

Parliamentary Resolutions and Good Governance in Nigeria: A Study of 7th Senate of the National Assembly

Cornelia Oriema Usonka

corneleo4uu@yahoo.com. +2348033391202.

Department of Political Science, Faculty of Social Sciences and Humanities,
Ebonyi State University, Abakaliki.

Abstract

This study, Parliamentary Resolutions and Good governance: A study of 7th senate of the Nigerian National Assembly undertook an examination of how good governance has remained elusive in Nigeria's political terrains despite several parliamentary resolutions on matters of (urgent) public importance by the Legislature. The study therefore, tried to ascertain whether there is any link between these resolutions and good governance in Nigeria. The researcher, studied the role of these resolutions in legislation, identified the challenges in the formation and implementation of these resolutions and examined how parliamentary resolutions have enhanced good governance in Nigeria. The study adopted decision making Framework-Snyder's decision making theory and rational model theory. This should contribute to the development of better resolutions. The research methodology was qualitative with Ex-post facto design technique via an observational approach that involves field and sample survey. The study covers the Resolutions of the 7th Senate of the Nigerian National Assembly, on diverse topical issues that influenced national destiny within the period under review. The study concluded that, resolutions are viable instruments of legislation with enormous benefits that could deliver good governance although they have no legal force, they do have moral force and can be non-binding, referring to measures that do not become laws and are used to differentiate those measures from bills, which are also resolutions in the technical sense. Recommendations for the future direction of this stream of research are given which among others stated that Resolutions made should be followed up to ensure compliance and implementation in order to enhance good governance.

Keywords: Good governance; Parliamentary Resolutions; Legislature; Motions.

Introduction

The complex nature of man does not warrant anyone to live without guiding principles or laws which are further accentuated by the fact of our interaction in a human community as opposed to our being atomized or isolated. In as much as humans would want to be absolutely free, the exercise of our freedom has to be restricted because our actions or inactions directly or indirectly affect another person.

According to Jean-Jacques Rousseau (1762) in his social contract theory, "man is born free and everywhere in chains", this implies that when people are in society, they are "in chains." The society places all sorts of rules on them that limit their freedom. People in societies have these rules that govern them and limit their freedom and this is something that does not just happen naturally. Therefore, if our exercise of freedom is unguided, our society runs the risk of collapsing into Hobbesian state characterized by lawlessness, anarchy and annihilation. Such a state should not be for Nigeria, and that

is why the legislature plays a monumental role in ensuring the enhancement, protection and sustenance of democracy in the country. Senator David Mark, President of the Sixth and Seventh Senate stated, inter alia:

“Since the representation of the people is the fundamental source of authority for a body that makes law for the society, the electorates naturally expect their respective legislators to represent their interest. And legislators carry out their representative mandates through a variety of ways including law making and policy formulation; oversight functions; investigative functions; serving as watchdog to constituency responsibilities” (Senate Rules and Business Committee, 2013).

The parliament or what is generally referred to as “the National Assembly in Nigeria” is a bicameral legislature established under section 4 of the Nigerian Constitution. This section 4(1) of the 1999 Constitution of the Federal Republic of Nigeria provides that “The legislative power of the Federal Republic of Nigeria shall be vested in the National Assembly for the federal which shall consist of a Senate and House of Representatives”(Constitution of the Federal Republic of Nigeria, 1999 *as amended*). The Constitution of the Federal Republic of Nigeria 1999 fully empowers the National Assembly and the States Houses of Assembly to make laws for the peace, order and good governance of the country on any matter whatsoever. Not only being an important institution of government, the parliament remains an important institutional pillar of democratic governance which has proved to be the best form of government world over. The essence of government in every state is the protection of lives and properties of its citizenry as well as ensuring the welfare and general good of the people. Being the custodian of the sovereignty of the state and its people, government is expected to ensure the peaceful and meaningful co-existence of its citizenry through laws and policies. Thus, the government ensures that it adopts the best form of governance that will provide the general good of the people so as to continue enjoying its support of the people. Good governance in every country is of paramount interest to all its citizens and even the international community. The underlying social contract between the citizenry and their government makes meaning when the cardinal index of the concept of good governance being- accountability, transparency, participation and the rule of law are not undermined. The primary law making purpose for the peace, order and good governance attract expected dividends, by means of infrastructure, facilities and other services as outcome of legislative enactments, policy guidelines and regulations with attendant oversight measures. As succinctly put by Okoro (2012) “The basic rationale is to improve the efficiency and effectiveness of governmental operations; and ultimately guarantee good governance”. The indication according to Haider(2008), is that good governance is not a luxury but a *sine qua non* requirement for sustainable, socio-economic development. This denotes accountability, transparency and equitable management of public resources by the officials through laid down procedures.

The Problematic

Despite constitutional provisions, enormous financial resources, and huge potentials of the country, including the social and economic policies that have been implemented by successive administrations,

good governance in Nigeria continues to be elusive. More so, the Nigerian parliament have passed several resolutions on matters of urgent public importance yet the indices of good governance and development remain very low especially as witnessed within this period of anarchy, insecurity, poverty, recession, unemployment and insurgency. The failure of the Nigerian government to provide dividends of democracy and show much evidence of good governance albeit, uninterrupted democratic governance since 1999 has occasioned the expectations of the citizens to be dashed. The yearnings and aspirations of the down-trodden are swept under the carpet, hence, giving rise to unmanageable situations of several forms of socio-economic hardships on the citizens. This ugly scenario that has characterized the manner the parliament in Nigeria operates is a very big setback in the nation's march towards good governance and development and requires swift solutions.

The question however is, whether there is any relationship between the 7th Senate parliamentary resolutions and governance in Nigeria and if there is, to what extent have these resolutions enhanced good governance? The study examined the extent to which parliamentary resolutions as legislative instruments can promote good governance.

Research Questions

The following research questions were designed to guide this study.

1. What roles did Parliamentary Resolutions of the 7th Senate play in legislation?
2. What were the challenges of the 7th Senate towards good governance in Nigeria?
3. How has the 7th Senate Resolutions enhanced good governance?

Objectives of the Study

- (i) To ascertain the role of 7th Senate parliamentary resolutions in legislation.
- (ii) To identify the challenges of the 7th Senate in implementation of these resolutions.
- (iii) To examine whether the 7th Senate parliamentary resolutions enhanced good governance.

Hypotheses

- Ho1 Parliamentary resolutions of the 7th Senate played important role in law-making.
Ho2 Parliamentary resolutions of the 7th Senate were not properly implemented
Ho3 Parliamentary resolutions of the 7th Senate enhanced good governance.

Methodology

This research is qualitative in nature and the study adopted *Ex post facto* design which is ideal for conducting social research when not possible or acceptable to manipulate the characteristics of human participants. *Ex post facto* study or *after-the-fact* research is a category of research design in which the investigation starts after the fact has occurred without interference from the researcher. The majority of social research, in contexts in which it is not possible or acceptable to manipulate the characteristics of human participants, is based on *ex post facto* research designs.

In the analysis of this study, the investigation started after the fact has occurred without interference from the researcher. The mainstream of the research, in context is that it is not possible or acceptable to

manipulate the characteristics of human participants. We do not have control of the variables of good governance: political freedom, constitutional and judicial protection of individual rights, a stable currency, provision of education and health care for all, the executive's accountability to a freely – elected legislature and so on. The study used both primary and secondary sources. The study adopted purposive sampling which involves interviewing individuals or groups that are especially knowledgeable about or experienced with a phenomenon of interest. Cresswell & Plano (2011). The sample size for this study as determined from the calculation was 214 respondents comprising 32 members of the executive, 100 legislators, 78 bureaucrats and 4 retirees. This study, also based in the constructivist paradigm, used a Hermeneutical Analysis (hermeneutics = making sense of a written text) Max Van Manen and case study approach to explore and observe what is happening in a given context. It is noteworthy to state that case study research is not a methodology but a choice of what is to be studied (Stake, 2005).

Theoretical Framework

This study adopted Richard Snyder's decision-making and the rational actor model theory.

Richard Snyder's decision-making theory unlike the general System Theory of David Easton and the structural functional approach of Gabriel Almond, which are more or less static in nature, Richard C. Snyder is of the view that the society is not only complex but also dynamic. Society is always changing and naturally, today's policy may be irrelevant for future. Hence, it is very important for the formulation of a policy for future generation. If we stop our activity, society or its advancement will come to a halt.

Rational Actor Model: The basic idea of the rational actor model is derived from economic theory and utilitarianism. The core concept of the theory is based on the idea of "Economic man" who takes all sorts of decision on the basis of rationality and utility. The economic man or the rational man decides to pursue a particular process which thinks in his judgment rational and which will ensure maximum utility. So rationality and utility are the two important criteria that lie at the heart of decision-making process. While the decision is going to be made, the following procedures are strictly adhered to: The issue or area is identified on which the policy is to be made; The objective of the policy is decided; Materials or means are to be collected for making a policy; It may be that all the means or materials could not be used and then in that case the decision-maker selects only the relevant materials.

It is clear from the above analysis that the two criteria are active in the entire process of decision-making-rationality and utility. From the explication on the theories above, it is clear that the growth and development of any society is made or marred by the potency or quality of decisions made by its policy makers. Therefore, it is trite to say that the application of these theories emanate from the fact that the extent of the "goodness" or otherwise of any government is determined by law-making efficiency galvanized towards productivity and in the best interest of the state and the citizens. It is again not dubitable that a critical instrument for good governance is law arising from resolutions which government relies on daily basis to ensure societal equilibrium. Legislation which is a product of institutionalized law-making process is by far the most important arsenal from which government derives its laws. The foregoing, therefore, lends credence to the avowed roles and responsibilities of legislation as a source of law in any society and by implication, on the Legislature which is wholly and constitutionally responsible for making these laws. Finally, just as exemplified in the theories,

parliamentary resolution is a process and passes through a number of stages. It cannot be taken abruptly hence for a proper resolution to be made, deliberation/debate which involves serious and considerable thoughts should be invested. And the legislature while embarking on parliamentary procedures for resolutions; should think deeply about the cost-benefits and so strive to make resolutions which will impact positively on the lives of the citizens, failure of which could invite complexities and animosity among the citizens.

Review of Related Literature

Motions

According to Robert (2011), a motion is a proposal initiated by a legislator or a group of legislators urging that the Assembly take certain actions or that it expresses itself as holding certain views. It is an official expression and stance of legislature (Assembly or Parliament) over an issue it considers of utmost importance. It is a Legislative “prayer” or “proposal” to the executive or any other arm of government including the legislature itself or department, agency and other outfit of government to act on a matter of public interest to the sponsor (s) or mover (s) interest. As posited by the Australian House of Representatives Practice in its widest sense, “a motion is a proposal made for the purpose of eliciting a decision of the House”. It must be phrased in such a way that if agreed to, it will express the judgment or will of the House. Motion is the collective or generic definition for all the proposal and propositions submitted to the legislature which in turn, requires its decision.

Parliamentary motions include legislative, budgetary, supplementary and petitionary motions. Also according to Parliamentary practice are motions of condolence, giving of thanks, gratitude, and commendation and so on as occasional variant forms of legislative proposals. The main motion unlike other types of motion is self-sufficient and stands solely on its own without the aid or support of any other motion. If it succeeds with the majority support of the members, it transforms into the resolution or order of the House. It is amendable and its notice can be waived. The rules also provide that it must be seconded. Any subsidiary, incidental and privileged motions may be made while the main motion is pending, and in many cases these motions, if passed, will affect the assembly’s consideration of the main motion.

Consequent upon this, is the subsidiary motion which according to May (2004) may be (a) ancillary motions dependent upon an order of the day; such as a motion that a Bill be now read a Second or Third time, or that the Report of the Committee of the Whole be accepted; (b) motion made for the purpose of deferring a question; a motion that the debate be now adjourned or that the Chairman report progress; that is *previous question* – ends debate and orders an immediate vote “move the previous question” or “I move we vote immediately on the motion.” (c) Motions dependent on other motions such as amendments, motions flowing from an occurrence in the House; that a ruling be dissented from or that a Member be suspended from the service of the House. They are largely procedural in character, not open to debate or amendment and assist the Assembly in treating or disposing of a main motion. As aptly held by Robert (2011) subsidiary motions are those which are made while another motion is pending for

the purpose of properly disposing the motion. The subsidiary motion supersedes the other motion for the time being, and must be acted upon before action can be taken on the other motion.

A privileged motion takes precedence over all other motions and business subjects before the House. Even when it has no relation to the pending business/issue before the House, it will still be accorded preference. These motions pertain to the rights, powers and dignity of the House. They outrank all other motions. They are allowed without debate to interrupt any other business item already pending before the House because they concern matters of great importance or urgency and are not debatable, although the chair may feel the need to elicit relevant facts from members.

In the same vein Roberts (2011), stated that there are, “incidental motions which arise out of a pending question and must be decided before that question or out of a question that has just been pending and must be decided before any other business is taken up; or that relate to the business of the assembly”. He further reiterated that unlike the privileged and subsidiary motions, incidental motions are procedural subsidiary motions, that is mostly used to challenge and object to the consideration of a motion pending before the House. They relate in different ways to business at hand, the main motion and other parliamentary motions most of which are un-debatable and have no order of precedence among themselves rather, they take precedence over any pending question out of which they arise. Some are only incidental at certain times or under certain conditions. As the name implies, being incidental to an existing subject before the House, it must be disposed before the continuance of the pending subject.

Debate

The Proceedings between a member moving a motion and the ascertainment by the Chair of the decision of the House constitute a debate and it is by debate that the House performs one of its important roles. Parliamentary debates have relatively few rules; they feature less jargon and fewer theoretical arguments. The rules of parliamentary debating are primarily designed to ensure that debates are evenly matched and enjoyable. The debates are more eloquent, humorous and accessible to general audience.

The National Secretariat for Nigerian Legislature (2011) as emphasized by A.R Browning stated that:

“Without speech, the various forms and institution of parliamentary machinery are destitute of importance and meaning. Speech unites them into an organic whole and gives to parliamentary action self-consciousness and purpose. By speech and reply, expression and reality are given to all the individualities and political forces brought by popular election into the Representative Assembly. Speaking alone can interpret and bring out the constitutional aims for which the activity of Parliament is set in motion. It is the clash of speech upon speech that national aspiration and public opinion influence these aims, reinforce or counteract their strength”.

The specific formats, rules and conventions of parliamentary debating vary in different nations and leagues. Numbers of speaker, judging and other elements of the debate format may be altered to

accommodate particular needs and purposes. The Speaker of the House, Chair or Senate President (usually a judge or moderator) manages the debate, recognizes the speakers, and rules upon any disputes that arise in the course of the round. S/he introduces each debater in turn calling upon the next debater to proceed. Parliamentary debates may either have set topics, known days or weeks in advance of the debate, or be conducted extemporaneously. Good parliamentary debaters speak at a rate of speech comprehensible to the layperson untrained in debate. During the course of the debate, the motion should mean the same thing to all participants in the debate. To that end, the proposition team has the responsibility to clarify the ground for debate by distinguishing technical or ambiguous terms of the resolution. Debates in which ambiguous terms are not clearly defined in the opening speech often go astray, lacking clash and clarity. For example, a debate on welfare reform in which the opening speaker failed to explain what the government meant by “welfare” and “reform” would probably be a waste of time. This is so because according to Braham (1991), clear definitions permit clear debate.

According to Sather, (1997), “offering points of information in debate even if they are not accepted shows that you are active and interested in the debate. Accepting them when offered shows that you are confident of your arguments and prepared to defend them”. Suffice it to say that one of the virtues of parliamentary debate is its flexibility while, physical and vocal delivery, humour, passion and persuasiveness are important elements of parliamentary debate. In other words, debates are very fundamental to parliamentary/legislative processes as it is the quality of debates that determine the value or outcome of the process of achieving good governance.

Resolutions

Resolution is defined as “a written motion adopted by a deliberative body”; Merriam-Webster’s defines a resolution as “a formal expression of opinion, will, or intent voted by an official body or assembled group.” Demeter (1969) avows that a motion of member becomes resolution of the whole House if it is carried; if it obtains necessary number of votes. A resolution is what a motion seeks to become. Duhaime Legal Dictionary defines a resolution as the formal decision of an organization, which has obtained the necessary majority vote in favour. In Parliamentary Law and Procedure, a motion of a single member becomes a resolution of the whole meeting if it carries; if it obtains necessary number of votes.

Resolutions could also seek Executive intervention for international emergencies such as wars, tragedies, etc. The intendment is always to galvanize pressure that would lead governments at various levels to undertake palliative action in the interest of the people of particular constituencies, the nation at large or in international affairs or for a cause. As aptly put by Horsley (1816), “Until and unless a *resolution* is passed, a meeting does not accomplish anything that a real effect; i.e. it does not produce a result which has any potency at all nor ... any legal significance. But when a resolution has been passed, a legally binding decision has thereby been made.” A resolution therefore, is the summation of decisions reached by the legislature on the relief’s (called prayers) which the Sponsors of the motion sought, embodying accepted amendments (if any) from legislators. Simply stated, resolutions are decisions of the Legislature on matters of local (meaning constituency or national) and international issues affecting the citizens within a country. Resolutions are outcomes of motions which have been sponsored by

legislators in respect of matters of concern to their constituencies in particular, the nation in general and, sometimes, the world at large but of issues that apply to all humanity (such as matters of global warming, terrorism, and so on) (NILS 2003 – 2013). According to SubhashKashyap, former secretary general of Lok Sabha, all resolutions should be voted upon Sabha (2014); this factor differentiates them from motions which are otherwise similar to resolutions.

Scholars have argued that, some Resolutions are mere expression of opinion by the House, the purpose of which is to obtain an expression of opinion of the House. In such cases, the government is not bound to give effect to the opinions expressed in these resolutions. Some other Resolutions have statutory effect, the notice of which is given in pursuance of a provision in the Constitution or an Act of Parliament. Such a resolution, if adopted, is binding on the government and has the force of law. And still some Resolutions which the House passes in the matter of control over its own proceedings, have the force of law and the validity cannot be challenged in any court of law. The House, by such a resolution, evolves, sometimes, its own procedure to meet a situation not specifically provided for in the rules. It is against the background of uncertainty over the legal effect of NASS resolutions, especially those directed at the President, that these scholars have argued that these resolutions are not binding having not the force of law. According to Sagah (2012) and Ozekhome (2012), such resolutions were merely advisory and any attempt to make them binding would amount to constitutional anarchy. For instance, the Senate resolutions asking President Goodluck Jonathan to sack the Director General of the Securities and Exchange Commission, SEC, ArunmaOteh and Presidential spokesman on Public Affairs, Dr. DoyinOkupe, were said not to be binding on the President. He reiterated that, “The National Assembly resolution is just an advice; it is not binding on the executive. The only thing that can be done by the National Assembly that can be binding is a Bill that has been passed and sent to the President, and the President signs it into law; only then will it be binding on the executive and it becomes law.

Like a bill, a joint resolution must be approved, in identical form, by both the House and the Senate, and signed by the president. It has the force of law if approved; therefore, a joint resolution is distinguished from a bill by the circumstances in which it is generally used. In the United States Congress, a joint resolution is a legislative measure that requires approval by the Senate and the House and is presented to the president for his approval or disapproval. There is no legal difference between a joint resolution and a bill. Both must be passed, in exactly the same form, by both chambers, and then must with one exception be presented to the President and signed by them (or, re-passed in override of a presidential veto; or, remain unsigned for ten days while Congress is in session) to become a law. A bill or joint resolution can be used to create a law; they are used differently in current usage. Bills are generally used to add, repeal, or amend laws codified in the United States Code or Statutes at Large, provide policy and program authorizations and twelve annual appropriations bills. Joint Resolution requires the approval of both chambers and is submitted (just as a bill) to the president for possible signature into law. With the exception that joint resolutions are used to propose constitutional amendments. These resolutions require a two-thirds affirmative vote in each house but are not submitted to the president; they become effective when ratified by three-quarters of the States. Although no rules stipulate whether a proposed

law must be drafted as a bill or a joint resolution, certain traditions are generally followed. To buttress this point, *Congressional Quarterly News*(1994) avers that "Only Bills and Joint Resolutions can become Law."

Succinctly, Richard (1998) avers that a legislative measure is said to be a concurrent resolution when it is adopted by both houses of a bicameral legislature, lacks the force of law (is non-binding) and does not require the approval of the chief executive (president). Hence, they are typically adopted to regulate the internal affairs of the legislature that adopted them, or for other purposes, if authority of law is not necessary (such as in the cases of awards or recognitions). They are generally employed to address the sentiments of both chambers, to deal with issues or matters affecting both houses, or to create a temporary joint committee. They are not submitted to the president and thus do not have the force of law. Dorsey (2006) stated that Simple Resolutions are used to express non-binding positions of the Senate or to deal with the Senate's internal affairs, such as the creation of a special committee. They do not require action by the House of Representatives. A simple resolution is a legislative measure passed by only either the Senate or the House. As they have been passed by only one house, simple resolutions are not presented to the President, and do not have the force of law. The resolution is used for matters such as establishing the rules under which each body will operate or act on behalf of only one chamber.

Good Governance

The concept and perception of governance is as old as human civilization ever since the time of communal living through the process of making decisions and implementations of certain laws, rules and policies. This is so as to live orderly and harmoniously in one environment. Scholars have defined the term governance from different approaches. However, simply speaking, governance is the process of decision making and the process by which decisions are implemented (or not implemented). According to Naveed (1998) governance is the management of resources, and organization of individuals and groups into formal and informal bodies and institutions and businesses, through social, political, administrative and economic mechanisms. Similarly, Good governance implies presence of rule of law, safeguard of human rights, and existence of honest and efficient government, accountability, transparency, predictability and openness (Landellmills and Serageldin, 1991). Whereas to Johnston (2004), good governance is: "A competent management of a country's resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people's needs." Therefore, good governance entails the presence of five mandatory variables: political freedom, constitutional and judicial protection of individual rights, a stable currency, provision of education and health care for all, and the executive's accountability to a freely –elected legislature. Raj (1996) in his own opinion believed that decentralization of political and economic power is the core of good governance as this will ensure democracy and development. Thus the governance in any society, aims to ensure transparency through the exercise of economic political and administrative authority. It basically strives to establish quality relationship between the rulers and the ruled. Hence, it can be said that good governance is that which fosters human development through popular participation and social and economic equalities. The ultimate objective of good governance has to be to create a civil society.

Principles and Elements of Good Governance

On the basis of above definitions certain parameters of good governance have been identified. The government should be participatory, consensus oriented, accountable, transparent, responsive, effective and efficient; as well as equitable and inclusive; at the same time, it follows the rule of law. More importantly, it gives assurance to its people that its governance would be free from corruption. In addition to that, the government should give priority to the views of minorities and listen to the voice of most vulnerable group of people in the society when it comes to decision making. The UNDP identified the main features of good governance to include Political accountability and legitimacy; a free and fair judiciary; Accountability of bureaucracy; Freedom of information and expression; Ineffective and inefficient public sector management and co-operation with civil society organizations. And the recent worldwide governance has articulated six indicators for promotion of good governance such as: accountability and transparency, free from violence and stability in political system, effectiveness of governmental policy, elimination of corruption, quality of governance, establish the rule of law. On what constitute good governance, Sharma et al (2012) and IMF (2007) identified participation, accountability, transparency, rule of law, consensus oriented, effectiveness and efficiency, responsive and; inclusiveness and equity to be elements of good governance. These could be summarized as: Participation, Transparency, Accountability, Rule of Law, Regular Elections, Independence of the Judiciary, Freedom of Information, Efficient and Effective Administrative System, Cooperation between Government and Civil Societies.

The Legislature

The Legislature constitutes a cardinal part of the major pillars of the governance process in the democratic political systems of today's world, including Nigeria. According to Nwanolue & Iwuoha (2012), legislators are constitutionally charged with the responsibility of appraising themselves in the area of law-making, representation and oversight functions, aimed at ensuring a sustainable democracy. More essentially, the Legislature plays the role of deepening democracy by ensuring that citizens and the civil society are brought into the mainstream of public policy and are given the fair hands to execute such policies. Olufemi (2010) concurs with this position, stating that the legislature is the embodiment of the sovereignty of the people in any democratic setting. Constitutionally, it enacts laws for the welfare of the populace and serves both as a democratically empowered agency of restraint on the executive arm of government and a forum for the mobilization of popular participation in the broad governmental process. For Louth (2011), legislatures matter because they are the essential link between the people and those who govern them. They do not govern, but they provide the means by which a political system can maintain the balance between effectiveness and consent, that is, between the needs of government to be able to raise resources necessary to carry out a programme of public policy and to maintain the consent of the people. The legislature is the heart of any democratic government across the world and is believed to be the closest institution of government to the people in most advanced democracies. Lafenwa (2009) defines legislature as people chosen by election to represent the constituent units and control government. Therefore, for any democracy to grow, the legislature not only

enact laws for the good ordering of the society (including appropriation laws) but must as well ensure that other institutions like the executive do not violate such laws (Poteete, 2010).

Categories of legislatures

According to Nwabueze (1982), Lafenwa (1991), Edosa&Azelama (1995), Heywood (2007), Anifowose (2005) and Okoosi-Simbine (2010) the legislature has two main designs. Some legislatures have two chambers popularly referred to as bicameral legislatures while some others have single chamber commonly known as unicameral legislature. In a bicameral type of arrangement two legislative chambers exist in a country; one chamber seems to dominate the other. Nwabueze& Mueller (1985) noted that when they are viewed as such, there exists some forms of dominance of one chamber to the other in some legislation, term of office, and size of the constituencies represented. However, the intricate rules adopted usually harmonize the legislative function of the two chambers (upper and lower chamber). Edosa&Azelama (1995) assert that bicameral legislature is common in federal states that stem from the imperative of one house to protect the interests of minority groups in such states. Nigeria operates in a federally bicameral arrangement on the dictates of 1954 Lyttleton Constitution. The House of Senate (Upper House) and House of Representatives (Lower House) jointly called National Assembly of Nigeria. This arrangement enhances passage of law and gives opportunity for division of labour between the two houses (Okoosi-Simbine, 2010). In addition, bicameral legislature provides an opportunity for wider representation of various interests groups in a country from one democracy to the other. In countries where bicameralism operates, the constitutions ensure that one chamber provides the opportunity for equal representation of the federating units while the diverse interests are represented in the other chamber. Bicameral legislature makes it difficult for the legislature to be controlled by a despot or demagogue (Abonyi, 2006). It also provides opportunity for wider representation of various interests groups in the country; the arrangement serves as check against hasty passage of law and gives opportunity for division of labour between the two houses (Heywood, 2007; Okoosi-Simbine, 2010). The other type is the single chamber legislature popularly referred to as unicameral. Edosa&Azelama (1995) and Abonyi (2006) noted that this type of legislature exists when there is only one legislative body in a country

Functions of the Legislature

Political theory emphasizes key role of the legislature in ensuring the rule of law – a basic minimum of good governance (Linz & Stepan, 1996) – through three key functions: legislation, oversight of the bureaucracy and representation of citizens' interests. Thus, Law making, representation and oversight, constitute the core roles of the legislature as summarized below:

Representation: This is the central role of the legislature. This function enhances the legitimacy of public policy, reduces alienation estrangement between government and the governed to enhance stability in the system (Edosa&Azelama, 1995).

Oversight: This has assumed a prominent status in legislative agenda, due to the universal demands of accountability, transparency, participation and rule of law as the capstone of good governance. As echoed by Okoro (2012),

...oversight is regarded as an integral part of the legislative process and as overlapping with the law making and policy formulation functions, especially where such legislations are initiated by the executive organ of government. The oversight role of the legislature therefore takes on the semblance of a social contract with the people as their elected representative to act in their best interest.

The above stance rhymed with that of the National Institute for Legislative studies that "Legislative oversight is an important tool in promoting transparency and accountability in governance, an effective instrument deployed by legislators, as representatives of the citizens to hold government accountable". Similarly, it is pertinent to state the legendary definition of oversight in the words of Woodrow Wilson (1885) that "it is the duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the will and wisdom of its constituents". To Oleszek (1978), oversight entails the continuing review by the legislature of the effectiveness of the executive in carrying out its mandate

Legislation: According to Edosa&Azelama(1995), lawmaking functions are the primary and the most crucial role of the legislature. To Laski (1992), it is the responsibility for passing laws and lay down the general rules to enhance good governance. These laws may originate as private members' bills, or from the executive branch (Benjamin, 2010). Awotokun (1998), opine that laws made by the legislature must be in the interest of the citizens. Abonyi (2006) assert that bills are examined and passed through various stages, and in the process this could be altered by addition or deletion. However, the input of the legislature is affected by the attitude of the executive and other factors such as concessions to the opposition and other groups against some aspects of proposed laws and this has greatly reduced the legislative powers to a mere deliberative assembly and mere "chitchat workshops". Some scholars see the legislature in some political system as having wide powers and exercises real power in respect to various decision-making processes, others see the institution as a mere rubber stamp assembly for legitimizing the decisions made elsewhere (Ball, 1977; Adebo, 1988; Burnell, 2003; Heywood, 2007). Suffice it to say that the issue of the legislature being a mere rubber stamp assembly is not limited to Nigeria. As noted by Ball (1977); Bernick& Wiggins (1981); Johnson & Nakamura (1999); Ray (2004), political scientists often make the generalization that ineffective assemblies - serving as a mere rubber stamp assembly for legitimizing the decisions made elsewhere or caves of the winds given more to venting than governing - are the most common type of legislature.

Committee Function: Heywood (2007) sees committee functions as the power houses of the legislature; they examine legislative measures in detail. The committees oversee bills and financial demands of the government, and issues relating to ministries and financial function of the government as it concerns auditing (Edigheji, 2006). The legislative committees' functions carry out the investigative power of the legislature. Adebo (1988) postulated that the legislators in Nigeria's Second Republic spent substantial part of their tenure on issues of accommodation, comfort and salaries for members and threatened to boycott sittings indefinitely if their demand for luxury and grandeur were

not met by the government. This situation has been the horrid feature of the legislators in the Fourth Republic (Fashaga, 2010). In fact, state government reformers, more sympathetic to the legislature, have lamented the presumed decline in legislative branch prowess, attributing present legislature-executive imbalances to a combination of legislative abdication and enhanced gubernatorial power (Bernick & Wiggins, 1981). The fact that some of the legislators are products of fraudulent elections masterminded by political godfathers who are motivated more by monetary rewards they get from influence peddling partly underscores this point (Ogundiya, 2010). Thus, many lawmakers in Nigeria have been more for their involved in one corruption scandal or the other, than for the main duty of making laws for national development since 1999.

Financial Function: Another responsibility of the legislature is its financial function. The legislature has the responsibility of authorizing the expenditure of the government. Sanyal (2009) states that all government expenditure needs to be scrutinized and sanctioned by the legislature, this can be done at annual budget process. Lafenwa & Gberevbic (2007) assert legislative function as a catalyst for sustainable democratic governance. The legislature involves in the control of public expenditure and taxation and fund management to better the life of the entire citizens.

Discussion of Findings

Resolutions constitute decisions reached by the National Assembly on matters of national and international concerns affecting individual citizens in particular and the country in general. They are the outcomes of motions that have been debated. Motions mainly originate from the members of the National Assembly, and usually request in clear terms the actions that the sponsors wish NASS to take in respect of the issue of concern. Normally, the resolutions are communicated to the government for implementation. However, as the government is not under obligation to implement the resolutions, NASS attempts as much as possible to encourage it to do.

It may be important to reiterate that a resolution is not a law unless it is passed jointly by both Chambers of the National Assembly (Senate Committee on Rules and Business, 2009). An example is the joint Resolution of May 2010 historically invoking the “Doctrine of Necessity” which enabled Dr. Goodluck Ebele Jonathan to become the Acting President of the Federal Republic of Nigeria in May 2010 in the face of a dangerous national drift occasioned by the absence of a hand over communication from an ailing President Umaru Musa Yar’Adua to the Vice President before travelling for medical reasons to Saudi Arabia in November, 2009. In such cases, the resolution has the force of law and almost functions as a Bill that has been signed by the President.

The Senate, over the course of legislative activities, has made very critical resolutions on economic, political, social, cultural and international issues. For example, the Senate during the 7th National Assembly passed about 136 land-mark resolutions on diverse topical issues that influenced national destiny. Although, some of these resolutions were nipped in the bud, some yielded positive outcomes. For instance, the Rules and Business Committee noted that a Senate resolution on the treatment of casualties of accidents and victims of gunshot wounds by doctors and hospitals led to the order by the

Minister of Health to direct hospitals to treat victims and casualties first before demanding for Police reports. The Inspector General of Police also issued nationwide directive to the Police to this effect. In 2012, following a directive of the senate and pressure from Nigerians, the Central Bank of Nigeria abandoned its planned introduction of the ₦5, 000.00 bank notes. Similarly, was the case of the resolutions on the proposed strike by Nigerian Labour Congress, Trade Union Congress and Labour Union which saved the nationwide strike that would have crippled the nation's economy.

Some of the members interviewed disclosed that the executive is guilty of violating the principle of Separation of Powers; which doctrine is to promote efficiency in governance by precluding the exercise of arbitrary power by all the arms thereby preventing friction. Example is the domestication of treaties. It is unconstitutional in any and every way, for any arm of government to usurp the powers of any other arm. Such, usurpation, whether advertently or inadvertently, is indefensible and unpardonable because it cannot be binding on the President. It hinders good governance and can lead to political bedlam and instability. The respondents also added that public officers' demonstrated poor compliance with implementation of resolutions due to court injunctions obtained restraining the resolutions, hence the blame on the judiciary.

The earnest desire to maintain internal cohesion and external respectability, orderliness and progress in the activities of the Senate led to the creation of the Legislative Compliance Committee. The committee is expected to ensure that adequate measures are put in place to guarantee implementation of National Assembly resolutions and other sundry issues by all government agencies. Therefore, it was necessary to constitute the committee in order to ensure that the issues concerning the implementation of resolutions are promptly and adequately handled. This will help to resolve one of the most debated issues confronting the National Assembly since the return to democratic rule in 1999, which is the implementation of resolutions of the legislature by the Executive arm of government. The major question addressed in this study is whether parliamentary resolutions, enhance good governance. Specifically, the study investigated whether there is a link between parliamentary resolutions and good governance. The study so far has revealed that: (a) Motions have no legal force, but moral force therefore, Resolutions are merely persuasive, morally, nudging, but not constitutionally binding and non-implementation of these resolutions render the collective wisdom of the Senate to zilch. (b) No matter how wonderful a Bill or Motion may be, the executive has erroneously perceived the National Assembly as a spy to their activities, a mere talking factory and so perceived matter of urgent public importance and legislative resolutions as a threat and mere expression of the opinion of the Legislature.(c) The supremacy battle through which the legislature tends to compromise due to black mail or propaganda by the executive hinders proper implementation of resolutions.(d)The legislature lacks the willpower to take up implementation of its resolutions because of poor oversight functions devoid of egocentric interests so as to convince the executive. Further findings also revealed that Parliamentary Resolutions are viable instruments of legislation and enhance good governance. Although the Executive is not bound to execute resolutions of the National Assembly, in general, nevertheless resolutions possess enormous benefits.

It is noteworthy to state that it is not the number of Resolutions or Bills passed or public hearings, oversights, ad-hoc committees raised or motions taken that matter, but the robust and meticulous deliberation of these motions/resolutions and its potential impact on governance and people. Legislatures are deliberative institutions.

Conclusion

In contemporary times, the effect of resolutions on governance and the binding effect of the resolutions of the National Assembly on the other institutions of government have assumed a controversial stance within our national discourse. This is because of the high rate of unemployment, insecurity occasioned by the economic recession and insurgency. It is also adduced that only laws passed by the National Assembly can have binding effect and not resolutions. The argument is that since resolutions do not undergo that normal legislative process of law making, they have no binding effect but can at best be advisory and persuasive, on the other institutions of government. It is further argued that the National Assembly as representatives of the people, have powers to influence the other arms of government through its resolution, which must of necessity be complied with since they are incidental to its legislative duties. Obviously, the legislature has the power to influence the Executive arm of government as provided by the Constitution for thirty-six (36) times. For instance, Section 84 (3) provides for the appointment of the Auditor-General of the Federation; Section 5(1) and 4(a) makes provision for non-declaration of a state of war between the Federation and another country except with the sanction of National Assembly resolutions.

The rationale for the research lies on the vitality of the legislative institution in democratic governance without which government cannot function effectively. This is because law-making, representation and oversight functions which the legislature is known for are crucial roles in governance. This study focused on the issue of resolutions as viable tool of effective legislation. It was realized that motions give rise to resolutions. Resolutions are indeed the prayers of a Motion agreed to by a Legislative House with or without amendment(s) thus a Motion is a nullity when its prayers are voted down. A motion is an instrument of the legislature that expresses her official stance and moral judgment on public issues of importance. However, a motion must be specific and be supported with the right procedure in order to attract deserved attention and expected result. Thus, the enviable position of the legislature as the principal representative organ in constitutional democracy, demands that her motions must be timely, definite, specific and concise. They must be targeted squarely to influence the executive or other agencies or organs of government to initiate and expedite action, to address, rectify, salvage, remedy and abate the subject matter captured by the resolution or order of the House.

It is mostly a clarion call on the government or its agencies to attend to an issue or to initiate corrective measures that will ameliorate a worrisome situation. Democratic tenets and legislative advocacy demand that motion must be presented in concise language and its purpose explicitly stated and devoid of frivolous and decorous language. It should be in a positive, affirmative tone and form. It is settled

that motion as an instrument of the legislature has glaring limit. Hence, every legislature has glaring limit.

Finally, a resolution can be non-binding in a house of a legislature. This term refers to measures that do not become laws and is used to differentiate those measures from a bill, which is also a resolution in the technical sense. The resolution is often used to express the body's approval or disapproval of something which they cannot otherwise vote on, due to the matter being handled by another jurisdiction, or being protected by a constitution. An example would be a resolution of support for a nation's troops in battle, which carries no legal weight, but is adopted for moral support.

Recommendations

1. Resolutions made should be followed up by relevant Committees (Legislative Compliance Committee) to ensure compliance and implementation and more strategies should be employed to make Motions and Resolutions more persuasive (e.g. setting up more Committees whether Standing or Ad-hoc).
2. Legislators should embark on good oversights devoid of political bickering as this will convince the executive on the need for implementation of resolutions.
3. The executive should not look at the cat and mouse race, supremacy battle, logger heads and power tussles that exist between them and the legislature; rather, they should endeavor to implement these resolutions as it enhances their performance, thereby giving credence to good governance.

References

- Abonyi, N. (2006). *Intergovernmental relations in a democratic federation*. Enugu: John Jacob's Classic Publishers Ltd.
- Adebo A. (1988). "The Legislature: (A) overview and performance". In A. Victor & S. Kayode (eds) *Nigeria's second republic*. Apapa: Daily Times Publications.
- Anifowose, R. & Ayo, A. (2005). "Party discipline and the electoral process in Nigeria's Fourth Republic (1999-2005): An Analysis of Problems and Prospects". *Lagos Historical Review*, (5) 111-130.
- Awotokun, A. (1998). "Legislative, Executive and Judicial Duties in Sustaining Democracy: A Theoretical Discourse in Nigeria". *Indian Socio-Legal Journal*. Vol. XXIV (1-2).
- Ball, A. R. (1977). *Modern Politics and Government 2nd Edition*. London: Macmillan Press Ltd.
- Benjamin, S. (2010). "National Assembly: The Limit of party politics in legislative process." *Nigeria Journal of Legislative Affairs*, Vol. 3 (1& 2), 44 – 72.
- Bernick, E. L. & Wiggins, C. W. (1981). Executive-legislative power relationships: perspectives of state lawmakers. *American Politics Quarterly* (9):467–77.

- Burnell, P. (2003). "Legislative-executive relations in Zambia: Parliamentary reform on the agenda." *Journal of Contemporary African Studies*, 21 (1): 47-68.
- Cresswell, J. W., & Plano Clark, V. L. (2011). *Designing and conducting mixed method research* (2nd ed.). Thousand Oaks, CA: Sage.
- Congressional Quarterly News* (December 19, 1994).
- Demeter, G. (1969). *Demeter's Manual of Parliamentary Law and Procedure*, Blue Book, p.152.
- Dorsey, T. (2006). "5". *Legislative Drafter's Deskbook*. TheCapitol.Net, Inc. p. 162..
- Edigheji, O (2006): "Political Representation in Africa: Towards a Conceptual Framework" *African Development*
- Heywood, A. (2007). *Politics*. New York: Palgrave Publishers.
- Horsley S. (1816), *Sermons of Lord Bishop of Asaph. A. Strahan, London. Vol ii*
- Johnson, J. K & Nakamura, R.T(1999). "Legislatures and good governance" *A Paper prepared for UNDP*.
- Lafenwa, S. & Gberevbie, D. (2007). "Legislative oversight and cost of governance in Nigeria" in A. Akpotor, et.al (eds) *Cost of governance in Nigeria. An evaluative analysis*. Ekpoma: Ambrose Ali University Publishing House.
- Laski, K. (1992). *Transition from command to market economics in central and eastern Europe: First experiences and questions*, Wiener Institut fur Internationale Wirtschaftsvergleiche, Forschungsberichte 181, March.
- Legislative Oversight Manual* (2015) National Institute for Legislative Studies, National Assembly, Abuja.
- Linz, J. & Stepan, A. (1996). *Problems of democratic transition and consolidation*. Baltimore, MD: Johns Hopkins University Press.
- Louth, L. N. (2011). *Effective capacity building: the capacity to do what?* Paper Presented at the International Conference on Effective Capacity Building Programmes for Parliamentarians. Bern (Switzerland)
- May, E. (2004). *Parliamentary Practice*, (23rd ed.). Butterworths, London
- Nwabueze, B. O. (1985). *Nigeria's presidential constitution: the second experiment in constitutional democracy*. London: Oxford.
- Nwabueze, O. (1982). *A Constitutional History of Nigeria*. London: Hurst
- Nwanolue, B. O. G. & Iwuoha, V. C. (2012). Democratic consolidation and challenges of legislative politics in Nigeria: A political economy approach. *Singaporean Journal of Business Economics, and Management Studies*, 1 (2): 25-38.
- Ogundiya, I. S. (2010). Corruption: The bane of democratic stability in Nigeria, *Current Journal of Social Sciences*, 2(4): 233 – 241.

- Olufemi, A.C. (2010). *The task of Democratic consolidation in Nigeria*, Ibadan: Illesanmi Press.
- Okoosi-Simbine, A. (2010). "Understanding the role and challenges of the legislature in the fourth republic: The case of Oyo state house of assembly." *Nigeria Journal of Legislative Affairs*.
- Okoro O. (2012). "Resolutions of the National Assembly – Effect Thereof" *Aro News Online, The Voice of AroOkeigbo*
- Oleszek, W.J. (1978) "Congressional Procedures and Policy Process", Washington DC Congressional Quarterly.
- Ozekhome, M. (2012) "Resolutions of the National Assembly" <http://247Ureports.com>
- Poteete, A. (2010): *Renegotiation of Executive Powers and Executive-Legislative Relations in Botswana*. Montreal: Concordia University Press.
- Richard S. B. (1998) *Specialist in the Legislative Process*, Government Division
- Robert, H. M. et al (2011). Robert's Rules of Order, Newly Revised (11th ed.). Philadelphia, PA: Da Capo Press. p. 27.
- Sagah, I. (2012) "Resolutions of the National Assembly" *Vanguard Newspaper*
- Sanyal, K. (2009): *The Executive versus the Legislature*. New Delhi: PRS Legislative Research.
- Sather, T. (1997). *The Schools Mace 1997-98 Official Handbook* (London: English Speaking Union, guidebook. p14.
- Section 4 of the 1999 Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- Standing Orders 2011(Senate and House of Representatives)
- Wilson, W. (1885). *Congressional Government* (Boston Houghton Mifflin)