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The Nigerian Legislature in Theory and Practice, 1999 – 2007

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ABSTRACT

This paper, based on direct study and secondary data examines the fortunes of Nigeria's National Assembly between 1999 and 2007. It examines how the National Assembly allocated efforts across the generic tasks or functions that are common to National Legislatures around the world on the one hand, and as indicated in the country's grund norm, the constitution, on the other. Those tasks include: (i) Policy making, subdivided into legislating, control of national expenditure and taxation, and control of the executive or oversight functions; (ii) Representation, including interest articulation and intermediating between citizens and government officials; (iii) Systems maintenance – recruiting and socializing of political elite, conflict management and integration of the polticial system. The unavoidable conclusion that comes across is that the National Assembly could not play the roles so assigned effectively, and so contributed in no small measure to the country's poor governance score card.

INTRODUCTION

The term "Legislature" is a general name for what is referred to in certain contexts as: Parliament (from the Medieval French Parlement), Legislative Council, Congress, National Assembly, Presidium or Praesidium. In Nigeria, the bi-cameral Central Legislature is known as the National Assembly, and made up of the Senate and the House of Representatives. The sub-national (state) legislature is called the House of Assembly which is unicameral; and the Local Government Legislature is called the Local Government Council.

Collectively the legislature is the least developed branch of government in Nigeria. Since the British colonial power conceded political independence to the entity now known as Nigeria in 1960, as the author of *NIGERIA'S LEGISLATURE:HISTORY AND CHALLENGES* (http://www.ndeya.com/?p=4) is at pains to point out, the legislature has hardly featured as a stable institution.

Though there have been on the National level about six legislative HOUSES: 1960 – 1964, 1964 – 1966, 1979 – 1983, 1991 – 1993 (the last. under military rule) and now since 1999 two more, 1999 – 2003, and 2003 –

2007, the period covered in this study the institution, until recently, remained the least known, perhaps most misunderstood and neglected of all the institutions of democratic governance in Nigeria. Its history actually symbolizes the story of democracy in Nigeria.

The immediate post-independence period had one full session, and after a much disputed election and accompanying violence, the military seized power in January, 1966. This truncated the tenure of the second House. From 1979 to 1983, the legislature existed under a new atmosphere of a presidential system. In a sharp departure from the parliamentary system inherited from the British, the legislature was separated from the executive branch. A second legislative House under this system was inaugurated in October 1983, but was disbanded in a coup d'etat by then Major General Muhammadu Buhari at the end of the same year. Under intense pressure to return the country to democratic governance, the military government under General Ibrahim Badamasi Babangida, who had toppled the Buhari regime in August 1985, organized series of elections in 1991. The elections culminated in the inauguration of State(s) Governors, State Houses of Assembly and the National Assembly.

The State(s) Houses of Assembly were answerable to military governors who, in turn, reported to the military president. The National Assembly was answerable to the Military Head of State, who had earlier given instructions on what the Assembly could discuss and what it could not – the so-called "no go areas". Forced to relinquish power to an INTERIM NATIONAL GOVERNMENT (ING) in August 1993, the military within months assumed power once again in 1993. What happened to the Legislature, particularly, the National Assembly, is best captured in the following words of the then Senate President, Ameh Ebute:

> We nevertheless went back to the senate but before we went back to the Senate, the then commander of the Brigade of Guards, Major General Bashir Magashi, informed me that we should not discuss anything about what was happening (the Abacha coup) and I said what? How could you think it was possible for us not to discuss the handover or the so-called resignation of Shonekan? He said, no, that was the instruction he received from above, and if we do not want to be rough – handled by the boys, do not discuss it.

(Quoted in NIGERIA'S LEGISLATURE: HISTORY AND CHALLENGES. http://www.ndeya.com/?p = 4).

This, of course, was not a novel practice. The British colonial authorities had legislative Houses which did not have powers. They were rubber stamps whose existence merely decorated the system. Besides the decoration, the colonial authorities sought to satisfy the yearnings of popular participation without relinquishing control (http://www.ndeya.com/?p = 4), certainly, not to a people's representative assembly.

It can be seen therefore that after so many years of its traditions being ruptured by repeated military intervention in the Nigerian political process, an independent properly functioning legislature has not really operated in Nigeria before 1999. Not surprisingly therefore the question arose as to how the legislature would cope in a post-military rule dispensation. No answer was available then; only time would tell! It is ten years since, and now it should be possible to attempt some form of assessment.

This paper, based on direct study and secondary data examines the fortunes of Nigeria's National Assembly particularly between 1999 and 2007 when, for the first time in its history, Nigeria "transited" from one civilian administration to another at the National level. Time and space do not permit analyses of the legislatures at the States and Local Governments levels, though references may be made to them in passing.

Assessing Legislatures: Conceptual Issues

Assessing parliamentary performance is a challenge, as Schulz (2004) is at pains to point out, but it is a challenge which must be faced. Regrettably, as Hudson and Wren (2007) point out, little effort has been made to devise frameworks for assessing parliamentary effectiveness. The determination to go ahead nonetheless is grounded in these authors' conviction that the only way to determine whether a particular institution has succeeded or failed is to analyze that institution in the light of its own ostensible objectives. The paper therefore examines how Nigeria's National Assembly allocated efforts across the generic tasks or functions that are common to National legislatures around the world on the one hand, and as indicated in the country's grund norm, the constitution, on the other.

Functions of the Legislature

Legislatures in modern States do not all perform identical functions. Scholars, for example, Hague and Harrop (1982), Ornstein (1992), Johnson and Nakamura (1999), Barkan et al (2004) and Riemer et al (2009), to mention but a few, have suggested a variety of functions which legislatures may perform. This variety can, of course, be explained only by the circumstances in which constitutions were framed and have developed in the respective countries. These functions can be grouped into three broad categories: POLICY-MAKING, REPRESENTATION, and SYSTEM MAINTENANCE functions.

Policy-Making

The classical theory of representative government is that the power to legislate (to make laws) belong to parliament or legislature. Closely linked to

this is the control of national expenditure and taxation. A final aspect of the policy-making function of legislatures is oversight or control of the executive.

Representational

The several activities that will fit into the representational category share this common characteristic: they involve the connection between the legislative arena and the various publics that comprise the citizenry of a nation. One aspect of the representational function is "interest articulation" - expressing the mind of the people on matters of public concern. A second aspect of the representational function refers to the legislator's role as intermediary between citizens and government officials. Such activities find legislators involved in lobbying bureaucrats on behalf of constituents, dealing with complaints that citizens might have about bureaucratic inefficiency or corruption and attempting to channel national funds into local improvement projects.

System Maintenance

This refers to those legislative activities that contribute toward the stability and survival of the political system. They include recruiting and socializing political elites. Regular elections to the legislature greatly contribute to the creation of a political class. The role of the legislature in the recruitment and socialization of political elites has direct implications for another system maintenance activity – conflict management. The need for this function rests on the assumption that conflict is unavoidable and even desirable in political systems and that an institutional setting is required within which such conflicts can be adjusted in such a way as to permit the system to meet its responsibilities with minimum disruption and maximum public support. To the extent that legislators come to acquire shared political values and that members of the legislature are representative of most groups and interest in the nation, the legislature becomes a viable vehicle for conflict management.

To the extent that legislatures successfully manage conflict, they contribute to the integration of the political system. Legislatures, by providing a common national political arena, may serve to integrate national elites. The representation of different segments of the population in the legislature – ethnic groups, regional groups, ideological viewpoints – may serve to create a greater sense of national identification among mass publics. If legislatures perform their representational activities effectively they can serve to strengthen the link between mass publics and political elites, thus further contributing to the integration of the political system.

Legislatures sometimes play more active roles in maintaining regime support. Sisson (1970) referred to legislature as a major means for mobilizing support for government policies. And indeed, in many political systems legislators are specifically required to articulate and defend government policies in their constituencies. Sometimes by providing the

semblance, if not the reality of popular participation, legislative involvement in policy making, even if such involvement is in fact a formality, appears to be a general expectation of both domestic and international publics and thereby serves to legitimize the actions of the political elites who really hold the power in the political system (Mezey, 1979).

THE LEGISLATURE IN THE NIGERIAN CONSTITUTION, 1999

The constitution [any constitution] defines the role of the legislature within the political system. It specifies the nature and scope of legislative authority with respect to making law and amending the constitution (Barkan et al in Levy and Kpundeh 2004:224). With particular reference to Nigeria, the role assigned in the constitution to the legislature at both the federal and sate levels (in s.4(1) and (2) for the federal, and s.4(6) and (7) for the State Legislature) is mainly to make laws. As part of the process of making laws, each House of the National Assembly is given the power to summon before it and question a minister about the conduct of his/her ministry, particularly when the affairs of that ministry are under consideration. The power is given to the National Assembly in sub-section (2) of s.67 which provides that:

(2) A Minister of the Government of the Federation shall attend either House of the National Assembly if invited to explain to the House the conduct of his Ministry, and in particular when the affairs of that Ministry are under discussion.

A similar power is given to a State House of Assembly in subsection (2) of s.108 with respect to State Commissioners. To further enhance its legislative capability, the National Assembly is endowed with fairly extensive powers of investigations and provision is made for the formation of various committees to conduct such investigations (s.62). It should be noted also that the National Assembly is vested with other powers, viz: s. 88 grants powers to the National Assembly to investigate any matter under which it has powers to legislate. S.89 grants it powers to summon any person in Nigeria (this includes the President of the Federal Republic) to give evidence or procure any document. In the exercise of this, it has the powers to issue warrants to compel attendance and the warrant can be executed by any member of the Nigeria Police Force or ANY PERSON authorized in that behalf by the President of the Senate or the Speaker of the House of Representatives. What is said here applies, mutatis mutandis to the State Houses of Assembly (See s.128 and s.129). It is from here that the concept and practice of oversight functions can be understood. The legislature as the representative of the people is also expected to follow up its legislations to make sure that they are obeyed or are flawless, hence the oversight function which gives the legislature the needed information to amend or strengthen or even abolish laws.

In addition to law-making, the upper chamber (Senate) of the National Assembly is given a confirmatory role in certain appointments made by the president such as those of the Chief Justice of Nigeria, and other senior judicial officers, ministers, ambassadors, chairmen and members of certain executive bodies created for the Federation in s.153, requiring confirmation in s.154, of the constitution. A State House of Assembly has a similar confirmatory role with respect to the appointment by the State Governor of the Chief Judge of the State, State Commissioners and the chairmen and other members of certain bodies created for the State in s.197 of the constitution, requiring confirmation in s. 198.

Note also: A declaration of War by Nigeria or of an emergency, whether in one state or in the Federation as a whole, also requires confirmation by the Senate (s. 5(4)). The National Assembly can remove the president and/or vice-president from office via impeachment prior to the expiration of his/their term of office (s.143). In a similar way the House of Assembly can remove the Governor and/or his deputy from office via impeachment (s.188). The National Assembly can override the president on legislation, and the president's veto can be overridden (s.58(5). A similar provision applies to the Governor and the House of Assembly (s.100(5).

Finally for our purposes in this section of the paper, we come to one of the most important powers in any constitution – if not the most important power – the control over public funds. This is so whether the system is parliamentary or presidential. With particular reference to Nigeria, section 80 of the 1999 constitution provides for the establishment of the consolidated Revenue Fund; and section 81 makes provisions for the authorization of expenditure from the consolidated fund. The most important aspect as far as this section is concerned, is s.80(4). It is intimidating, stating categorically:

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. The provision is no different at the state level, mutatis mutandis. The comparable provisions are s.120 and s.121; and s.120(4) also states categorically: No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the State except in the manner prescribed by the House Assembly. Related to the control over public funds as outlined above is s.85(2) which directs the Auditor-General of the federation to submit his report to the national Assembly. In the very words of the constitution:

(2) The public accounts of the federation and of all offices and courts of the federation shall be audited and reported on by the Auditor-General who shall submit his report to the National Assembly…

(See s.125(2) in pari materia vis-à-vis the states).

How all these played out in practice in the period under study is the subject of the next section.

The Nigerian Legislature in Practice, 1999 – 2007

The National Assembly that came into being in 1999 was born into unintended controversy. The president was sworn into office on May 29, 1999, but he did not proclaim the inauguration of the National Assembly as the constitution demands (s.64(3) – until June 3, 1999. In the glare of national television, the president inspected the uncompleted National Assembly premises to justify the delay in the issuance of the proclamation. What, of course, this showed was that the departing military authorities had not prepared the necessary infrastructure for the take off of the national legislature. This delay in the inauguration, even if for good reason, planted seeds of discord and mistrust. When the National Assembly was finally inaugurated, members were lodged in hotels at government expense. Government then spent on the average about N30,000.00 [1999 prices] each day on each member of the National Assembly (see http://www.ndeya.com/?p=4).

In their wisdom, (some may say, naivety) members chose to collect fifteen thousand naira (N15,000.00) Daily Tour Allowance (DTA) already determined by the government bureaucracy, rather than live in hotels. This decision seemed to have offended certain interests in the hotel business and the bureaucracy. The information was leaked to the press and, of course, it did not go down well with poverty-stricken electors, some of whom did not have food to eat. It was thought to be reckless and callous to collect fifteen thousand naira everyday, the equivalent of the monthly wages of a senior officer in the Federal Civil Service (http://www.ndeya.com/?p=4).

Shortly after, members of the National Assembly decided to have furnishing allowances paid directly to them rather than allow government contractors furnish the houses at very high fees. Senators who had bigger apartments were paid three million, five hundred thousand naira (N3.5m) only, while members of the House of Representatives collected two million, five hundred thousand naria (N2.5m) only (1999 prices). The public, which did not know that government had planned to award the contracts for the furnishing of the Houses for higher figures, was incensed. (Government had earlier planned to award the contracts for the furnishing of the houses of Senators at eleven million naira (N11m) per house and eight million Naira (N8m) for each house of the members of the House of Representatives. For more than a year the public kept talking about this. Of course, the public did not know that civil servants of the rank of Assistant Directors and above spend almost four million naira (N4m) or more for furnishing their houses (http://www.ndeya.com/?p=4).

Then came the 2000 Appropriation Act; the National Assembly which still lacked facilities for operations increased the budgetary allocations for the Assembly. The public was angry. The fact that the National Assembly needed offices, computers, cars, etc, did not matter. Increasingly, the Assembly came to be seen as an irritant and unnecessary baggage or

decoration of the new system of administration. Largely because the budget was submitted late and the procedures for passage are tedious, the public became very angry with the National Assembly for the late passage of the budget. This was because non release of funds for projects and government business was attributed to the fact that the budget had not yet been passed. However, even when the budget was passed it was not implemented. Funds were not released for projects budgeted for, and released for projects not provided for in the appropriation acts (http://www.ndeya.com/?p=4). This last bit was not the fault of the National Assembly. Rather it was the fault of the Executive, the president in particular who, even at this stage had begun to manifest dictatorial tendencies.

It may be argued that all the foregoing are incidental to the functioning of the legislature, particularly. When the National Assembly was inaugurated in 1999 the atmosphere was not conducive for its proper functioning. The Assembly did not have staff with proper training and qualifications to handle legislative processes. Secondly, members of the Assembly themselves largely failed to employ staff with requisite experience and training to be their legislative aides. Some did not even employ any staff. The National Assembly Service Commission which was legislated into being in year 2000 had remedied the situation by recruiting new staff whose tenure, security and employments were guaranteed. In spite of this, the practice in the period 1999 – 2003 was to exclude legislative aides from committee meetings. They were reduced to bag carrying staff, and not as research assistants (see Law making Process and Oversight Functions of Nigeria's National Assembly (http://www.ndeya.com/?p=5).

The situation was compounded by the fact that there was no precedence. Majority of the legislators at all levels had not experienced political activism for a long time, since the sacking of the parliament in the aborted Third Republic, 1991 – 1993. Coming in out of the cold of years of military rule, few candidates had any legislative experience, most were still inexperienced in the political art of compromise and negotiated legislation. It is against that background that the National Assembly nay, all Assemblies nationwide set about doing their work from May 1999. With particular reference to the National Assembly, the picture is best painted in the words of Prof. Jibril Aminu, himself a Senator since 1999 to date. He states:

The National Assembly, from 1999, set about doing its work including law making, budgeting, oversight functions, confirmation and investigation. Crises developed over these and they became the centres of controversy, and some of which went very far (http://www.dawodu.com/aminu2,htm).

Policy Making

Constitutionally obligated to make laws for the peace, order and good government of the federation of Nigeria, the National Assembly between 1999 and 2007 performed dismally. The National assembly could hardly be accused of being champions of altruistic legislative engagement. There was

a marked absence of robust debates on Bills on the floors of both chambers of the National Assembly. Indeed, National Assembly watchers of the period have repeated time and again that it was difficult to point at a member of the National assembly who came forward with a well thought out bill that made a meaningful contribution to the socio-political and economic aspirations of the people of Nigeria; a rare exception being Senator Ike Nwachukwu who articulated one of the best bills to have been presented in his time, the BUDGET IMPOUNDMENT BILL which would have compelled the compulsory implementation of budgets as passed by the National Assembly. Unfortunately, after praising the bill as a very good bill, the senate however killed it, allegedly on the orders of the presidency.

The National Assembly in eight years also shied from bills designed to help expose fraud and institute accountability in public service. For example, the Freedom of Information Bill (FoIB) which sought to provide access to information seekers in the public domain, and to discourage public fraud and corruption, got short shrift as the National Assembly refused to pass it. The same treatment was meted to the Fiscal Responsibility Bill by then Minister of Finance, Mrs. Ngozi Okonjo –Iweala seconded from the World Bank. This was a bill packaged to complement the reforms of the Federal Government and further help to curb fraud. The National Assembly failed to show that it was impressed by the good intentions of these and other such bills.

The National Assembly as an institution was, in the words of a Guardian editorial (Thursday, June 14, 2006, p.16), notorious for vacuous histrionics and various acts of nonfeasance and misfeasance. It was characterized by inverterate rancour, instability and consequent lackluster legislative performance. The editorial further pointed out that the National Assembly's unparliamentary and bacchanalian antics such as routine brawls and exchange of blows on the floor of the National Assembly [were] not over ideas, issues or policies, but over the legislators' personal interests.

Legislators failed to realize that the National Assembly is the nursery-bed for free and rational debates and law making for the Nigerian Nation-State, and not for any group of people or political party. That is one institution where elected officers are expected to steer a position of near-absolute political neutrality, putting the interests of their constituents before all other considerations, including party unity or loyalty.

Another area of failure was absenteeism. Members attendance at sessions were marked more for absenteeism than policy formulated. It would seem that Assembly men and women concentrated more on making sure that as individuals, they do not attend sessions for more than the minimum number of days (181) stipulated by the constitution – yet this absenteeism, in most cases, prevented the National Assembly from passing bills requiring a quorum to deliberate on and approve. Capitalizing on the indiscreet provisions of s.68 of the 1999 constitution, which literally legitimizes truancy on the part of members of the National Assembly, 'distinguished' Senators and 'honourable' members of the National Assembly pandered to

absenteeism as a matter of course (see Guardian Editorial, Thursday June 14, 2006, p.16).

Free and intelligent debates, shorn of partisan mudslinging; the making of people-friendly laws (i.e., laws that would promote the citizens' economic, physical, physiological or material and cultural values) and laws for the eradication of poverty and due process: these were the minimum expectations of the Nigerian populace, and which they never got!

Control of National Expenditure

The law making function of the legislature, as was pointed out at the beginning of the paper, is closely linked with that of providing funds. In the words of Rowe (1979:47) "on the principle 'He who pays the piper calls the tune' control over finance has traditionally been thought of as underpinning the legislative power of the assembly and of strengthening its control of the executive branch". In Nigeria, in the period under review, there was little indication that the National Assembly could control National Expenditure. In fact, there was no constructive control over expenditure. Throughout the period the attitude of the legislators seemingly reflected more closely the popular demand for development expenditure and governmental services to be spread widely and quickly in each constituency rather than the traditional pre-occupation with either control over, or curbing of, expenditure. The unfortunate thing, however, was that every year, the President announced with ceremony stupendous amounts of money set aside for major capital projects in the country. At the end of the project year, no one heard about the completion of those projects. The only time which the country's Auditor General issued a report in the period under study was 2003, and that report is very revealing of the vast sums unaccounted for, and perhaps unaccountable in the "normal" operations of the Nigerian State, its ministries and agencies. Allegations were rife in the media, never denied, of legislators sharing out unspent ministry allocations and awarding themselves allowances that compete with what our rulers swindle from the treasury.

Control of the Executive

As Ornstein (1992) is at pains to point out, a legislature needs to act as a counterweight to the executive, whether in a parliamentary or a presidential system. No institution in government should be able to act without accountability, without some other individual or organization to keep it accountable to the public. The legislature should be set up to act in an oversight capacity. In Nigeria, however, the National Assembly in the period under study, did precious little to show that it could perform oversight functions properly or check the excesses of the executive. For example, on Monday, 5th October, 2009, the Federal Government admitted before the Supreme Court that its operation of the Federation Account between 2004

and 2007 was largely not in conformity with provisions of the 1999 constitution. The Federal Government had, for instance, diverted certain revenues in excess of ₦4 trillion, which ought to have accrued to the Federation Account for sharing among the three tiers of government during the period. The Federal Government had labelled such monies as independent revenues of the Federal Government. Note that this was challenged not by the National Assembly, but by at least 27 States of the Federation (see Report by Ise-Oluwa Ige, "Federal Government Admits Illegal Diversion of N4 trn Federation Account Fund" in Vanguard Newspaper (Lagos), Wednesday, October 7, 2009, pp. 5 and 15).

That was not all. In July 2004, President Obasanjo whimsically granted loans to Ghana ($40 million) forty million U.S. dollars, and Sao Tome and Principe ($5 million) five million U.S. dollars without reference to the National Assembly. It was only after the media broke the news and questions began to be asked that the President, Obasanjo rushed a letter to the National Assembly contrary to s.164(2) of the 1999 constitution which states:

The Federation may make external grants to a foreign state or any International body in furtherance of the foreign policy objectives of Nigeria in such sum and subject to such terms and conditions as may be prescribed by the National Assembly.

Again in March 2006, Obasanjo withdrew ₦2.1 billion from the so-called Excess Crude Oil Funds, again without reference to the National Assembly contrary to s.80(3) of the 1999 Constitution. It was only after the SENATE COMMITTEE on Finance and Appropriation turned its gaze in that direction that the President wrote a letter to the House of Representatives to say that the money was withdrawn after he (Obasanjo) had convened an emergency meeting of the stakeholders – some state Governors and the Revenue Mobilization and Fiscal Commission members. Analysts maintain however, that s.80(3) of the 1999 constitution insists that no monies shall be withdrawn from any public fund of the federation "unless the issue of those moneys has been authorized" – not by governors or stakeholders, but – "by an Act of the National Assembly".

It was not only in money matters that president Obasanjo acted capriciously. On May 18, 2004 President Obasanjo declared a State of Emergency in Plateau State and subsequently suspended the Government in violation of s.11(4) and s.305(3) of the 1999 Constitution. Again, on October 19, 2006 he would declare a State of Emergency in Ekiti State, again followed by the suspension of the Government of the State in violation of the clear provisions of the Constitution. Then in 2006 again, following the Bakassi debacle at the World Court at the Hague, President Obasanjo, on June 12, entered the so-called Green Tree Agreement with Cameroon and the USA to cede Bakassi Peninsular to the Republic of Cameroon. And without knowledge, consent or ratification of the treaty by the National Assembly, formally handed the Peninsular to Cameroon on August 14, 2008 – contrary to s.12(1) of the 1999 Constitution which states that:

No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. The way all these issues were handled showed the President's absolute disdain for the National Assembly. They are also a small manifestation of the National Assembly's failure to act as a check on the executive at the National Level. The general trend of the period has been summarized thus by Nwabueze (2007:xxxi):

> The National Assembly has failed to act as a check on the Presidency, which is the role required of it under the constitution. In the eight years of the Obasanjo Administration until it was galvanized into action by the grave danger posed by the tenure elongation plan, the National Assembly has been characterized by passivity and docility in its relations to President Obasanjo. Its members have made themselves so readily amenable to enticement, so willing to be "settled". Their passivity, their inattentiveness to their role as a check on the President and their incompetence or ignorance have also prevented them from guarding their independence against the President's lust for self-aggrandizement as resolutely as they should…

Oversight

According to the 1999 constitution (s.88) as indicated earlier, the two purposes of the oversight function of the legislature are to enable it "(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 of laws within the legislative competence and in the disbursement or administration of funds appropriated by it". During the legislative period 1999-2003, some people argued that the National Assembly did not have any oversight functions since the word OVERSIGHT is not in the constitution. By the time it was conceded that the National Assembly members could perform oversight functions, another resistance arose, namely, that presidential permission ought to be sought and granted before appointees of the President could disclose information to the National Assembly. Eventually it was acknowledged that the National Assembly could go on oversight inspections (see Law Making Process and Oversight Functions of Nigeria National Assembly – http://www.ndeya.com/?=5).
When the National Assembly went into action in the exercise of its oversight functions, as commentator after commentator of the time have been at pains to point out, it performed below expectation. According to Adamolekun, writing in the Vanguard Newspaper (Lagos) of Wednesday, January 30, 2008, p.17:

> Sadly, the reports in the media are dominated by the perversion of oversight function: it has been turned into an instrument of extortion and collusion, resulting in pervasive weak oversight of

> the executive at both federal and state levels. Thus the confirmation of executive appointments is either a superficial exercise of the "take a bow" variety or it is the occasion for legislators in the committees concerned to demand bribes from nominees for appointment…

For Pascal Nwigwe, writing in Saturday Sun Newspaper, issue of May 3, 2008, p. 50:

> Parliamentary oversight since the inception of the Fourth Republic has not always been founded on altruistic intentions. Public service bureaucrats had accused committees – behind their backs anyway - of self-serving supervision. Uncooperative Ministers and Directors-General were dragged to committee meeting rooms, allegedly intimidated with accusations of impropriety and asked to play ball. The obstinate thereafter are dragged before the people at public hearings, the recommendations and resolutions of which were never complied with.

And for Charles Onunaiju, writing in the Vanguard of Thursday, August 14, 2008, p. 39:

> Since 1999, their oversight function over government ministries and departments have been more of constant arm-twisting and extortion. Each minister and parastatal head would have to provide "kola" and "soft drinks" to contain ever-thirsty throats… Beside the oversight function which the legislators at both Federal and State levels, including councillors, have ingeniously turned to bargaining tools for primitive accumulation of unearned wealth, law making has even suffered worst fate at their hands, while they sometimes happily forfeit law-making for its cumbersomeness, they pass resolutions about themselves at jet speed.

Some members of the National Assembly perceived committees as travel and tour clubs rather than machinery to check excesses and pin the executive's bureaucracies down to efficiency. Some members held membership of as many as seven committees in a system where a lawmaker could scarcely function effectively in two. Exceptions to this general trend were few as noted again by Adamolekun in the piece cited earlier. He wrote:

> There were a few occasions where the touchstone function of oversight of the executive was performed with brio, notably at the level of the Senate, such as the momentous defeat of the illegal Third Term Project in May 2006 – in spite of the allegation of bribe per legislator in the staggering amount of ₦50 million.

The spate of castigations in the print media in particular did worry some of the leadership of the National Assembly. As Jimo reports in THE

GUARDIAN (LAGOS) Newspaper issue of Monday, November 9, 2009, p.8, in February 2001, the Senate under the leadership of Anyim Pius Anyim, had moved among others to evolve a sustainable ethical code to guide the conduct of its members in view of what was considered un-parliamentary atmosphere that dominated the National Assembly. The code was intended to among others bar senators from partaking in contract awards, a function of the executive arm of government. It was also to bar Senators from even seeking and benefiting from contracts. Added to this was that Senators and Senate Committees were not expected to receive any gift from the agency or ministry where they performed oversight functions. Committees were disallowed from being sponsored to retreats or workshops by ministries or agencies or any other company at all. The senate bureaucracy was to take care of that. However, the Anyim Senate could not pass this proposal into a workable tool as the debate on it dragged on and on throughout the life of that Senate, and was later abandoned, and life returned to "normal".

So rather than expose corruption, inefficiency or waste in the execution of laws within the legislative competence and in the disbursement or administration of funds appropriated by it, the National Assembly members compounded the problems of corruption, inefficiency and waste by colluding in corrupt practices.

Representation

The present day Nigerian electorate has become a lot more sophisticated than in the pre-civil war days. They seem surer now than before about what they want from their representatives. Unfortunately, there are still too many legislators who do not seem to understand even now the need for continuing relationship between them and the electorate. At least one commentator has described Nigerian legislators as those "whose distance from the people is like the distance between the earth and the sun" (Madunagu, 2007).

Legislators did not seem to understand that it was their duty to in the words of the Constitution Drafting Committee that produced the 1979 Constitution, "Educate the pubic with regard to what is going on or not going on' within the corridor of power". Representation continued to be, by and large, formal, with legislators displaying more concern for themselves than the nation in general, and their constituents in particular. The British political philosopher, John Locke (1690) had argued that it was foolhardy to give to law-makers the power of executing law, because in the process they might exempt themselves from obedience and suit the law both in making and executing it, to their individual interests. Nigerian legislators arrogated to themselves the powers of doing as they wished. In the period under review, an innovative and good idea of constituency projects, where each legislator would, in consultation with his/her constituents, decide on any project of use to the community to be executed by a corresponding government or ministry was frustrated when the legislators decided to front as contractors for the projects.

As if the foregoing was not bad enough, the considerable arrogance and consumptive life-style displayed by legislators did not tend to create a useful image of the legislature.

System Maintenance

Here, as in the other areas, the track record of the Legislature and Legislators was not impressive. Elections were rather few in the period under discussion. So no one can blame the legislature for inadequacy in the recruiting and socializing of political elite. The turnover was just not adequate enough. Not so in other areas. The National Assembly established a negative national image. If media reports about the shouting matches that went for debates, the instability that characterized the senate which kept changing its leadership (Five in Eight years), the removal and hiding of the National Assembly mace in a village far from the Federal Capital City, host to the National Assembly, etc, were anything to go by, one may be pardoned for concluding that the crop of legislators could not create an atmosphere of reconciliation and compromise necessary in turn for the creation of national consciousness which the masses could emulate. The end result of all this was that instead of inevitable conflict being contained, it tended to be exacerbated to the extent of legislators engaging in physical combat on the floor of the legislature, good examples were incidents that took place in the Senate in October 2004, and by another in the House of Representatives barely a month later.

In the opening pages of the paper it was pointed out that to the extent that Legislatures successfully manage conflict, they contribute to the integration of the political system. Furthermore, it was pointed out that representation of different segments of the population in the legislature may serve to create a sense of national identification. How effective was this in Nigeria in the period under study? We think it is pretty well-known that Nigeria, even now, is nothing but a loose agglomeration of a variety of ethnic and culture groups. British Colonisation and colonial rule, by creating the political entity that became Nigeria brought into one political framework over three hundred ethnic groups which had limited contacts and shared no common political system in pre-colonial times. Almost one hundred years of their common experience under the British as colonials, and 50 years of their sharing national political independence have not welded these ethnic groups into an integrated society. With the intensification of political party competition, “tribalism”, the perception of national public issues and responding to them on calculations of ethnic advantages and disadvantages predominate. This is where the National Legislature in particular could have played a very important role.

As a national institution encompassing representatives of all ethnic groups and regions, the National Assembly in particular should have become a centre for the growth of national consciousness which transcends ethnic boundaries. Unfortunately the National Assembly in the period under study

contributed little to the creation of national consciousness. In fact, it achieved quite the opposite. The tendency of members of Parliament was to see themselves as ethnic states delegates rather than members of a national body. They never got around to share the mutual good will and tolerance among themselves which was necessary to help forge national consciousness. On the contrary, among them, Regional sentiments were rife and dominated discussions that would remind Nigerians of certain lopsidedness in the application of the principle of federalism. Speeches by members of the National Assembly appealing to traditional and ethnic prejudices gave encouragement to the most reactionary elements in local society.

The National Assembly failed to open up genuine discussions on issues concerning constitutional reforms that would put the country on the appropriate road to growth and development. Finally, for this section, the trend of executive and legislative lawlessness that swept the country, particularly the gale of unconstitutional and contrived "impeachment" of Governors in clear breaches of the letters of the constitution as well as the National Assembly's connivance in the illegal declaration of "State of Emergency in Plateau and Ekiti States speaks volumes about what the Legislatures knew or thought about issues of regime support.

CONCLUSION

In its Governance Report for 2005, the United Nations economic Commission for Africa (UNECA) found that:

In terms of enacting laws, debating national issues, checking the activities of the government and in general promoting the welfare of the people, these duties and obligations are rarely performed with efficiency and effectiveness in many African parliaments (UNECA, 2005:127). From our analysis in this paper it is clear that Nigeria's National Assembly (1999-2007) lived up to this billing. The performance rating was very much below average. One can therefore state without fear of contradiction that the National Assembly (1999-2007) contributed immensely to the country's poor governance score card. What Nigeria needs is a genuine people's representative assembly, capable and committed to making people – friendly laws, imbued with a deep sense of patriotism, desire for and commitment to the development of the Nigerian Nation-State and its citizens in all ramifications. It is hoped that subsequent legislatures would live up to this billing!

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