmental functions of law/policy making, oversight and representation. In these three domains, the two arms of government are required to cooperate and compromise with one another in the face of conflicting demands, interests and prejudices. Consequently, while conflicts are inevitable in the interactions between the executive and the legislature in a democracy, yet, both institutions are expected to be subject to and be guided by the prevailing laws and regulations in the process of law/policy making, oversight and representation. Disagreements over the substance and procedures of law/policy making, oversight and representation between the two arms of government is necessary for quality democratic governance. Perpetual conflicts between the executive and the legislature may however lead to instability, poor public welfare, insecurity, bad governance and government shut down. In Nigeria, the pattern of executive-legislature relations in the Fourth Republic has been very acrimonious. This has affected the quality of laws and policies, and undermines public accountability as well as weakens representation. This chapter, therefore, examined some of the issues and events that defined the nature and character of executive-legislature relations in Nigeria's Fourth Republic. This will, however be preceded by a background of the constitutional powers and functions of the legislature and the executive under the Nigeria's 1999 Constitution.

Powers and Functions of the Legislature and Executive: Evidence from 1999 Constitution of Nigeria

Across modern democratic societies, legislatures perform basically three conventional functions of representation, law-making and oversight responsibilities. The Nigerian National Legislature is no exception. The 1999 Constitution has provided in different sections, the powers to perform these functions.

In the context of representation for instance, the Constitution provided for delineation of constituencies in which different groups of people are represented in the legislative institution, on the basis of their population size and/or state of origin. Sections 48 and 49 of the Constitution states that:

> The Senate shall consist of three Senators from each state and one from the Federal Capital Territory Abuja and subject to the provisions of this constitution, the House of Representatives shall consist of three hundred and sixty members representing constituencies of nearly equal population as far as possible provided that no constituency shall fall within more than one state.

Therefore, based on the Senatorial Districts and Federal constituencies created by the constitution, people vote to elect their representatives to the National Assembly. The elected Representatives are required to interact with the electorate and as much as possible reflect the interests of their constituents in their general conduct and activities. Thus, constituency offices are established by Representatives in both the Senate and the House in their respective constituencies to facilitate contacts and collate the input of the electorate on voting issues. It is against this backdrop that Esebagbon (2005) argues that:

> In a modern democracy today, the legislature evokes the idea of representative democracy, more than any other branch of government. Thus, democracy can only be sustained when legislatures have the will, ability and information to make decisions that reflect the interests and needs of the society. Similarly, the governed must have the will, ability and information to transmit their needs and interests to their legislators and to evaluate the performance of the legislators and the various parties and to reward or sanction their actions (Esebagbon 2005, p. 3).

This assertion is a true reflection of the function of a legislature as a representative institution of governance in a democracy.

The idea of representation and the development legislative institution is necessitated by the complexity of human societies, which ruled out the possibility of direct democracy. It is in this context that representative assemblies evolved, whose members are elected within defined constituencies to represent their people in government. In the case of Nigeria, the central legislature also performs these functions, however not without challenges. This is because in Nigeria, legislators are hardly held accountable for their actions. Even when elections are to serve as mechanism for reward and sanctions on incumbent legislators, representatives sometimes rig their ways into offices. This often affects the quality of representation and the level of participation of the electorate in governance.

Secondly, the legislature in Nigeria, like their counterparts in other modern democracies, is empowered by the constitution to make laws. Law making function is perhaps what distinguishes a legislative institution from other organs of government. The 1999 Constitution empowers the National Assembly to make laws. This is contained in Section 58 (1) of the constitution which state thus: "The power of the National Assembly to make laws shall be exercised through bills passed by both the Senate or House of Representatives and, except as otherwise provided by subsection (5) of this section, assented to by the President." Sub-section (2) on the other hand, states that: "A bill may originate in either the Senate or House of Representatives and shall not become law unless it has been passed and, except as otherwise provided by this section and section 59 of this constitution, assented to in accordance with the provisions of this section."

Subsection (3) on the other hand, stipulates that: Where a bill has been passed by the House in which it originated, it shall be sent to the other House, and it shall be presented to the President for assent when it has been passed by that other House and agreement has been reached between the Houses on any amendments made on it.[1] Furthermore, sub-section (4) states that: Where a bill is presented to the President for assent, he shall within thirty days thereof signify that he assents or that he withholds assent.[2] Accordingly, sub-section (5) stipulates that: Where the President withholds his assent and the bill is again passed by each House by two-thirds majority, the bill shall become law and the assent of the President shall not be required.[3]

To this end, the legislature has overriding powers in law-making. It is in this context that the institution is often called the law-making body of government. In making laws, therefore, the internal complexity of the legislature, its interaction with external environment and the extent to which it adopts universal procedures of conducting business to a great extent bear on the quality of laws it makes and influences its institutionalisation.

The law-making function of a legislative institution is of paramount importance. It is in light of this that Esebagbon (2005) argues that:

> The principal function of the legislature under the 1999 Constitution is to make laws. It is in the exercise of this function that legislative assemblies acquire this distinctive character and take their rightful place within the structure of government. It is this law—making power that places the legislature as an independent organ of government that is of coordinate status with the Executive and the Judiciary. The legislature exercises its main constitutional functions through legislation (Esebagbon 2005, p. 5).

Thirdly, the oversight function of the legislature is also another traditional function of a legislative institution. Sections 80 to 89 of the said constitution stated in categorical terms the powers of the National Assembly to supervise and control the activities of the other branches of government. However, section 88 of the constitution which confers on the National Assembly the power to conduct investigation, illustrates the oversight functions of the legislature clearly.It states thus:

[1] See 1999 Constitution of the Federal Republic of Nigeria Section 58 (3).

[2] Ibid Section 58(4).

[3] Ibid Section 58(5).

(1) Subject to the provision of this constitution, each House of the National Assembly shall have power by resolution published in its Journal or in the official gazette of the Government of the Federation to direct or cause to be directed of investigation into:

- any matter or anything with respect to which it has power to make laws; and
- the conduct of affairs of any persons/authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for:-
- Executing or administering laws enacted by the National Assembly; and
- Disbursing or administering money appropriated or to be appropriated by the National Assembly.

(2) The powers conferred on the National Assembly under provisions of this section are exercisable only for the purpose of enabling it to:

- make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and
- exposes corruption, inefficiency or wastes in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

This function is adjudged to be the most routine and engaging activity of a legislative institution. Iwuanyanwu (1998, p. 7) argues that:

> The legislature therefore, carries out surveillance over the activities of the executive. To achieve this, the legislature has several standing committees. Virtually every Government Agency or Ministry has an overseeing standing committee. It is the responsibility of any particular standing committee to report to the full House the activities of the agency or ministry it supervises. The Committee members apply whatever legitimate means to monitor the activities of the Agency or Ministry. These include visits to the departments, interrogation of their staff, occasional assessment of plan implementation, holding of inquiries, encouragements and suggestions for improvement … and exploring easy ways of improving and bettering the services of the departments for the general good and wellbeing of the society (Iwuanyanwu 1998, p. 7)

This broad range of activities encapsulates the legislative function of oversight. The function of oversight given to the legislature by the constitution is to enhance accountability, transparency and probity in the conduct of public affairs, particularly in the management of public resources. These functions are performed by various legislative committees who report the findings of their investigations to the committee of the whole (plenary) for further legislative deliberations and necessary actions as may be deemed appropriate. The oversight functions of the legislature reveal its powers with regards to supervision and control of other government agencies. This function of the legislature, particularly in Nigeria, exposes the institution into perpetual conflict with the executive arm of government. This is so because routine checks by the legislature of the executive expose corruption, which dents the image

of holders of executive positions. As a result, the executive, particularly the presidency, often seeks to resist legislative scrutiny or investigation. In other instances, the executive tries to manipulate the process and outcomes of legislative investigations. However, the efficient conduct of oversight functions by the legislature is a function of its level of autonomy, commitment, political will and the degree of its internal complexity occasioned by autonomy of standing committees

On the other hand, Section 130 of the 1999 Constitution provided for the establishment of office of the President. Sub-section (1) states thus: "there shall be for the Federation a President. Sub-section (2) further clarifies that: "the President shall be the Head of State, the Chief Executive of the Federation and the Commander-in-Chief of the Armed Forces of the Federation." Given this status, the president is empowered to perform executive functions relating to the administration, governance, maintenance of law and order and the security of the state. As the chief executive and Commander-in-Chief of the armed forces and executive head of all security outfits, the president is responsible for the welfare and security of the people of Nigeria.

In addition to the office of the President, the 1999 Constitution of Nigeria also provides for the establishment of the offices of Ministers. Section 147 (1) states that: there shall be such offices of ministers of the Government of the Federation as may be established by the President. Sub-section (2) added that: "Any appointment to the office of the Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President". These provisions suggest that the President is responsible for the coordination and management of Nigeria's public affairs. He is to be assisted by Ministers whom he appoints with the approval of the Senate. It is in this regard that Section 148 (2) of the 1999 Constitution states that: "the President shall hold regular meetings with the Vice President and all the Ministers of the Government of the Federation for the purposes of:

(a) determining the general direction of domestic and foreign policies of the Government of the Federation;
(b) co-ordinating the activities of the President, the Vice President and the Ministers of the Government of the Federation and the discharge of their executive responsibilities; and
(c) advising the President generally in the discharge of his executive functions other than those functions with respect to which he is required by this Constitution to seek the advise or act on the recommendation of any other person or body.

Given these powers and functions, the executive, traditionally is seen as having enormous powers and responsibilities compared to other arms of government. The executive arm of government is responsible for policies, programmes and projects that are expected to impact on the welfare and security of the people in the state. Because of these enormous powers, the institution in a democracy provides some limitations, which control the conduct of the executive to prevent abuse of power and tyranny. In Nigeria, these limitations are embedded in the various powers and respon-

sibilities of the legislature, as provided for by the constitution. The functions of law making and oversights empowered the legislature to exercise tremendous control over the executive. This, however, is being resisted and contested by the executive, which constitute the dynamics of executive-legislature relations in Nigeria. The next section examines the issues and perspectives of executive-legislature relations in Nigeria.

Executive-Legislature Relations in Nigeria's Fourth Republic: Issues and Perspectives

In the first place, as obtains in typical African democracies, where legislatures are relegated to mere 'rubber stamps' of the executive, and rendered to an 'order of executive dominance,' Nigeria is no exception. Thus, at the inception of democracy in Nigeria in 1999, the executive was not oblivious of the constitutional and institutional mechanisms of restraints to its powers and functions, largely from the legislature. These institutional restraints are mostly construed by the executive as insubordination, given the entrenched culture of executive dominance under previous military regime. Therefore, the first attempt at ensuring executive dominance in Nigeria's fourth republic was the executive bid to install pliant legislators as legislative leaders. This singular act did not go down well with the members of both chambers and triggered internal crisis in both chambers. The legislators saw the executive interference as an affront on the institution and therefore engaged the executive in acrimony that has since 1999 defined executive-legislature relations in Nigeria.

Although the People's Democratic Party (PDP) captured power and formed government at the centre and captured majority in both chambers of the national assembly, the legislature saw the executive as working to make the legislative institution subservient to it. The power tussles between the executive and members of the legislature in Nigeria in the determination of who occupy various leadership positions contributed to the intensity of the crises and lack of confidence between the two arms of government at the inception of democracy in 1999. In some instances, the executive acted under the guise of party supremacy and attempt to coerce members into accepting the proposals of the executive as the position of the party. This has accounted for series of serious tensions, instability and crises in the national assembly since 1999. Most often, the members are divided between pro and anti-executive groups in the legislature. This was evident under the administrations of Obasanjo (1999–2007), Jonathan (2010–2015) and Buhari (2015 to date).

This point was stressed by Salisu Buhari, when he argues that:

> The greatest challenges of Nigeria's democracy since 1999 is how to get the executive arm of government appreciate the place and role of the legislature in the governance process. The fight by the legislature to ward-off executive interference and dictatorship in the affairs of the House started under my regime but received a great boost under my successor (*Thisday*, 6 June, 2009).

Thus regardless of whether or not the executive succeeded in its bid at imposing leaders on the legislature, leadership tussle has always been a source of instability within the legislature and between the executive and the legislature. Where the executive succeeds, members who are opposed to the emergence of such executive imposed leaders continue to antagonise the legislative leadership with a view to pulling it down or undermine it. In 1999 (House and Senate), 2000 (Senate), 2005 (Senate), 2007 (House) under the PDP controlled government and legislature and 2015 (House and Senate) under the All Progressive Congress (APC) this played out. The inter or intra-chamber crises instigated by executive interference accounted for the high turnover of legislative leadership between 1999 and 2007 (Fashagba 2009). At the extreme of such opposition, members, especially those from the ruling PDP (1999 to 2015) took different positions from the party. This further complicated the crisis. According to Ume-Ezeoke[4] excessive executive interference in the activities of the legislature, particularly in the determination of its leaders, was largely responsible for the leadership crisis and instability in the legislature. He contends that, his tenure as Speaker in the Second Republic was more stable because the executive and indeed the parties were more focused and disciplined. He further stressed that:

> The suspension of the NASS during the military resulted in the stunted growth of the legislative arm of government in relations to the executive and judiciary, which may explain the reasons for the incessant leadership crisis in the institution (*Thisday*, 6 June 2009).

In the second scenario is where the executive did not succeed in imposing leaders on the legislature. Sometimes, various means are often employed by the executive to stifle legislative activities or undermine the freely elected leaders. These include financing some members to initiate and champion the course of impeachment and/or harassing them through the use of security agents, party and anti-corruption agencies such as EFCC and 1CPC. This was very common under both Presidents Obasanjo and Buhari. Co-incidentally, the two leaders are former military head of state and retired Generals. Their approach to governance appeared to be influenced by the command system of their military backgrounds. One of the the consequences of excessive executive interference, especially from 1999 to 2007 (under Presidents Obasanjo and Yar'Adua) was high leadership turnover in National Assembly. It suffice to note that membership turnover has been very high also because of the tendency of the executive, either the president or state governor, to work against and block the attempt of incumbent members considered antagonistic from re-election. Aminu Bello Masari argues along this line when he opined that:

> The high level of leadership turnover in the legislature and indeed the turnover of members in the institution is attributable to the desire by the executive and other extraneous political forces to pull out of parliament those they termed trouble makers who would not succumb to the dictatorial tendencies of the executive (*Thisday*, 6 June, 2009).

[4] Eme-Ezeoke, Edwin was the Speaker of the House of Representatives in the Second Republic, Vice President of the ANPP Presidential flag bearer in the 2007 elections and the chairman of the party.

Accordingly, the legislature is always a subject of ridicule by the executive. One of the tactics of subordinating the legislature to the whims and caprices of the executive in Nigeria is the imposition of leaders on members. This has accounted for the high leadership turnover in the institution. Anyanwu (2007) argues that:

> One of the defining characteristics of eight years of legislative practice was the struggle for supremacy between the executive and legislature. Behind the downfall of repeated leaders of both arms of NASS have been disagreements over control and independence of the legislature. Checks and balances were taken to mean opposition to the executive branch and attempts to show the independence of NASS were dubbed disloyalty to the President and the party. Each presiding officer across time and session adopted different ways to cope with the situation (Anyanwu 2007, p. 4).

As a consequence, the incumbent leaders' re-election bids were truncated, especially if the candidates in question did not enjoy the support of the presidency. For instance, from 1999 to 2007, none of the leaders of the legislature returned to the legislature. Some of them were forced not to seek for re-election or sabotaged by the party (PDP). Similarly, others who perceived the plot against them by the party and the executive refused to seek for re-election. However, for Ghali Umar Na'Abba, who won primary elections to return to the House in 2003, he lost out in the elections to an All Nigerian People's Party's (ANPP) candidate in his constituency.

In the case of Pius Anyim[5] and Aminu Bello Masari, although the president was instrumental to their emergence, but they fell apart along the line. In both cases, they were believed to be 'anointed' by the executive, but resisted attempts by the executive to influence their actions in the conduct of the legislative business. For instance, the refusal of Pius Anyim Pius to manipulate the proposed Electoral Bill 2002 and ensure its passage as presented by the executive was partly responsible for the face-off between the presidency and the then leadership of the Senate. In the case of Aminu Bello Masari, the failure of his leadership to manipulate legislative processes and ensure the endorsement of the *third term* deepened the rift between his leadership and the Obasanjo's led presidency. In both cases, the presidency in collaboration with the state PDP leadership punished the two leaders by denying them return ticket in their respective states.

Accordingly, divergent sources of information confirmed the excessive interference of the executive in the affairs of the legislature particularly, the choice and removal of its leaders (*Hotline*, 5 September, 1999, Faruk Lawan,[6] Ghali Umar Na'Abba, *Leadership*, 1 June, 2007, Anyanwu 2007. p. 2).

In spite of the crisis that is associated with the imposition of legislative leadership, the trend has continued. For instance, on the eve of leaving office, the former President Olusegun Obasanjo, in a meeting of the PDP caucus held at Presidential villa on the 30th May, 2007, endorsed the candidature of David Mark and Patricia

[5] Pius Anyim Pius was the Senate President from 2000 to 2003. He succeeded Senator Chuba Okadigbo after the latter's impeachment on the account of financial misappropriation.

[6] Faruk Lawan is member is one of the longest serving members of the House of Representatives in the Fourth Republic. He was first elected in 1999 and re-elected in the 2003 and 2007 elections. He is currently the Chairman House Committee on Education.

Etteh as Senate President and Speaker, respectively. Speaking in defence of the action by the presidency and the PDP, Mahmud Kanti Bello,[7] states that:

> It is not a question whether I support or reject whatever, we are party people and the party did not just do this alone, we are the people who accepted it this way. The party gave reasons and it should be so for everyone who supports the ranking policy in the Senate rules. The rule is very clear, it should be ranking Senators and if the party in its wisdom decided to zone these things and advised, then why is somebody complaining? (*Thisday*, 31 May, 2007).

This imposition came in the wake of a call on the executive and the PDP to desist from imposing leaders on NASS by Nnamani. In his valedictory speech, the Senate President made veiled reference to the instability of the Senate, which he attributed to the executive meddlesomeness in the emergence of its leadership and its conduct generally (*Leadership* 1 June, 2007). Nnamani's position was corroborated by David Mark, a former Senate President, who averred that:

> I believe that if I check from 1999 to 2007, I think some of the changes in the leadership that happened between 1999 and 2007 were totally unnecessary. They destabilized the Senate. Within that time, I believe the Senate Presidents were leaving their houses for National Assembly, not sure whether they will come back as Senate Presidents. That is not good enough for a leader (*Daily Trust*, 28 May, 2009).

In spite of the relative stability enjoyed in NASS in the aftermath of Obasanjo Presidency, the politics of imposition of legislative leadership continued. The ruling party under the strong influence of the executive always suggested favourite members of the Senate and House of Representatives for various leadership positions. After the 2011 General elections, the then ruling PDP proposed a candidate unfavourable to the majority of the members. Eventually, members of the House of Representatives elected a speaker of their choice contrary to the proposal of the executive and the ruling party. In particular, the ruling party and the presidency proposed the seat of the Speaker be zoned to the South-west, but majority of members settled for a member from the North-west zone. Members of the House of Representatives therefore defied the proposal of the executive and elected Hon. Aminu Waziri Tambuwal as the Speaker, who served from 2011 to 2015. The decision of the House of Representatives on the choice of its Speaker affected its relations with the executive. Many issues dealing with the law and policy making as well as oversights during this period were hardly agreed upon by these important institutions of democracy. Budget proposals of the executive were unduly delayed, non-implementation of budgets by the executive were also not sanctioned. The House of Representatives was particularly uncomfortable with the presidency, largely on account of the disagreement over legislative leadership. During this period, the House initiated investigation into one of the most reckless embezzlement of public funds through fuel subsidy. The investigation was very revealing but its outcomes were never implemented. The chairperson of the legislative committee

[7] Mahmud Kanti Bello is a Senator and currently the Majority Chief Whip of the Senate.

was eventually indicted and currently being prosecuted on allegation of graft purportedly requested and received from one of those being investigated.

This trend also continued after the 2015 General Elections. In spite of the expectation that the power alternation resulting in the emergence of a new party in government and the national assembly should improve and stabilise inter-organ relations, executive-legislative acrimony has remained a major issues. To be sure, the defeat of the PDP by the opposition All Progressive Congress (APC) did not seem to change the intrigues that characterized the determination of leadership positions in the National Assembly. The crack within the ruling APC began to emerge early in the life of the administration in 2015 over who should be Senate President and Speaker of House of Representatives and more broadly which of the six Geopolitical zones should produce the candidates for these positions. The party had its proposals, which were turned down by both the Senate and House of Representatives. The National Assembly elected Senator Bukola Saraki from North-central as Senate President and Yakubu Dogara as Speaker of the House of Representatives, respectively. This decision precipitated serious internal crisis in both chambers of the central legislature and within the ruling APC. Even when formal letters were written by the leadership of the APC to revert to the proposal of the party, the two Houses remained defiant and stood their grounds. This further strained relations between the executive and the legislature. For failing to heed the call to resign as Senate President, Senator Saraki was harassed, intimidated and, charged to Code of Conduct Tribunal and subsequently to High Court for false declaration of assets and for forgery of Senate Rules. These actions and intrigues undermine the spirit of cooperation and partnership between the two arms of government. The strained relations became clear in the budget scrutiny as accusations and counter accusations by both arms of government unnecessarily prolonged the 2016 budget. This in effect affected the timely implementation of the budget.

The executive agencies were employed to persecute national assembly members and leaders considered ‘disloyal’ to both the APC and the President. Disloyalty was interpreted to mean not allowing the party and the presidency to determine who presides over the national assembly. Ultimately, the party became factionalised, fragmented, destabilised and crisis ridden. Government policy and law-making suffered as a result of the inter-organ acrimonies. The two organs related under complete lack of trust for each other. The change that the new government promised to bring was lost to the crises and economic hardship, while the poverty level became intensified. The irreconcilable conflict that the disagreement over the choice of leadership sparked in 2015 had grown so wide that by 2018 the Senate President and the Speaker of the House had to defect (returned) to their former party-PDP. This took the control of the two chambers away from the ruling APC, although it still controlled majority seats in both chambers.

In the area of oversight, the executive and the legislature have also always had difficulty working together under a harmonious environment. From 1999 to date, the oversight function of the legislature has always enabled it to expose misappropriation and corruption in the executive agencies, ministries and department. This has always not gone down well with the executive organ. The PTDF investigation

under Obasanjo administration, the Fuel subsidy administration under Jonathan led government, the Maina's Pension scam under Buhari administration are a few examples of how the legislature exposed corruption under different administration. The resolution of the Senate to investigate the 'Tradermoni' scheme of the APC-led federal government was criticised and opposed not only by the APC members in the Senate, especially the Majority leader, but also appeared not to go down well with the executive. The probe was ordered because the manner in which the government was disbursing the funds was considered to be lacking transparency and motivated by partisan. Similarly, as the Minority leader pointed out, the 'Tradermoni' was being used to induce voters by the APC as the national elections approach. The disbursement perhaps became suspect because it was flagged off in Ekiti state in August 2018, a week to the state governorship election. In addition, the Minority leader noted that the information that beneficiaries are expected to provide suggest that the funds were being disbursed to influence voters in favour of the ruling government. By this, each beneficiary got ten thousand naira. This amount is equivalent of 27.8 cent when converted. It is the same amount that the APC led government was given to people on the ground that the beneficiaries should start small business with it. The probes and scrutiny have also accounted for acrimonious executive-legislature relations in each instance. Recently too, the report of the Senate ad-hoc committee on the Presidential Committee on the North-east in 2018 indicted the Secretary to the Government of the Federation (SGF) for misappropriating funds and influencing the award of contract to his company and recommended the removal and prosecution of the SGF to the President. The Presidency rejected the report and maintained that the committee was not fair to the SGF. It is also worthy of note that the Senate on two different occasions refused to confirm the nomination of the Presidency for the Chairman of the EFCC. Despite the rejection of the nominee, the president did not removed him from office. Constitutionally, an unconfirmed occupant of office has to vacate the office after 6 months, but in total disregard of the constitution and the position of the senate, the acting chairman has occupied the position for over 2 years.

It can thus be argued that the enormous power given to executive by the Constitution is often interpreted to mean its dominance over the legislature and other arms of government. As such, even when other arms of government act within their jurisdiction in relation to the executive arm of government such actions are trivialized. To this end, resources and executive powers such as control over security agencies are often used against the legislature in a bid to ensure its subordination. This is done in order for the executive to perpetuate corruption and avoid being prudently checked by the legislature. The chaotic nature of relations between the executive and legislature in Nigeria's Fourth Republic has undermined the realization of the core democratic values of accountability, transparency and probity in the management of public affairs.

Another dimension to the understanding of the nature of executive-legislature relations in Nigeria is the conduct of legislative investigations or oversight. The power of investigation conferred on the legislature, is often exercised by its various committees. It is largely on this account that standing committees are established in

both the Senate and House of Representatives. Thus, standing committees, especially in a presidential system of government last the life of legislature and take their titles after ministries, agencies or departments of government (Arab, *The Law Maker*, 2007, p. 25).

The committees are to oversee, routinely, the affairs of the relevant government ministries, agencies or departments for the purpose of conducting investigation with a view to ensuring the execution or administration of the laws enacted by it and/or disbursing or administering moneys appropriated or to be appropriated by it. This explains the rationale behind the invitation of various heads of government ministries, agencies and departments to defend their proposals and account for the monies appropriated them in the previous appropriation or fiscal year.

Standing committees conduct their investigations with a view to making new laws or amending existing ones where necessary. In addition to standing committees there are other categories of committees in the legislature that makes it relatively complex and efficient.[8] Accordingly, these committees, depending largely on their mandates and the circumstances necessary for their establishment, deal with issues brought to them with greater sense of depth and responsibility. These committees include special committees, standing committees, joint/conference committees and ad-hoc committees. Tables 1 and 2 below show the committee structure in both the Senate and House of Representatives:

The committee structure above, show some degree of departmentalization, division of labour and specialisation in the conduct of legislative activities. The Standing Committees, for instance, reflect, as much as possible, the Ministries, Departments and Agencies of government. The committees are catalyst to legislation, as they are responsible for scrutinising proposed bills and offer recommendations to the parent House, as appropriate. They are also central in the conduct of oversights. They conduct investigations, oversee the appropriation of monies to their relevant agencies and monitor the implementation of monies appropriated. The instrumentality of committees is more in the area of investigations than other engagements, essentially, because of the role of legislature in the institutionalisation of accountability in democratic governance.

In spite of the powers conferred on committees to conduct investigations, they are, however, limited to making resolutions on the basis of their findings. This, therefore, raises serious concerns on the autonomy and instrumentality of legislative committees. For instance, series of investigations carried out by committees in both the Senate and the House were either not adopted at the plenary or manipulated out of agenda. For instance, Ojeifo (2008) argues that the Report of Senate Committee that investigated the alleged corruption in the transportation sector was never discussed in the Senate. He argues that:

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[8] In addition to standing committees, there are also various categories of committees in NASS which perform similar functions to that of standing committees. These include: special committees; joint committees; conference committees; ad-hoc committees and committee of the whole. For elaborate discussion of these categories of committees, see Handbook of Legislative Procedures and The Law Maker, vol. 8 no. 174.

Table 1 Standing committees in the Senate

S/No.	Committee	S/No.	Committee
1.	Agriculture and Rural Development	28.	Information and Media
2.	Air Force	29.	Home Affairs
3.	Appropriation	30.	Inter-Party Affairs
4.	Aviation	31.	Judiciary, Human Rights and Legal Matters
5.	Banking, Insurance & Other Financial Services	32.	Employment, Labour and Productivity
6.	Capital Market	33.	Land Transport
7.	Commerce	34.	Local and Foreign Debts
8.	Communications	35.	Marine Transport
9.	Cooperation and Integration	36.	National Planning
10.	Culture and Tourism	37.	Security and Intelligence
11.	Defense (Army)	38.	Navy
12.	Downstream Petroleum	39.	Niger Delta
13.	Drugs, Narcotics and Anti- Corruption	40.	Upstream Petroleum
14.	Education	41.	Police Affairs
15.	Environment and Ecology	42.	Power
16.	Establishment and Public Service	43.	Privatization
17.	Ethics and Petitions	44.	Public Accounts
18.	Federal Capital Territory	45.	Rules and Business
19.	Federal Character and Inter Governmental Affairs	46.	Science and Technology
20.	Finance	47.	Selection
21.	Foreign Affairs	48.	Senate Services
22.	Gas	49.	Solid Minerals
23.	Health	50.	Sports
24.	Housing and Urban Development	51.	State and Local Governments
25.	National ID Card & Population Commission	52.	Water Resources
26.	Industry	53.	Women and Youth
27.	Independent Electoral Commission	54.	Works

Source: Anyanwu (2003a, b, 2007) and Legislative Bulletin (2008) Vol. 1 No. 15

The report of the Senate Ad-Hoc Committee on Investigation into Nigeria's Transportation Sector, which indicted some former and current public office holders for allegedly violating due process in payments of contract sums and recommended them for prosecution by the Independent Corrupt Practices Commission (ICPC), has raised serious concerns in the Senate. An immediate logistical problem concerns procedural precedent, in terms of which every senator must get a copy of the copious report (and its annexure and accompanying documents) before the Senate can proceed to consider it. The totality of the report, as submitted by the committee, can fill a large-sized 'Ghana-Must-Go' bag. The feelings are that this may dilate the process of expeditious consideration of the report. But that, as learnt, serves the purpose of the committee: which is to, according to sources, put the former and

Table 2 Standing committees in the house of representatives

S/ No.	Committee	S/ No.	Committee
1.	Agriculture	43.	Privatization and Commercialization
2.	Air Force	44.	Public Accounts
3.	Appropriations	45.	Rules and Business
4.	Aviation	46.	Science and Technology
5.	Banking, and Currency	47.	Selection
6.	Capital Market and Institutions	48.	House Services
7.	Commerce	49.	Solid Minerals Development
8.	Communications	50.	Sports
9.	Cooperation and Integration in Africa	51.	States and Local Governments
10.	Culture and Tourism	52.	Water Resources
11.	Army	53.	Women Affairs
12.	Petroleum Refineries & Product Marketing Resources	54.	Works
13.	Drugs, Narcotics and Financial Crimes	55.	Anti Corruption, National Ethics and Values
14.	Education	56.	Custom and Exercise
15.	Environment	57.	Defense
16.	Pension	58.	Due Process and Procurement
17.	Ethics and Privileges	59.	Emergency and Disaster Management
18.	Federal Capital Territory	60.	Federal Capital Territory Councils
19.	Governmental Affairs	61.	HIV/AIDS & Malaria Control
20.	Finance	62.	Inter-Parliamentary Relations
21.	Foreign Affairs	63.	Judiciary
22.	Gas Resources	64.	Justice
23.	Health	65.	Millennium Development Goals
24.	Housing and Habitat	66.	Legislative Budget and Research
25.	National Planning, Pop. and Economic Development	67.	Youth and Social Development
26.	Industries	68.	Poverty Alleviation
27.	Electoral Matters	69.	Legislative Compliance
28.	Information and National Orientation	70.	Public Petitions
29.	Internal Affairs	71.	Media and Public Affairs
30.	Inter/Intra-Party Affairs	72.	Public Service
31.	Human Rights	73.	Rural Development
32.	Employment, Labour and Productivity	74.	Special Duties
33.	Land Transport	75.	Donor
34.	Aids, Loan and Debts	76.	Diaspora
35.	Marine Transport	77.	Constituency Outreach
36.	National Planning	78.	Urban Development
37.	National Security and Intelligence	79.	Ministry of Niger Delta
38.	Navy	80.	Internal Security

(continued)

Table 2 (continued)

S/ No.	Committee	S/ No.	Committee
39.	Niger Delta Development Commission	81.	Climate and Global Warming
40.	Petroleum Resources (Upstream)	82.	Lake Chad
41.	Police Affairs	83.	Women in Parliament
42.	Power and Steel	84.	Federal Character

Source: Anyanwu (2003a, b, 2007) and Legislative Bulletin (2008) Vol. 1 No. 15

incumbent public officers allegedly indicted on the spot. Significantly, the indictment was not on the basis of funds embezzlement (Ojeifor 2008).

Thus, legislative committees in NASS are often criticised, for being ineffective in the discharge of their responsibilities. For example, the legislature in Nigeria's fourth republic could not effectively hold the executive accountable for the execution of various Appropriation Acts. For example, the appropriation exercise in NASS is often unnecessarily delayed. There are also well founded allegations that chairs and members of various legislative committees receive gratification from chief executives of various government agencies in order to increase their allocation and cover their inefficiencies and corruption. The removal of the Chairperson of the Appropriation Committee in the House of Representatives after the 2016 budget and the revelations and accusations made by the former chairman of the committee against the leadership of the House and various committees show the extent of corruption and compromise in the executive-legislature relations in Nigeria. The 2016 budget was alleged to have been padded by both the executive and legislature. In spite of these allegations, no serious investigations were carried out with the view to punishing culprits.

Even when investigations are carried out by committees and gross misconduct uncovered and established, committees have no power to sanction the executive or the defaulting government agency. It can only report its findings and recommendations to the parent chamber for further action. In some instances, committee members are intimidated by the leadership, especially on reports that indicts some top government functionaries. Confirms this assertion:

> In Nigeria, an entire Senate committee probing corruption allegations against President Olusegun Obasanjo and his deputy, Atiku Abubakar, has resigned. Its members said they had been under pressure from Senate leaders. Reports say the committee had recommended severe sanctions against the president and vice president for alleged misuse of public funds. They are accused of taking money from the Petroleum Development Fund (PTDF) for their own use. (The two have parted ways after major policy disagreements. For one thing, they could not agree on a plan to amend the Constitution that would have allowed President Obasanjo to run for a third term.) (Offor 2007).

Similarly, the House of Representatives on the 14th July, 2009 adopted the Report of its Joint Committees of Finance and Appropriation that investigated the allegation of selective implementation of the 2009 Appropriation Act. This was reported in one of the dailies as follows:

> The House of Representatives yesterday frowned at the poor implementation of this year's budget and resolved to invoke the provisions of Section 143 of the 1999 Constitution by moving against President Umar Musa YarAdua if he fails to fully implement the 2009 Appropriation Act (*Leadership*, 15 July, 2009).

In the Report, the Joint Committee objected the claim that there was revenue shortfall, arguing that the exchange rate of Naira to dollar as appropriated was $1: ₦120, but the realities of the market shows that Dollar has appreciated over the Naira. The exchange rate for most of the period in 2009 was $1: ₦145 (*Leadership*, 15 July, 2009). This has been the trend since 1999. In spite of various similar reports, the legislature could not sanction the executive. This shows some of the limitations of the activities of committees in NASS. It also shows the extent of control of legislative leaders by executive. More often than not leaders of the legislature in Nigeria are anointed and/or bought off by the executive, particularly the presidency. This makes it difficult for the legislature to be assertive in its mandate to investigate and control the activities of the executive arm of government.

In some instances, committee reports and recommendations are rejected, regardless of the accuracy of the outcomes of their investigations and recommendations. This often dampens the morale of committee members. This affects the productivity of committees and by implication the legislature as a whole. An anonymous member of the House of Representatives explains how the leadership of the House deferred the Report of the Committee on Power that investigated the alleged corruption by public officers and private companies in the sector. He stresses that:

> We have been called all sorts of names and sincerely I am ashamed to face my constituents. After all the noise about our commitment to the probe and the efforts that followed during the public hearings, the thing was just thrown away like a disused sanitary pad. It is a shame, indeed a shame (*Leadership*, Nigeria 12 July, 2009).

The power sector probe by House committee was believed to have indicted 'big names' both within and outside the corridors power. Indeed, the government was unhappy with the outcome of the investigation. It was alleged that the leadership of the House was prevailed upon to scuttle any attempt to discuss the committee report at the plenary. What is more, the chairman of the Senate and House committees on power and three other members were charged for fraud by a Federal High Court in Abuja which further laid the matter to rest. It was reported that:

> A senator and … three members of the House of Representatives were yesterday slammed with a 156-count charge of fraud and criminal breach of trust before a Federal High Court, Abuja, Senator Nicholas Ugbane, who is chairman Senate committee on power, along with his counterpart Mr. Ndudi Godwin Elumelu… were charged by the EFCC alongside House members Igwe Paulinus and Jibo Mohammed (*Daily Trust,* May 15, 2009).

Indeed, intimidation of committee members who are engaged in one form of investigation or another has become rampant. This is affecting the autonomy and importance of legislative committees in NASS. More often, committee members and clerks that are involved in various investigations become target of intimidation and victimization. In one of the incidences of such intimidation, the Senate committee on poverty alleviation was intimidated to halt its investigations on the funds

allocated to National Poverty Eradication Programme (NAPEP), an agency of the executive. The chairperson of the committee and some of the clerks received threatening text messages urging them not to continue with such investigations. To make these threats real, some of the culprit organised thugs, who booed and sang threatening slogans to the committee chairperson during one of the visits to her constituency.

This is also similar to what had happen to the power probe in the House. In this case, some of the committee clerks had to seek for redeployment to other committees for security reasons. This is because, on daily basis, they were been threatened by anonymous persons, allegedly, government officials, contractors and other private individuals that had benefited in the fraud and responsible for the scandals in the sector (Yagana 2009). To this end, the instrumentality of committees in the National Assembly is greatly impaired. To a very large extent also, chairs and members of various committees accept to share loots with government officers and cover up such in the course of their investigations. The case involving Senator Iyabo Obasanjo-Bello (Chairperson Senate Committee on Health) is a prime example. It was alleged that the officials of the Ministry of Health (Ministers, Permanent Secretary and some Directors) shared the unspent budget money in the Ministry in connivance with Senator Bello. The scandal led to the arrest and trial of two Federal Ministers of Health, Permanent Secretary and Directors of the ministry including the said Senator by the EFCC (Adisa, *Nigerian Tribune*, December 25, 2008).

It is important to also mention that from 1999 to date, disagreement over legislative activities over annual budget and appropriation bill submitted by the executive has remained a perennial source of inter-organ acrimony. The amended 1999 constitution provided that the executive shall prepare and present to the national assembly an annual budget. The purpose of which is to ensure legislative inputs. The input may come inform of addition or subtraction. However, each year from Obasanjo regime to YarAdua to Jonathan and currently Buhari administration, the executive has always alleged that the legislature inflated certain figures and reduced others. Specifically, argument over insertion of constituency projects and unilateral legislative appropriation for the projects without executive authorisation was a major cause of confrontation between president Obasanjo and the national assembly in the early stage of the new democracy. In 2018, the constituency projects funds inserted or inflated by the legislators in the 2017 budget also became a serious source of executive-legislature acrimony. In other instances, the executive accused the legislature of inflating certain heads and reducing others without recourse to the executive. This also remained a major source of inter-organ conflict. To be sure, Late President YarAdua had to reject the 2008 budget after passage on the ground that the legislature increased the capital votes by over 70%. Similarly cases have arisen under the administration of president Buhari. In 2016, the term budget padding was used to capture the inflation of some budget heads. This was deliberately used by the executive organ to spite the legislature in the eyes of the public. Indeed, this put the legislature, especially the speaker of the House of Representatives, on the spot as he had to be defending the actions of the chambers. Indeed, the executive never envisaged a situation in which the legislature would ever add or subtract from any budgets

presented to it. The executive expects a rubber stamp assembly that would only read and approve the annual budget as presented. However, the insistence of the legislature to work within the constitutional power given to it is seen and interpreted as the usurpation of executive power and responsibility.

Conclusion

The executive and legislative arms of government are central to the administration and governance of a state in a democracy. While the former is constitutionally tasked with the responsibility of policy formulation, implementation and evaluation, the latter is specifically empowered by the constitution to make laws and control the activities of the former. The power of investigation conferred on the legislature stems from the philosophy that it is a representative of the people. Thus, as representatives of the electorate, it exercises powers on behalf of the people, which guarantees participatory representative democracy. However, power tussles between the two arms of government and indeed, encroachments of various sorts, particularly from the executive in the affairs of the legislature, has reduced the efficiency of the legislature and to a large extent turned the body into an appendage of the executive. Evidence have shown that from 1999 to date, there have been an entrenched culture of executive dominance. This is largely on the account that the executive arm of government is uncomfortable with the mechanisms provided by the constitution to check its excesses. From 1999 to date, Nigeria's democracy have been troubled by the incessant executive-legislature faceoff and crises of various magnitude. The executive is believed to be corrupt and does everything possible to prevent itself from being investigated and sanctioned by the legislature. The interference of the executive in the choice of legislative leaders is one of the strategies of controlling the legislature. Gratifications to legislative leaders, committee chairs and members have also been ones of the strategies of controlling the legislature. In essence, therefore executive-legislature relations in Nigeria are characterized by tension, animosity, confrontations and large scale corruption. Thus, unless the legislature prove assertive by being internally transparent and prudent, the executive will always have an upper hand in its relations with the former.

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Oiling the Legislature: An Appraisal of the Committee System in Nigeria's National Assembly

Agaptus Nwozor and John Shola Olanrewaju

Introduction

Nigeria is in its own internal fourth wave of democratization which started in 1999. Democratic governance in Nigeria tends to be consolidating even though there are still many rough edges that need to be smoothened. However, appreciable progress has been made judging by the hurdles the country has succeeded in surmounting, namely, successful conduct of elections (five general elections, namely, 1999, 2003, 2007, 2011 and 2015, have been held so far), administration-to-administration transition and party-to-party handover. The legislature has also witnessed some transformations since 1999.

Earlier, the picture of the National Assembly in popular imagination was that of a rubber stamp legislature that unquestioningly pandered to the needs of the executive because as Omotoso (2016, p. 8) asserts, the legislators sacrificed their expected autonomy "on the altar of financial dependency, as it derives all its revenue from the executive arm of government". The seeming rubber stamp nature of the National Assembly in the immediate post-military period was essentially as a result of two interrelated factors, namely, it lacked financial autonomy; and, it was cautious not to be accused of trying to derail the then nascent democracy. However, the National Assembly has changed the narrative as it has entrenched itself and is now financially autonomous. But the financial autonomy being enjoyed by the National Assembly has also created concerns of profligacy, considering that the National Assembly's budget rose from ₦2.204 billion in 1999 (covering July to December) to ₦154.2 billion in 2010 and slightly dropped to ₦139.5 billion in 2018.

The relevance of legislative assemblies in modern democratic system is the seeming impracticability of recreating the ancient Greek model of assembling the

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*,
Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_10

entire population to deliberate on important common issues. In other words, contemporary legislatures represent a compromise between the assemblage of everybody, with the attendant confusion and danger of degeneration to mobocracy, and the control of government by a select few with the risk of oligarchy. It is this compromise that confers on the legislature the traditional four-fold tasks of being an agency of representation, lawmaking, oversight of the activities of other arms of government, not just the executive and constituency service (Barkan 2009). As has been pointed out by Lü et al. (2018, p. 7), "serving in the legislature provides a unique opportunity for individuals to access the inner circle of political power, where they can participate in key policy debates and network with other important political actors".

The sheer impossibility of discharging its broad legislative mandates in the plenary sessions informed the adoption of committee system by legislatures, that is, the breaking up of the legislature into manageable groups for the purpose of detailed treatment of issues within their competence (Igwe 2002). The role of committees has been variously recognized: while Woodrow Wilson described legislative committees as the "workshop of American Congress", Shaw called them the "workhorses of legislatures" (cited in Olson 2015). As a matter of fact, no bill can ever transform to a legislation without passing through one form of committee process or another. Thus, there is no doubt about the utilitarian value of committees in modern legislatures.

Committees are the engine of legislative excellence, more like kitchens where the raw ingredients of good governance are processed and packaged for the consumption of the legislature. In other words, committees exist to enhance the efficiency of the legislature in terms of enabling it to concurrently perform numerous important functions that otherwise might not be attended to; providing an informal collegial environment that facilitates interparty compromises on small matters and adds to technical improvements of legislations and creating platforms for public hearings which allow the general public to participate in lawmaking processes (National Democratic Institute for International Affairs 1996; Clark et al. 2006; Fashagba 2009a; Olson 2015). Sections 4(2-3); 48-49; 88 of the Nigerian Constitution confer on the National Assembly the powers to: make laws for the peace, order and good governance of the federation with respect to any matter included in both the exclusive and concurrent legislative lists; represent Nigerians on the basis of senatorial districts and federal constituencies; and, carry out oversight functions (The Constitution of the Federal Republic of Nigeria 1999).

Nigeria's National Assembly uses committee system in the discharge of its legislative mandate. But the committee system and the powers attached to it have followed, not only the path of clientelist politics but is also routinely deployed to the pursuit of rents and patronage (Lewis 2010; Baba 2011). The leaderships of the National Assembly use the committee system to set up intricate web of patronage system to ensure regime survival. For instance, after the removal of the former Speaker of the House of Representatives (HoR), Honorable (Mrs) Patricia Etteh, her successor, Hon. Dimeji Bankole, created additional 12 new House committees. Not only was this administrative expansion of committees to compensate those who

sustained the fight that removed Etteh and, thus, paved the way for him, it was part of Bankole's strategies to consolidate his position in the face of the leadership crisis that had characterized the National Assembly (Baba 2011). Expertise and cognate experience play very fringe roles in determining leadership and membership of committees; what appears to form the bedrock of criteria are loyalty and party affiliation. Thus, committees have been turned into milk cows, thereby deepening corruption in the polity (Sha 2008; Alabi and Fashagba 2010).

This chapter examines Nigeria's legislative experience within the context of its committee system, paying particular attention to the effectiveness and contributions of legislative committees to the overall efficiency of Nigeria's National Assembly between 1999 and 2018. The chapter evaluates the modus operandi of Nigeria's legislative committee system, especially the extent to which its core mandates have been actualized and posits that despite the political manipulations of committees by successive National Assembly leaderships and the contention that leadership and membership of committees have been mainstreamed into the patronage system to reward and sustain loyalty, their original relevance has not been eroded. As a matter of fact, their competencies have cumulatively expanded since 1999 and this has helped to position the National Assembly for greater efficiency in its overall operations.

Legislative Committee Systems in Comparative Perspective

The legislature plays very important role in modern governance. Across political systems, the legislature has evolved over time to become the engine house of governments saddled with the tasks of making laws, overseeing the implementation of such laws and representing the people generally (Clark et al. 2006). The representative nature of modern legislatures derives from three related factors, namely, the delimitation of the polity into constituencies; the representation of these constituencies by elected officials on the platform of people's electoral choices; and the symbolization of the legislature as the mirror of the polity because it has the largest number of elected officials.

The representative nature of the legislature bestows upon it the ideal task of ensuring that governance is directed at meeting the expectations of the people. As Akanle (2011, p. 110) has opined, "to be an effective organ, the legislature must appreciate the enormity of its tasks, imbibe a culture of service to the public, constantly evaluate governance processes within the frameworks of expected democratic criteria and make necessary contributions". The use of committee system is the response of the legislature in meeting the twin challenges of effective representation and staying on top of issues in the face of increasing complexities of governance.

The global emphasis on democratization has opened up a number of countries and led to the institutionalization of democratic ethos. At the core of this change is the re-evaluation of the role of the legislature in democracy. There is no agreement

as to the exact origin of the legislature in governments, but it is less difficult to historicize the origin and processes of the legislature in individual countries. Beyme von (2000) traces European Parliamentary democracy to the twentieth century with maturation for most countries periodized after 1918. Scholars have identified four epochs in the democratization of regimes namely, the democratization of parliamentary regimes which took place from the end of the nineteenth century to the end of the First World War; the reconsolidation of parliamentary democracy after the Second World War; the third wave of democratization in the 1970s in southern Europe; and the fourth wave in Eastern Europe and most of the Third World after 1989 (Radu 2011).

Apart from sovereign states, regional and continental organizations also have legislatures, which serve as the fulcrum of their governance structures. It is estimated that about 150 countries have various forms of legislatures in place (Radu 2011). There is no uniformity in the composition and powers of the legislature across democratic systems. Scholars have identified several parameters that distinguish legislatures. Mezey (1979) distinguishes legislatures in terms of their policy-making powers and characterizes them as active, reactive and minimal legislatures. In a similar vein, Nelson Polsby identified two types of legislatures, namely arena and transformative legislatures (cited Ornstein 1992). While arena legislatures are formalized fora that enable the discussion of ideas and policies, transformative legislatures are preoccupied with actively translating ideas into laws (Ornstein 1992). Whether a legislature is considered arena or transformative is dependent on the degree of openness of the political system or the type of regime in power. Scholars have also identified another form of legislature as authoritarian or rubber stamp. Legislatures that are characterized as authoritarian or rubber stamp are considered weak and conformist and merely exist for the purpose of legitimizing the policies and laws made by the ruling elite (Ornstein 1992; Barkan 2005; Truex 2014; Lü et al. 2018).

The essence of these dichotomizations is to identify the locus of legislative power in the polity, especially in terms of such factors as the actors that initiate bills that eventually become laws, the powers which the legislature exerts in policy-making and the level of elite and popular support to the legislatures (Baba 2011). While the US Congress approximates the active and transformative legislature because of the elite and mass support it enjoys, the British Parliament and French National Assembly exhibit the characteristics of arena and reactive legislatures, considering that they react to what their governments bring forward. The Russian Soviet and Chinese National People's Congress are examples of rubber stamp legislature. Minimal legislatures are found in one-party states (Radu 2011). A seeming characteristic of authoritarian or rubber stamp legislatures is the overall influence of the party. As emphasized by Truex (2014) and Lü et al. (2018), authoritarian legislatures are considered rubber stamps because delegates represent primarily the interests of their constituents and depend on their support for political survival in reelections. Interestingly, the de facto constituents are not necessarily the ordinary citizens they supposedly represent but the ruling elites whose preferences are favored by the selection process.

The relevance of committees in the legislatures is located in their utilitarian value in assisting the legislators to manage the demands of modern governance as well as in simplifying legislative duties. As has been noted by Norton (2013, p. 4), "the legislatures exhibiting the greatest capacity to determine policy outcomes have highly developed committee structures". Committees are essential features of major governmental systems and their variants stand as evidence of their specialization as well as capacity to determine policy outcomes (Radu 2011; Norton 2013; Olson 2015). Both the US Congress and the British Parliament perform their legislative duties through the instrumentality of committees. In addition to committees, the legislatures have built a massive network of personnel to assist them in the discharge of their legislative mandate. As Baba (2011, p. 92) observes,

> Legislators seek to professionalize the legislature and advance their career prospects by demanding for more legislative staff, which not only benefits legislative leaders in their quest for equal standing with the executive, but also works to the advantage of individual legislators by giving them resources to improve their re-election bids and to become more assertive in policy-making process.

An important trend in the evolution of committees across governmental types is the responsiveness of the legislatures to new challenges in governance. Apart from standing committees, the legislatures have instituted sub and ad-hoc committees to address emerging issues. The 535-member US Congress as at the 108th Congress (2003–2005) had a total of 36 standing committees broken into 19 for the House and 17 for the Senate with over 150 subcommittees and 25,000 employees to tackle its workload (Radu 2011).

The British Parliament is amongst the top well-developed and entrenched legislatures in the world. As a result of its long existence, the British Parliament has well-established parliamentary rules and procedures (Norton 2013). The British House of Commons utilizes standing committees in the consideration of bills. As Radu (2011) has pointed out, the British House of Commons benefits from a high degree of complex organizational system, with universal rules and well-established procedures. Although committees are relevant in parliamentary systems, they are more so in presidential systems due to the dominant role that political parties play in policy-making (Shaw 1990; Olson and Mezey 1991).

In a study of the legislatures of seven post-communist states, namely, the Czech Republic, Hungary, Moldova, Poland, Russia, Slovenia, and Ukraine, Khmelko (2011, p. 194) contends,

> Incorporating chamber leadership, PPGs [parliamentary party groups], and committees into a decentralized multi-party legislature has been one of the main challenges for post-communist legislatures. The process of transforming a highly centralized, top down, one party political process of a communist state to a democratic one with majority rule and protected opposition rights involved changes to the power of communist parties in all parliaments of the region.

Post-communist legislatures also use committees to discharge their tasks (Clark et al. 2006). But these committees do not exactly wield powers as in parliamentary or presidential systems owing to their antecedents. Underscoring these antecedents, Khmelko (2011, p. 206) avers,

> Under the communist regime, the decision-making process was highly centralised. Soviet-type standing commissions had both formal and informal means of dealing with governmental officials. Formal means included the right to subpoena documents and officials and to create commissions of investigation and audit. Informal methods included 'co-opting' politically reliable members of the bureaucracy into those commissions.

The entrenchment of committee system in the legislatures of these post-communist countries is evolving. The scenario in the second decade of post-communism is markedly different from the first decade. By the end of the second decade, the parliaments of such countries as the Czech Republic, Hungary, Moldova, Poland, Russia, Slovenia, and Ukraine had a collegial parliamentary leadership council with the responsibility to set agenda, prioritize and schedule legislative activities (Khmelko 2011; Ilonszki and Olson 2012). In addition to this body, these parliaments have committees, although they wield limited powers. For instance, the Ukraine's national parliament, the Verkhovna Rada, has evolved from weak legislative body to a more complex and powerful institution with the establishment of an effective standing committee system (Wise and Brown 1996; Khmelko 2011). Despite the limitations imposed on the initiating powers of these committees by the Ukrainian Constitution of 1996, they have continued to be influential in terms of playing active role during the three stages of the legislative process from the draft bills to the first, second and final (third) readings (Khmelko et al. 2010).

Like the dominant and established legislatures, post-communist parliaments use both standing and ad-hoc committees to discharge their parliamentary duties. Most post-communist states operate committee system based on established criteria: Russian and Lithuanian laws stipulate the number of committees for their parliaments, although there is a proviso for changes to this number; in Hungary, the system of standing committees is a product of consensus by the parliamentary party group; and, in Moldova and Ukraine, the parliaments establish committees for the term and vote on the list of chairs and membership at the beginning of each term (Clark et al. 2006; Khmelko et al. 2010).

Nigeria's Legislative Experience: Differentiating Parliamentary and Presidential Systems

Ideally, what differentiates legislatures across the broad spectrum of political systems is not only the name attached to them, but also the manner in which they perform their duties and the procedures they deploy in undertaking their core tasks. For instance, the term "parliament" is usually associated with British system of parliamentary government; the United States names its legislature the "Congress"; Israel calls its legislative arm the "Knesset or Knesseth"; "Duma" is the name associated with the legislative assembly of Russia and some former countries of the Communist bloc and Nigeria's legislative body is known as the "National Assembly".

In actuality, whatever name that is attached to a national legislative assembly does not detract from its responsibilities and importance as an indispensable

component of the national government. According to Barkan (2009, p. 1), legislatures bear the responsibility of extracting both vertical and horizontal accountability from the rulers for the ruled. In other words, legislatures undertake the task of bridging the gap between the ruler and the ruled through the performance of certain core functions namely, particularistic representation of the people based on constituencies, engagement in the enactment of legislations, performance of oversight functions, and rendering of constituency services (Barkan 2009; Fashagba 2009b).

Despite the portrayal of national legislatures as ideal symbols of representation, they, however, differ in terms of the role, which the political system allows them to play. Alan Rosenthal identified changing trends such as the professionalization of legislative activities, increasing politicization of legislative behavior and process; fragmentation of legislative institutions and hostile operating environment as also underpinning the differences in legislatures (cited in Moncrief et al. 1996). However, at the core of what differentiates legislatures are the historical, cultural and ideological traditions of a state.

Nigeria's legislative experience started with parliamentarianism, which was inherited from the British colonial system. Apart from the British-supervised general elections of 1959, which produced the immediate post-independence government, Nigeria's ruling elite were unable to supervise a free and fair election subsequently. For instance, the 1964 general elections created crises of monumental proportions across the country that eventually sounded the death knell of Nigeria's democratic experiment in parliamentarianism. Apart from the initial boycott of the elections in several parts of the country, especially in the Eastern Region, artificial crises were created and fanned, which later led to the arrest, prosecution and conviction of Chief Obafemi Awolowo (Jakande 1983; Oduguwa 2012). In addition to the intolerance of opposition by the ruling elite, there was brazen manipulation of the political process for partisan and parochial reasons as well as suffocation of ethnic minorities (Ikpe 2000; Elaigwu 2011). All these provided the fodder that fed the military coup d'état of January 15, 1966 and the death of parliamentarianism in Nigeria (Ademoyega 1981).

Presidentialism was introduced into Nigeria's political system in the second republic (1979–1983). Since then, Nigeria has continued with it. There are several differences between parliamentarianism and presidentialism. On top of the list is the concept of the supremacy of parliament. This concept is an abridgement of the theory of separation of powers. The supremacy of parliament is a component of cabinet parliamentary system and implies a number of things such as: one, that parliament can legislate on any matter which it pleases; two, an act of parliament cannot be overruled or repealed except by parliament itself; and three, the power exercised by the Prime Minister or any other person is delegated to them. Price (1975) has argued that the supremacy of parliament is becoming more and more illusory owing to the influence of the Prime Minister on his/her majority supporters in parliament and ability to advise the Queen to dissolve parliament. In presidential system, none of the three arms of government is expected to be superior as they are coordinate and interdependent. In theory, the legislature operates within the confines

of separation of powers and acts as a check on the excesses of the other arms but in practice, the influence of the president and the party attempts to obfuscate this division.

While the continued exercise of governmental authority in parliamentary system is entirely dependent on parliamentary confidence, such confidence is unnecessary in presidential system as the legislature is empowered constitutionally to remove the president through impeachment after exhausting laid down procedures. In parliamentary system, if a government encounters confidence crisis, its popularity must be tested in the polls through a general elections (Needham 2009; Barrington et al. 2010). Thus, there is no security of tenure in parliamentary system, as the timing of elections is flexible and dependent on the leader of the majority party or coalition of parties (Needham 2009). In presidential system, the tenure of the legislature is fixed and inviolable.

Adjunct to the necessity of confidence in sustaining regimes in parliamentarianism, parliamentarians play additional and conflicting roles: they balance their role of representation with the duty to sustain the executive in office (Needham 2009). Although party loyalty in presidential system entails support for the government and its programmes by legislators, the failure of government does not affect them directly, at least till the next election. Again, the difference in the bicameralism of parliamentary and presidential systems is that the second chamber, in the case of parliamentary system, is peopled with appointed personages of high ranks. The implication is that the appointed chamber tends to be weaker because of its lack of democratic legitimacy (Needham 2009). But in presidential system, memberships of both chambers of the legislative assembly are derived from elections.

There does not appear to be any difference in the core reasons that underpin committee system in both parliamentary and presidential systems of government. The difference lies more in the extant legislative rules about the upper limits in terms of number of committees, membership, life span and powers. Both the parliamentary and presidential systems operate extensive committee system differentiated in terms of types of committees; that is whether it is: standing, standing joint, legislative, special, special joint and subcommittees.

The Committee System in the Milieu of Nigeria's Legislative Politics

The committee system is an organizing strategy of the legislature to keep itself abreast with the tasks of legislation and governance. The increasing expansion of modern governments as well as their sophistication demands a composite deployment of necessary expertise to address governance issues. Committee system is the institutionalized policy of dividing legislative assembly into smaller groups both for the purpose of effectiveness and for appropriating the expertise of members in the examination of issues under the purview and competence of the legislatures.

In contemporary setting, a significant part of legislative work is now conducted in committees rather than in the parent chamber (Yamamoto 2007; Olson 2015). Committees afford the legislature a bouquet of advantages namely, opportunity for a more detailed examination of issues; development of specific expertise by members of the committees, facilitation of timeous performance of the diverse aspects of its work; expert handling of issues and broad-based consultation of stakeholders and other vested interest groups on issues.

Every legislature evolves its own committee system, taking into account the peculiarities of its internal socio-economic and political dynamics. Essentially, certain guidelines appear to inform and shape the formation of committees. Igwe (2002, p. 75) avers that "committees are of different but related types, differentiated according to, among others, their duration, such as ad hoc, standing, sessional, and annual committees". No matter the nature of committees set up by the legislature, they essentially act as "a filtering device and a legislative stethoscope by which policy proposal and other related activities are not only scrutinized but also utilized to access (sic) the desirability, feasibility, sustainability, and healthiness of governmental policies" (Fashagba 2009a, p. 429–430).

Apart from the constituency services and representative functions of the legislators, the aspects where the committee system has proved indispensable are in making legislations and exercising oversight functions on ministries, extra-ministerial departments and agencies (MDAs). Both the Nigerian Senate and the HoR have committees on all the institutions of government. Oversight requirements confer on committees a legal ground to assess the operations of various governmental institutions. Thus, oversight is the actual exercise of surveillance powers by the legislature through legislative committees to ensure that all governmental activities are carried out as stipulated in the laws (Fashagba 2009b; Kazeem 2013). Table 1 below summarizes the key objectives as well as the strategies that legislative committees often deploy to actualize the oversight mandate of the National Assembly.

Although oversight functions are designed to further the mandate of the legislature, especially in ensuring the accountability of the government to the people, they have been strategically converted to a platform for neo-patrimonialism. In other words, members of legislative committees, by virtue, of their privileged relationship with these governmental offices created a complex web of patronage system (Lewis 2009). This relationship is what underpins the corruption-related cases linked to the National Assembly. Figure 1 below presents a diagrammatic illustration of the key functions of legislative committees in the National Assembly

Nigeria's National Assembly has constitutional authority over public funds, in terms of budgeting them for national expenditure, and ensuring that they are utilized as contained in the budget and as approved by it (see Sections 80 and 81, The Constitution of the Federal Republic of Nigeria 1999). It is in this respect that legislative committees have been quite active. The mindset of an average member of Nigeria's ruling elite is that government is a route to personal wealth. For this reason, therefore, running for elections in the country is akin to going to battle as no stone is left unturned by contestants to achieve electoral victory. Thus, political competition in Nigeria is more or less a grim battle, a do-or-die affair in which win-

Table 1 Nature of oversight functions of the national assembly

Instrument of oversight functions	Key objectives of oversight functions	Strategies for achieving oversight benchmarks
Various committees of the National Assembly	• Ascertain that executive policies reflect public interest • Ensure executive compliance with the law • Improve the efficiency, economy, and effectiveness of governmental operations • Detect and prevent poor administration, waste, abuse, arbitrariness, illegal and unconstitutional conduct • Protect the rights of citizens • Collate necessary information to be used in enlightening both the government and the public • Evaluate the execution and performance of the National Budget	• Committee inquiries and investigative hearings • Physical site or location visits • reviewing or confirming executive appointments • questioning senior government officials (including ministers) • Commissioning independent studies; • Information-sharing with relevant national and international non-governmental organizations

Source: Extracted from various sources (NDI (National Democratic Institute for International Affairs) 1996; Fashagba 2009a, b; Kazeem 2013; Nwagwu 2014)

Source: Various National Assembly documents

Fig. 1 Key tasks of the legislative committees in Nigeria's National Assembly

ning is all important (Ake 1981; Owen and Usman 2015). Thus, getting elected into the National Assembly appears to be the first step in the chain of the accumulation process. What facilitates access to the national pie is the membership of committees. Table 2 captures the nature and attributes of the committee system operational in Nigeria's National Assembly.

The relevance of legislative committees in the accumulation process is underlined by the inter-party rivalries and alliances in the distribution of their memberships. In allocating membership and leadership positions, considerations are paid to loyalists, returning members, political party lines and geopolitical divides. The need for the accommodation of diverse interests as well as the compensation of supporters has led the leaderships of Nigeria's National Assembly to constantly expand the number of committees. In expanding the number of their committees, the leaderships of the National Assembly operated within the ambit of their constitutional rights to set up as many committees as are necessary to carry out their functions (see Section 62, The Constitution of the Federal Republic of Nigeria 1999). The committees perform oversight functions with regard to their designated areas of jurisdiction.

In the Second Republic, the inability of the National Party of Nigeria (NPN) to garner the majority in the National Assembly led to an understanding between it and the Nigerian People's Party (NPP). The outcome of that understanding was the retention of the office of Senate President by the NPN and the ceding of the post of Speaker to the NPP. This understanding also reflected in the composition of committees in both chambers. The achievement of majority in both chambers of the

Table 2 Nature and attributes of Nigeria's Committee System

Key indicator	Attribute
Number of committees	Not fixed or static. Section 62(1) of the 1999 Nigerian Constitution, as amended empowers the National Assembly to set up as many committees as will ensure optimal functionality. The number of committees varies from one legislative assembly to another
Jurisdiction of committees	Fixed and as outlined by their terms of reference
Tenure of committees	Discretionary. The committees can be reconstituted without prior notice
Chairmanship	Based on party affiliation, personal influence and connection and seniority
Membership	The constitution grants the National Assembly the powers to determine membership strength of committees and terms of office in Section 62(2). However, the composition of committees usually reflects the relative strengths of the different parties represented in the full legislature
Scope of activity	Legislation, administrative reviews and investigations/oversight functions
Relevance/place in the stages of legislative procedure	Initial stage; committee stage & bill referrals

Source: Reconstructed from various documents of the National Assembly

National Assembly by the PDP between 1999 and 2015 reconfigured the nature of political permutations. The basis of alliance shifted from forging party-based coalitions to achieve majoritarian status to the individualization of alliances by contestants to achieve ascendance to principal offices in the National Assembly. This individualization of alliances first started with the "capturing" of the chieftains and stalwarts within the party, especially the presidency by contestants and making them adopt them as sole candidates. Thus, in 1999, the presidency and the party projected the duo of Senator Evan Enwerem and Hon. Salisu Ibrahim Buhari, for the headship of the Senate and the HoR respectively. Both of them won but were soon swept away by scandals; for Buhari, he resigned after a media accusation of falsification of age and educational qualification was proved. And for Enwerem, he was impeached on the grounds of unanswered questions surrounding his integrity as well as accusations of gross incompetence. The political tinkering, which was aimed at securing the independence of the senate through the election of Senator Chuba Okadigbo fell flat as the presidency instigated and supervised his downfall.

Most of the scandals involving the National Assembly originated from the operations of its committees. For instance, in 2003, the former Federal Capital Territory Minister, Mallam Nasir el-Rufai accused some senators of demanding ₦54 million to clear him for a ministerial position. Also, the Senate Committee on National Communications Commission (NCC) was dissolved by the Senate President for corruption (Ayorinde 2012). In the same vein, the House Committee on Capital Market was embroiled in scandal involving "allegations of bribery, conflict of interests and bias" in the conduct of its oversight functions (Ayorinde 2012). Allegations of financial misdeeds and bribery scandal cost the then senate president, Adolphus Wabara his position in April 2005. The list is legion. Often, the underlying motives for such exposés were not so much a manifestation of the determination of the administration to stamp out corruption than as a strategy to overcome the National Assembly and convert it to a rubber stamp entity of the executive. As observed by Lewis (2009, p. 193), "from the outset of the Fourth Republic, legislators seemed intent on asserting their prerogatives and resisting the arbitrary dominance of the president". But the tremendous resources at the disposal of the presidency made fighting it a lost battle. This was because even the patronages which flowed from committee-involvement of legislators were regulated by the executive.

The Nigerian legislature has served as a major channel of political recruitment and leadership development as well as a reserve bench that recycles leaders and ensures their continued relevance in the polity (Ihedioha 2012). Thus, some members of Nigeria's National Assembly are there to remain in the front row of political relevance. In order words, they got into the National Assembly because of the absence of certain kinds of opportunities in the patronage system. Thus, the National Assembly serves as a stop-gap measure for most of them, either before ascending to executive positions or after serving at the executive level. Table 3 captures the variants of committees in the National Assembly.

The committee system and the composition of its membership are at the heart of legislative politics in Nigeria. The successive leaderships of the National Assembly have used the composition of committees as their own stick and carrot strategy to

Table 3 Types and nature of committees in Nigeria's National Assembly

Type	Nature of committee
Statutory committees	These are committees provided for in the Constitution. An example is the Joint Finance Committee stipulated in section 62(3) of the Nigerian Constitution
Standing committees	These are committees appointed by the National Assembly to aid it in its day-to-day functions. Standing committees operate according to their terms of reference and perform all their functions on behalf of the National Assembly
Ad hoc committees	They are set up for specific purposes and for a specified duration. The completion of their designated tasks may bring it to an end
Joint committees	There are two variants of joint committees. They could be committees established to harmonize the divergent positions of both chambers on bills. Under this scenario, they could be either a combination of two or more similar committees from the two chambers. The second variant is the combination of similar committees from one Chamber to deal with issues that fall within their jurisdictions
Subcommittees	These are specialized committees set up to perform some special tasks that may not be under the purview of a committee or to take a load off a standing committee
Conference committee	This is a kind of special committee convened to resolve differences in the wording of a bill if the two chambers are in disagreement on specific provisions in a bill. The conference committee consists of members of both chambers appointed by their principals
Committee of the Whole	This is the conversion of the legislature into a committee. It dispenses with its rigid rules as it operates like any other committee and under an elected chairman different from the Speaker or the Senate President

Source: Various National Assembly documents

beat legislators into line. Within the elite circles, all ministries and governmental agencies are not equal in their capacity as sources of accumulation; certain ministries and agencies are regarded as more lucrative than others based on their budgetary allocations and their ability to generate income. So, very loyal members, and others who are strategically important in sustaining the administrations of the chambers, are compensated with multiple membership of these committees. Lewis (2009) observes that while few legislators in the fourth and fifth legislative assemblies—1999–2003 and 2003–2007 respectively belonged to more than two committees, many legislators in the sixth legislative assembly—2007–2011) were involved in as many as a dozen committees. This was possible because the leaderships of both chambers created more committees. Interestingly, the expansion of committees has served the useful purpose of creating stability in the National Assembly as feelings of marginalization due to non-appointment to leadership positions in the committees have been greatly assuaged. This trend appeared to have started with Dimeji Bankole, who on assumption of office as Speaker after the ousting of Patricia Etteh, created additional 12 new House committees to cater for the masterminds of the impeachment of Etteh. Subsequently, leaderships of the National Assembly have been using this strategy to cater to the varied power constituencies in the National Assembly and, thus, cling to

power. The number of committees has made it possible for every senator to be either a committee chairman or vice-chairman and for every other House member to be the same (Erunke and Ndiribe 2013).

The Committee System in Nigeria's Legislature: An Appraisal

Nigeria's legislative assembly, known as the National Assembly, is a creation of the 1999 Constitution and serves as the second arm of government; the executive and judiciary complete the tripodal structure of the presidential system of government which is operational in the country. It is bicameral in nature as it is divided into two chambers—the Senate and the HoR. Membership of these chambers is on representative basis through an election. The criteria for the determination of how a state is represented in the HoR are based on population and land mass, but for the Senate, representation is based on the principle of equality of all states (Sections 47-49, The Constitution of the Federal Republic of Nigeria 1999). In the delimitation of constituencies, the purity of states is emphasized. Section 49 of the 1999 Nigerian Constitution, as amended, provides inter alia that "no constituency shall fall within more than one state". Therefore, the 109 membership of the Nigerian senate is drawn equally from the 36 states of the country. Each state is roughly divided into three districts with the Federal Capital Territory (FCT) represented as a monolith.

The HoR, on the other hand, consists of "three hundred and sixty members representing constituencies of nearly equal population as far as possible" (Section 49, The Constitution of the Federal Republic of Nigeria 1999). The delineation of constituencies is not a closed matter. The Independent National Electoral Commission (INEC) is mandated by the Constitution to review the division of states and the federation into senatorial districts and federal constituencies at intervals of not less than ten years (Section 73, The Constitution of the Federal Republic of Nigeria 1999). This provision coincides with 10-year constitutional requirement for the review of national population figures through a census.

But despite the recognition of population distribution as basis for dividing constituencies, there is a widespread disparity in the population composition of constituencies. It is unclear what the effect of this disparity is, especially in the composition of committees and whether it is considered by the leaderships of the National Assembly in drafting members into multiple committees. But, it appears that membership of multiple committees is a product of the perception of the utilitarian value of individual legislators as well as their lobbying prowess rather than as a tool to correct the disproportionateness in population distribution among constituencies.

Since Nigeria's independence, the country has witnessed punctuated democratic governance as a result of military interventions. Thus, each epoch of democratic governance is designated a republic: first republic was 1960–1966; second republic spanned from 1979 to 1983; the third republic coincided with the ill-fated democratic

transition of General Babangida and lasted from 1992 to 1993. Currently, Nigeria is in its fourth republic which started in 1999. In the same vein, a chronological order has been developed to differentiate legislative assemblies. The first, second and third legislative assemblies coincided with the first three republics. The fourth legislative assembly coincided with the fourth republic that started in 1999. However, from 2003 upwards, legislative assemblies have coincided with constitutionally guaranteed four-year tenures, see Fig. 2.

Committee system is recognized by section 62 of the Nigerian Constitution. As has already been noted, the major reason for setting committees as integral part of the National Assembly is to facilitate the work of the legislature. The constitution recognizes that certain aspects of lawmaking and other statutory functions of the National Assembly could be best enhanced by committees. This is particularly so because of the intricacies of lawmaking, especially the meticulous examinations required to sift through its provisions. Such meticulous scrutiny is impossible in the plenary sessions. Thus, the functions of committees revolve around smoothening rough edges in the legislature's capacity to carry out its mandate.

Since 1999, both chambers of the National Assembly have used committees to discharge their duties. Chibudom Nwuche, former Deputy Speaker of Nigeria's HoR (1999–2003), captured the essentiality of committees in the effective operations of legislative bodies when he pointed out that committees:

1. can provide a forum for public participation in legislative process;
2. serve as a source of expertise outside the executive;
3. offer platforms for less partisan, more solution-oriented discussions;
4. receive and consider referrals in plenary sessions (Referrals refer to the assignment of legislative items such as a bill, a petition, screening exercise, request for opinion, or an enquiry to specific committees for further in-depth consideration);
5. present committee reports and defend same in plenary sessions (House of Representatives 2015).

The number of committees has been on the increase since the inception of the National Assembly in 1999. It is difficult to pinpoint the specific number of committees set up by each of the two chambers of the National Assembly during the

Legislative Assemblies							
First Legislative Assembly (1960-1966)	Second Legislative Assembly (1979-1983)	Third Legislative Assembly (1992-1993)	Fourth Legislative Assembly (1999-2003)	Fifth Legislative Assembly (2003-2007	Sixth Legislative Assembly (2007-2011)	Seventh Legislative Assembly (2011-2015	Eight Legislative Assembly (2015-2019)

Fig. 2 Periodization of legislative assemblies in Nigeria

Table 4 Legislative assemblies and committee strength since 1999

Legislative assembly	Leadership	Period	Committee strength[a]
Fourth legislative assembly	Senate 1. Evan Enwerem (3 June–18 November 1999) 2. Chuba Okadigbo (18 November 1999–8 August 2000) 3. Anyim Pius Anyim (8 August 2000–29 May 2003)	1999–2003	Senate The committee composition is as follows • 1999–2003—39 committees • 2003–2007—63 committees • 2007–2011—54 committees • 2011–2015—56 committees • 2015–2019—68 committees HoR The breakdown is as follows • 1999–2003—45 committees[b] • 2003–2007—72 committees • 2007–2011—85 committees • 2011–2015—80 committees • 2015–2019—96 committees
	HoR 1. Salisu Buhari (3 June–21 July 1999) 2. Ghali Umar Na'Abba (21 July 1999–29 May 2003)		
Fifth legislative assembly	Senate 1. Adolphus Wabara (June 2003–April 2005) 2. Ken Nnamani (April 2005–29 May 2007)	2003–2007	
	HoR: Aminu Bello Masari (2003–2007)		
Sixth legislative assembly	Senate David Mark (2007–2011)	2007–2011	
	HoR 1. Patricia Etteh (6 June 2007–30 October 2007) 2. Dimeji Bankole (2007–2011)		
Seventh legislative assembly	Senate David Mark (2011–2015)	2011–2015	
	HoR Aminu Waziri Tambuwal (2011–2015)		
Eight legislative assembly	Senate Bukola Sariki	2015–2018	
	HoR Yakubu Dogara		

Culled from various sources by the Authors

[a]As result of periodic dissolution and reconstitution of committees by National Assembly leaderships, there is no uniformity in the number of committees in the literature, including National Assembly documents, across the legislative assemblies. We have, therefore, provided averages where there are wide disparities

[b]Initially, the HoR set up 37 committees with 3 select committees. This later expanded. Thus, the number for each legislative assembly represents the last count as at the time of winding up the assembly

various legislative assemblies. This is so because these expansions regularly occurred to cater for emerging needs as interpreted by the leaderships of the legislature. Table 4 below provides information on the leadership turnover in the National Assembly as well as the committee strength at various periods. There was

seeming instability in the leadership cadre of the National Assembly, especially in the Senate during the fourth and fifth legislative assemblies. However, there has been stability in the leadership of both chambers since 2011.

The expansion in the number of committees is anchored on several rationales. The first rationale was the need to deal with the increasing complexity of modern governance, which necessitated creating specific committees to enable the National Assembly develop capacity to deal with all governance issues. The second was informed by the unwieldiness of some existing committees and the imperative of splitting them to ensure more effectiveness. As Yakubu Dogara, Speaker of the HoR between 2015 and 2019, pointed out during the first session of the 8th Assembly, "experience gained from the operation of Committees since 1999, shows that some Committees' functions and mandates are very wide indeed and cannot be effectively supervised and oversighted by a single Committee" (House of Representatives 2015, p. 457). The third rationale was to minimize frictions and gridlocks that might occur amongst committee leaderships due to overlapping mandates. And the fourth rationale was to "meet the exigencies of the moment and in response to the demand of some of our development partners for better oversight of funds that are being raised for a particular sector" (House of Representatives 2015, p. 458).

Despite the rationalizations for the expansion in the number of committees in the National Assembly, critics argue that the overriding motive is to fuel the patronage system and satiate the web of prebendalistic yearnings of Nigeria's political class. The observations of Ayorinde (2012, np) are instructive, "…most members of the committee[s] see the power to carry out oversight functions as a way of making easy money. This usually provokes scrambling for membership of committees deemed 'juicy' whenever the leadership of any of the chambers decides to constitute or re-constitute the committees".

A major contribution of committees is their stopgap relevance. The National Assembly has been accused of not sitting up to the stipulated 181 days in a legislative year. It has been argued that the inability of the National Assembly to utilize the constitutionally stipulated 181 days has had the effect of backpedalling debates on some significant legislations and thus undermining their general productivity (Jimoh 2015). However, the committees have filled this gap as they continually work outside the plenary sessions.

The National Assembly has come a long way from the inception of the fourth republic in 1999 when it started from the basics and faced daunting teething problems. At that incipient period, the National Assembly faced a motley of huge challenges consisting of:

1. huge human capacity gap due to near absence of trained and professional staff;
2. inexperienced and inadequately prepared legislators;
3. infrastructural challenges, especially dearth of parliamentary facilities;
4. poor public perception of the relevance of the legislative arm in the democratic structure;
5. overbearing and intimidating influence of the executive arm (Aiyede 2013).

A major initial key challenge that undermined the capacity of the National Assembly to deal with these challenges was the running battle it had with the executive. Most of these challenges have been surmounted. The National Assembly has demonstrated that it is its "own man" judging by its resistance to executive interference, especially in choosing its leaders. The National Assembly has taken critical steps to strengthening its operations such as:

1. establishing the National Assembly Service Commission to deal directly with its human resource needs,
2. achieving financial autonomy by drawing its allocated funds directly from the Consolidated Revenue Fund of the Federation;
3. strengthening its budgetary and oversight capacity by building the capacity of legislators and legislative staff through the Policy Analysis and Research Project (PARP) in conjunction with the Africa Capacity Building Foundation (Aiyede 2013).

In addition, the HoR was able to assert its autonomy by impeaching and replacing Patricia Etteh with Dimeji Bankole as the speaker in 2007 and subsequently ignoring zoning of principal offices by the party and the executive. Thus, since 2007, the National Assembly has progressively consolidated its autonomy, judging by the manner in which speakers and senate presidents subsequently emerged as well as the stability of their tenure, and the control of the processes of its key constitutional functions.

The operations of the National Assembly have come at a great financial cost to the country raising questions about the affordability of bicameralism by a lower-middle income economy like Nigeria. From the various budgets of the National Assembly, there is evidence of massive upward expansion in its allocations: from ₦2.24 billion in 1999, the budget of the National Assembly rose steadily to ₦29.458 billion in 2000, dropping to ₦15.49 billion in 2001 before picking up to ₦55.43 billion in 2005 from where it reached an all-time high of ₦154.2 billion in 2010 and currently settled at ₦139.5 billion based on the 2018 budget. Some critics believe that a contributory subhead to the burgeoning budget of the National Assembly is linked to the expanding number of committees.

Against the backdrop of the mandate of the committee system in the National Assembly, a balanced assessment will find them useful in terms of their overall contributions to the effectiveness of the legislature. Generally, legislative committees have been quite active in carrying out their overall mandates. The relevance of committees in the lawmaking process is underscored by the requirement that bills can never be processed into law without their imprimatur. In terms of lawmaking, the committee system has been quite indispensable in the expansion of body of legislations passed by the National Assembly.

According Fayemi (2012), between 1999 and 2003, the National Assembly received a total of 258 bills. Out of this number, a total of 36 bills were passed by both chambers and sent to the president for assent. The president assented to only 26 bills and declined 10 bills. However, the National Assembly used its powers to override four cases of presidential veto. Between 2003 and 2006, the 5th legislative

assembly received and considered 352 bills and passed 77 bills in the Senate while the HoR received and considered 299 bills and passed 113 bills (National Assembly 2007, p. 60). Between 2007 and 2011, the 6th legislative assembly scheduled 227 bills, out of which 186 bills were presented and 93 bills passed (Bamidele and Alaba 2014). The 7th legislative assembly also recorded hyperactivity in its lawmaking mandate. Between 2011 and 2015, the HoR and senate received and considered 752 and 475 bills respectively. Out these numbers, the HoR passed and transmitted 80 bills to the senate while the senate passed a total of 123 bills (Bill Progression Chart, 7th Senate, and HoR n.d.; Agbakwuru and Erunke 2015). The upper chamber of the 8th legislative assembly announced in March 2018 that it had passed a total 200 bills comprising senate bills, concurrence bills and constitution alteration bills since its inauguration on 9th June 2015. The breakdown showed 82 senate bills, 89 concurrence bills and 29 constitutional alteration bills (Nation 2018).

In the discharge of their oversight functions, the legislative committees have had to grapple with integrity issues emanating from both abuse and laxity in the exercise of their oversight powers. This has, undoubtedly, undermined public confidence in the National Assembly and devalued its credential as a constitutionally empowered watchdog to champion "accountability and good governance through prudent fiscal management" (Jombo and Fagbadebo 2019, p. 123). The abuse of oversight powers is in the area of leveraging them for personal aggrandizement thus throwing the legislative committees into corruption-related scandals. The list of such scandals is long and ranged from Ibrahim Mantu-led committee for the screening of ministerial nominees which Nasir El-Rufai accused in 2003 of demanding ₦54 million as condition for his clearance; National Assembly committees on health which partook in sharing the unspent health budget of 2007; the House Committee on Capital Market which was accused in March 2012 of demanding ₦39 million from the Securities and Exchange Commission (SEC) to fund its assignments and additional N5 million for the personal use of the chairman, Hon Herman Hembe; the HoRs' Ad Hoc Committee on the Monitoring of Fuel Subsidy which demanded and received a total of US$620,000 as bribe from Zenon Oil and Gas to remove it from the list of companies accused of buying foreign exchange from the Central Bank of Nigeria (CBN) without importing petroleum products; to the Maina pension scam in which the investigating senate committee led by Aloysius Etuk was accused of demanding for N3 billion (Nwankwo 2008; Ayorinde 2012; Kazeem 2013; Nwagwu 2014).

The major area of laxity is the inaction of committees in terms of following certain corrupt cases to their logical conclusions. There were several cases that the legislative committees simply swept under the carpet through inconclusive investigation. For instance, during the 7th national assembly, the relevant committees never seriously investigated the kerosene subsidy scam. The Nigerian National Petroleum Corporation (NNPC) and the petroleum ministry claimed that kerosene was being subsidized so it could sell at ₦50 per liter. But the product never sold at that amount but at the range of ₦100 and ₦120 per liter. Similarly, the relevant committees never conclusively investigated the allegations of: missing N20 billion oil money raised by Lamido Sanusi, former Governor of the Central Bank of Nigeria; the Abba Morro Immigration recruitment scandal where N1000 was

received from applicants for forms and over 15 individuals lost their lives during the exercise in 2015 and, the US$15 million private jet/arms scandal in which a private jet purportedly conveying US$15 million in cash for procurement of arms was arrested in Johannesburg (Olufemi et al. 2015).

Another area of laxity is demonstrated by the unearthing of massive looting and embezzlement in the Petroleum Ministry and the Office of National Security Adviser shortly after Muhammadu Buhari became President. Ita Enang, a former senator and the senior Special Assistant to the President on National Assembly Matters (Senate) blamed lack of effective oversight on the agencies of government by committees as being responsible for the continued festering of corruption (Jimoh 2018). Notwithstanding the shortcomings of legislative committees, they have registered successes in their various areas of operation including detecting and exposing corruption in several establishments and spearheading motions and resolutions aimed at good governance of the country.

Conclusion

The committee system as a mechanism to meet the mandate of legislatures is used by Nigeria's National Assembly to discharge its responsibilities. However, the committee system also serves other purposes beyond the universal raison d'être for their institutionalisation in modern democracies. Committee system offers a prebendal leverage for the leaderships of the National Assembly to consolidate their positions. Although committee system has helped the two chambers of Nigeria's National Assembly to discharge their duties in timely fashion, the manner in which legislative committees have gone about their oversight functions creates the impression that it is narrowing the theoretical gap of separation of power and erecting in the gap so created a pseudo-executive entity.

The increment in the number of legislative committees since 1999, although criticized by some people as being unwieldy and contributory to the burgeoning budgets of the National Assembly, has contributed to the accomplishments recorded by the National Assembly. Evidence from the number and quality of bills passed into law as well as the number of motions and resolutions that emanated from the National Assembly show that it has performed relatively well.

Despite the many scandals surrounding the committees of the National Assembly, their value is evident in those bills that went through legislative processes and emerged as Acts of the National Assembly as well as the whistle-blowing on the negation of the provisions of due process in ministries, extra government departments and agencies in the course of their oversight functions. The only way the National Assembly can bring back respectability and public confidence in its oversight functions is to properly fund the committees and set up code of conduct and disciplinary measures for erring committee members. The committees must learn to operate within their budgetary limits; otherwise, the public perception that legislative committees are for patronage will be hard to erase.

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Gender Representation in Nigeria's National Assembly Under the Fourth Republic

Segun Oshewolo and Solomon Adedire

Introduction

Feminism and sexism are two gendered frameworks for defining and analysing the roles of women and men in society and politics as well as other realms of human existence. While men have historically leveraged on their ascribed cultural and biological superiority to sustain their dominance in the political realm, the fundamental question of what should be the status of women—in relation to politics and governance—has remained largely unanswered. As a situation that characterises virtually all climes of the world, it has continued to dazzle the promoters of feminism who stress 'the similarities between men and women and the entitlement for women to the same rights and responsibilities that men have' (Kaarbo and Ray 2011, p. 20). The situation in Africa—the continent where Nigeria is located—is even more undefined and worrisome. Given the prevailing culture of patriarchy and other societal encumbrances, the feminists' campaign for gender parity in politics and governance (and a greater appreciation and recognition of the role of women) has not yielded much fruits in the African context. The sexist orientation of key political actors—government officials, party officials and godfathers—has largely contributed to this state of affairs.

Over the years, the Nigerian women 'have been deprived, neglected, exploited and oppressed' (Agaba 2007, p. 73). The continuous political subservience of the female folks to their male counterparts has led to the proliferation of feminist movements with diverse ideological and philosophical orientations (Sha 2007, p. 3). Whatever the orientation—whether radical, reformist, economic or problem solving—the ultimate goal has been the liberation of women from the societal encumbrances that limit their political opportunities and participation. The persistent calls

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J. Y. Fashagba et al. (eds.), *The Nigerian National Assembly*, Advances in African Economic, Social and Political Development,
https://doi.org/10.1007/978-3-030-11905-8_11

for gender parity in Nigeria followed the 1995 Beijing Conference which recommended 'at least 30% representation of women in power and decision making. The 2007 National Gender Policy (NGP) in Nigeria further raised the gender stakes by providing for 35% affirmative action' (Ezeilo 2011, p. 45). The main objective of this paper is to examine gender representation in Nigeria's National Assembly under the Fourth Republic, by considering the proportion of both sexes elected into the Senate and House of Representatives from 1999 to 2015. This piece also investigates the societal factors that inhibit the fair representation of women in political governance. To achieve these objectives, the work relies on the secondary methods for the purpose of data collection and the interpretive method for the purpose of data analysis.

Gender, Politics and Parity: A Theoretical and Philosophical Discussion

Gender parity in politics emphasises equality of opportunities for both genders in relation to politics and governance. It measures/calculates equality by the ratio or proportion of men and women with access to political opportunities and/or contributing to politics and governance. In the interpretation of Anshi (2007, p. 46), gender parity in politics could imply the provision of opportunities for the participation of both sexes through equal, level playing field, and unbiased parameters that allow both genders to demonstrate their capabilities and abilities in politics and governance. The feminist perspective that makes gender parity the crux of its advocacy is Liberal Feminism. This is 'a category of feminist theory that sees men and women as equal in skills and capabilities, and promotes the equal participation of women under existing political, legal, and social institutions and practices' (Kegley Jr and Blanton 2013, p. 44). Liberal feminism demands 'that females should enjoy the same rights and responsibilities enjoyed by males, and that laws and practices placing females in a lower status are unfair, foolish and wasteful' (Ethridge and Handelman 2013, p. 44).

Articulating the bases for gender parity in politics and governance, Anshi (2007) further recognises two forceful analytical variables. The first has to do with 'the conviction that women have a specific role to play in the general political balance and development of countries' (p. 37). The second emphasis is derived from the Marxian principle which states that 'the index of the progress and development of any society or nation is the general position of women in that society' (p. 38). Another basis for gender parity in politics is the assumption that 'feminist qualities have not been fully appreciated and that masculine qualities have dominated and distorted social and cultural development' (Ethridge and Handelman 2013, p. 44). While the need for gender parity in politics (or at least a fair representation of women in political governance) has been recognised and supported globally, however, this recognition has not translated into the thorough liberalisation of the

political space to allow the unfettered participation of women. How then do we explain the limited political opportunities for women in spite of the global campaigns for inclusion and parity?

Philosophy has no doubt contributed to male dominance in different societies/climes of the world. Most prominent philosophers (Aristotle, Machiavelli, Rousseau, and Hegel, among others) have been quick to ignore and dismiss the status of women. They have tried to justify and defend women's subordination by making reference to the 'alleged natural and biological differences between the sexes, and have also pointed to the inherent physical and mental superiority of the male' (Mukherjee and Ramaswamy 2007, p. 41). Again, from the philosophical point of view, public realm versus private sphere dualism has reinforced the domination of men over women. While the public realm belongs to the man, the private sphere belongs to the woman. 'In this sense, the woman was (is) confined to the domestic environment with the specific duties of bringing up children and maintaining standing traditions such as keeping the domestic alter aflame' (Anshi 2007, p. 40). From the psychoanalytic point of view, it is also assumed that 'women lack the capacity for self-criticism and critical judgement in public matters' (Odey 2007, p. 20) because they are less intelligent than men (Agaba 2007, p. 73).

Whatever arguments that may support women's subordination have been rebutted in the literature. One of the mainstream philosophers to discard sexism and rid themselves of gender blindness was JS Mill. While he rejected patriarchy, he canvassed that liberal principles must apply to women and family. He espoused 'the cause of women, pleading for the need to reorder the private sphere on the same lines as freedom, equality, justice, self-worth and dignity that govern the public sphere' (Mukherjee and Ramaswamy 2007, p. 42). Furthermore, in reaction to the disadvantaged position of women, feminism has developed both as a critique and a course of action. As a critique, the feminist framework challenges the popular orientation which 'dismisses the plight and contributions of women and treats differences in men's and women's status, beliefs, and behaviours as unimportant' (Kegley Jr and Blanton 2013, p. 42). As a course of action, feminism seeks to address the fundamental gender bias in power relations, encourages reformulation of concepts particularly those with inherent masculine characteristics, and the incorporation of female perspectives in the analysis of politics, policy and society (Kegley Jr and Blanton 2013).

Gender and Politics in Nigeria: A Historical Review

During the Nigerian pre-colonial era, the female gender was not considered inferior to the male. As explained by Anshi (2007, p. 44), 'the complimentary contributions of both men and women were considered indispensable for the running of the family and community'. Although the pre-colonial political configuration of Nigeria was essentially patriarchal, 'women nevertheless had access to political participation through a complex and sophisticated networks of relationships, rights and

control of resources' (Agaba 2007, p. 74). As an integral part of the political set up of their respective communities (Oluyemi 2016), a number of women distinguished themselves and are today regarded as heroines. For instance, in 'pre-colonial Hausaland, were Queen Daura of Daura Emirate and Amina of Zaria. In Kanem Borno political organisation, even women in pudah were actively connected to state affairs. In Igbo society, *Omu* ruled women as *Obi* ruled men' (Odey 2007, p. 26). In Yoruba land, there were female *Obas* (kings) in Ile-Ife, Oyo Kingdom, Ilesa and Ondo respectively. The ones remembered by tradition were Iyayun and Orompoto (Agaba 2007, p. 76).

However, discriminatory colonial policies ensured that women became confined to the domestic/private realm during the era of colonialism. Men had more access to the emergent power structure because of their greater access to education than women (Agaba 2007). However, the discriminatory policies of the colonial government were met with stiff resistance from women. For instance, Igbo women were politically influential in state apparatus to put an end to colonial taxes. Mrs Olufunmilayo Kuti also demonstrated her political influence by agitating for 'no taxation without representation' in 1946 through the platform of the Abeokuta Women Union (AWU) (Odey 2007, p. 26). Because of the inability of women to participate in political governance through the conventional means, they therefore used the unconventional means such as protests and demonstrations to express their political views. Despite the remarkable achievements of women during the pre-colonial era, their dwindling political fortunes during the colonial period were really confounding (Olalere 2015).

During the post-colonial era, women's participation in politics and governance was very minimal compared to men. In the first republic, 'the running of government was largely dominated and monopolised by men. There were only three female legislators and no woman was appointed as Minister' (Agena 2007, p. 135). In 1960, Mrs Wuraola Esan from Western Nigeria became the first female member of the Federal Parliament. The following year, Chief (Mrs) Margaret Ekpo became an elected member of the Eastern Nigerian House of Assembly (Oluyemi 2016). During this period, only Southern Nigerian women could exercise franchise. In the second republic (1979–1983), 'women participation remained significantly low. There was only one woman of the fifty-seven members of Senate and three women of four hundred and forty five Federal House of Representatives, and two women Ministers' (Agena 2007, p. 135). This was the period that women from the North became enfranchised. After the 1992 Parliamentary elections to begin the process of institutionalising Nigeria's aborted third republic, women won only 14 seats of the 678 available seats (that is 2% of the total seats) in both legislative chambers (Odey 2007, p. 18). For instance, Mrs Kofo Bucknor Akerele won a seat in the Senate and Chief (Mrs) Florence Ita Giwa won election into the House of Representatives representing the Calabar constituency (Oluyemi 2016). The marginalisation of women during the post-colonial era was largely as a result of acrimonious politics characterised by bitter rivalries. This situation was detrimental to women's political interest (Olalere 2015).

Gender Representation in the National Assembly: The Fourth Republic

In the contemporary world, only a few women have attained political power at the national level. The reason is 'the world of political participation is the world of machismo' (Ogiji 2007, p. 109). The limited involvement of women in political governance is therefore a global issue. However, the situation in Nigeria's fourth republic, particularly in the National Assembly, leaves much to be desired. Although women constitute about 50% of the Nigerian population, their participation in the political governance of the country is not proportionate to their demographic strength (Apenda 2007). This situation represents a flagrant abuse of the 1999 constitution of the Federal Republic of Nigeria as amended. The constitution stipulates that all citizens, women inclusive, shall enjoy some fundamental rights such as right to personal liberty, dignity of the human person, right to freedom of thought, among others (sections 22–24). The constitution also guarantees the principles of democracy and social justice, freedom and equality. It equally frowns at discrimination on the grounds of place of origin, sex, religion, among others (Ukooh 2007, pp. 276–277). These constitutional provisions notwithstanding, the national average of women's participation in political governance has been 6.7% for elective and appointive positions. This situation is well below the global average of 22.5%, African continental average of 23.4%, and West African average of 15% (Oluyemi 2016).

One way to assess women's involvement in political governance is to consider their rate of election into the Parliament. Next, we consider gender representation in Nigeria's National Assembly under the fourth republic, 1999–2015. The existing compendia reveal that women's election rates into the National Assembly have been anything but satisfactory (Figs. 1 and 2; Tables 1 and 2).

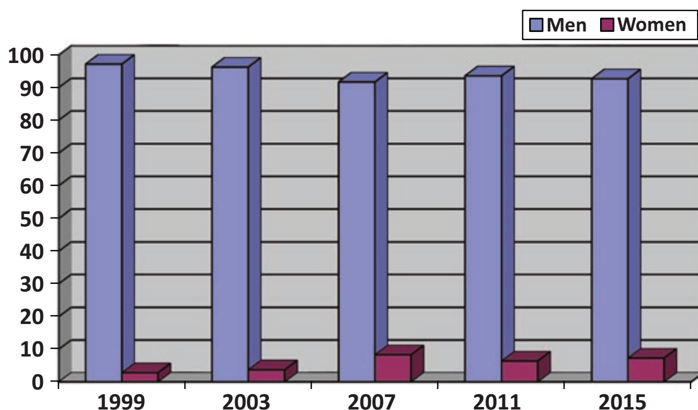

Fig. 1 Bar chart representation (Senate), 1999–2007

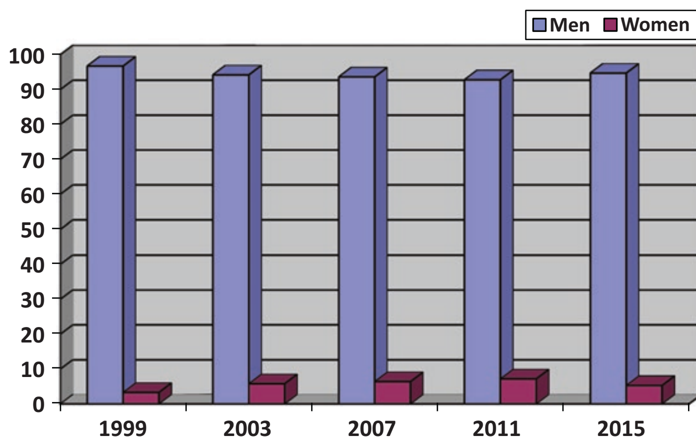

Fig. 2 Bar chart representation (house of representatives), 1999–2015

Table 1 Gender distribution in the Nigerian Senate, 1999–2015

Year	Seats available	Men	%	Women	%
1999	109	106	97.2	3	2.8
2003	109	105	96.3	4	3.7
2007	109	100	91.7	9	8.3
2011	109	102	93.6	7	6.4
2015	109	101	92.7	8	7.3

Source: Compiled by the authors from Oluyemi (2016) and Nwabunkeonye (2014)

From the data provided above, women have been limitedly involved in political governance through the National Assembly under the fourth republic. During the first term of President Obasanjo (1999–2003), women held less than 5% of seats in both chambers of the National Assembly. In relation to the other electoral returns, the figures for 1999 represent the lowest. This situation is not indecipherable. For one, the 1999 election represent Nigeria's founding election. As articulated by Omotola (2010, p. 543), 'founding elections in Africa, usually the first in a democratic transition process, have been found to exhibit certain features that tend to inhibit the democratisation process'. Again, given the protracted era of military dictatorship in the country, Nigerians were sceptical about the transition process in 1999, particularly considering the previous aborted democratic projects. This sceptical attitude may have kept women away from the entire political process. As a result of the subsequent political stability and successful transition programmes, as well as the campaigns for gender mainstreaming in political governance, the election rates of women into the National Assembly marginally increased afterwards. However, the increase in women's election rates (particularly in the House of Representatives) has not significantly reduced the disparity in political representation between men and women.

Table 2 Gender distribution in the house of representatives, 1999–2015

Year	Seats available	Men	%	Women	%
1999	360	348	96.7	12	3.3
2003	360	339	94.2	21	5.8
2007	360	337	93.6	23	6.4
2011	360	334	92.8	26	7.2
2015	360	341	94.7	19	5.3

Source: Compiled by the authors from Oluyemi (2016) and Nwabunkeonye (2014)

The Emerging Issues

The poor involvement of women in the political process and minimal representation in the Nigerian National Assembly require an investigation of the limiting factors. The understanding and appreciation of the societal encumbrances will facilitate the development of appropriate policies for remedying the situation.

In the first place, if the political fortunes of women must improve in Nigeria, political parties have a critical role to play. As bodies constitutionally empowered to present candidates for elective offices, political parties occupy a privileged position in promoting gender mainstreaming and parity in political governance. Nigeria's political parties have failed in this regard. The provision for gender quota that concedes a reasonable number of slots for women in both elective and appointive positions, as well as the strict adherence to such provision, is what is lacking in the administration of political parties in Nigeria. Weaker and smaller political parties tend to concede more positions to women than stronger and bigger political parties with more prospects of electoral victories (Ezeilo 2011). However, this may not be out of genuine concerns for gender parity in politics. The undercurrent could be the need to generate sympathy, support and loyalty among the teeming female population and enhance their political standing. According to Sha (2007, pp. 7–8),

> political parties in Nigeria do not have the set targets for women representation in the country's legislative houses, nor do they have targets for the representation of women in party leadership structures even when it is known that women constitute a larger percentage of their supporters and voters. Party manifestoes and programmes show a weak commitment to, and understanding of, issues of gender equality.

Again, the feminisation of poverty thesis offers insightful explanations into why women are politically underrepresented in Nigeria. Although Nigeria's pervasive poverty cuts across sexes (Oshewolo 2011), the female gender is considered the most vulnerable. The bias against women in socio-economic categories represents a barrier to the fair representation of women in the Nigerian political processes, like in most parts of the world (Odey 2007). Seeking elective offices in Nigeria requires huge financial commitments. The feminisation of poverty and the consequent disempowerment of women largely account for their underrepresentation in political governance and their electoral defeats. Because Nigerian politics is money politics, women courageous enough to venture into politics are not economically buoyant enough (Agena 2007). More so, political godfathers who normally foot the

electioneering bills of their clientele are more favourably disposed to male candidates/aspirants on the assumption that 'political activities are masculine and male candidates are believed to stand better chance of winning elections' (Nwabunkeonye 2014, p. 287).

Furthermore, the electioneering environment in Nigeria is antagonistic and hostile to women. The desperation that goes with electioneering implies that the process is often characterised by violence, intimidation, blackwash, threats and counter threats (Nwabunkeonye 2014, p. 287). These violent dispositions do not resonate with the soft psychology of women. The history of elections in Nigeria is a history of violence. More recently, all elections conducted since democratic rebirth in 1999 have been characterised by violence, with the 2011 post-election violence in the North considered the bloodiest. The consequences have been loss of human lives, internal displacements, suspicion and fear (Oshewolo 2013). Women, by their psychological and emotional makeup, do not possess tough and rugged disposition towards electoral violence like their male counterparts. This situation may have limited women's active participation in politics.

Another major issue has to do with role conception and definition. The contemporary Nigerian women have the tendency to view their role in society through the psychological and interpretive lens/prism of men. This orientation can be explained from two angles. First, as a result of their biological attributes, women tend to confine themselves to the domestic/family sphere and only take a limited role in society prescribed and supported by the men (as husbands and godfathers). In this context, the level of support they get from the men is determined by their readiness to adhere strictly to the role defined for, and prescribed to, them. Second, the sexist orientation of the average contemporary Nigerian man appears to legitimise women's role conception and definition by men. In this context, the men arrogate to themselves the power to determine the political destiny of women and thus give a cultural force to the chauvinistic belief in the inferiority of women. The implications include women's limited access to the political arena and their inability to mobilise adequate resources to win votes like their male counterparts (Ogiji 2007). Therefore, if the political fortunes of women must improve, the prevalent sexist ideology must be discarded. This will allow women to determine their role in society (particularly in relation to politics and governance) and aspire to any political height within the limits of their educational, economic and financial credentials and resources.

Finally, the constitution of the Federal Republic of Nigeria as amended has provided adequate legal framework for the participation of all citizens in politics regardless of sex. Women's limited involvement in political governance is clearly not as a result of legal restrictions (Ukooh 2007, p. 279). That such situation exists is an indictment on Nigeria's constitutional democracy. A critical measure of democratic growth has to do with the extent of compliance to constitutional provisions. In the Nigerian context, the constitution guarantees democracy, social justice, equality, and prohibits all form of discrimination on the ground of sex. Therefore, the political marginalisation of women as a result of their underrepresentation in political governance reveals the lack of commitment to constitutional democracy on the part of political leadership. In the interest of justice and fairness, the clash between

the sexist orientation of political leadership dominated by men and constitutional democracy must be resolved. The constitution as a legal document should be considered a more superior document to any other form of practice, convention or tradition. This consideration will not only promote gender parity in political governance, but will also place Nigeria on the path of democratic growth.

Concluding Reflections

For pragmatic reasons, the call for gender parity in politics is not mislaid. As explained by Odey (2007, p. 17), the pragmatism in the call for gender parity, in the Nigerian context, has two intellectual roots. First, considering the fact that Nigeria's current socio-economic troubles affect all strata of the society (including men and women), the resolution of these problems would require the full participation of women, particularly in the administrative and political spheres. Second, the Nigerian demographic configuration is almost equally divided between the two sexes. The call for gender parity in politics is therefore a call for gender justice. To enhance the active participation of women in political governance, the female folks must continue to 'advocate for internal party democracy and gender mainstreaming that binds political parties to field a desired percentage of women for both elective and appointive positions' (Ezeilo 2011, p. 50).

More so, political leadership at all levels must demonstrate an unwavering commitment to constitutional democracy, which guarantees social justice and equality while disallowing discrimination on the basis of sex. Furthermore, there is the need to create enabling environments for the empowerment of women, supported by law and good policies. This will enable them to overcome the burden associated with the 'feminisation of poverty' in Nigeria and mobilise the required resources for achieving their political ambitions. Again, the attitude of reckless desperation that characterises politics in Nigeria must be jettisoned. This do-or-die orientation, which normally does not resonate with the soft psychology of women, has always precipitated violence before, during and after elections. Finally, the prevalent sexist ideology in our society that considers women as inferior in every sense should be discouraged. This will be a demonstration of the spirit of magnanimity towards women and the recognition of their innate capabilities as well as the need to effectively maximise these capabilities.

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